## <u>CITY OF RIVERSIDE</u> <u>STATE OF CALIFORNIA</u> <u>REVISED ORDER OF THE DIRECTOR OF EMERGENCY SERVICES</u> <u>OUTDOOR DINING, SERVICE USES AND RETAIL</u>

5 WHEREAS, on March 4, 2020, the California Governor Gavin Newsom ("Governor") 6 declared a State of Emergency due to the threat of the novel Coronavirus (COVID-19), which 7 orders in part that "all residents are to heed the advice of emergency officials with regard to this 8 emergency in order to protect their safety"; and

9 WHEREAS, on March 8, 2020, the Riverside County Public Health Officer declared a
10 local health emergency based on the imminent threat to public health from COVID-19 in
11 Riverside County; and

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WHEREAS, on March 10, 2020, the County of Riverside proclaimed a local emergency; and

WHEREAS, on March 12, 2020, the Governor issued Executive Order N-25-20 which
 orders in part that "[a]ll residents are to heed any orders and guidance of state and local public
 health officials, including but not limited to the imposition of social distancing measures, to
 control the spread of COVID-19"; and

WHEREAS, on March 13, 2020, the President of the United States of America
 declared a national emergency and announced that the federal government would make
 emergency funding available to assist state and local governments in preventing the spread of
 and addressing the effects of COVID-19; and

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- WHEREAS, the California Emergency Services Act (Government Code § 8550, et seq.) empowers the City Council of the City of Riverside to declare a Local Emergency when there exists conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the City of Riverside ('City") which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City; and
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WHEREAS, on March 13, 2020, the Director of Emergency Services of the City, proclaimed a Local Emergency and said proclamation was ratified by the City Council on March 17, 2020; and

WHEREAS, Government Code section 8634 empowers the City, during a Local Emergency, to promulgate orders and regulations necessary to provide for the protection of life 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 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 20

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 25 26 27 28

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WHEREAS, on September 21, 2020 to provide opportunities for Special Purposes Commercial/Modular Mobile Food Facilities (SPCM/MFF) for outdoor operations in the City, and to provide opportunities for expanded hours of operation, the City revised its Temporary Outdoor Flex-Space Permit Program; and

WHEREAS, on November 19, 2020, Governor Newsom announced a Limited Stay at Home Order for Counties in the Purple Tier, and the County of Riverside is located in the Purple 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

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

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

WHEREAS, this program only applies to businesses identified by the State as "lower risk
workplaces" as identified on the State's Resilience Roadmap; and

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

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

WHEREAS, State, County and local guidance is subject to change and all businesses are
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
2	Emergency Services of the City of that the Temporary Outdoor Restaurant Flex Space Order is
3	amended to modify the hours of operation for non-essential businesses to adhere to the
4	Governor's Limited Stay at Home Order, to allow approved heaters within outdoor flex-spaces,
5	provided safety requirements are followed, given changes in the weather and falling
6	temperatures leading into winter and to prohibit enclosed tent/membrane structures to ensure
7	proper air flow which program is attached hereto as Exhibit "A" and incorporated herein by
8	reference.
9	This order shall continue until the Governor lifts the limitations on indoor businesses.
10	Dated: 11/20/2020
11	Director of Emergency Services City of Riverside
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