

City of Arts & Innovation

City Council Memorandum

TO: HONORABLE MAYOR AND CITY COUNCIL **DATE: SEPT 1, 2020**

FROM: COUNCILMEMBER RONALDO FIERRO **WARDS: ALL**
COUNCILMEMBER ERIN EDWARDS

SUBJECT: EXPAND OUTDOOR FLEX-SPACE PERMIT PROGRAM FOR USE OF PUBLIC PARKS BY LOCAL GYMS AND FITNESS-CENTERED BUSINESSES; WAIVE FEES FOR PARK USE.

ISSUE: Expansion of innovative Outdoor Flex-Space Permit Program to allow local gyms and fitness-oriented businesses that have been closed due to COVID-19 to continue business operations in public parks without cost.

RECOMMENDATIONS:

That the City Council:

1. Direct staff to streamline the permit process by implementing a new category within the Outdoor Flex-Space Permit (Category 5) to specifically allow for brick and mortar gyms and fitness-oriented businesses to conduct operations within public parks while indoor operations are shuttered, with the following details:
 - a. The Parks and Recreation Department and other applicable City departments will directly review applications and ensure that the proposed operations do not substantially impact other park users or operations such as youth sports; and
 - b. Staff will review and ensure that COVID-19 safety protocols, orders and guidelines are planned for and implemented along with commercial and/or liability insurance; and
 - c. Applicants are eligible only if they have a brick and mortar fitness-oriented business that is unable to resume indoor activities due to COVID orders.
2. Direct staff to waive permit and use fees for brick and mortar gyms and fitness-oriented businesses who have been forced to close their physical locations due to the pandemic so that they may operate within our public parks.
3. Direct staff to report back to the City Council within 90 days, the fiscal impact associated with the fee waivers through this action and any additional recommendations necessary.

BACKGROUND:

On July 1, 2020, Governor Newsom ordered all bars, wineries, and breweries to be closed as well as all indoor dining due to the increase in positive cases, hospitalizations, ICU bed use and other concerns relative to COVID-19. To continue to provide more outdoor dining for restaurants, the City revised its Temporary Outdoor Flex Space of Restaurants to allow for easier outdoor dining on July 2, 2020.

On July 13, 2020 after witnessing a large and steady increase in COVID-19 cases and hospitalizations, the Governor of California announced sweeping closures for indoor operations of personal care services, retail, gyms, fitness-oriented businesses and other indoor operations in an effort to slow the spread of the deadly and highly contagious disease in indoor settings.

When these indoor operations were shuttered, the team responded by expanding this program to cover all retail operations and for gyms to operate on the concrete sidewalk and street outside their place of business, on both private and public land. These proactive measures reflect the ingenuity and flexibility that is needed during times of crisis.

On July 21, 2020, the City Council ratified the Order by the Director of Emergency Services to implement this program. This program currently only applies to businesses identified by the State as “lower risk workplaces” as identified on the State’s Resilience Roadmap. All businesses utilizing this program are required to adhere to all Federal, State, and County public safety and physical distancing requirements. The order expires once the Governor’s order closing indoor businesses is lifted.

The Outdoor Flex-Space Program currently has four categories: (1) Self Certification for outdoor use on private property with less than 50 patrons; (2) Self-certification on outdoor uses completely on private property with 50 or more patrons; (3) Outdoor operations on public sidewalk/plazas and parking lots; (4) Outdoor operations on City roadways, alleyways, and rights of way.

Separate building permits are required for any onsite infrastructure to include electrical, mechanical, or plumbing in support of the outdoor operation. All businesses are required to meet applicable County Health Department requirements.

Since the program went into effect in early July, gyms and fitness-oriented businesses, however, have found difficulty teaching fitness classes or implementing other services on the hot concrete outside their places of business, especially in the summer heat.

DISCUSSION:

Gyms and fitness-oriented businesses, many of whom have had operations shut down for over a month with no foreseeable end in sight, are finding extreme difficulty in utilizing the Outdoor Flex-Space program, especially given the record-high heat waves and additionally the lack of space near places of operation to adequately social distance in a fitness class.

In an effort to adapt, many small gyms and fitness-oriented businesses have started to operate in Riverside’s public parks. Unregulated, these activities have the potential to not abide to public health guidelines and to potentially clash with other permitted activities within the parks, including youth sports.

Currently, if a gym wants to legally operate in our parks, they are required go through an extensive process to sign up as a contractor with the Parks and Recreation Department. Once this agreement is operative, they are then required to pay an hourly fee when operating at the park.

These small businesses are under a large amount of pressure to adapt their business model while still burdened with mounting operating costs that continues to pile on, including paying rent for buildings that are no longer in use. The City can help alleviate this pressure by providing streamlined permitting and making it cost-free and easy to use our parks to continue operations.

This report recommends creating a new category within the Outdoor Flex-Space Permit (Category 5) specifically to allow for gyms and fitness-oriented businesses to conduct operations within public parks.

As proposed, the Department of Parks and Recreation will directly review applications and ensure that the proposed operations address liability insurance and that they align with Federal, State, County and City regulations and protocols related to COVID-19 and to ensure they do not substantially impact other park users or operations.

It is recommended that the City Council waive fees for permitting and use for brick and mortar gyms and fitness-oriented businesses who have been forced to close their physical locations due to the COVID-19 pandemic so that they may operate within our public parks. Any equipment rental fees or utility costs beyond normal park use will still be applicable.

The County of San Diego and the City of Poway have implemented similar programs in response to the impact of COVID-19 on brick and mortar fitness-oriented businesses.

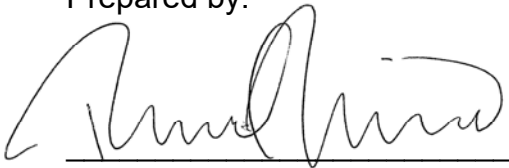
Since the early response to COVID-19, the Riverside City Council, City Team and community stakeholders have worked collaboratively to not only respond to the public health crisis caused by the pandemic but simultaneously respond to the massive economic and social impacts caused by the needed shutdown of indoor businesses operations.

While we remain largely in limbo in terms of the long-term recovery and the large-scale reopening of our local businesses, we do know that we will need to remain nimble and creative in order to keep our business community afloat and support reactivation of public life. Community connections and outdoor physical activity are essential for the wellbeing, quality of life, and physical health of our community during this pandemic.

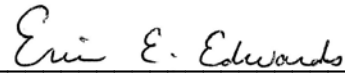
FISCAL IMPACT:

Other than increased staff time, there is no anticipated fiscal impact associated with this action, given that the businesses who qualify for this program would not otherwise be requesting to operate in public parks.

Prepared by:



RONALDO FIERRO.
City Councilmember, Ward 3



ERIN EDWARDS
City Councilmember, Ward 1

Attachments:

1. Outdoor Flex-Space Permit Program - Guidelines and Procedures
2. Emergency Services Order 7.14.2020