

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.

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 WHEREAS, the City of Riverside identified the need for flexible, creative and
21 innovative approaches to assist local dine-in restaurants in order to achieve normal occupancy
22 levels given physical distancing requirements and other modifications deemed necessary for
23 public health and on May 26, 2020, the Director of Emergency Services issued an Order
24 regarding Temporary Outdoor Flex Space for Restaurants, which Order was ratified by the City
25 Council on June 2, 2020; and

26 WHEREAS, on June 18, 2020, Governor Gavin Newsom required face coverings given
27 an increase in positive cases, hospitalizations, ICU bed use and other concerns relative to
28 COVID-19; and

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

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

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

11 WHEREAS, in order to allow these retail operations to continue, the City has developed
12 a program to allow outdoor flex-space for businesses located within the City on both private and
13 public land, which program is attached hereto as Exhibit “A” and incorporated herein by
14 reference; and

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

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

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

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

25 NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the
26 Director of Emergency Services of the City of Riverside pursuant to Governor Gavin Newsom’s
27 variance granted to the County of Riverside on May 22, 2020, and Governor’s orders of July 1
28 and July 13, 2020, all brewpubs, craft distilleries, breweries, bars, pubs, indoor dining in

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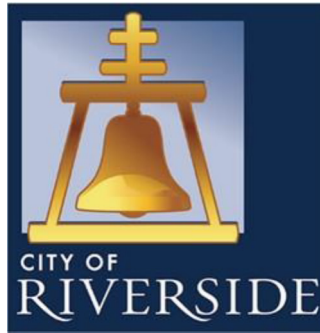
restaurants and wineries, and all indoor operations consistent with the Governor’s orders are to close. To provide for the economic recovery of our business, dining and services are allowed and encouraged outside subject to the following protocols, procedures and requirements as set forth in Exhibit “A” attached hereto and incorporated herein by reference. This order shall continue until the Governor lifts the limitations on indoor businesses.

Dated: Jul 14, 2020


Al Zelinka (Jul 14, 2020 14:18 PDT)
Director of Emergency Services
City of Riverside

EXHIBIT "A"

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City of Riverside Temporary Outdoor Flex-Space Permit Program

Guidelines and Procedures

Date: July 13, 2020

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1. Program Overview

In accordance with the State’s Resilience Roadmap <https://covid19.ca.gov/roadmap/>, the City of Riverside has developed a program to allow outdoor flex-space for businesses located within the City on both private and public land. All businesses **MUST** adhere to public safety and physical distancing requirements established by the Federal, State and County. This program only applies to businesses identified by the State of California as “lower risk workplaces” as identified on the State’s Resilience Roadmap.

To promote public safety, the following shall be applicable to all outdoor flex-spaces that anticipate utilizing the Temporary Outdoor Flex-Space Permit. All outdoor flex-spaces- that use the Temporary Outdoor Flex-Space Permit Program must follow the guidance in the COVID-19 Industry Guidance found here: <https://covid19.ca.gov/industry-guidance/> for the specific business. 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.

2. Cost and Expiration

- A. There is no initial cost for the initial Temporary Outdoor Flex-Space Permit.
- B. All Temporary Outdoor Flex-Space Permits shall expire ninety (90) days from issuance or until the end of the Emergency Declaration, whichever is greater.
- C. Temporary Outdoor Flex-Space Permits may be extended up to ninety (90) 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

On private property, businesses may operate outdoors on areas where vehicular activity does not normally occur, such as private walkways/plazas/patios, or, on private parking spaces, with owner consent, when the parking is located on the same parcel.

Businesses must ensure that outdoor operations do not impede or eliminate any exiting from buildings or fire access required on site. Proposed outdoor operations on 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 – 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

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 reserves the right to audit the submission of any application to ensure compliance as required to maintain health, safety and accessibility.

C. Category 3 (Self Certification) – Outdoor Operations on Public Sidewalk/Plazas and Parking Lots

Businesses with access to sidewalks/plazas including, but not limited to the Main Street Pedestrian Mall may be established with City or property owner consent. The proposed use of the sidewalk/plazas and parking lots shall maintain ADA pedestrian paths and assess impacts to metered parking stalls, if applicable.

How can you get started immediately?

Provisional Approval - Upon receipt of the complete application, the business may begin outdoor operations. The City shall retroactively review Category 3 applications to ensure compliance with these guidelines and procedures as required to maintain health, safety and accessibility.

D. Category 4 – (City Review Required) Outdoor operations on City Roadways, Alleyways and Rights-of-Way

Outdoor operations may expand operating space in designated portions of the public rights-of-way. These include City roadways, alleyways and rights-of-way having a posted speed limit of 35 miles-per-hour (mph) or lower. The proposed use of the public right-of-way shall maintain ADA pedestrian paths, review impacted utilities, and assess impacts to metered parking stalls, bike lanes, bus stops, travel lanes, and other roadway amenities.

For use of parking spaces within the right-of-way, without a full road closure, the City's Temporary Parklet Program shall apply.

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 for all Businesses

A. ADA Compliance

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

(2) A clearly marked, unobstructed, and durable pedestrian path, that meets required accessibility standards, of no less than four (4) feet, shall be maintained for each sidewalk operation and shall adhere to the following standards:

a. The path can be taped, cordoned or signed to clearly show the path.

b. The minimum distance of the pedestrian path shall be measured from the outdoor operation at the portion of the sidewalk which is nearest either the nearest curb or the nearest obstruction.

(3) Outdoor dining shall maintain a minimum 44 inch aisle width and provide 5% accessible seating for each type of seating.

B. 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.

C. Improvement Restrictions in the Public Right-of-Way

Temporary Outdoor Flex-Space Permit Program

- (1) No improvements may be permanently affixed to any public rights-of-way.
 - (2) No physical modification of the right-of-way shall occur.
 - (3) Any physical damage to public property will be the responsibility of the applicant. The City reserves the right to subrogate and recover any costs incurred by the City to repair or replace damaged property.
- D. Up to 100% of the combined indoor occupant load may be accommodated outside 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 shall include:
- (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, tables, 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. The width of the outdoor operations is restricted as follows:
- (1) Shall not exceed the width of any sidewalk frontage of the applying property.
 - (2) Applicants may coordinate with adjacent property owners/tenants to extend their outdoor operations.
 - (3) Applicants may coordinate together, extending their premise in a joint application without exceeding the maximum outdoor occupancy limits as required by this policy.
- G. Fire Lane Access
- (1) 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.
 - (2) A minimum, clear and unobstructed twenty (20) feet fire lane shall be maintained at all times.
 - (3) There shall be a minimum of forty (40) inches in distance separating the edge of the outdoor operations to a fire department connection.
- H. Signage
- (1) For all outdoor operations, any signage within the public right-of-way cannot contain advertising, branding and the like.
 - (2) If the business is a restaurant serving alcohol, signage shall be placed on the restaurant premises informing customers that, with proper State of California Alcohol Beverage Control permits:
 - a. Any alcohol purchased for consumption in the outdoor flex-space, must be consumed within the designated and barriered area.
 - b. Any alcohol purchased to go, must be taken from the restaurant in a closed container.
- I. Lighting

Temporary Outdoor Flex-Space Permit Program

- (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'.

J. Heaters and Food Preparation

- (1) No heaters shall be permitted in any outdoor operation.
- (2) No cooking or open flames are permitted.
- (3) No food preparation, plastic food displays, food storage, or refrigeration apparatus shall be allowed.

K. Umbrellas

- (1) Umbrellas shall be secured, fire-retardant, pressure-treated and/or manufactured of fire-resistant material.
- (2) No portion of an umbrella shall be less than six (6) feet, eight (8) inches (eighty (80) inches) above the sidewalk.

L. Tents and Membrane Structures shall obtain pre-requisite permits as required by the City.

M. 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.

5. Requirements for Businesses on Public Land

- A. 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. The applicant will also be required to provide a waiver of subrogation in favor of the City of Riverside. \$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. This document must be submitted with the application for the Temporary Outdoor Flex-Space Permit.
- B. Barriers
 - (1) Removable barriers should define the outdoor operations.
 - (2) Use of landscaping and planters is permissible.
- C. The business shall be responsible for removal of all portable fixtures, tables, chairs, etc. each evening at closing.
- D. All Category 4 applications, in addition to all applications necessitating traffic control or pedestrian detours within the public right of way, may be required to comply with criteria generally reserved for Encroachment Permits and/or Street Opening Permits as deemed appropriate by the Public Works Department, including but not limited to: performance of work by a CA Contractor holding an appropriate and valid license and submittal of traffic control plans.

6. Other City of Riverside Requirements

Temporary Outdoor Flex-Space Permit Program

Separate building permits are required for any onsite infrastructure to include electrical, mechanical, or plumbing in support of the outdoor operation.

7. County Health Department Requirements

All businesses shall meet applicable County Health Department requirements.

8. State of California Requirements

A. Alcohol Beverage Control

(1) Restaurants and food establishments licensed by the State of California Alcohol Beverage Control will be permitted to sell and allow on-premise consumption of alcoholic beverages within the outdoor dining area on private property, on immediately adjacent sidewalks, within parklets and outdoor dining that have been closed to traffic by the City of Riverside.

(2) The proper COVID-19 Temporary Catering Authorization is required from the State of California Alcohol Beverage Control to sell alcohol beverages at the outdoor dining area.

The Covid-19 Temporary Catering Authorization Application can be found at: <https://www.abc.ca.gov/>

(3) Establishments that serve alcoholic beverages in the outdoor dining area shall provide a physical barrier that meets the requirements of the Alcoholic Beverage Control Board.

a. The Applicant is responsible for managing these barriers and removing them when necessary.

(4) Outdoor dining for restaurants using public rights-of-way for outdoor dining shall comply with the following closing times:

a. Thursday through Saturday – close at 11:00 PM

b. Sunday through Wednesday – close at 10:00 PM

(5) Dine-in restaurants not currently permitted to sell alcohol will not be affected by this requirement.

B. All requirements of the Board of Barbering and Cosmetology shall be met.

C. Any State of California requirements shall be met.

9. 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. The City may require the removal, temporary or permanent, of any outdoor operation when redevelopment or improvements of the street or sidewalk, or utility repairs necessitates such action, or the permittee fails to comply with the criteria set forth in existing City ordinances.

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.






Outdoor Dining Services Uses and Retail Order

Final Audit Report

2020-07-14

Created:	2020-07-14
By:	Brandi Becker (bbecker@riversideca.gov)
Status:	Signed
Transaction ID:	CBJCHBCAABAAsIXoKJfbKKhKw1kLw-g4oozHKEV0aMrS

"Outdoor Dining Services Uses and Retail Order" History

-  **Document created by Brandi Becker (bbecker@riversideca.gov)**
2020-07-14 - 9:16:40 PM GMT - IP address: 192.248.248.55
-  **Document emailed to Al Zelinka (azelinka@riversideca.gov) for signature**
2020-07-14 - 9:17:25 PM GMT
-  **Email viewed by Al Zelinka (azelinka@riversideca.gov)**
2020-07-14 - 9:17:45 PM GMT - IP address: 192.248.248.55
-  **Document e-signed by Al Zelinka (azelinka@riversideca.gov)**
Signature Date: 2020-07-14 - 9:18:08 PM GMT - Time Source: server- IP address: 192.248.248.55
-  **Signed document emailed to Al Zelinka (azelinka@riversideca.gov) and Brandi Becker (bbecker@riversideca.gov)**
2020-07-14 - 9:18:08 PM GMT