



*City of Arts & Innovation*

# City Council Memorandum

**TO: HONORABLE MAYOR AND CITY COUNCIL** **DATE: JUNE 15, 2021**

**FROM: AL ZELINKA** **WARDS: ALL**  
**DIRECTOR OF EMERGENCY SERVICES**

**SUBJECT: ADOPT A RESOLUTION ESTABLISHING AN EXTENSION FOR THE TEMPORARY OUTDOOR FLEX SPACE PERMIT PROGRAM AND ENTERTAINMENT PERMIT GRACE PERIOD; AND RATIFY THE REVISED ORDER OF THE DIRECTOR OF EMERGENCY SERVICES FOR TEMPORARY OUTDOOR FLEX SPACE PERMIT PROGRAM AND ENTERTAINMENT PERMIT GRACE PERIOD FOLLOWING THE TERMINATION OF THE LOCAL EMERGENCY DECLARATION**

## **ISSUES:**

Adopt a resolution establishing an extension for the Temporary Outdoor Flex Space Permit Program and Entertainment Permit grace period and ratify the Revised Order of the Director of Emergency Services for Temporary Outdoor Flex Space Permit Program and Entertainment Permit grace period, following the termination of the local emergency declaration.

## **RECOMMENDATIONS:**

That the City Council:

1. Adopt a Resolution establishing an extension for the Outdoor Flex Space and Entertainment Permit programs, following the termination of the local emergency declaration; and
2. Ratify the Revised Order of the Director of Emergency Services amending the Temporary Outdoor Flex Space Permit Program and Entertainment Permit grace period as it relates to the termination of the local emergency declaration.

## **LEGISLATIVE HISTORY:**

The California Emergency Services Act (Government Code section 8550, et seq.), Government Code section 8630, and Riverside Municipal Code sections 2.68.010 and 9.20.060 empower the Director of Emergency Services and the Riverside City Council to proclaim a Local Emergency when the City Council is not in session when there exist conditions of disaster or of extreme peril to the safety of persons and property within the territorial limits of the City of Riverside which are or are likely to be beyond the control of the services, personnel, equipment, and facilities of the City and require the combined forces of other political subdivisions to combat. Said proclamations must be ratified by the City Council within seven days.

## **BACKGROUND:**

On March 4, 2020, Governor Newsom declared a state of emergency for the State of California as a result of the threat of COVID-19. On March 11, 2020, Governor Newsom issued his policy recommending the cancellation of public gatherings of 250 people or more and limitations on gatherings of people who are at higher risk for COVID-19 to 10 people or fewer, and delaying or canceling meetings where attendees cannot observe at least six (6) feet of “social distance” from one another.

On March 8, 2020, Riverside County’s Public Health Officer declared a local health emergency based on an imminent and proximate threat to public health from the introduction of COVID-19 in Riverside County. On March 10, 2020, the County of Riverside ratified the local emergency.

On March 11, 2020, the World Health Organization characterized COVID-19 as a pandemic.

On March 12, 2020, the Governor issued Executive Order N-25-20 which orders in part that “all 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.”

On March 13, 2020, President Trump declared the COVID-19 pandemic a national emergency.

On March 13, 2020, the Director of Emergency Services declared a local emergency to increase the City’s efforts to protect the public from COVID-19. The City’s proclamation of local emergency notes that “there exists conditions of a disaster or of extreme peril to the safety of persons or property within the territorial limits of the City of Riverside that are beyond the control of the services, personnel, equipment and facilities of the City for the reason of COVID-19.” The declaration of local emergency was ratified by the City Council on March 17, 2020.

On April 28, 2020, Governor Newsom announced California’s Pandemic Resilience Roadmap, which includes four different stages for easing California’s stay-at-home order. Stage 2 allowed the opening of certain low-risk uses with adaptations and safety guidelines in place.

On May 20, 2020, the County of Riverside submitted an attestation application to Governor Newsom requesting approval for the County of Riverside to move into the later stages of Stage 2 of the Governor’s Resilience Roadmap. On May 22, 2020, the Governor approved the attestation application and allowed the County of Riverside to allow specific business sectors, including dine-in restaurants (i.e. brewpubs, craft distilleries, breweries, bars, pubs, restaurants and wineries) and shopping centers (malls, destination shopping centers, strip and outlet malls, and swap meets) to move into the later stages of Stage 2 of the Governor’s Resilience Roadmap.

On May 26, 2020, the Director of Emergency Services issued an Order regarding Temporary Outdoor Flex Space, which was ratified by the City Council on June 2, 2020, in order to provide for flexible, creative and innovative approaches to assist local dine-in restaurants, retail, gyms and fitness centers, places of worship, offices for non-critical infrastructure sectors, personal care services, hair salons and barbershops, and malls to achieve normal occupancy levels given physical distancing requirements and other modifications deemed necessary for public health. This order has had several amendments due to the ever-changing times and circumstances, with the last amendment being ratified by the City Council on May 11, 2021.

On June 25, 2020, the Director of Emergency Services issued an order extending the timeframe for

the issuance of Entertainment Permits until October 2020.

### **DISCUSSION:**

On April 7, 2021, Riverside County moved into the Orange (Moderate) Tier of California's Blueprint for a Safer Economy and has continued to improve and move closer to the Yellow (Minimal) Tier.

On June 15, 2021, the Governor will initiate the Beyond the Blueprint for Industry and Business Sectors to fully reopen the California economy. It is anticipated that the Governor may also rescind the State emergency declaration, which will trigger local jurisdictions throughout California to rescind their local emergencies.

To allow for the smooth transition away from the emergency, and to allow for the City to evaluate the need for a permanent Flex Space Permit program, the current Flex Space Program needs to be extended for 30-days following the termination of the Local Emergency. Additionally, with the opening of businesses, restaurants, bars and nightclubs, entertainment activities will be occurring. To allow for businesses to comply with the Riverside Municipal Code Chapter 5.80 regarding Entertainment Permits, there needs to be an additional 120-day grace period in which businesses have to apply for the Entertainment Permit.

On June 2, 2021, the Director of Emergency Services issued the attached Order extending any existing Temporary Outdoor Flex Space Permit for 30 days following the termination of the local emergency. At the end of the 30-day period, all Outdoor Flex Spaces shall be removed unless otherwise extended or earlier terminated by the Council.

The Order also provides businesses with 120 days to apply for an Entertainment Permit without any cost. At the end of the 120-day period, any Entertainment Permit application will pay the fees established by the City Council.

### **FISCAL IMPACT:**

The total fiscal impact of the recommended actions of this report are unknown at this time.

Prepared by: Al Zelinka, Director of Emergency Services  
Certified as to  
availability of funds: Edward Enriquez, Chief Financial Officer/City Treasurer  
Approved as to form: Kristi J. Smith, Interim City Attorney

### **Attachments:**

1. Resolution
2. Order for Temporary Outdoor Flex Space Permit Program, and Entertainment Permit grace period – June 2, 2021