CITY OF RIVERSIDE
STATE OF CALIFORNIA
REVISED ORDER OF THE DIRECTOR OF EMERGENCY SERVICES
OUTDOOR DINING, SERVICE USES AND RETAIL

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

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

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

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
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

WHEREAS, Riverside Municipal Code section 9.20.050 empowers the Director of 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 such emergency; and

WHEREAS, on Wednesday, May 20, 2020, the County of Riverside submitted an attestation application to the Governor Gavin Newsom of California requesting approval for the County of Riverside to move into the later stages of Stage 2 of the Governor’s Resilience Roadmap; and

WHEREAS, on May 22, 2020, the Governor of California 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; and

WHEREAS, the City of Riverside identified the need for flexible, creative and innovative approaches to assist local dine-in restaurants in order to achieve normal occupancy levels given physical distancing requirements and other modifications deemed necessary for public health and on May 26, 2020, the Director of Emergency Services issued an Order regarding Temporary Outdoor Flex Space for Restaurants, which Order was ratified by the City Council on June 2, 2020; and
WHEREAS, on June 18, 2020, Governor Gavin Newsom required face coverings given an increase in positive cases, hospitalizations, ICU bed use and other concerns relative to COVID-19; and

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

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

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

WHEREAS, to expand opportunities for businesses to provide outdoor operations, on July 14 the City revised its Temporary Outdoor Flex-Space Program to allow outdoor flex-space for businesses located throughout the City on both private and public land; and

WHEREAS, in order to allow these retail operations to continue, the City has developed a program to allow outdoor flex-space for businesses located within the City on both private and public land; and

WHEREAS, on August 26, 2020, the Director of Emergency Services revised the July 2, 2020 Temporary Outdoor Restaurant Flex Space Order to allow for other service uses and retail to operate outdoors; and

WHEREAS, on September 1, 2020, City Council considered expanding opportunities for outdoor operations to allow them in City Parks and directed staff to expand the program; and
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

WHEREAS, the City is revising its Temporary Outdoor Flex-Space Permit Program to allow approved heaters within outdoor flex-spaces, providing all safety requirements are 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.
NOW, THEREFORE, IT IS HEREBY PROCLAIMED AND ORDERED by the Director of Emergency Services of the City of that the Temporary Outdoor Restaurant Flex Space Order is amended to modify the hours of operation for non-essential businesses to adhere to the Governor’s Limited Stay at Home Order, to allow approved heaters within outdoor flex-spaces, provided safety requirements are followed, given changes in the weather and falling temperatures leading into winter and to prohibit enclosed tent/membrane structures to ensure proper air flow which program is attached hereto as Exhibit "A" and incorporated herein by reference.

This order shall continue until the Governor lifts the limitations on indoor businesses.

Dated: 11/20/2020

Director of Emergency Services
City of Riverside
EXHIBIT “A”