

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 such
10 emergency; and

11 WHEREAS, due to the need to continue to protect the public against COVID-19, but also
12 working with the local businesses during these times, the City of Riverside identified the need for
13 flexible, creative and innovative approaches to assist local restaurants, retail, gyms and fitness
14 centers, places of worship, offices for non-critical infrastructure sectors, personal care services
15 (including nail salons, massage parlors, and tattoo parlors), hair salons and barbershops, and malls;
16 and

17 WHEREAS, in order to meet the needs as described above, on May 26, 2020, the Director
18 of Emergency Services issued the initial Order regarding Temporary Outdoor Flex Space, which
19 Order has had several amendments due to the ever changing times and circumstances, the last time
20 being November 20, 2020, (the original Temporary Outdoor Flex Space Order and the several
21 amendments will be referred to collectively as “Temporary Outdoor Flex Space Orders”); and

22 WHEREAS, the Temporary Outdoor Flex Space Orders have all been ratified by the City
23 Council; and

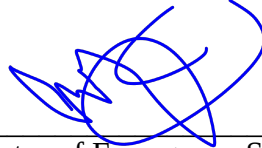
24 WHEREAS, on December 3, 2020, Governor Newsom announced a Regional Stay at
25 Home Order which will be triggered when Intensive Care Unit (ICU) capacity drops below 15%
26 in any designated Region, with the City of Riverside being located in the Southern California
27 Region; and
28

1 WHEREAS, once the Regional Stay at Home Order is triggered for the Southern California
2 Region, changes will be required regarding outdoor spaces to ensure that the latest guidelines are
3 being adhered to as the uses continue to operate and the Temporary Outdoor Flex Space Orders
4 and Guidelines; and

5 WHEREAS, all businesses MUST continue to adhere to public safety and physical
6 distancing requirements established by the Federal, State and County.

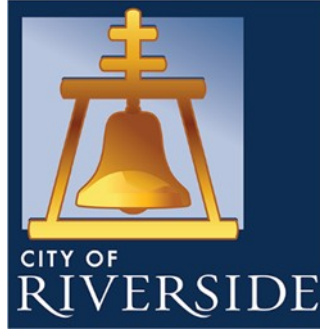
7 NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the Director
8 of Emergency Services of the City of Riverside that upon the triggering of the Regional Stay at
9 Home Order for Southern California the Temporary Outdoor Flex-Space Permit Program is
10 suspended, with the exception of places of worship and gyms which are allowed on private land
11 as Category 1 or Category 2 on private land or as Category 5 in City Parks, as set forth in the
12 revised Program attached hereto as Exhibit "A" and incorporated herein by reference, until such
13 time as the Regional Stay at Home Order is lifted.

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15 Dated: 12-7-20

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19 Director of Emergency Services
20 City of Riverside
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EXHIBIT “A”



City of Riverside Temporary Outdoor Flex-Space Permit Program

Guidelines and Procedures During Regional Stay at Home Order

Date: December 7, 2020

Temporary Outdoor Flex-Space Permit Program

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1. Program Overview

As COVID-19 case rates and hospitalizations continue to rise in the State of California, and to minimize risks of overwhelming the health care delivery system, on December 3, 2020, Governor Newsom signed a Regional Stay at Home Order triggered when Intensive Care Unit (ICU) capacity drops below 15 percent in a given region. The City of Riverside is located in the Southern California Region. The public health order took effect at 12:59 p.m. on December 5.

On December 4, 2020, a Regional Stay at Home Order was issued for the Southern California Region. To meet the 24-hour requirement to implement the Regional Stay at Home Order, effective December 6, 2020, with the exception of places of worship and gyms, the Temporary Outdoor Flex-Space Permit Program is **SUSPENDED**.

2. Cost and Expiration

- A. There is no initial cost for the initial Temporary Outdoor Flex-Space Permit.
- B. Temporary Outdoor Flex-Space Permits in City Parks will be issued for 4 weeks and are renewable.
- C. All other Temporary Outdoor Flex-Space Permits shall expire ninety (90) days from issuance or until the end of the Emergency Declaration, whichever is greater.
- D. Temporary Outdoor Flex-Space Permits may be extended up to ninety (90) days with an extension application submitted per the requirements above or until the end of the Emergency Declaration.

3. Program Categories

The City of Riverside's Temporary Outdoor Flex-Space Permit Program has been established to ensure businesses have the greatest ability to operate successfully through the State's Resilience Roadmap. The following Temporary Outdoor Flex-Space Permit categories have been identified:

- A. Category 1 (Self-Certification) - Outdoor Uses Completely on Private Property with Less than 50 patrons
- PLACES OF WORSHIP AND GYMS ONLY

On private property, places of worship and gyms may operate outdoors with owner consent on private walkways/plazas/patios, or on private parking spaces on the same parcel.

Places of worship and gyms must ensure that outdoor operations do not impede or eliminate any exiting from buildings or fire access required on site. Proposed use of private property shall provide an accessible route to the outdoor operations and provide accessible accommodations as required by law.

A self-certification must be provided to the City with a complete application, photos, site plan or map clearly depicting the outdoor operations and business tax certificate in accordance with the Category 1 Self-Certification Checklist.

How can you get started immediately?

Self-Certified Approval – For gyms and places of worship, upon receipt of the complete application, the business may begin outdoor operations. The City reserves the right to audit the submission of any application to ensure compliance as required to maintain health, safety and accessibility.

- B. Category 2 (Self-Certification) - Outdoor Uses Completely on Private Property with 50 or more patrons –
PLACES OF WORSHIP AND GYMS ONLY

Category 2 is the same as Category 1 but serves 50 or more patrons. Additional review is required by the City. A self-certification must be provided to the City with a complete application, photos, site plan or map clearly depicting the outdoor operations and business tax certificate in accordance with the Category

Temporary Outdoor Flex-Space Permit Program

2 Self-Certification Checklist

How can you get started immediately?

Provisional Approval - Upon receipt of the complete application, the business may begin outdoor operations. The City will audit the submission of any application to ensure compliance as required to maintain health, safety and accessibility.

- C. **SUSPENDED** - Category 3 (Self-Certification) – Outdoor Operations on Public Sidewalk/Plazas and Parking Lots
- D. **SUSPENDED** - Category 4 – (City Review Required) Outdoor operations on City Roadways, Alleyways and Rights-of-Way
- E. Category 5 – (City Review Required) Outdoor operations in City Parks – **PLACES OF WORSHIP AND GYMS ONLY**

Outdoor operations for places of worship may expand operating space in City Parks following staff review and approval. Only places of worship with a physical address in the City of Riverside are eligible for this Category. A Facility Rental Application and Safe Reopening Plan are needed as part of the application to use City Parks. The proposed use of the Parks shall maintain ADA pedestrian access and Fire Department access to ensure public health and safety.

How can you get started?

City Approval Required - A determination for approval/denial or the need for modifications will be made within 14 business days from the date of complete application submittal.

4. Requirements

A. Hours of Operation

- (1) While the City is in the Purple Tier, outdoor operations shall close between 10:00pm and 5:00am.
- (2) While the City is in the Red, Orange or Yellow Tiers, hours of operation shall include:
 - a. Thursday through Saturday – close at 12:00AM.
 - b. Sunday through Wednesday – close at 11:00PM.

B. ADA Compliance

- (1) All minimum disabled access standards in accordance with state law and the Americans with Disability Acts (ADA) must be met.

C. Fire Requirements

- (1) All fire access and exit discharge to the public way shall be maintained at all times, including, but not limited to Fire Department connections and control valves, fire extinguishers, fire sprinkler risers, hydrants and fire lanes.
- (2) Access to fire hydrants, fire hose connections for sprinkler systems, and entrances and exits of all buildings shall not be obstructed at any time by fixtures, barriers or seating.
- (3) A minimum of one (1) 2A10BC fire extinguisher shall be placed in the Temporary Outdoor Flex-Space.
- (4) A minimum, clear and unobstructed twenty (20) feet fire lane shall be maintained at all times.
- (5) There shall be a minimum of forty (40) inches in distance separating the edge of the outdoor operations to a fire department connection.

Temporary Outdoor Flex-Space Permit Program

D. Occupant Load

- (1) Up to 50% of any Park parking spaces may be used for the outdoor operations with occupancy being determined by assuming 3 people per car that occupy each parking space; or
- (2) Up to 100% of the indoor public/assembly/common use occupant load of the business may be accommodated in City Parks when approved by the City provided all other state or local requirements are met in accordance with these guidelines and procedures

E. Pedestrian Circulation Requirements

(1) Separation

- a. Adequate pedestrian separation of at least 6 (six) feet shall be maintained.
- b. If 6 (six) feet is not achievable, shielding or other alternative safety measure be placed to separate patrons and pedestrians.

- (2) No fixtures, chairs, umbrellas or other fixtures shall be permitted within six (6) feet of a pedestrian crosswalk or corner curb cut.

- (3) Outdoor operations shall maintain unobstructed access to public utilities, building entrances and exits, crosswalks, bus stops and transit entrances to maintain pedestrian and traffic safety.

F. Signage

In City Parks, temporary signs are allowed during the duration of the activity and must be removed immediately following the permitted use.

G. Lighting

- (1) Appropriate lighting of the outdoor operations is required if operating at night.
- (2) When visible from the adjacent roadway, lighting shall be steady-state, and not 'blink' or 'flash'.
- (3) All lights in City Parks must have a self-contained power source and shall obtain the pre-requisite permits.
- (4) Lighting shall be oriented away from sensitive receptors including, but not limited to, adjacent residential uses, streets, parking lots and/or public right-of-way.

H. Tents and Membrane Structures

- (1) All tent and membrane structures shall be open on a minimum to ensure proper air flow; enclosed tents are prohibited.
- (2) All tent and membrane structures shall obtain pre-requisite permits as required by the City Fire Department (951-826-5737).

(<https://riversideca.gov/fire/sites/riversideca.gov.fire/files/fire/pdf/2020/resources-forms/F11002.pdf>)

I. Heaters

- (1) The following shall apply to all gas or propane heaters:

- a. Gas and propane heaters are PROHIBITED within any tent or membrane structure.
- b. The use of gas or propane heaters in any outdoor operation not located within a tent or membrane structure shall be in accordance with their listing and the adopted fire and building codes. Please contact the City Fire Department for requirements.

- (2) The following shall apply to all electric heaters:

Temporary Outdoor Flex-Space Permit Program

- a. Electric heaters may be permitted within tent or membrane structures provided:
 - i. Air installation is in accordance with the adopted fire and building codes, including the manufacturers listing and its recommendations; and
 - ii. The business must submit the manufacturer specifications (e.g. listed for outdoor use, distances noted and followed relating to tables/chairs/fabric, etc.) to the Fire Department for approval.
 - b. Electric heaters shall be listed and labeled by UL or other NRTL listing with over-temperature protection, and maintain clearances as required by the manufacturer but in no case less than 3 feet from any person or combustible material; and
 - c. The power supply for electric heaters shall utilize a single listed outdoor extension cord rated for the amperage and include GFCI protection or be provided with temporary power supply approved by the Building Official.
- J. Umbrellas
- Umbrellas shall be secured, fire-retardant, pressure-treated and/or manufactured of fire-resistant material.
- K. Raised Elements
- (1) Any raised element shall not obstruct visibility of an existing roadway sign or traffic signal.
 - (2) Raised elements of outdoor operations shall not obstruct sight distance at intersections and driveways
 - (3) The business shall be responsible for removal of trash and clean-up in all cases.
- L. Solid and Liquid Waste Disposal
- (1) The business shall ensure that solid and liquid waste are disposed appropriately with solids going in waste bins and wastewater discharged to the sewer, such as through a sink or toilet.
 - (2) Releases of waste to the environment, such as to the gutter or storm drain, are strictly prohibited.
 - (3) Approval of the means and methods of discharging solid and liquid waste by the City of Riverside does not relieve the operator of the establishment from conforming to the Federal, State, County, and City's Heath standards.
 - (4) The City reserves the rights to request the operator/owner of the establishment to make changes or relinquish the current use if deemed necessary.
- M. Additional Requirements for Outdoor Operations in City Parks
- (1) The applicant shall complete and submit a Facility Rental Application for the outdoor operation.
 - (2) The applicant shall prepare and submit a Safe Reopening Plan, per the Department of Parks, Recreation and Community Services template, to ensure all State and County guidance is followed.
 - (3) Any amplified music and sound used to facilitate the activity may not exceed the requirements of Title 7 of the Riverside Municipal Code.
- N. Insurance Requirements
- (1) For any outdoor operation on publicly owned lands, each establishment must provide a General Liability Insurance Certificate providing evidence of general liability insurance coverage in the minimum amount of \$1,000,000 combined single limit, \$2,000,000 aggregate AND an additional insured endorsement naming the City of Riverside, its officers, employees and agents' as additional

insured.

- (2) The applicant will also be required to provide a waiver of subrogation in favor of the City of Riverside.
 - (3) \$1,000,000 Liquor Liability if the event is selling alcohol. \$1,000,000 Liquor Host if the event is distributing alcohol at no charge.
 - (4) The General Liability Insurance Certificate must be submitted with the application for the Temporary Outdoor Flex-Space Permit.
- O. The business shall be responsible for removal of all portable fixtures, chairs, etc. each evening at closing.
- P. All Category 5 outdoor operations shall comply with the posted hours of operation in the applicable City Park.

5. County Health Department Requirements

All businesses shall meet applicable County Health Department requirements.

6. State of California Requirements

All State of California requirements shall be met.

7. Removal of Outdoor Operations

- A. The City reserves the right to remove any outdoor operations that:
- (1) Creates an obstruction to, or causes congestion of, pedestrian or vehicular traffic due to existing conditions on the surrounding public right-of-way if it finds the installation represents a danger to the health, safety or general welfare of the public; or
 - (2) A business violates the requirements of the Temporary Outdoor Flex-Space Permits Program or Federal, State and Local orders.
- B. Violation of Requirements
- (1) For any violation of this Program, a first, verbal warning will be given to the owner and/or manager of the outdoor operations.
 - (2) If the violation continues, no matter the timeframe, a second warning will be given in writing to the owner and/or manager of the outdoor operations.
 - (3) If the violation continues following the written warning, no matter the timeframe or the Category, the outdoor operations Permit will be rescinded, and the outdoor operations and/or any use of the City's right of way (if applicable) must cease.
- C. Any costs incurred by the City for removal or storage of outdoor operations equipment shall be the responsibility of the business. The City is not responsible for any damages or loss of equipment removed pursuant to this subsection.