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

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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, due to the need to continue to protect the public against COVID-19, but also working with the local businesses during these times, the City of Riverside identified the need for flexible, creative and innovative approaches to assist local restaurants, retail, gyms and fitness centers, places of worship, 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, in order to meet the needs as described above, on May 26, 2020, the Director of Emergency Services issued the initial Order regarding Temporary Outdoor Flex Space, which Order has had several amendments due to the ever changing times and circumstances, the last time being November 20, 2020, (the original Temporary Outdoor Flex Space Order and the several amendments will be referred to collectively as “Temporary Outdoor Flex Space Orders”); and

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

WHEREAS, on December 3, 2020, Governor Newsom announced a Regional Stay at Home Order which will be triggered when Intensive Care Unit (ICU) capacity drops below 15% in any designated Region, with the City of Riverside being located in the Southern California Region; and
WHEREAS, once the Regional Stay at Home Order is triggered for the Southern California Region, changes will be required regarding outdoor spaces to ensure that the latest guidelines are being adhered to as the uses continue to operate and the Temporary Outdoor Flex Space Orders and Guidelines; and

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

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

Dated: 12-7-20

[Signature]
Director of Emergency Services
City of Riverside
City of Riverside
Temporary Outdoor Flex-Space Permit Program

Guidelines and Procedures During Regional Stay at Home Order

Date: December 7, 2020
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.
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-week.

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).
   

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. Their installation is in accordance with the adopted fire and building codes, including the manufacturer's 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 Health 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
Temporary Outdoor Flex-Space Permit Program

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.