

1 WHEREAS, on March 13, 2020, the Director of Emergency Services of the City,
2 proclaimed a Local Emergency and said proclamation was ratified by the City Council on March
3 17, 2020; and

4 WHEREAS, Government Code section 8634 empowers the City, during a Local
5 Emergency, to promulgate orders and regulations necessary to provide for the protection of life
6 and property; and

7 WHEREAS, Riverside Municipal Code section 9.20.050 empowers the Director of
8 Emergency Services, during a Local Emergency to among other things, make and issue rules and
9 regulations on matters reasonably related to the protection of life and property as affected by
10 such emergency; and

11 WHEREAS, on Wednesday, May 20, 2020, the County of Riverside submitted an
12 attestation application to the Governor Gavin Newsom of California requesting approval for the
13 County of Riverside to move into the later stages of Stage 2 of the Governor’s Resilience
14 Roadmap; and

15 WHEREAS, on May 22, 2020, the Governor of California approved the attestation
16 application and allowed the County of Riverside to allow specific business sectors, including
17 dine-in restaurants (i.e. brewpubs, craft distilleries, breweries, bars, pubs, restaurants and
18 wineries) and shopping centers (malls, destination shopping centers, strip and outlet malls, and
19 swap meets) to move into the later stages of Stage 2 of the Governor’s Resilience Roadmap; and
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21 WHEREAS, the City of Riverside identified the need for flexible, creative and
22 innovative approaches to assist local dine-in restaurants in order to achieve normal occupancy
23 levels given physical distancing requirements and other modifications deemed necessary for
24 public health and on May 26, 2020, the Director of Emergency Services issued an Order
25 regarding Temporary Outdoor Flex Space for Restaurants, which Order was ratified by the City
26 Council on June 2, 2020; and
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1 WHEREAS, on June 18, 2020, Governor Gavin Newsom required face coverings given an
2 increase in positive cases, hospitalizations, ICU bed use and other concerns relative to COVID-
3 19; and

4 WHEREAS, on July 1, 2020, due to the increase in positive cases, hospitalizations, ICU
5 bed use and other concerns relative to COVID-19, Governor Gavin Newsom ordered all bars,
6 wineries and breweries to be closed as well as all indoor dining; and

7 WHEREAS, to continue to provide more outdoor dining for restaurants, on July 2, 2020,
8 the City has revised its Temporary Outdoor Flex Space of Restaurants to allow for easier outdoor
9 dining; and

10 WHEREAS, on July 13, 2020, Governor Gavin Newsom ordered the closure of indoor
11 operations including gyms and fitness centers, places of worship, indoor protests, offices for non-
12 critical infrastructure sectors, personal care services (including nail salons, massage parlors, and
13 tattoo parlors), hair salons and barbershops, and malls; and

14 WHEREAS, to expand opportunities for businesses to provide outdoor operations, on
15 July 14 the City revised its Temporary Outdoor Flex-Space Program to allow outdoor flex-space
16 for businesses located throughout the City on both private and public land; and

17 WHEREAS, in order to allow these retail operations to continue, the City has developed
18 a program to allow outdoor flex-space for businesses located within the City on both private and
19 public land; and

20 WHEREAS, on August 26, 2020, the Director of Emergency Services revised the July 2,
21 2020 Temporary Outdoor Restaurant Flex Space Order to allow for other service uses and retail
22 to operate outdoors; and

23 WHEREAS, on September 1, 2020, City Council considered expanding opportunities
24 for outdoor operations to allow them in City Parks and directed staff to expand the program; and
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1 WHEREAS, on September 21, 2020 to provide opportunities for Special Purposes
2 Commercial/Modular Mobile Food Facilities (SPCM/MFF) for outdoor operations in the City,
3 and to provide opportunities for expanded hours of operation, the City revised its Temporary
4 Outdoor Flex-Space Permit Program; and

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6 WHEREAS, on November 19, 2020, Governor Newsom announced a Limited Stay at
7 Home Order for Counties in the Purple Tier, and the County of Riverside is located in the Purple
8 Tier, requiring that all non-essential businesses must be closed from 10:00pm to 5:00am; and

9 WHEREAS, the City is revising its Temporary Outdoor Flex-Space Permit Program to
10 allow approved heaters within outdoor flex-spaces, providing all safety requirements are
11 followed, given changes in the weather and falling temperatures leading into winter; and

12 WHEREAS, the City is revising the Temporary Outdoor Flex-Space Permit Program to
13 require that tent/membrane structures are open to ensure proper air flow; and

14 WHEREAS, all businesses MUST adhere to public safety and physical distancing
15 requirements established by the Federal, State and County; and

16 WHEREAS, this program only applies to businesses identified by the State as “lower risk
17 workplaces” as identified on the State’s Resilience Roadmap; and

18 WHEREAS, to promote public safety, the all outdoor flex-spaces that anticipate utilizing
19 the Temporary Outdoor Flex-Space Permit must follow the guidance in the COVID-19 Industry
20 Guidance found at <https://covid19.ca.gov/industry-guidance/> for the specific business; and

21 WHEREAS further clarity is needed on the process for removal of outdoor operations
22 who do not abide by the Temporary Outdoor Flex-Space Permit or the orders of the Federal,
23 State, and County; and

24 WHEREAS, State, County and local guidance is subject to change and all businesses are
25 required to ensure that the latest guidelines are being adhered to as they continue to operate.

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NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the Director of Emergency Services of the City of that the Temporary Outdoor Restaurant Flex Space Order is amended to modify the hours of operation for non-essential businesses to adhere to the Governor's Limited Stay at Home Order, to allow approved heaters within outdoor flex-spaces, provided safety requirements are followed, given changes in the weather and falling temperatures leading into winter and to prohibit enclosed tent/membrane structures to ensure proper air flow which program is attached hereto as Exhibit "A" and incorporated herein by reference.

This order shall continue until the Governor lifts the limitations on indoor businesses.

Dated: 11/20/2020



Director of Emergency Services
City of Riverside

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EXHIBIT "A"