

Legislation Text

File #: 19-891, **Version:** 1

Amendment to Title 20 of the San José Municipal Code for Sidewalk Café and Minor Encroachment Permits.

Approve an ordinance amending various sections of the San José Municipal Code to: amend Part 12 (Sidewalk Café) in Chapter 20.100 to repeal the provisions for a sidewalk café permit issued by the Director of Planning and add a reference to the Minor Encroachment Permit process set forth in Chapter 13.37; Amend Section 20.100.140 (Concurrent review) in Chapter 20.100 (Administration and Permits) to remove Sidewalk Café and add Major Encroachment Permits regulated by Chapter 13.37, Development Agreements regulated by Chapter 18.02, and Street and Easement Vacations governed by the Government Code State of California Streets and Highways Code Section 8300 concurrent review process; Amend Section 20.100.220 in Chapter 20.100 (Administration and Permits) to remove Sidewalk Café Permit from the Appeal - Hearing Body list, Amend Section 20.200.270 to no longer include Sidewalk Café Permit in the definition of Development Permit; Amend Section 9.44.019 of Chapter 9.44 (Regulation of Smoking) to add a reference to sidewalk seating authorized through a Minor Encroachment Permit; and, Amend Section 10.10.030 of Chapter 10.10 (Pedestrian Facilitation Ordinance) to add a reference to sidewalk seating authorized through a Minor Encroachment Permit, including the following change recommended by the commission: the words “pursuant to” in the first sentence of section 20.100.1400 entitled “Sidewalk Seating and Parklets” shall be changed to “set forth in.”

CEQA: Determination of Consistency with the Envision San José 2040 General Plan Final Program Environmental Impact Report (EIR), (Resolution No. 76041) and Envision San José 2040 General Plan Supplemental EIR (Resolution No. 77617), and Addenda thereto, File No. PP17-081. Planning Commission recommends approval (5-1-0-0, Yesney opposed). (Planning, Building and Code Enforcement)

TO BE HEARD AT 1:30 P.M. IMMEDIATELY AFTER REGULAR CONSENT CALENDAR