

CITY OF YUBA CITY
STAFF REPORT

Date: July 7, 2020

To: Honorable Mayor & Members of the City Council

From: Public Works Department

Presentation by: Diana Langley, Interim City Manager/Public Works Director

Summary

Subject: Plumas Street Summer Marketplace

Recommendation: A. Confirm the Director of Emergency Services' Order authorizing the temporary waiver of certain Municipal Code and Entitlement Restrictions for impacted businesses on Plumas Street

B. Approve the sponsorship of the Plumas Street Summer Marketplace

Fiscal Impact: FY 19/20 – \$7,500
FY 20/21 - \$2,531 – In-kind request for street closure or can be addressed through the Community Sponsorship Account

Purpose:

Provide the means from an administrative standpoint for the Downtown Business Association to implement an economic stabilization effort to allow Plumas Street businesses to expand their storefronts onto the sidewalk and street to promote re-engagement with customers, while adhering to public health guidelines.

Background:

COVID-19 has had a significant impact on businesses, and with current public health guidelines in place, businesses are encouraged to find innovative ways to conduct business.

The Downtown Business Association submitted a letter dated June 12 (Attachment 1) proposing a "Plumas Street Summer Marketplace" (Marketplace). The Marketplace is a strategy that would allow Plumas Street businesses to expand their storefronts onto the sidewalk and the street to allow for re-engagement with customers, while adhering to public health guidelines. The DBA's request included the closure of Plumas Street from Church Street to Bridge Street for three Saturdays, June 27, July 18, and August 8, from 10:00 am to 5:00 pm.

Council considered the DBA's request on June 16th and expressed overall support for the concept but noted the following requirements:

- Submission of a formal sponsorship application to utilize \$7,500 that the City previously provided for the 2020 Summer Stroll and \$2,531 of in-kind services for the street closure
- Authorization from Dr. Luu, the Bi-County Public Health Officer
- Order from the Director of Emergency Services authorizing the temporary waiver of certain Municipal Code and entitlement restrictions, which would also address the need for an

encroachment permit and compliance for service of alcohol with the California Department of Alcoholic Beverage Control (ABC)

The Order is required to allow the businesses to expand their storefronts without violating current Municipal Code and entitlement restrictions.

Analysis:

Since the June 16 Council meeting, the DBA has completed the following:

- Submitted a sponsorship application (Attachment 2)
- Received authorization from Dr. Luu
- Submitted an encroachment permit application

In addition, the dates for the Marketplace have changed to July 18, August 8, and an undecided date in September.

Staff is requesting that Council confirm the Director of Emergency Services' Order authorizing the temporary waiver of certain Municipal Code and entitlement restrictions for impacted businesses on Plumas Street and approve the sponsorship of the Marketplace.

Fiscal Impact:

The DBA is requesting to utilize the \$7,500 that the City already contributed for the now canceled 2020 Summer Stroll for the three Marketplace events. In addition, the DBA is requesting that the City provide in-kind services to close Plumas Street, which totals an additional \$2,531.70. It is recommended that the in-kind contribution be funded through the Community Sponsorship Account. Alternatively, it could be funded through the Street Division budget.

Alternatives:

Do not support the Marketplace concept.

Recommendation:

- A. Confirm the Director of Emergency Services' Order authorizing the temporary waiver of certain Municipal Code and Entitlement Restrictions for impacted businesses on Plumas Street.
- B. Approve the sponsorship of the Plumas Street Summer Marketplace.

Attachment:

1. DBA Letter
2. Sponsorship Application
3. Order of the Director of Emergency Services

Prepared & Submitted by:

[/s/ Diana Langley](#)

Diana Langley
Interim City Manager/Public Works Director

Reviewed by:

City Attorney

[SLC by email](#)

ATTACHMENT 1



Board of Directors

Sandee Drown
President

Ryan Henshaw
Vice-President

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Cindy Paine
Director

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Director

To: Mayor Harris
Vice Mayor Boomgaarden
Councilmember Espindola
Councilmember Cardoza
Councilmember Shaw
Re: Plumas Street Summer Marketplace
Fr: Plumas Street Downtown Business Association

Date 06-12-2020

Dear Councilmembers,

We, the Downtown Business Association, are writing you to propose a strategy that would allow Plumas Street businesses to re-engage with their customers in a unique way, while adhering to public health guidelines. We are proposing a Plumas Street Summer Marketplace that would take place on the following dates: Saturday June 27 10:00a- 5:00p; Saturday July 18 10:00a- 5:00p; August 8 10:00a- 5:00p

The Plumas Street Summer Marketplace would consist of closing Plumas Street from Church Street to Bridge Street. This would allow businesses to expand their store fronts onto the sidewalk and into Plumas Street and allow for greater opportunities of social distancing. We would not open the marketplace to outside vendors, with the exception of booth space for no more than 3 sponsors. Sponsors would receive a 10' by 10' booth space on Plumas Street.

In the interest of public health we would institute the following protocols: No less than 5 handwashing stations positioned throughout Plumas Street; Single use masks available to marketplace customers; Private security to deter large congregations of people

We, the Downtown Businesses Association, seek your endorsement in moving forward with our proposed Summer Marketplace.

Sincerely,

The Plumas Street Downtown Business Association

ATTACHMENT 2



COMMUNITY SPONSORSHIP APPLICATION FORM
YUBA CITY DOWNTOWN

Name of Organization BUSINESS ASSOCIATION Non-Profit ID/ 501 C# 94-2720957

Address 409 CENTER STREET City/State/Zip YUBA CITY CA 95991

Contact Person SANDEE DROWN Phone (530) 8132058 Email INFO@YUBACITYDOWNTOWN.COM

Organization Purpose/Mission (SEE ATTACHMENT (MISSION+VISION STATEMENT))

Type of Sponsorship Requested:

In-kind services – Provide a description of the in-kind services requested: \$2,531. —
PUBLIC WORKS TO PROVIDE STREET CLOSURE

Funding – Amount requested: \$7500. —

Type of Organization:

- Non-Profit (located and/or primarily serves residents within the City of Yuba City)
- Educational Institution
- Local business (located within City of Yuba City city limits)

Type of Event: BUSINESS

- Local Celebration
- Athletic
- Cultural
- Educational
- Fundraiser
- Entertainment
- Other ORDERS

Event Name PLUMAS STREET SUMMER MARKET PLACE

Event Location PLUMAS STREET - FROM CHURCH TO BRIDGE ST.

Event Date/Time JULY 18, AUGUST 8, TBD (SEPT) 10-5 PM

Expected Number of Participants _____

Open to the Public? Yes No

Please explain how your event meets one or more of the sponsorship criteria below:

- Boosts the local Yuba City economy: WE SUPPORT OUR LOCAL DOWNTOWN MERCHANTS TO PROMOTE AND SELL THEIR PRODUCTS AND SERVICES. CURRENTLY 79 BUSINESSES DOWNTOWN. THIS GENERATES LOCAL SALES TAXES AND HELPS THOSE 79 BUSINESSES GET HEALTHY FINANCIALLY AGAIN.

- Provides an opportunity to help build community, foster a sense of pride within our community, and engage our community:

DOWNTOWN IS THE HEART FOR ALL COMMUNITIES
~~IT~~ ESPECIALLY OURS. AS WE LOOK IN THE FUTURE
TO EXPAND AND ADD ENTERTAINMENT WE HAVE A
DOWNTOWN UNIQUELY OURS TO ATTRACT OTHER BUSINESSES

- Contributes positively to the recognition and image of the City of Yuba City:

THE EXPANSION OF THE ~~BRIDGE~~ BRIDGE HOTEL,
ADDITIONAL RESTAURANT, THE DOWNTOWN IS
INSTRUMENTAL IN CREATING AND COLLABORATING
THIS IMAGE OF THE PLACE PEOPLE WANT TO BE
AT.

Other Considerations:

I understand that if the City agrees to sponsor the event, I will acknowledge the sponsorship on all printed information or advertising related to the event using a message approved by the City and provide any written marketing material to the City prior to distribution of event materials.

I understand that if the City agrees to sponsor the event, appropriate ADA accessibility will be provided.

I understand that sponsorship is optional and the City can deny this sponsorship application.

Signature of Applicant Sandee Drown Date 6/26/2020

Print Name of Applicant SANDEE DROWN

Yuba City

Downtown Business Association MISSION STATEMENT

“To preserve, promote and encourage aspiring businesses and provide a safe, clean center of culture and community life for residents and visitors alike.”

DBA Vision Statement

“To be known as the Premier Shopping, Dining and Entertainment Destination of the region”



PLUMAS STREET
SHOPPING DISTRICT

From: Sandra Drown <sandraldrown@aol.com>
Sent: Monday, March 25, 2019 2:50 PM
To: info yubacitydowntown.com
Subject: Fwd: Summer/X-Mas Stroll

Kind Regards,

Sandee Drown

Sent from my iPhone

Begin forwarded message:

From: Jack McDaniel <jmcdanie@yubacity.net>
Date: March 22, 2019 at 10:17:26 AM PDT
To: Sandee Drown <sandraldrown@aol.com>
Subject: Summer/X-Mas Stroll

Hello Sandee,

I looked back at the last 4 events and came up with an average cost per event...

\$3,893.65

This number is all inclusive: prep work, set-up, and take down.

Let me know if you need more info and I will be happy to assist.

-Jack



Jack McDaniel | Street Maintenance Supervisor
City of Yuba City | Public Works Department
1201 Civic Center Blvd. | Yuba City, CA 95993
Phone (530)822-4644 | Fax (530)822-4721 |
jmcdaniel@yubacity.net

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ATTACHMENT 3

**ORDER OF THE DIRECTOR OF EMERGENCY SERVICES OF THE CITY OF YUBA CITY
AUTHORIZING TEMPORARILY WAIVER OF CERTAIN MUNICIPAL CODE AND
ENTITLEMENT RESTRICTIONS FOR IMPACTED BUSINESSES ON PLUMAS STREET
(COVID-19: BUSINESS STABILIZATION EVENT – PLUMAS SUMMER STREET
MARKETPLACE)**

WHEREAS, on March 3, 2020, Governor Newsom declared the existence of a state of emergency for the State of California; and,

WHEREAS, on March 13, 2020, the President of the United States declared that the outbreak of COVID-19 in the United States constitutes a national emergency; and

WHEREAS, the Sutter County has declared a local emergency, and on March 18, 2020, the Yuba-Sutter Health Officer issued directive to stay home except for essential activities; and

WHEREAS, on March 19, 2020, Governor Newsom issued a “stay home” order per Executive Order 33-20; and

WHEREAS, on March 21, 2020, the City’s Director of Emergency Services declared a local emergency thereby activating the Emergency Operations Center; and

WHEREAS, on March 24, 2020, the City Council ratified and confirmed the declaration of a local emergency by the Emergency Services Director; and

WHEREAS, the downtown area along Plumas Street has been especially impacted by COVID-19 and resulting emergency responses including the “stay home” order issued by the State; and

WHEREAS, the Downtown Business Association proposed an economic stabilization effort for these impacted businesses. This effort is known as the Plumas Street Summer Marketplace (“Marketplace”) and would temporarily allow Plumas Street businesses to expand their storefronts onto the sidewalk and the street to promote re-engagement with customers, while adhering to public health guidelines; and

WHEREAS, the Marketplace proposal is temporary in nature, and would be held on three Saturdays, July 18, August 8, and an undecided date in September, from 10:00 am to 5:00 pm; and

WHEREAS, there are currently restrictions in the Municipal Code, including entitlements issued thereunder, prohibiting businesses from providing services on public streets, sidewalks, etc., mandating a certain level of parking spaces be provided, or otherwise restricting business activities to certain locations on the property; and

WHEREAS, the Municipal Code does not currently provide a mechanism for a “special event” permit such as a temporary conditional use permit, etc.; and

WHEREAS, Sections 2-8.05 and 2-8.06 of the Yuba City Municipal Code appoint the City Manager as the Director of Emergency Services and empowers the Emergency Services Director to make and issue rules and regulations on matters reasonably related to the protection of life and property as affected by such emergency; provided, however, such rules and regulations shall be confirmed at the earliest practicable time by the City Council; and

WHEREAS, in ratifying the declaration of a local emergency the Council has acknowledged that strict compliance with certain Municipal Code and other City regulations would prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19; and

WHEREAS, continued economic viability of local businesses is essential to maintain the City's financial ability to provide emergency, first responder, and other services to mitigate the effects of COVID-19, thereby benefiting the public health, safety, and welfare; and

WHEREAS, after consideration of all items the Director of Emergency Services now desires to order the temporary waiver of certain Municipal Code and entitlement provisions to allow the Marketplace event to occur on July 18, August 8, and an undecided date in September subject to compliance with public health requirements.

NOW, THEREFORE, the Director of Emergency Services for the City of Yuba City does find and order as follows:

1. The recitals set forth above are true and correct and are incorporated by reference.
2. The Director hereby authorizes the Plumas Street Marketplace event(s) subject to, and consistent with, the following:

- a. Waiver of Certain Municipal Code and Entitlement Conditions: It is the intent of this order to allow for the applicant to have an event that would allow businesses on Plumas Street located between Church Street and Bridge Street to temporarily expand their storefronts and services onto the sidewalk and the street to promote re-engagement with customers, while adhering to public health guidelines. In this regard, such businesses, and any other businesses authorized by the applicant to participate in the event, are expressly authorized to utilize the public sidewalk and street right-of-ways at the dates, location, and conditions specified herein. Any local ordinances or other regulations (such as those related to use of the street, parking requirements, conditional use permit or site plan restrictions), are temporary suspended for the Marketplace event(s) to the most minimal extent necessary to allow the Marketplace event(s) to occur.

For example, if a business has City-imposed restrictions on the service and consumption of beverages in designated areas, this order would expressly allow outdoor dining (including service and consumption of alcoholic beverages) in the sidewalk areas and street locations during the Marketplace event(s), waive parking requirements, etc. However, the service of food would still need to comply with public health requirements for the service of food, service of alcohol would still subject to a license issued by the California Department of Alcoholic Beverage Control (ABC) (including areas of service specifically permitted by ABC), and business would still need to comply with any security or monitoring requirements mandated by a use permit or other City entitlement, operate under a valid business license, etc.

- b. Authorized Dates and Location: The authorization for the Marketplace event(s) is temporary, and shall only take place at the following dates and times: July 18, August 8, and an undecided date in September from 10:00 am to 5:00 pm. Marketplace event(s) shall be restricted to Plumas Street, between Church Street to Bridge Street.
- c. Encroachment Permit: The Downtown Business Association is the designated

applicant and shall be required to obtain an encroachment permit. The encroachment event may be conditioned by the City to ensure that adequate insurance, restroom facilities, trash receptacles, post-event cleanup, and other protections are provided to protect the public health, safety, and welfare.

- d. COVID-19 Safety Measures: Each Marketplace event must receive the appropriate pre-approval from the Bi-County Public Health Officer (Dr. Luu) and provide evidence of the same to the City prior to each Marketplace event taking place.
- e. Compliance and Conditions: The applicant must comply with the following conditions:
 - i. The applicant must notify all residents, property owners, managers, or lessees in the closure area of the date, time, location and purpose of the closure. This notification may be accomplished by distributing flyers, door hangers or by circulating the petition. Notification shall be completed at least 10 days prior to the event.
 - ii. All participants must comply with COVID-19 safety measures and directives issues by the Bi-County Public Health Officer.
 - iii. Any ABC license requirements, including those related to where alcohol may be served and consumed, must be maintained.
 - iv. ADA access to businesses and along the public sidewalk shall be maintained and complied with at all times.
 - v. No structures, either temporary or permanent, shall be constructed in the public right of way. Temporary items such as booths, tables, chairs, shade structures, generators, and other ancillary items are expressly authorized within the City's street right-of-way. No person may fasten, drill or bore into the public street, sidewalk, or curb to mount or erect tent poles, supports, or any other appurtenances or fixtures.
 - vi. A 20-foot free and unobstructed fire lane, extending from the curb and continuing for the entire length of the closure, must remain open at all times, even if tables, booths, etc., will be placed in the street. Fire hydrants shall be accessible and not be blocked by vehicles, tables, or other objects.
 - vii. No activity shall constitute a nuisance.
 - viii. Any applicable State or federal requirements shall be complied with at all times.
 - ix. Any other Municipal Code section, entitlement condition, or other requirements that would not inhibit the intent of this Order remain in full force and effect.
- f. Waiver: Participation by any person, business, entity, or other participant in the Marketplace event(s) authorized under this Order is an acknowledgment and is deemed to do so at their own risk and at no liability or obligation to the City. Applicant shall enter into an agreement agreeing to defend, hold harmless, and indemnify the City for the Marketplace event(s).

3. This Order shall take effect immediately as of the date first set forth below.

Dated: _____

Diana Langley
Interim Emergency Services Director