

**RESOLUTION NO. 2023- 21**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SAN JUAN  
BAUTISTA ESTABLISHING THE TERM OF PARKLETS ENCROACHMENT  
PERMIT**

**WHEREAS**, in an effort to control the pandemic caused by the COVID-19 virus and in response to the Governor's COVID - 19 Emergency Declaration, City Council declared a State of Emergency March 17, 2020; and

**WHEREAS**, the shelter in place health orders that followed the State Of Emergency closed all but essential businesses; and

**WHEREAS**, this closure of businesses was harmful to the City's economy and the City, among many other things, initiated the Transformation of Third Street by adopting Resolution 2020-24, on May 19, 2020; and

**WHEREAS**, to implement the Transformation of Third Street, business owners were offered the opportunity to expand their business onto the public right-of-way and build decks, also known as "parklets," where customers could sit safely and enjoy their services; and

**WHEREAS**, in an effort to protect the historic nature of the downtown, parklets were required to be built in compliance with Guidelines adopted via City Council Resolution 2021-61; and

**WHEREAS**, the parklet program was approved by the City Council for a period of six months ending December 31, 2020, and serially extended until March 30, 2021, February 16, 2021 September 30, 2021, March 30 2022, and May 31, 2022 via Resolution 2022-21; and

**WHEREAS**, the City Council has approved and budgeted funds for the preparation of a Master Streetscape Plan (Third Street Master Plan) for the San Juan Bautista Downtown with a focus on Third Street Mixed Use area and desires to utilize the community's experience with parklets to evaluate the character of public improvements within the Downtown area; and

**WHEREAS**, the City Council has requested and considered the evaluation and recommendation of the City of San Juan Bautista Economic Development Citizens Advisory Committee (EDCAC) established, in part, for this purpose; and

**WHEREAS**, the City Council has considered that the Governor has lifted the COVID 19 State of Emergency on February 28, 2023. Notwithstanding this announcement, the City Council is aware that COVID-19 variants represent a continuing threat to public health, safety and general welfare;

**NOW THEREFORE, BE IT RESOLVED THAT THE CITY COUNCIL** hereby directs the City Manager to prohibit new or replacement parklets and terminate the current encroachment permit authorization for all parklets. All parklets shall be removed no later than April 28, 2023. Parklet owners shall be compensated from the General Fund for the reasonable

cost of removal, not to exceed \$5.00 per square foot or \$800.00, whichever is less. Upon removal of parklets the City Manager shall remove wine barrel planters from the Third Street Right of Way.

**PASSED AND ADOPTED** by the City Council of the City of San Juan Bautista on the 21st day of March 2023 by the following vote:

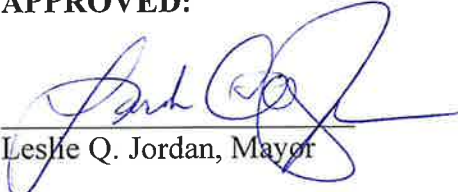
**AYES:** Councilmembers: Freeman, Morris-Lopez, and Sabathia

**NOES:** Councilmembers: Freels and Mayor Jordan

**ABSENT:** None

**ABSTAIN:** None

**APPROVED:**

  
Leslie Q. Jordan, Mayor

**ATTEST:**

  
Elizabeth Soto, Deputy City Clerk