



# City of San Juan Bautista

The "City of History"

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## AGENDA

### TOWN HALL MEETING JOINT MEETING OF THE CITY COUNCIL PLANNING COMMISSION AND HISTORIC RESOURCES BOARD

TUESDAY ~ FEBRUARY 9, 2021 ~ 6:00 P.M.

### ~ PUBLIC PARTICIPATION BY ZOOM ONLY ~

Join Zoom Meeting <https://zoom.us/j/87171367412>

or call 1 (669) 900-6833

Meeting ID: 871 7136 7412

#### THIS MEETING WILL BE CONDUCTED PURSUANT TO THE PROVISIONS OF THE GOVERNOR'S EXECUTIVE ORDER N-29-20

In order to minimize the spread of the COVID 19 virus the City Council is conducting this meeting by Zoom conference and will be offering alternative options for public participation. Please follow the Governor's Shelter in Place Order and the CDC Guidelines regarding preventative measures and do your part to help flatten the curve and prevent further spread of COVID-19.

TOWN HALL MEETINGS ARE INTENDED FOR THE FREE FLOW OF INFORMATION BETWEEN MEMBERS OF THE COMMUNITY AND THE CITY'S ELECTED AND APPOINTED OFFICIALS. MEMBERS OF THE PUBLIC ARE ENCOURAGED TO ATTEND THIS TOWN HALL MEETING BY LOGGING INTO ZOOM OR CALLING THE PHONE NUMBER LISTED ABOVE AND ENTERING THE MEETING ID.

When the Mayor opens the public comment portion of the meeting press \*9 on your telephone keypad, or if joining by Zoom, use the raise your hand icon. Written comments may be mailed to the Deputy City Clerk at City Hall (P.O. Box 1420, San Juan Bautista, CA 95045), or emailed to [deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us) not later than 5:00 p.m., February 9, 2021, and will be read into the record during the public comment period.

In compliance with the Americans with Disabilities Act, and Governor's Order N-29-20, the City will make reasonable arrangements to ensure accessibility to this meeting. If you need special assistance to participate in this meeting, please contact the Deputy City Clerk a minimum of 48 hours prior to the meeting at (831) 623-4661.

Materials related to this agenda are available in the agenda packet on the City website [www.san-juan-bautista.ca.us](http://www.san-juan-bautista.ca.us) subject to Staff's ability to post the documents before the meeting, or by emailing [deputycityclerk@san-juan-bautista.ca.us](mailto:deputycityclerk@san-juan-bautista.ca.us) or by calling Deputy City Clerk Trish Paetz at (831) 623-4661, during normal business hours.

1. Call to Order  
Pledge of Allegiance  
Roll Call
2. Town Hall Meeting Topic
  - A. Discussion of Maintaining Temporary Parklets in the Downtown for an Extended Amount of Time – An Additional Six Months or Until September 30, 2021
3. Adjournment



## CITY OF SAN JUAN BAUTISTA CITY COUNCIL

**AGENDA TITLE:**        **JOINT TOWN HALL MEETING ABOUT THE  
THIRD STREET PARKLETS**

**MEETING DATE:**        February 9, 2021

**SUBMITTED BY:**        Don Reynolds, City Manager

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### **RECOMMENDED ACTION:**

Receive the Historic Resources Board and Planning Commission Staff Report and feedback regarding the possible extension the City's Third Street Parklet Program and facilitate a discussion in a Joint Town Hall meeting with the HRB and Commission.

On Tuesday February 2, 2021, City staff received a unanimous vote recommending to the City Council allow the temporary use of the public right of way to accommodate private, outdoor business activity ("Parklets") for 6-months from March 30, 2021, to September 30, and request staff during that time to develop draft policies and procedures, that would guide a decision of whether or not to make Parklets permanent.

Consider this feedback Tuesday February 9, 2021, and consider taking action on this matter at the regular City Council meeting February 16, 2021.

Attachments:

Historic Resources Board and Planning Commission Staff Report from Tuesday, February 2, 2021

CC: Historic Resources Board and Planning Commission



## CITY OF SAN JUAN BAUTISTA HISTORIC RESOURCES BOARD AND PLANNING COMMISSION STAFF REPORT

**AGENDA TITLE:** Six Month Extension of the Third Street Parklet Program

**MEETING DATE:** February 2, 2021

**SUBMITTED BY:** Don Reynolds, City Manager

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### **RECOMMENDED ACTION(S):**

City Staff is asking the Planning Commission to adopt a resolution extending the term of the encroachment permits allowing the temporary use of the public right of way to accommodate private, outdoor business activity ("Parklets") for 6-months from March 30, 2021, to September 30, and request staff during that time to develop draft policies and procedures, that would guide a decision of whether or not to make Parklets permanent.

### **BACKGROUND INFORMATION:**

In April the City started meeting with its downtown businesses, and has since held 34 meetings of the "Business Forum." From the Business Forum came a plan to help businesses re-open. In support of this plan, the City Council adopted Resolution 2020-24 on May 19, 2020, to assist businesses that could remain open, to re-open outdoors onto the public right of way (Third Street) during the Emergency. This was originally approved for a three-month period ending December 31, 2020. On November 10, 2020, the City Council agreed to extend the parklets another 90-days until March 30, 2021, to evaluate if or how a "permanent" parklet program could be established.

The Business Forum acted to establish a "Permanent Parklet Sub-Committee" and they have met four times. The Historic Society is represented and an active contributor. At the January 21<sup>st</sup> meeting, it was agreed that a six-month extension be considered while a "permanent" policy was discussed. A "permanent" policy may replace the temporary policies initiated during the State of Emergency.

### **DISCUSSION:**

Staff reviewed City Municipal Code Chapter 11, and reported back to the Sub-Committee regarding how the codes would have to be updated. Outdoor dining is covered under the commercial zoning but not mixed use. The use of temporary power, signs and noise are

considerations. Building a parklet is certainly new construction, but not directly impacting a historic structure. The City wish to require an HRB public hearing to receive a Major Alteration Approval by the HRB (11-06-120 et al). Typically in a case where a temporary pilot program exists and these practices become City policy, and the Code is updated, those activities that occur before adoption are deemed to be compliant with the new codes (“Grandfathered,” and not subject to new scrutiny or approvals).

Recent policies from surrounding cities were also shared. San Jose allows parklets only for the duration of the current State of Emergency. Morgan Hill is using annual renewal of an encroachment permit to manage their exiting parklets. The definition of “permanent” is the one issue that is difficult to wrestle with.

A literal interpretation of “Permanent” Parklets would require an extensive rethinking of the historic Third Street district. The City Attorney and City Planner explained that a comprehensive plan for Third Street would have to be created, that speaks specifically to every stakeholder. This would include residents, the Mission, State Parks, School District, Historical Society, business and property owners. Before the City abandons its right-of-way on Third Street, the whole community has to be on-board, because the concerns is that once it is gone, the City could not change back. If or when right-of-way is abandoned, the utilities will need to be relocated, and the major construction will trigger new storm-water treatments that may include planters and bio-swales. As mentioned last November, a full CEQA review will be required that includes traffic and parking impacts.

Salinas is implementing its Downtown Vibrancy Plan now. The Vibrancy Plan started in 2013 with stakeholder conversations and was approved by the City Council in March 2015. Its four chapters include an extensive traffic flow analysis, parking study and plan to consolidate surface parking into parking structures, attracting housing developments to buildout second and third floors, and the building of the heart of the City through public art, and other amenities. I wrote this plan for Salinas and shared it with the Business Forum’s Sub-Committee. It seems like a lot to grasp for our little downtown.

If “Permanent” is considered a policy for parklets that is permanent, not parklets themselves, much more can be creatively considered. Like Morgan Hill, they could be put on a one-year review cycle. Still, a new parklet under-non-emergency conditions, is new construction, and may be subject to the HRB’s approval as a “Major Design Review.” A building permit will also be required.

Saturation is another consideration. When are there too many parklets? Currently there are 14 parklets, (a few of them are double), with 2-more approved and not built, and 2 applications pending. If 18 is enough, maybe a moratorium should be considered to slow down the process. This will help preserve parking, allow time to develop additional parking alternatives, including new angle parking at the entrance and exit of the Third Street, and possibly leasing the school’s parking lot on weekends.

The focus of the parklet policy has shifted away from making parklets permanent, to creating instead a permanent policy for parklets that are renewed on an annual basis, combining design review/alteration, building permit and encroachment permits into a new “Parklet Permit.”

If the parklets are extended for another 6-months, many of them will be year old by the time the policy considerations are fully vetted. Attached is a resolution for the Planning Commission to consider, asking the City Council to approve the parklet extension.

Attached- Draft Resolution

**RESOLUTION 2021-XX**

**A RESOLUTION OF THE PLANNING COMMISSION OF THE CITY OF SAN JUAN  
BAUTISTA RECOMMENDING THAT THE CITY COUNCIL EXTEND THE  
TERM OF THE TEMPORARY PARKLETS ON THIRD STREET  
ONE HUNDRED EIGHTY DAYS OR UNTIL SEPTEMBER 30<sup>TH</sup> 2021**

**WHEREAS**, in an effort to control the pandemic caused by the COVID-19 Virus, 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, these parklets have to be built in compliance with the City historic design guidelines and, on June 18, 2020, the Historic Resources Board approved design guidelines for this purpose; and

**WHEREAS**, the parklet program was approved by the City Council for a period of six months ending December 31, 2020, and extended until March 30, 2021 on November 10, 2020, but many have asked the City to consider developing a parklet policy that governs the use of the City's right-of-way for out-door dining and retail sales.

**WHEREAS**, developing a permanent parklet policy for the whole City to embrace takes time, but this could be accomplished in the next six months.

**WHEREAS**, the Historic Resources Board recommends to the Planning Commission that it adopt a Resolution recommending a one hundred eighty day extension of the parklet program to the City Council for approval to allow for consideration of making parklets permanent.

**NOW THEREFORE, BE IT RESOLVED THAT THE PLANNING COMMISSION:**

1. Agrees with the recommendation from the Historic Resources Board;
2. Recommends to the City Council that the term of the Transformation of Third Street and the parklets be extended for one hundred eighty days, or until September 30, 2021.

3. That staff prepare the policies and procedures necessary for a public debate of a City policy that governs all matters related to parklets going forward, after the current State of Emergency has ended.

**PASSED AND ADOPTED** by the Planning Commission of the City of San Juan Bautista on the 2<sup>nd</sup> day February, 2021 by the following vote:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Chairperson

**ATTEST:**

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Trish Paetz, Deputy City Clerk