

SUMMONS (CITACION JUDICIAL)

FOR COURT USE ONLY
(SOLO PARA USO DE LA CORTE)

NOTICE TO DEFENDANT: (AVISO AL DEMANDADO):

FARMERS GROUP INC., a California Corporation, MID-CENTURY INSURANCE COMPANY, a California Corporation, Does 1 through 10, inclusive

YOU ARE BEING SUED BY PLAINTIFF:

(LO ESTÁ DEMANDANDO EL DEMANDANTE):

Land and Sea Restaurants, LLC, a California limited liability company,
dba EPIC Steakhouse and Waterbar

NOTICE! You have been sued. The court may decide against you without your being heard unless you respond within 30 days. Read the information below.

You have 30 CALENDAR DAYS after this summons and legal papers are served on you to file a written response at this court and have a copy served on the plaintiff. A letter or phone call will not protect you. Your written response must be in proper legal form if you want the court to hear your case. There may be a court form that you can use for your response. You can find these court forms and more information at the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), your county law library, or the courthouse nearest you. If you cannot pay the filing fee, ask the court clerk for a fee waiver form. If you do not file your response on time, you may lose the case by default, and your wages, money, and property may be taken without further warning from the court.

There are other legal requirements. You may want to call an attorney right away. If you do not know an attorney, you may want to call an attorney referral service. If you cannot afford an attorney, you may be eligible for free legal services from a nonprofit legal services program. You can locate these nonprofit groups at the California Legal Services Web site (www.lawhelpcalifornia.org), the California Courts Online Self-Help Center (www.courtinfo.ca.gov/selfhelp), or by contacting your local court or county bar association. NOTE: The court has a statutory lien for waived fees and costs on any settlement or arbitration award of \$10,000 or more in a civil case. The court's lien must be paid before the court will dismiss the case. ¡AVISO! Lo han demandado. Si no responde dentro de 30 días, la corte puede decidir en su contra sin escuchar su versión. Lea la información a continuación.

Tiene 30 DÍAS DE CALENDARIO después de que le entreguen esta citación y papeles legales para presentar una respuesta por escrito en esta corte y hacer que se entregue una copia al demandante. Una carta o una llamada telefónica no lo protegen. Su respuesta por escrito tiene que estar en formato legal correcto si desea que procesen su caso en la corte. Es posible que haya un formulario que usted pueda usar para su respuesta. Puede encontrar estos formularios de la corte y más información en el Centro de Ayuda de las Cortes de California (www.sucorte.ca.gov), en la biblioteca de leyes de su condado o en la corte que le quede más cerca. Si no puede pagar la cuota de presentación, pida al secretario de la corte que le dé un formulario de exención de pago de cuotas. Si no presenta su respuesta a tiempo, puede perder el caso por incumplimiento y la corte le podrá quitar su sueldo, dinero y bienes sin más advertencia.

Hay otros requisitos legales. Es recomendable que llame a un abogado inmediatamente. Si no conoce a un abogado, puede llamar a un servicio de remisión a abogados. Si no puede pagar a un abogado, es posible que cumpla con los requisitos para obtener servicios legales gratuitos de un programa de servicios legales sin fines de lucro. Puede encontrar estos grupos sin fines de lucro en el sitio web de California Legal Services, (www.lawhelpcalifornia.org), en el Centro de Ayuda de las Cortes de California, (www.sucorte.ca.gov) o poniéndose en contacto con la corte o el colegio de abogados locales. AVISO: Por ley, la corte tiene derecho a reclamar las cuotas y los costos exentos por imponer un gravamen sobre cualquier recuperación de \$10,000 ó más de valor recibida mediante un acuerdo o una concesión de arbitraje en un caso de derecho civil. Tiene que pagar el gravamen de la corte antes de que la corte pueda desechar el caso.

The name and address of the court is:

(El nombre y dirección de la corte es): San Francisco Superior Court
Civic Center Courthouse
400 McAllister Street, San Francisco, CA 94102

CASE NUMBER: (Número del Caso):

CGC-20-587729

The name, address, and telephone number of plaintiff's attorney, or plaintiff without an attorney, is: (El nombre, la dirección y el número de teléfono del abogado del demandante, o del demandante que no tiene abogado, es):

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DATE: NOV 16 2020
(Fecha)

Clerk of the Court

Clerk, by
(Secretario)

Deputy
(Adjunto)

(For proof of service of this summons, use Proof of Service of Summons (form POS-010).)

(Para prueba de entrega de esta citación use el formulario Proof of Service of Summons, (POS-010).)

NEYL WEBB



NOTICE TO THE PERSON SERVED: You are served

- ☐ as an individual defendant
- ☐ as the person sued under the fictitious name of (specify):
- ☒ on behalf of (specify):
under: ☒ CCP 416.10 (corporation) ☐ CCP 416.60 (minor)
☐ CCP 416.20 (defunct corporation) ☐ CCP 416.70 (conservatee)
☐ CCP 416.40 (association or partnership) ☐ CCP 416.90 (authorized person)
☐ other (specify):
- ☐ by personal delivery on (date)

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13

14 SUPERIOR COURT OF THE STATE OF CALIFORNIA
15 COUNTY OF SAN FRANCISCO
16

17 Land and Sea Restaurants, LLC, a
California limited liability company, dba
18 EPIC Steakhouse and Waterbar,

19 Plaintiff,

20 v.

21 FARMERS GROUP INC., a California
Corporation, MID-CENTURY
22 INSURANCE COMPANY, a California
Corporation, Does 1 through 10, inclusive,

23 Defendants.
24

FILED

San Francisco County Superior Court

NOV 16 2020

CLERK OF THE COURT

BY: 

Deputy Clerk

Case No.

CGC-20-587729

COMPLAINT & EXHIBITS 1-8

DEMAND FOR JURY TRIAL

1. BREACH OF CONTRACT,
2. BREACH OF COVENANT OF GOOD FAITH AND FAIR DEALING,
3. UNFAIR BUSINESS PRACTICES,
4. DECLARATORY RELIEF

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1 Plaintiff Land and Sea Restaurants, LLC, a California limited liability company, dba EPIC
2 Steakhouse and Waterbar, (collectively “Plaintiff” or “the Restaurants”) files this Complaint
3 Against Farmers Group, Inc., Mid-Century Insurance Company, and Does 1 through 10, inclusive
4 (collectively “Defendants” or “Farmers”), and alleges as follows:

5 **I. INTRODUCTION**

6 1. Land and Sea Restaurants, LLC operates EPIC Steakhouse (“Epic Steak”) and the
7 adjoining Waterbar, which sit oceanside along the San Francisco Embarcadero. Epic Steak and
8 Waterbar have been named Top Ten Restaurants in San Francisco by Gayot, Top Ten Bay Area
9 Restaurants With a View by the Huffington Post, and Restaurant Award Winners by Wine
10 Spectator.¹ The Restaurants have prime locations along San Francisco’s waterfront, offering al
11 fresco patio dining next to the Bay Bridge with sweeping panoramic views of the water, Treasure
12 Island, and the city skyline. Epic Steak features modern interpretations of traditional steakhouse
13 favorites, drawing inspiration from different preparations of meat from around the world.
14 Waterbar serves fresh-caught, sustainably sourced fish and shellfish, and offers one of the most
15 expansive selections of oysters on the West Coast.

16 2. Almost six months ago, both venues were forced to shut down. This closure was
17 ordered by state and local authorities who required them, their workers, and their customers to
18 “shelter in place” and abide by strict “social distancing” guidelines. This closure caused a total
19 loss of income, forcing the Restaurants to initially furlough their entire workforce. Through
20 government assistance, and other attempts to mitigate their losses once they were allowed to re-
21 open for outdoor dining, the Restaurants have rehired and retained the few employees they can.
22 But with mounting expenses, and uncertain prospects for future income, it is not clear if they will
23 be able to retain current staffing and benefits absent financial support.

24 3. To protect their businesses (and employees) from having to make such terrible
25 choices in situations like this one, the Restaurants purchased business interruption insurance from
26 Defendants. The Restaurants’ policy expressly provides coverage for “Lost Business Income”
27 and the consequences of actions by “Civil Authority.” Accordingly, the Restaurants

28 ¹ <https://www.epicsteak.com/press>

1 understandably believed that this policy would help protect their business in the unlikely event
2 that the government forced them to shutter their businesses.

3 4. Notwithstanding, and contrary to, the coverage provisions in its policy with
4 Defendants, and the obligations Defendants undertook in exchange for the Restaurants' insurance
5 premium payments, when Plaintiff submitted claims with Defendants for coverage, Defendants
6 summarily denied the Restaurants' claims. These denials were part of a premeditated strategy by
7 Defendants to deny all claims related to the "shelter in place" orders and COVID-19. They were
8 untethered to the facts of the claims, which Defendants did not adequately investigate, or the
9 specific coverage provided by the Restaurants' policy, and therefore violate California law.

10 **II. PARTIES**

11 **A. Plaintiff**

12 5. Plaintiff Land and Sea Restaurants, LLC is a California limited liability company
13 that does business as EPIC Steakhouse ("Epic Steak") and Waterbar, which are located in San
14 Francisco, California.

15 **B. Defendants**

16 6. Farmers Group Inc. ("Farmers") is a California corporation with its headquarters
17 and principal place of business in Los Angeles, California. Farmers also does business in other
18 names including Farmers Underwriters Association, a California Corporation, and owns service
19 marks including "Farmers Insurance Group of Companies" and "Farmers Insurance Group."

20 7. Mid-Century Insurance Company is a California corporation that is a subsidiary
21 and member of Farmers Group, Inc. with its headquarters and principal place of business in Los
22 Angeles, California.²

23 8. At all relevant times mentioned herein, Mid-Century Insurance Company
24 conducted business as Farmers Insurance and Farmers Group Inc. through the name Mid-Century
25 Insurance Company.

26 9. At all relevant times mentioned herein, Farmers Group Inc. directed, authorized,
27 controlled, and/or participated in the conduct of Mid-Century Insurance Company (to the extent

28 ² <https://www.farmers.com/companies/state/>

1 any independent conduct can even be ascribed to Mid-Century Insurance Company). Similarly,
2 any acts taken by Mid-Century Insurance Company were within the course, scope, and authority
3 of Farmers Group Inc.'s directions, authorizations, and controls. All actions of each Defendant
4 alleged in each cause of action into which this paragraph is incorporated by reference were
5 ratified and approved by the officers and/or managing agents of every other Defendant.

6 10. More specifically, Defendants issued a policy to Plaintiff, and corresponded with
7 them, ostensibly under the name of Mid-Century Insurance Company but using the brand
8 name(s), logo(s), office(s), equipment, and electronic and mailing addresses of Farmers Group,
9 Inc. In many cases, the correspondence appears to come from Farmers rather than Mid-Century
10 Insurance Company. The denial letters sent to Plaintiff also utilized the brand name and logos of
11 Farmers Insurance, Inc. Ex. 1 at 2; Ex. 2 at 2, 3. Those letters also include farmersinsurance.com
12 e-mail addresses and contact information throughout. *Id.*

13 11. Defendants DOES 1 through 10 ("Doe Defendants") were, at all relevant times,
14 transacting or otherwise engaged in the business of insurance in or relating to the State of
15 California, and the basis of this suit arises out of said conduct. The true names and capacities of
16 the Doe Defendants, whether individual, corporate, associate, or otherwise, are currently
17 unknown to Plaintiff, who therefore brings suit against these Defendants by their fictitious names
18 and capacities. Each of the Doe Defendants is, upon information and belief, partially or wholly
19 liable for the unlawful acts or omissions referred to herein, and for the resulting harm to Plaintiff.

20 12. In committing the wrongful acts alleged herein, each of the Defendants pursued, or
21 joined in the pursuit of, a common course of conduct, and have acted in concert and/or conspired
22 with one another in furtherance of the improper acts and transactions that are the subject of this
23 Complaint.

24 **III. JURISDICTION AND VENUE**

25 13. This Court has subject matter jurisdiction over this action. Substantial conduct
26 giving rise to this action took place, in whole or in part, in the County of San Francisco,
27 California. All insurance contracts giving rise to this action concern California businesses
28

operating in California, and the claims arise from violations of California law. The amounts in controversy in this action exceed the minimum jurisdictional amount of unlimited civil cases.

14. Venue is proper because substantial conduct giving rise to this action took place, in whole or in part, in the County of San Francisco, California.

IV. FACTUAL BACKGROUND

A. The Rapid Spread of COVID-19

15. COVID-19 is an infectious disease caused by a recently discovered novel coronavirus known as SARS-CoV-2 (“Coronavirus”). The first instances of the disease spreading to humans were diagnosed in or around December 2019.

16. According to the World Health Organization (“WHO”): “People can catch COVID-19 from others who have the virus. The disease can spread from person to person through small droplets from the nose or mouth which are spread when a person with COVID-19 coughs or exhales. These droplets land on objects and surfaces around the person. Other people then catch COVID-19 by touching these objects or surfaces, then touching their eyes, nose or mouth. People can also catch COVID-19 if they breathe in droplets from a person with COVID-19 who coughs out or exhales droplets.”³

17. This is problematic because a human sneeze can expel droplets of mucus and saliva that travel at nearly a hundred miles an hour and can spread up to 27 feet.⁴

18. According to a recent report in the *New York Times*, “[a]n infected person talking five minutes in a poorly ventilated space can also produce as many viral droplets as one infectious cough.”⁵ The more people in a conversation, the more droplets are dispersed.

³ See Q&A on coronaviruses (COVID-19), “How does COVID-19 spread?,” World Health Organization (April 16, 2020), available at <https://www.who.int/news-room/q-a-detail/q-a-coronaviruses> (last visited April 21, 2020).

⁴ Sarah Gibbens, “See how a sneeze can launch germs much farther than 6 feet,” *National Geographic* (April 17, 2020), available at <https://www.nationalgeographic.com/science/2020/04/coronavirus-covid-sneeze-fluid-dynamics-in-photos/> (last visited April 20, 2020).

⁵ See Yuliya Pashina-Kottas, et al., “This 3-D Simulation Shows Why Social Distancing Is So Important,” *The New York Times* (April 21, 2020), available at <https://www.nytimes.com/interactive/2020/04/14/science/coronavirus-transmission-cough-6-feet-ar-ul.html> (last visited April 21, 2020).

1 19. Although these droplets are smaller and less visible than other contaminants like
2 rust, mold, or paint, they are physical objects which can travel to other objects and cause harm.

3 20. These droplets can spread Coronavirus when they reach humans directly, or when
4 they land on habitable surfaces where they can survive until that surface is touched by a potential
5 human host.⁶

6 21. Droplets containing Coronavirus infect a variety of surfaces and objects for a
7 period of a few hours to several days. After inspecting a cruise ship inhabited by passengers
8 carrying the Coronavirus, the CDC reported that the virus was detectable on various surfaces
9 inside the cruise ship up to 17 days after passengers had vacated the cabins.⁷

10 22. Recent scientific evidence shows that Coronavirus can survive and remain virulent
11 on stainless steel and plastic for 3 to 6 days; on glass and banknotes for 3 days; and on wood and
12 cloth for 24 hours.⁸

13 23. Testing involving similar viruses in the Coronavirus family shows that
14 Coronavirus can likely survive on ceramics, silicon rubber, or paper up to 5 days.⁹

15 24. When public areas containing such surfaces may have been exposed to
16 Coronavirus, a number of countries including China, Italy, France, and Spain have required such
17 areas to be fumigated prior to re-opening.¹⁰

18 ⁶ See, e.g., CDC website, "How COVID-19 Spreads," 2020, available at <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/how-covid-spreads.html> (last visited April 21 2020).

19 ⁷ See Leah E. Moriarty, et al., "Public Health Responses to COVID-19 Outbreaks on Cruise Ships
20 — Worldwide, February–March 2020," 69 *Morbidity and Mortality Weekly Report* 347
(March 23, 2020), available at <https://www.cdc.gov/mmwr/volumes/69/wr/pdfs/mm6912e3-H.pdf> (last visited April 21, 2020).

21 ⁸ See Neeltje van Doremalen, et al., "Aerosol and Surface Stability of SARS-CoV-2 as Compared
22 to SARS-CoV-1," *New England Journal of Medicine* (Mar. 17, 2020), available at
<https://www.nejm.org/doi/pdf/10.1056/NEJMc2004973> (last visited April 21, 2020); Alex W.H.
23 Chin, et al., "Stability of SARS-CoV-2 in different environmental conditions," *The Lancet*
24 *Microbe* (April 2, 2020), available at [https://doi.org/10.1016/S2666-5247\(20\)30003-3](https://doi.org/10.1016/S2666-5247(20)30003-3) (last
visited April 21, 2020).

25 ⁹ See Guenter Kampf, et al., "Persistence of coronaviruses on inanimate surfaces and their
26 inactivation with biocidal agents," 104 *Journal of Hospital Infection* 246 (Feb. 6, 2020), available
at <https://www.ncbi.nlm.nih.gov/pmc/articles/PMC7132493/pdf/main.pdf> (last visited Apr. 21,
2020).

27 ¹⁰ See Mike Bird, et al., "China Is Open for Business, but the Postcoronavirus Reboot Looks Slow
28 and Rocky," *The Wall Street Journal* (March 26, 2020), available at
www.wsj.com/articles/china-is-open-for-business-but-the-post-coronavirus-reboot-looks-slow-and-rocky-11585232600 (last visited April 22, 2020); Jason Horowitz, "In Italy, Going Back to

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25. Because of its virulence, each person infected with Coronavirus can infect multiple new hosts, allowing the disease to spread exponentially.

26. This Coronavirus has spread throughout the world, including in the San Francisco metropolitan area.

B. The Policy Choice to Close Businesses

27. As the Coronavirus spread in the United States, governments began ordering citizens to shelter in place and close all non-essential businesses. Although many of these orders are mandatory, the decision to issue them was not. It was a specific policy choice made by federal, state, and local governments. By the time they made that choice, it was arguably the best choice available. But between the onset of the Coronavirus in the Chinese province of Wuhan in December 2019, and the forced closing of two restaurants and a bar in California metropolises three months later, lay a plethora of policy options that could have yielded different outcomes.

28. The decisions made during that time period, prior to and including the shelter in place orders, could have produced a variety of results, with varying economic effects and durations. In other words, the closure of Plaintiff's restaurants cannot be described as the inevitable response to the Coronavirus.

29. For example, in early 2020, as governments in South Korea, Taiwan, Hong Kong, and Singapore became aware that the Coronavirus was spreading, they took quick action. Through self-quarantines, widespread testing, and contact tracing, these four countries were able to effectively contain the spread of the virus without the need for an extended shutdown of nearly all businesses in their metropolises.¹¹

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Work May Depend on Having the Right Antibodies," *The New York Times* (April 4, 2020), available at www.nytimes.com/2020/04/04/world/europe/italy-coronavirus-antibodies.html (last visited April 22, 2020); Sarah Elzas, "French Teachers Push Back against Reopening Schools in May," *RFI* (released online Apr. 14, 2020), available at www.rfi.fr/en/france/20200414-french-teachers-push-back-against-reopening-schools-in-may (last visited April 22, 2020); Claudia Nuñez, "On the Front Line of the Coronavirus Threat in Spain, Tractors Scatter the Streets with Hope," *Los Angeles Times* (March 27, 2020), available at <https://www.latimes.com/world-nation/story/2020-03-27/on-the-front-line-of-the-pandemic-tractors-scatter-the-streets-with-hope#:~:text=On%20the%20front%20line%20of,scatter%20the%20streets%20with%20hope&text=Wearing%20masks%2C%20gloves%20and%20white,falling%20victim%20to%20the%20coronavirus> (last visited April 22, 2020).

¹¹ See Hannah Beech, "Tracking the Coronavirus: How Crowded Asian Cities Tackled an

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30. At the same time, Coronavirus was also spreading in the United States. But American governments did not aggressively isolate incoming Coronavirus cases as they developed.¹² Although attempts to combat the virus were certainly made, they were insufficient to stop exponential increases in infections.¹³ By March 2020, it became clear that the United States authorities had failed to contain the Coronavirus and would need to find a way to mitigate it.¹⁴

31. Federal, state, and local authorities decided to reduce the rate of infections as part of strategies colloquially referred to as “flattening the curve.”¹⁵

32. Although flattening the curve is likely to also reduce the total number of Americans infected in the long term, its primary function is to reduce stress on the health care system by using “social distancing” to draw out the time over which the infections will spread and multiply.¹⁶

33. Social distancing is neither a direct response to the Coronavirus, nor a form of quarantine. It is an inherently prophylactic policy that can be readily distinguished from a direct reaction to the Coronavirus because it targets healthy people, not sick people.

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Epidemic,” *The New York Times*, March 17, 2020, updated April 21, 2020, available at <https://www.nytimes.com/2020/03/17/world/asia/coronavirus-singapore-hong-kong-taiwan.html> (last visited Apr. 21, 2020); Michael J. Ahn, “Combating COVID-19: Lessons from South Korea,” Brookings Institute, April 13, 2020, available at <https://www.brookings.edu/blog/techtank/2020/04/13/combating-covid-19-lessons-from-south-korea/> (last visited April 21, 2020); Annelies Wilder-Smith et al., “Can we contain the COVID-19 outbreak with the same measures as for SARS?,” *The Lancet*, March 5, 2020, [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30129-8/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30129-8/fulltext) (last visited April 22, 2020), [https://www.thelancet.com/journals/laninf/article/PIIS1473-3099\(20\)30129-8/fulltext](https://www.thelancet.com/journals/laninf/article/PIIS1473-3099(20)30129-8/fulltext).

¹² Meg Anderson, “U.S. Sees Exponential Growth In Coronavirus Death Toll,” *NPR*, (Mar. 29, 2020), available at <https://www.npr.org/sections/coronavirus-live-updates/2020/03/29/823497607/u-s-sees-exponential-growth-in-coronavirus-death-toll> (last visited Apr. 23, 2020).

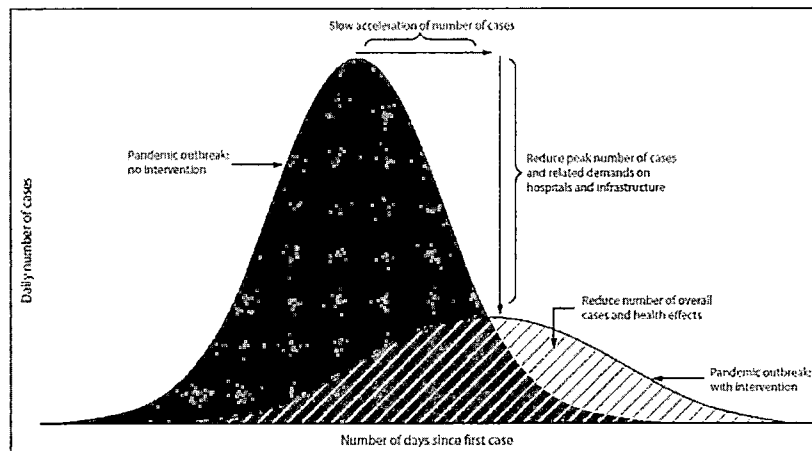
¹³ *Id.*

¹⁴ *Id.*

¹⁵ Specktor, Brandon, Coronavirus: What is ‘flattening the curve,’ and will it work?, *Live Science*, March 16, 2020, available at www.livescience.com/coronavirus-flatten-the-curve.html (last visited Apr. 22, 2020).

¹⁶ *Id.*

34. As illustrated by the following diagram, flattening the curve is a public health intervention designed to alter the trajectory of the Coronavirus.¹⁷



35. Absent the social distancing-based intervention(s), the Coronavirus would continue to multiply rapidly, spreading quickly throughout the population until it begins to run out of suitable hosts who have never had the disease. At that point, the infection rate would fall rapidly until the disease runs out of people to infect and “burns out.”¹⁸

36. A social distancing-based intervention reduces the number of potential contacts that an infectee can infect, thereby lowering the multiplication rate of the disease. Following the intervention, Coronavirus continues to spread but does so significantly more slowly, and therefore takes substantially longer to “burn out” (or, eventually, be cured by a vaccine).¹⁹

37. Consequently, flattening the curve also extends the total length of the epidemic. The changes to American society that accompany it (and their economic consequences) are likely to persist for an extended period.

¹⁷ *Id.*; “Stay Home Public Health Order, updated March 31, 2020,” *SFGov.com* (April 1, 2020). available at that link is broken. Not sure how to access that version of it, but here’s the link to the most recent order: <https://www.sfdph.org/dph/alerts/files/C19-07j-Shelter-in-Place-Health-Order.pdf> (last visited April 22, 2020).

¹⁸ *Id.*; Eric Lofgren et al., *The Epidemiological Implications of Incarceration Dynamics in Jails for Community, Corrections Officer, and Incarcerated Population Risks from COVID-19*, 10.1101/2020.04.08.20058842, 2020, available at <https://www.medrxiv.org/content/10.1101/2020.04.08.20058842v2.full.pdf> (last visited, April 22, 2020).

¹⁹ *Id.*

1 38. Recent events in other countries confirm that extended business closures were not
2 inevitable. Countries like Sweden have prohibited events with more than 50 attendees and
3 developed other policy responses without ordering large scale restaurant closures.²⁰ Similarly,
4 businesses are open or re-opening in South Korea, Taiwan, Singapore, and in even harder-hit
5 European countries like Germany, the Czech Republic, and Austria.²¹

6 39. This underscores that the Coronavirus did not cause business interruptions and
7 closures in the United States; government policies did.

8 **C. Local Orders Beginning in San Francisco**

9 40. Prior to the shelter in place order, the San Francisco Department of Public Health
10 (“SFPDH”) issued several orders limiting large gatherings, including orders on March 6, 2020
11 and March 11, 2020.

12 41. In support of these and other efforts, on March 12, 2020, Governor Newsom
13 issued Executive Order N-25-20 (“March 12 Executive Order”), ordering that: “All residents are
14 to heed any orders and guidance of state and local public health officials, including but not
15 limited to the imposition of social distancing measures, to control the spread of COVID-19” (¶ 1).
16 This Order took effect on March 12, 2020, and has remained continuously in effect through the
17 date of this Complaint.

18 42. On March 13, 2020, the SFPDH issued Order of the Health Officer No. C19-05b
19 (“March 13 Order”), which “prohibits all indoor public and private gatherings and outdoor
20 gatherings within an enclosed space that has a maximum occupant load of 100 people or more
21 anywhere in San Francisco” (p. 1). This order expressly includes restaurant dining rooms § 13(e–
22

23 ²⁰ See James Asquith, “No Lockdowns In Sweden As Stockholm Remains Open – Parks and
24 Open-Air Museums Operating,” *Forbes* (April 4, 2020), available at
25 <https://www.forbes.com/sites/jamesasquith/2020/04/04/no-lockdowns-in-sweden-as-stockholm-remains-open-parks-and-open-air-museums-operating/#6535278b707a> (last visited April 28, 2020).

26 ²¹ See Beech, *supra*; Rick Noack et al., “Nations credited with fast response to coronavirus are
27 moving to gradually reopen businesses,” *The Washington Post* (April 20, 2020), available at
28 <https://wapo.st/2VLQZxm> (last visited April 22, 2020); Luke Harding, “Germany opens some shops as Merkel warns of second wave of coronavirus,” *The Guardian*, April 20, 2020, available at <https://www.theguardian.com/world/2020/apr/20/german-shops-open-angela-merkel-warns-second-wave-coronavirus> (last visited April 22, 2020).

1 f). It was in effect for three to four days (from approximately 5:00 p.m. on March 13 until March
2 17 at 12:01 a.m.).

3 43. On March 16, 2020, the SFDPH issued Order of the Health Officer No. C19-07
4 (“March 16 Order”), which “revoke[d] and replace[d]” the March 13 Order. Ex. 3 at 3. The
5 March 16 Order states: “Restaurants and cafes—regardless of their seating capacity—that serve
6 food are *ordered closed* except solely for takeout and delivery service.” *Id.* at 3.²² It also
7 “requires all individuals anywhere in San Francisco to shelter in place—that is, stay at home—
8 except for certain essential activities and work to provide essential business.” *Id.* at 2. This
9 includes refraining from “[a]ll travel” and “[a]ll public and private gatherings of any number of
10 people occurring outside a single household” or “outside the home.” *Id.* at 2 & ¶¶ 4, 5. As an
11 exception to this prohibition, the March 16 Order permits travel and gathering that is necessary to
12 operate “Essential Business” (*Id.* at ¶¶ 5, 10.d), which the Order defines to include “[r]estaurants
13 and other facilities that prepare and serve food, but only for delivery or carry out.” *Id.* at
14 ¶ 10.f.xiii. Thus the order commands that “All persons may leave their residences only for
15 Essential Activities, Essential Governmental Functions, or to operate Essential Businesses.” *Id.*
16 at ¶ 2. Even when leaving the home is permissible, strict social distancing guidelines must be
17 observed. The order provides that “[v]iolation of or failure to comply with this Order is a
18 misdemeanor punishable by fine, imprisonment, or both” (*Id.* at 2), and “requests that the Sheriff
19 and the Chief of Police in the County ensure compliance with and enforce this Order,” since
20 “violation of any provision of this Order constitutes an imminent threat and creates an immediate
21 menace to public health.” *Id.* at ¶ 11.

22 44. On March 19, 2020, the State of California issued an Order of the State Public
23 Health Officer, which set baseline statewide restrictions on non-essential business activities
24 effective until further notice. On that same date, Governor Newsom issued Executive Order
25 N-33-20, expressly requiring California residents to follow the March 19 Order of the State
26 Public Health Officer, and incorporating by reference California Government Code 8665, which

27 _____
28 ²² This and other citations to page numbers from orders in this complaint, refer to the summaries
preceding the numbered paragraphs.

1 provides that “[a]ny person . . . who refuses or willfully neglects to obey any lawful order . . .
2 issued as provided in this chapter, shall be guilty of a misdemeanor and, upon conviction thereof,
3 shall be punishable by a fine of not to exceed one thousand dollars (\$1,000) or by imprisonment
4 for not to exceed six months or by both such fine and imprisonment” (Cal. Gov. Code § 8665).
5 The order also requires that “[w]hen people need to leave their homes . . . to obtain [or help
6 provide food] . . . they should at all times practice social distancing.” The March 19 Order of the
7 State Public Health Officer and Executive Order N-33-20 (collectively, the “Statewide Shelter
8 Orders”) took immediate effect on March 19, 2020, and both have remained continuously in
9 effect through the date of this Complaint.

10 45. On March 31, 2020, the SFDPH issued Order of the Health Officer No. C19-07b
11 (“March 31 Order”), which “supersedes” and “clarifies, strengthens, and extends certain terms of
12 the Prior [SF] Shelter Order to increase social distancing and reduce person-to-person contact to
13 further slow transmission of [COVID-19].” Ex. 4. ¶ 1. As concerns restaurants, the terms of the
14 Prior SF Shelter Order and the March 31 Order are substantially similar, with the March 31 Order
15 noting that “[r]estaurants, cafes, coffee shops, and other facilities that serve food—regardless of
16 their seating capacity—must remain closed except solely for takeout and delivery service” (*Id.* at
17 3), and continuing to define restaurants as Essential Businesses “only for delivery or carry out”
18 *Id.* at ¶ 13.f.xvii. The March 31 Order adds more stringent social distancing requirements for
19 Essential Businesses, directing them to “prepare, post, and implement a Social Distancing
20 Protocol.” *Id.* at ¶ 5, 13.h., Appendix A. Like its predecessor, the March 31 Order also limits the
21 movement and gatherings of individuals for non-essential purposes (and requires social distancing
22 at all times). It also provides that “[v]iolation of or failure to comply with this Order is a
23 misdemeanor punishable by fine, imprisonment, or both” (*Id.* at 2), and further provides that
24 “violation of any provision of this Order constitutes an imminent threat and menace to public
25 health” and “constitutes a public nuisance” *Id.* at ¶ 15. Collectively all of these San Francisco
26 orders, and subsequent related orders, shall be referred to as the “San Francisco Orders”.

27 46. Collectively, the Statewide Shelter Orders, along with the San Francisco Orders,
28 shall be referred to as the “Shelter in Place Orders” or the “Orders.”

1 47. The Orders were issued in response to direct physical loss of and/or direct physical
2 damage to properties. In San Francisco, there were numerous individuals who tested positive for
3 COVID-19, and the number of positive tests continues to grow. Further, COVID-19 was and is
4 present in these areas because, for example, it has attached to properties and surfaces on, at, or
5 within properties; and because COVID-19 was and is being transmitted in or between properties
6 throughout these areas, including but not limited to transmission through the air, through
7 ventilation systems, or through contact with contaminated surfaces.

8 48. On April 10, 2020, the City and County of San Francisco indicated that it issued
9 all of the orders “because of the propensity of the virus to spread person to person and also
10 because the virus physically is causing property loss or damage due to its proclivity to attach to
11 surfaces for prolonged periods of time.” Ex. 5 at 3. Other nearby counties have reached similar
12 conclusions. *See also* Ex. 6 (reflecting similar findings in Sonoma County).

13 49. On April 29, 2020 the County of San Francisco extended the previous orders (with
14 modifications not relevant here) to May 31, 2020. They were subsequently revised and extended
15 again on May 17, 2020, June 11, 2020, July 13, 2020, July 20, 2020, August 14, 2020, and
16 September 1, 2020.

17 50. On July 13, 2020 the SFPDH issued Order of the Health Officer No. C19-07f,
18 revised on July 20, 2019 (“July 20 Order”) updating and replacing its previous orders. Ex. 7 at 2.
19 Individuals are currently “ordered to stay in their place of Residence to the extent possible” (*Id.* at
20 ¶ 4.a) and “public and private gatherings of any number of people occurring outside a single
21 Household are prohibited, except as expressly permitted.” *Id.* at ¶ 4.f. The July 20 Order
22 commands that “operators of all Businesses allowed to operate must comply with the
23 requirements of the Social Distancing Protocol ... and must complete a Social Distancing
24 Protocol checklist.” *Id.* at ¶ 5.d. The Order also continues to prohibit indoor dining and defines
25 restaurants as Essential Businesses “only for delivery or carry out.” *Id.* at ¶ 8.a.xvi. The Order
26 permits “outdoor dining” for restaurants and bars that serve food subject to significant limitations
27 and conditions, including requiring restaurants to limit seating so that “patrons are at least six feet
28 apart from other patrons” and limit the number of patrons at a table *Id.* at Appendix C-1 ¶ 8.v.

1 The SFDPH updated and replaced the July 20 Order on August 14, 2020, September 1, 2020, and
2 most recently on September 30, 2020 with order No. C19-07j, which contain modifications not
3 relevant here: Ex. 8. Shelter in place and social distancing restrictions are in effect as of the date
4 of this Complaint.

5 **D. The Restaurants Close**

6 51. On or around March 16, 2020 the Restaurants closed to comply with the March 16,
7 2020 Order.

8 52. Under the Orders, the Restaurants were forced to close their serving areas²³ to the
9 public, thereby prohibiting access to, use of, and operations at the Restaurants.

10 53. Under the Orders, the Restaurants were forced to suspend dine-in food and/or
11 drink offerings at the Restaurants and service of dine-in food and/or drinks to customers, thereby
12 prohibiting access to, use of, and operations the Restaurants.

13 54. Under the Orders, customers were prohibited from accessing and using the
14 Restaurants' serving areas, thereby prohibiting access to, use of, and operations at the
15 Restaurants.

16 55. Under the Orders, the Restaurants' employees were prohibited from traveling to or
17 accessing the Restaurants for purposes of preparing and serving dine-in food and/or drinks,
18 thereby prohibiting access to, use of, and operations at the Restaurants.

19 56. Under the Orders, the Restaurants' employees were prohibited from traveling to or
20 accessing portions of the Restaurants utilized exclusively for preparing and serving dine-in food
21 and/or drinks, thereby prohibiting access to, use of, and operations at the Restaurants.

22 57. Under the Orders, the Restaurants' employees were prohibited from working in
23 close proximity to each other, thereby prohibiting access to, use of, and operations at the
24 Restaurants. This includes, but is not limited to, social distancing requirements and other safety
25 requirements that are not compatible with professional use of a kitchen (or other food or drink
26 preparation facilities).

27 ²³ Serving areas are spaces where patrons enjoy food and/or drink served and consumed inside an
28 establishment.

1 58. Under the Orders, the Restaurants lost access to the Restaurants, lost use of the
2 Restaurants, lost necessary use of necessary facilities at the Restaurants, and suspended
3 operations at the Restaurants.

4 59. After shutting down, the Restaurants suffered and continue to suffer substantial
5 lost business income and other financial losses.

6 60. These extraordinary losses of business income (and concern for their employees'
7 welfare) are precisely why the Restaurants took out the business interruption policy with
8 Defendants, which was meant to cover these losses.

9 61. The Restaurants also incurred extra expenses that were reasonable and necessary
10 to minimize income losses as a result of the Orders, including (but not limited to) expenses
11 associated with the preservation of property and adaptation of business models to provide new or
12 augmented sources of income.

13 **E. The Losses From These Closures Are Covered Business Interruptions**

14 62. The Restaurants purchased business interruption (and other related) insurance
15 policies from Defendants.

16 63. Epic Steak and Waterbar have insurance under policy number 0606774588, which
17 also covers a warehouse and office property they utilize at Pier 26.

18 64. The Restaurants have promptly and dutifully paid their premiums and complied
19 with all other elements of their agreements with Defendants.

20 65. The policy provides coverage for Lost Business Income, promising that
21 Defendants "will pay for the actual loss of Business Income you sustain due to the necessary
22 suspension of your 'operations' during the 'period of restoration'. The suspension must be caused
23 by direct physical loss of or damage to property at the described premises . . . caused by or
24 result[ing] from a Covered Cause of Loss." Ex. 9 at 80.

25 66. The policy defines suspension as including "partial slowdown or complete
26 cessation of your business activities" or the insured premises being "rendered untenable."
27 Ex. 9 at 119.

1 67. The Orders resulted in Plaintiff and its customers physically losing access to and
2 the ability to utilize the Restaurants, and particularly their serving areas.

3 68. The Orders required the suspension of business operations in the Restaurants'
4 serving areas.

5 69. The Orders also restricted Plaintiff's use of its kitchens (and drink preparation
6 areas), suspending operations there, by prohibiting certain business functions, like the preparation
7 of ready-to-eat food (and/or drink), and practices, like employees working in close proximity.
8 This was amplified by the Orders' restrictions on employees commuting to work and working to
9 fulfill the full bevy of orders typically placed at the Restaurants.

10 70. As a result of this physical harm, it became necessary for the Restaurants to
11 suspend operations, lose business income, and suffer other related covered losses (including but
12 not limited to extended business income, extra expenses, and food and drink spoilage).

13 71. When over \$50,000 in inventory was unusable and set to inevitably spoil the
14 Restaurants gave away that inventory rather than let it spoil. This includes food spoilage and
15 other losses at the Restaurants' warehouse facility at Pier 26, The Embarcadero, San Francisco,
16 California 94105.

17 72. The Restaurants' policy also provides Civil Authority coverage, promising that
18 Defendants "will pay for the actual loss of Business Income you sustain and necessary Extra
19 Expense caused by action of civil authority that prohibits access to the described premises due to
20 direct physical loss of or damage to property, other than at the described premises, caused by or
21 resulting from any Covered Cause of Loss." Ex. 9 at 82.

22 73. The Restaurants are located in San Francisco. As the Coronavirus spread, the
23 streets on which the Restaurants are located, and the buildings and objects in and around it,
24 became a breeding ground for the disease. Numerous individuals tested positive for Coronavirus,
25 and those numbers continue to grow. Coronavirus was and is present in these areas because, for
26 example, it has attached to properties and surfaces on, at, or within properties near the
27 Restaurants; and because Coronavirus was and is being transmitted in or between properties
28

1 throughout the areas near the Restaurants, including but not limited to transmission through the
2 air, through ventilation systems, or through contact with contaminated surfaces.

3 74. The Orders were issued in response to physical loss and damage occurring in
4 properties near the Restaurants and all around San Francisco. Prior to the issuance of the Orders,
5 government authorities had been limiting access to other properties on the basis of the
6 Coronavirus, including (but not limited to) sporting arenas, concert venues, and other places
7 where large numbers of people may gather.

8 75. The Orders prohibited Plaintiff and its customers from accessing and utilizing their
9 Restaurants, specifically their serving areas.

10 76. The Orders also restricted Plaintiff's access to and use of its kitchens (and other
11 food and/or drink preparation areas), by prohibiting certain business functions, like the
12 preparation of ready to eat food and/or drink, practices, like employees working in close
13 proximity, and operations, like having all employees commute to work, work during all regular
14 business hours, and fulfill all orders typically placed at the Restaurants.

15 77. As a result of this prohibition, the Restaurants lost business income and suffered
16 other related covered losses (including but not limited to extended business income, extra
17 expenses, and food spoilage. As described above, this includes food spoilage and other losses at
18 the Restaurants' warehouse facility at Pier 26, The Embarcadero San Francisco, CA 94105.

19 78. In correspondence with Plaintiff, Defendants have indicated that its policy contains
20 an exclusion related to viruses. Ex. 1 at 2; Ex. 2 at 3. This exclusion provides that Defendants
21 "will not pay for loss or damage caused by or resulting from any virus, bacterium or other
22 microorganism that induces or is capable of inducing physical distress, illness or disease," (the
23 "Virus Exclusion"). Ex. 9 at 150.

24 79. This exclusion does not apply and is not enforceable.

25 80. One key reason (of many) why the Virus Exclusion does not apply is that it is
26 limited to harm "caused by or resulting" from a virus.

1 81. This means independent actions taken in connection with the virus, by
2 governmental authorities, customers, suppliers, employees, and others, are not covered by the
3 exclusion.

4 82. Defendants are aware of and utilize broader causation-related language like
5 “arising under” and “directly or indirectly” in their business interruption insurance policy.

6 83. The Restaurants’ policy (Ex. 9 at 86, 103) contains exclusions for harm “however
7 caused, arising directly or indirectly out of” all of the following:

- 8 a. War
- 9 b. Undeclared War
- 10 c. Civil war
- 11 d. Warlike action by a military force
- 12 e. Warlike action hindering against an actual attack
- 13 f. Warlike action hindering against an expected attack
- 14 g. Warlike action defending against an actual attack
- 15 h. Warlike action defending against an expected attack
- 16 i. Insurrection
- 17 j. Rebellion
- 18 k. Revolution
- 19 l. Usurped power
- 20 m. Action taken by governmental authority in hindering any of the above
- 21 n. Action taken by governmental authority in defending against any of the
- 22 above.

23 84. Defendants intentionally chose not to use similar language in the Virus Exclusion.

24 85. Defendants intentionally chose not to add a global pandemic to the above list
25 concerning war and other catastrophes or add an express global pandemic exclusion.

26 86. Defendants are aware of and utilize a policy exclusion for harm “caused directly or
27 indirectly” by acts of terrorism and attempted acts of terrorism which includes “dispersal or
28 application of *pathogenic* or poisonous biological or chemical materials,” (emphasis added).

1 87. These policy exclusions are part of the Restaurants' policy. Ex. 9 at 34.

2 88. This terrorism (and bioterrorism) exclusion also expressly covers "loss or damage
3 caused directly or indirectly by 'terrorism,' including *action in hindering or defending against* an
4 actual or expected incident of 'terrorism'." *Id.* (emphasis added).

5 89. Defendants intentionally chose not to use similar language in the Virus Exclusion.

6 90. Defendants are aware of contractual force majeure clauses that suspend duties to
7 perform in the event of a global pandemic.

8 91. Defendants are parties to contracts which have force majeure provisions that apply
9 in the event of a global pandemic.

10 92. Defendants intentionally chose not to use force majeure clauses in their insurance
11 policy with the Restaurants.

12 **F. Defendants' Denial of Plaintiff's Insurance Claim**

13 93. Epic Steak filed a claim for and requested business interruption insurance coverage
14 from Defendants. This claim was later assigned the identification number 5008706788-1-1.

15 94. Waterbar filed a claim for and requested business interruption insurance coverage
16 from Defendants. This claim was later assigned the identification number 5008706806-1-1.

17 95. Defendants denied these claims without any inspection or review of the
18 Restaurants' physical locations or documents concerning their business activities in 2020.

19 96. Defendants have thereby waived any right to inspect those premises or deny
20 coverage or raise any defense related to conditions at those locations or facts specific to the
21 Restaurants.

22 97. Defendants did not and could not have engaged in a good faith or reasonable
23 investigation of the claim which included assessment of facts or issues relevant to the
24 Restaurants.

25 98. On information and belief, Defendants accepted the premiums paid by the
26 Restaurants with no intention of providing any lost business income, physical damage, civil
27 authority, or other applicable coverage for claims arising from the spread of Coronavirus or
28 societal, business, or governmental responses to it.

1 99. On information and belief, Defendants rejected the Restaurants' claims in bad faith
2 as part of a policy to limit their losses during this pandemic, notwithstanding that the policy
3 provides coverage for losses from closure orders issued by civil authorities (among other
4 coverage).

5 100. Although industry trade groups have argued that insurance companies do not have
6 the funds to pay claims related to the Coronavirus and will require government assistance, the
7 reality is that insurers are simply trying to minimize their exposure. "According to data from
8 ratings firm A.M. Best Co., the insurance industry as a whole has \$18.4 billion in net reserves for
9 future payouts."²⁴

10 101. Farmers collected more than \$20 billion in insurance premiums for property
11 related insurance in 2018 alone.²⁵ Notwithstanding this, they appear to be categorically denying
12 claims brought by businesses ordered to close following the Coronavirus. This strategy, and their
13 public requests for government assistance, suggests strongly that their true goal is minimizing
14 payments by any means necessary.

15 **V. CAUSES OF ACTION**

16 **FIRST CAUSE OF ACTION**
17 **Breach of Contract**

18 102. Plaintiff re-alleges and incorporates by reference into this cause of action all
19 allegations set forth in paragraphs 1–101 of this Complaint.

20 103. At all times relevant herein, Plaintiff has paid all premiums and fulfilled or
21 performed all obligations it has to Defendants, including (but not limited to) those under all
22 relevant insurance policy described in this complaint.

23 104. Defendants had contractual duties to provide Plaintiff with insurance coverage, as
24 alleged by Plaintiff herein.

25 ²⁴ See Leslie Scism, "U.S. Businesses Gear Up for Legal Disputes With Insurers Over
26 Coronavirus Claims," *Wall Street Journal* (March 6, 2020), available at
27 [https://www.wsj.com/articles/u-s-businesses-gear-up-for-legal-disputes-with-insurers-over-](https://www.wsj.com/articles/u-s-businesses-gear-up-for-legal-disputes-with-insurers-over-coronavirus-claims-11583465668?mod=article_inline)
28 [coronavirus-claims-11583465668?mod=article_inline](https://www.wsj.com/articles/u-s-businesses-gear-up-for-legal-disputes-with-insurers-over-coronavirus-claims-11583465668?mod=article_inline) (last visited April 28, 2020).

²⁵ See *Insurance Information Institute* website, "Facts + Statistics – Industry overview," available
at <https://www.iii.org/fact-statistic/facts-statistics-industry-overview> (last visited April 28, 2020).

105. In denying Plaintiff's insurance claims, and refusing to perform under the contract, Defendants breached those duties.

106. As a result of those breaches, Plaintiff has been damaged in the amount of coverage to which it is entitled its insurance agreements, the premiums it paid, and in an amount to be proved at trial, and for which Plaintiff seeks compensatory damages with interest thereon.

107. The Restaurants attempted to mitigate their lost income but were not able to. The Restaurants' specialties, business model, and fixed operating and labor costs are too high to support an exclusively takeout and delivery business model. On or around June 5, 2020 the Restaurants, in advance of re-opening for outdoor dining, reopened with a new menu for takeout-only service. On or around June 12, 2020 the Restaurants reopened for limited outdoor dining with a new menu. This menu is different in style and offerings from the traditional menu, and was created especially for Covid-19 service. The Restaurants did not re-open their bars or re-open the private dining portion of their businesses. These mitigation efforts required the Restaurants to incur extra expenses. Sales from these efforts have been extremely modest and not remotely comparable to those prior to the Orders.

SECOND CAUSE OF ACTION
Breach of Covenant of Good Faith and Fair Dealing

108. Plaintiff re-alleges and incorporates by reference into this cause of action all allegations set forth in paragraphs 1–101 of this Complaint.

109. When Defendants entered their agreements with Plaintiff, and with an successive amendments thereto, they undertook and were bound to covenants implied by law that they would deal fairly and in good faith with Plaintiff, and not engage in any acts, conduct, or omissions that would diminish the rights and benefits due Plaintiff, according to the terms of their agreements.

110. Upon information and belief, Defendants breached the implied covenant of good faith and fair dealing arising out of their agreements with Plaintiff by, unreasonably and in bad faith, denying Plaintiff insurance coverage to which it is entitled. Specifically, among other conduct Defendants, (a) failed or refused to perform a fair, objective, and thorough investigation of the claim as required by the California Insurance Code; (b) asserted coverage defenses that

1 were legally and/or factually invalid and thereby delaying resolution of Plaintiff's claim; and (c)
2 placed unduly restrictive interpretations on the terms of their insurance policy for the purpose of
3 denying coverage due.

4 111. In committing the above-referenced breach, Defendants intended to and did vex,
5 damage, annoy, and injure Plaintiff. Said conduct was intentional, willful, and with conscious
6 disregard of Plaintiff's rights, and was malicious, oppressive and/or fraudulent under California
7 Civil Code section 3294, thereby entitling Plaintiff to punitive and exemplary damages against
8 the Defendants.

9 112. As a direct and proximate result of the above-referenced breach, Plaintiff has had
10 to retain attorneys to enforce its right to the insurance coverage to which it is entitled and has
11 thereby been injured and damaged.

12 113. Plaintiff, therefore, is entitled to recover and seeks in connection with this Cause
13 of Action: (a) an award of general damages and other monetary damages, including all
14 foreseeable consequential and incidental damages for diminution in value, loss of use, and other
15 incidental damages and out-of-pocket expenses, plus interest, in an amount to be determined at
16 trial; (b) punitive and exemplary damages in an amount to be determined at trial; (c) Plaintiff's
17 costs of suit; and (d) Plaintiff's reasonable attorney's fees in connection with this action.

18 **THIRD CAUSE OF ACTION**
19 **Unfair Business Practices Under Bus. & Prof. Code § 17200, *et seq.***

20 114. Plaintiff re-alleges and incorporates by reference into this cause of action all
21 allegations set forth in paragraphs 1– 101 of this Complaint.

22 115. California's Unfair Competition Law, as codified by California Business &
23 Professions Code sections 17200, *et seq.*, protects both consumers and competitors by promoting
24 fair competition in commercial markets for goods and services. California's Unfair Competition
25 Law is interpreted broadly and provides a cause of action for any unlawful, unfair, or fraudulent
26 business act or practice. Any unlawful, unfair, or fraudulent business practice that causes injury
27 to consumers falls within the scope of California's Unfair Competition Law.
28

1 116. Defendants' acts and practices, as described herein, constitute unlawful violations
2 of California Business and Professions Code section 17200, *et seq.* because they violated
3 California's Insurance Code, including California Insurance Code section 790, *et seq.* because,
4 *inter alia*, they failed or refused to perform a fair, objective, and thorough investigation of the
5 claims. On information and belief, Defendants denied Plaintiff's claims as part of a policy of
6 categorically denying all business interruption claims related to the Coronavirus, and ignored
7 other California requirements concerning their evaluation of claims and interpretations of their
8 policies.

9 117. Defendants' acts and practices, as described herein, constitute unfair violations of
10 California Business and Professions Code section 17200, *et seq.* because they failed or refused to
11 perform a fair, objective, and thorough investigation of the claim as required by the California
12 Insurance Code, denied Plaintiff's claim as part of a policy of categorically denying claims
13 related to the Coronavirus, and failed to interpret its policy in an equitable manner and/or up to
14 the standards required by California law (including but not limited to Cal. Ins. Code section 790
15 *et seq.*).

16 118. Defendants' acts and practices, as described herein, constitute deceptive violations
17 of California Business and Professions Code section 17200, *et seq.* because they promised
18 Plaintiff coverage that was not provided, promised to evaluate each claim individually,
19 reasonably, and in good faith and did not, indicated they were investigating (and had investigated)
20 Plaintiff's claim but not did investigate the claim, failed or refused to perform the fair, objective,
21 and thorough investigation of the claim required by their policy and the California Insurance
22 Code, and denied Plaintiff's claim as part of a policy of categorically denying claims related to
23 the Coronavirus.

24 119. Defendants' acts and practices, as described herein, constitute fraudulent violations
25 of California Business and Professions Code section 17200, *et seq.* because they collected
26 Plaintiff's premiums in exchange for coverage that was not provided, induced those premiums by
27 promising to evaluate each claim individually, reasonably, and in good faith and did not, and
28 denied Plaintiff claim as part of a policy of categorically denying claims related to the

1 Coronavirus as part of a strategy to reduce their total insurance payments related to the
2 Coronavirus.

3 120. These acts include but are not limited to charging Plaintiff premiums in exchange
4 for purported coverage for losses in the event of lost income, loss of use of physical property,
5 limitation on use by a civil authority, or physical damage to property, without any intention of
6 satisfying those claims in an emergency.

7 121. Any claimed justification for Defendants' conduct is outweighed by the gravity of
8 the consequences to Plaintiff. Defendants' acts and practices are immoral, unethical, oppressive,
9 or unconscionable to the extent that they deceived Plaintiff about the coverage provided by the
10 policy, investigation of the claim, and interpretation of the policy, and procedures for doing so.
11 This culminated in a denial of the claim as part of a policy of categorically denying claims related
12 to the Coronavirus as part of a strategy to reduce their total insurance payments related to the
13 Coronavirus. This attempt to maximize Defendant's profits was substantially injurious to Plaintiff
14 who is a local entrepreneur who relied on its insurance to protect its business and its employees in
15 the event of disaster.

16 122. By reason of Defendants' fraudulent, deceptive, unfair, and other wrongful
17 conduct as alleged herein, said Defendants violated California Business and Professions Code
18 sections 17200, *et seq.*, by consummating an unlawful, unfair, and fraudulent business practice,
19 designed to deprive Plaintiff of the benefits of Defendants' financial products and services.

20 123. Defendants perpetrated these acts and practices against Plaintiff, and as a direct
21 and proximate result of the foregoing, Plaintiff has suffered and continue to suffer damages in a
22 sum which is, as of yet, unascertained. Pursuant to California Business and Professions Code
23 section 17203, Plaintiff is entitled to restitution of all the monies paid to Defendants for retaining
24 benefits that were due and owing to Plaintiff (with interest thereon), to disgorgement of all
25 Defendants' profits arising out of their unlawful conduct (with interest thereon), and to be paid
26 benefits due to Plaintiff that Defendants wrongfully retained by means of its unlawful business
27 practices.
28

1 124. Pursuant to California Code of Civil Procedure section 1021.5, Plaintiff is entitled
2 to recover its reasonable attorney's fees in connection with Defendants' unfair competition
3 claims.

4 **FOURTH CAUSE OF ACTION**
5 **Declaratory Relief**

6 125. Plaintiff re-alleges and incorporates by reference into this cause of action all
7 allegations set forth in paragraphs 1– 101 of this Complaint.

8 126. Under California Code of Civil Procedure section 1060, *et seq.*, the court may
9 declare rights, duties, statuses, and other legal relations, regardless of whether further relief is or
10 could be claimed.

11 127. An actual controversy has arisen between Plaintiff and Defendants as to their
12 respective rights and duties under Plaintiff's insurance policy.

13 128. Resolution of the parties' respective rights and duties under Plaintiff's insurance
14 policy by declaration of the Court is necessary, as there exists no adequate remedy at law.

15 129. Plaintiff alleges and contends, with respect to Plaintiff's Civil Authority coverage,
16 that each of the Closure Orders triggers that coverage because (a) each of the Orders is an order
17 of a civil authority, (b) each of the Orders specifically prohibits access to the Scheduled Premises
18 by prohibiting all potential on-premises dining customers and workers from accessing the
19 Scheduled Premises, (c) said prohibition of access by each of the Closure Orders has been
20 continuous and ongoing since the Orders were issued, such that access has not subsequently been
21 permitted, (d) each of the Closure Orders prohibits said access as the direct result of a Covered
22 Cause of Loss (i.e., a risk of direct physical loss of property) in the immediate area of the
23 Scheduled Premises, (e) no Policy coverage exclusions or limitations apply to exclude or limit
24 coverage, (f) Plaintiff has suffered actual and covered loss of Business Income in an amount to be
25 determined at trial, and (g) coverage should begin as of March 16, 2020.

26 130. Plaintiff alleges and contends that Plaintiff's Lost Business Income Coverage is
27 triggered because (a) Plaintiff has sustained actual loss of Business Income due to the closure of
28 the Restaurants, (b) said closure constitutes a necessary suspension of the Restaurants' operations

1 under Plaintiff's insurance policy, (c) this suspension has been and is caused by direct physical
2 loss of or physical damage to property at the Scheduled Premises, including personal property in
3 the open (or in a vehicle) within 1,000 feet of the Scheduled Premises, due to the presence of
4 Coronavirus, (d) the presence of Coronavirus is a Covered Cause of Loss, and (e) some or all of
5 the period of the Restaurants' closure is within the period of restoration under Plaintiff's
6 insurance policy.

7 131. Plaintiff alleges and contends that Defendants wrongly denied coverage with
8 respect to all the foregoing provisions.

9 132. Upon information and belief, Plaintiff alleges that Defendants dispute and deny
10 each of Plaintiff's contentions set forth in this Cause of Action.

11 133. Plaintiff, therefore, seeks a declaratory judgment regarding each of Plaintiff's
12 contentions set forth in this Cause of Action. A declaratory judgment determining that Plaintiff is
13 due coverage under its insurance policy, as set forth above, will help to ensure the survival of its
14 business during this prolonged closure made necessary by the Orders and by the presence of
15 Coronavirus around the Restaurants during this global pandemic.

16 **VII. PRAYER FOR RELIEF**

17 WHEREFORE, Plaintiff prays for judgment in its favor and against Defendants, as
18 follows:

- 19 a. For a declaration adopting each of Plaintiff's contentions set forth in the above
20 Cause of Action for Declaratory Relief;
- 21 b. For injunctive relief enjoining and restraining Defendants' unlawful conduct as
22 alleged herein, including but not limited to their unfair and unlawful business
23 practices and their wrongful denials of coverage under Plaintiff's insurance policy;
- 24 c. For general and compensatory damages in an amount to be determined at trial;
- 25 d. For exemplary and punitive damages in an amount to be determined at trial;
- 26 e. For Plaintiff's costs of suit;
- 27 f. For Plaintiff's reasonable attorney's fees incurred in this action pursuant to statute;
- 28 g. For pre judgment interest on all other interest to which Plaintiff is entitled; and

1 h. For such other relief as the Court may deem proper.
2

3 **VIII. JURY TRIAL DEMAND**

4 Plaintiff demands a trial by jury.
5

6 Dated: November 4, 2020



7 Robert J. Nelson

8 Robert J. Nelson (State Bar No. 132797)
9 Eric J. Fastiff (State Bar No. 182260)
10 Fabrice N. Vincent (State Bar No. 160780)
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15 San Francisco, CA 94111-3339
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17 *Attorneys for Plaintiff*
Land and Sea Restaurants, LLC
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EXHIBIT 1



Toll Free: (800) 435-7764
Email: myclaim@farmersinsurance.com
National Document Center
P.O. Box 268994
Oklahoma City, OK 73126-8994
Fax: (877) 217-1389

April 3, 2020

LAND AND SEA RESTAURANTS LLC EPIC
STEAKHOUSE
PIER 26, MAILBOX 7
SAN FRANCISCO CA 94105

RE:	Insured:	Land And Sea Restaurants LLC Epic Steakhouse
	Claim Unit Number:	5008706788-1-1
	Policy Number:	0606774588
	Loss Date:	03/16/2020
	Location of Loss:	369 The Embarcadero, San Francisco, CA
	Subject:	Claim Outcome Letter

Dear Pete Sittnick:

Thank you for choosing us to provide for your insurance needs. We value you as a customer and appreciate the opportunity to be of service.

We've completed our evaluation of your claim which was reported for an income loss due to COVID-19.

As discussed during our conversation on March 31, 2020, we have reviewed your claim and determined that there is no coverage for this loss. You reported the government has shut down or limited the operating capacity of your restaurant business resulting in a business income loss and loss of perishable items.

Unfortunately, there is no coverage found in your policy package for the business interruption as there is no direct physical loss of or damage to property at the described premises from a covered cause of loss.

Additionally, while the government has closed businesses using civil authority for containment of COVID-19, access to the described premises was not prohibited due to direct physical loss of or damage to property other than at the described premises resulting from a covered cause of loss. Therefore, there is no coverage under the Civil Authority section of your policy.

Spoilage may result from the extended closure causing perishable items to deteriorate which unfortunately is not a defined covered cause of spoilage under your Spoilage Coverage endorsement and deterioration is specifically excluded.

Lastly, your policy is endorsed to exclude loss or damage caused by or resulting from any virus that is capable of inducing physical distress, illness or disease. Due to the below stated policy provisions we will not be able to extend coverage and we must respectfully deny your claim.

You may wish to review these provisions of your Businessowners Special Property Coverage Form, BP 00 02 01 97 policy. They form the basis for our decision:

A. Coverage

We will pay for direct physical loss of or damage to Covered Property at the premises described in the Declarations caused by or resulting from any Covered Cause of Loss.

1. Covered Property

Covered Property, as used in this policy, means the type of property as described in this section, A.1., and limited in A.2., **PROPERTY NOT COVERED**, if a Limit of Insurance is shown in the Declarations for that type of property.

3. Covered Causes Of Loss

Risks of Direct Physical Loss unless the loss is;

- a. Excluded in Section B., **EXCLUSIONS**; or
- b. Limited in Paragraph A.4., **LIMITATIONS**; that follow.

5. Additional Coverages

f. Business Income

(1) Business Income

We will pay for the actual loss of Business Income you sustain due to the necessary suspension of your "operations" during the "period of restoration." The suspension must be caused by direct physical loss of or damage to property at the described premises. The loss or damage must be caused by or result from a Covered Cause of Loss. With respect to loss of or damage to personal property in a vehicle, the described premises include the area within 100 feet of the site at which the described premises are located.

i. **Civil Authority**

We will pay for the actual loss of **Business Income** you sustain and necessary **Extra Expense** caused by action of civil authority that prohibits access to the described premises due to direct physical loss of or damage to property, other than at the described premises, caused by or resulting from any Covered Cause of Loss.

B. **Exclusions**

2. We will not pay for loss or damage caused by or resulting from any of the following:

b. **Consequential Losses**

Delay, loss of use or loss of market.

k. **Other Types of Losses**

(2) Rust, corrosion, fungus, decay, deterioration, hidden or latent defect or any quality in property that causes it to damage or destroy itself;

But if an excluded cause of loss that is listed in B.2.k.(1) through B.2.k.(7) results in a "specified cause of loss" or building glass breakage, we will pay for the loss or damage caused by that "specified cause of loss" or building glass breakage.

3. We will not pay for loss or damage caused by or resulting from any of the following B.3.a. through B.3.c. But if an excluded cause of loss that is listed in B.3.a. through B.3.c. results in a Covered Cause of Loss, we will pay for the loss or damage caused by that Covered Cause of Loss.

b. **Acts or Decisions**

Acts or decisions, including the failure to act or decide, of any person, group, organization or governmental body.

H. **Property Definitions**

2. "Operations" means your business activities occurring at the described premises.

3. "Period of restoration" means the period of time that:

a. **Begins:**

(1) 72 hours after the time of direct physical loss or damage for Business Income Coverage; or

(2) Immediately after the time of direct physical loss or damage for Extra Expense Coverage;

caused by or resulting from any Covered Cause of Loss at the described premises; and

b. **Ends on the earlier of:**

(1) The date when the property at the described premises should be repaired, rebuilt or replaced with reasonable speed and similar quality; or

(2) The date when business is resumed at a new permanent location.

"Period of restoration" does not include any increased period required due to the enforcement of any ordinance or law that:

(1) Regulates the construction, use or repair, or requires the tearing down of any property; or

(2) Requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to or assess the effects of "pollutants."

The expiration date of this policy will not cut short the "period of restoration."

6. "Specified Causes of Loss" means the following:

Fire; lightning; explosion, windstorm or hail; smoke; aircraft or vehicles; riot or civil commotion; vandalism; leakage from fire extinguishing equipment; sinkhole collapse; volcanic action; falling objects; weight of snow, ice or sleet; water damage.

We refer you to the following language in your J7138 1st - BUSINESS INCOME AND EXTRA EXPENSE - PARTIAL SLOWDOWN COVERAGE endorsement.

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM
BUSINESSOWNERS SPECIAL PROPERTY COVERAGE FORM

B. Section A.5. Additional Coverages of the Businessowners Special Property Coverage Form is amended as follows:

1. The following is added to Paragraphs 5.f. Business Income and 5.g. Extra Expense:
 - (3) With respect to the coverage provided in this Additional Coverage, suspension means:
 - (a) The partial slowdown or complete cessation of your business activities; or
 - (b) That a part or all of the described premises is rendered untenable, if coverage for Business Income applies.
2. The last sentence of Paragraph 5.f. Business Income is replaced by the following:
 - (4) This Additional Coverage is not subject to the Limits of Insurance.
3. The last two sentences of Paragraph 5.g. Extra Expense are replaced by the following:
 - (4) We will only pay for Extra Expense that occurs within 12 consecutive months after the date of direct physical loss or damage. This Additional Coverage is not subject to the Limits of Insurance.

We refer you to the following language in your Limited Coverage For Fungi, Wet Rot, Dry Rot And Bacteria, J6828 1st Edition endorsement:

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS SPECIAL PROPERTY COVERAGE FORM
BUSINESSOWNERS COVERAGE FORM

- B. Paragraph B.2.k.(2) in the Businessowners Special Property Coverage Form and paragraph B.2.l.(2) in Section I – PROPERTY of the Businessowners Coverage FORM is replaced by the following:

- (2) Rust or other corrosion, decay, deterioration, hidden or latent defect or any quality in property that causes it to damage or destroy itself.

We refer you to the following language in your Spoilage Coverage, BP 04 15 01 97 endorsement:

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS POLICY

The Businessowners Property Coverage Form is extended to insure against direct physical loss of or damage to "perishable stock" indicated in the Schedule, caused by the Covered Causes(s) of Loss, as provided by this endorsement.

The following provisions (A. through I. Inclusive) apply to the coverage provided by this endorsement:

- A. Paragraph A.1. Covered Property is replaced by the following:

1. Covered Property

Covered Property means "perishable stock" shown in the Schedule at the described premises, if the "perishable stock" is:

- a. Owned by you and used in your business; or
- b. Owned by others and in your care, custody or control except as otherwise provided in Loss Condition E.6.d.(3)(b).

- C. Paragraph A.3. Covered Causes Of Loss is replaced by the following:

3. Covered Causes Of Loss

Subject to the exclusions described in Item E. of this endorsement, Covered Causes of Loss means the following as indicated in the Schedule:

- a. Breakdown or Contamination, meaning:

- (1) Change in temperature or humidity resulting from mechanical breakdown or mechanical failure of refrigerating, cooling or humidity control apparatus or equipment, only while such apparatus or equipment is at the described premises shown in the Schedule; or
- (2) Contamination by a refrigerant, only while the refrigerating apparatus or equipment is at the described premises shown in the Schedule.

Mechanical breakdown and mechanical failure do not mean power interruption, regardless of how or where the interruption is caused and whether or not the interruption is complete or partial.

- b. Power Outage, meaning change in temperature or humidity resulting from complete or partial interruption of electrical power, either on or off the described premises, due to conditions beyond your control.

We refer you to the following language in your Exclusion of Loss Due to Virus or Bacteria, J6316 1st Edition endorsement:

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS SPECIAL PROPERTY COVERAGE FORM
APARTMENT OWNERS PROPERTY COVERAGE FORM
CONDOMINIUM PROPERTY COVERAGE FORM

- A. The exclusion set forth in Paragraph B. applies to all coverage under Section A - Coverage in all forms and endorsements that comprise this policy, except as provided in Paragraph C. This includes but is not limited to forms or endorsements that cover property damage to buildings or personal property and forms or endorsements that cover business income, extra expense or action of civil authority.
- B. We will not pay for loss or damage caused by or resulting from any virus, bacterium or other microorganism that induces or is capable of inducing physical distress, illness or disease.

Based on the facts of this loss as well as all information known to us at this present time, we regret to inform you that we are unable to pay this claim.

We wish to inform you there are time limits as found in the Conditions language of your policy. These limits may have been extended by statute in your state. The time period set forth in the Conditions section is the shortest period which may apply.

E. Property Loss Conditions

4. **Legal Action Against Us**

No one may bring a legal action against us under this insurance unless:

- a. There has been full compliance with all of the terms of this insurance; and
- b. The action is brought within 2 years after the date on which the direct physical loss or damage occurred.

Please note, on occasion, policies are updated with newer editions. We encourage you to reference your policy and included endorsements for any updates.

Even though only parts of your policy are mentioned and quoted in this letter, additional portions may apply. If they are found to be relevant and applicable, they will be applied. Because of this, we recommend you review your entire policy.

By writing this letter, we do not waive any of the terms, conditions or provisions of the insurance policy, all of which are expressly retained and reserved. We expressly retain all available defenses now and hereafter.

If you believe your claim has been wrongfully rejected or denied, in whole or in part, please contact us for further clarification. The state of California requires that we provide you with the following notice: You may also have the matter reviewed by writing to the California Department of Insurance, Consumer Services and Market Conduct Branch, Claims Services Bureau, 300 South Spring Street, South Tower, Los Angeles, CA 90013 or by calling 1-800-927-4357 or 1-213-897-8921.

If you have any questions about your claim, or additional information that you feel we may have overlooked, please contact me at (916) 705-8786.

Thank you.

Mid-Century Insurance Company



Allen Call

Special Commercial Property Claims Representative

allen.call@farmersinsurance.com

(916) 705-8786

CC: BRAVO INSURANCE AGENCY INC

EXHIBIT 2



National Document Center
P.O. Box 268994
Oklahoma City, OK 73126-8994

April 2, 2020

001722



LAND AND SEA RESTAURANTS LLC., DBA: EPIC STEAKHOUSE
ATTN: PETE SITTNICK
PIER 26, MAILBOX 7
SAN FRANCISCO CA 94105



09 01 001722 752848K21 CB0402P1 0911 001722



Toll Free: (800) 435-7764
Email: myclaim@farmersinsurance.com
National Document Center
P.O. Box 268994
Oklahoma City, OK 73126-8994
Fax: (877) 217-1389

April 1, 2020

LAND AND SEA RESTAURANTS LLC., DBA: EPIC
STEAKHOUSE
ATTN: PETE SITTNICK
PIER 26, MAILBOX 7
SAN FRANCISCO CA 94105

RE:	Insured:	Land And Sea Restaurants Llc., Dba: Epic Steakhouse
	Claim Unit Number:	5008706806-1-1
	Policy Number:	0606774588
	Loss Date:	03/16/2020
	Location of Loss:	399 Embarcadero, San Francisco, CA
	Subject:	Claim Outcome Letter

Dear Mr. Sittnick:

Thank you for choosing us to provide for your insurance needs. We value you as a customer and appreciate the opportunity to be of service. We've completed our evaluation of your claim which was reported for an income loss due to the COVID-19 virus.

As we discussed on March 28, 2020, we have reviewed your claim and determined that there is no coverage for this loss. You reported that your restaurant business was suffering a slowdown, and now a complete closure, which resulted in a loss of sales related to the government's mandated restrictions concerning the COVID-19 virus, as well as spoilage of food. Unfortunately, there is no coverage found in your policy package for this business interruption as there is no direct physical loss or damage to property at the described premises from a covered cause of loss.

Additionally, while the government's efforts to contain the COVID-19 virus may have caused an interruption or a slowdown to your business, access to the described premise was not prohibited due to direct physical loss of or damage to property, other than at the described premises, from a covered cause of loss. Therefore, there is no coverage under the Civil Authority section of your policy.

Spoilage may result from the extended closure causing food to deteriorate which unfortunately is not a defined covered cause of spoilage under your Spoilage Coverage endorsement and deterioration is specifically excluded.

Lastly, your policy is endorsed excluding loss or damage caused by or resulting from any virus that is capable of inducing physical distress, illness or disease. Due to the below stated policy provisions we will not be able to extend coverage and we must respectfully deny your claim.

You may wish to review these provisions of your Businessowners Special Property Coverage Form, BP 00 02 01 97 policy. They form the basis for our decision:



A. Coverage

We will pay for direct physical loss of or damage to Covered Property at the premises described in the Declarations caused by or resulting from any Covered Cause of Loss.

1. Covered Property

Covered Property, as used in this policy, means the type of property as described in this section, A.1., and limited in A.2., **PROPERTY NOT COVERED**, if a Limit of Insurance is shown in the Declarations for that type of property.

3. Covered Causes Of Loss

Risks of Direct Physical Loss unless the loss is;

- a. Excluded in Section B., EXCLUSIONS; or
- b. Limited in Paragraph A.4., LIMITATIONS; that follow.

5. Additional Coverages

f. Business Income

(1) Business Income

We will pay for the actual loss of Business Income you sustain due to the necessary suspension of your "operations" during the "period of restoration." The suspension must be caused by direct physical loss of or damage to property at the described premises. The loss or damage must be caused by or result from a Covered Cause of Loss. With respect to loss of or damage to personal property in a vehicle, the described premises include the area within 100 feet of the site at which the described premises are located.



i. **Civil Authority**

We will pay for the actual loss of **Business Income** you sustain and necessary **Extra Expense** caused by action of civil authority that prohibits access to the described premises due to direct physical loss of or damage to property, other than at the described premises, caused by or resulting from any **Covered Cause of Loss**.

B. **Exclusions**

2. We will not pay for loss or damage caused by or resulting from any of the following:

b. **Consequential Losses**

Delay, loss of use or loss of market.

k. **Other Types of Losses**

(2) Rust, corrosion, fungus, decay, deterioration, hidden or latent defect or any quality in property that causes it to damage or destroy itself;

But if an excluded cause of loss that is listed in B.2.k.(1) through B.2.k.(7) results in a "specified cause of loss" or building glass breakage, we will pay for the loss or damage caused by that "specified cause of loss" or building glass breakage.

3. We will not pay for loss or damage caused by or resulting from any of the following B.3.a. through B.3.c. But if an excluded cause of loss that is listed in B.3.a. through B.3.c. results in a **Covered Cause of Loss**, we will pay for the loss or damage caused by that **Covered Cause of Loss**.



b. Acts or Decisions

Acts or decisions, including the failure to act or decide, of any person, group, organization or governmental body.

H. Property Definitions

2. "Operations" means your business activities occurring at the described premises.

3. "Period of restoration" means the period of time that:

a. Begins:

- (1) 72 hours after the time of direct physical loss or damage for Business Income Coverage; or
- (2) Immediately after the time of direct physical loss or damage for Extra Expense Coverage;

caused by or resulting from any Covered Cause of Loss at the described premises; and

b. Ends on the earlier of:

- (1) The date when the property at the described premises should be repaired, rebuilt or replaced with reasonable speed and similar quality; or
- (2) The date when business is resumed at a new permanent location.

"Period of restoration" does not include any increased period required due to the enforcement of any ordinance or law that:

- (1) Regulates the construction, use or repair, or requires the tearing down of any property; or
- (2) Requires any insured or others to test for, monitor, clean up, remove, contain, treat, detoxify or neutralize, or in any way respond to or assess the effects of "pollutants."

The expiration date of this policy will not cut short the "period of restoration."



6. "Specified Causes of Loss" means the following:

Fire; lightning; explosion, windstorm or hail; smoke; aircraft or vehicles; riot or civil commotion; vandalism; leakage from fire extinguishing equipment; sinkhole collapse; volcanic action; falling objects; weight of snow, ice or sleet; water damage.

We refer you to the following language in your J7138 1st - BUSINESS INCOME AND EXTRA EXPENSE - PARTIAL SLOWDOWN COVERAGE endorsement.

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS COVERAGE FORM
BUSINESSOWNERS SPECIAL PROPERTY COVERAGE FORM

B. Section A.5. Additional Coverages of the Businessowners Special Property Coverage Form is amended as follows:

1. The following is added to Paragraphs 5.f. Business Income and 5.g. Extra Expense:
 - (3) With respect to the coverage provided in this Additional Coverage, suspension means:
 - (a) The partial slowdown or complete cessation of your business activities; or
 - (b) That a part or all of the described premises is rendered untenable, if coverage for Business Income applies.
2. The last sentence of Paragraph 5.f. Business Income is replaced by the following:
 - (4) This Additional Coverage is not subject to the Limits of Insurance.
3. The last two sentences of Paragraph 5.g. Extra Expense are replaced by the following:
 - (4) We will only pay for Extra Expense that occurs within 12 consecutive months after the date of direct physical loss or damage. This Additional Coverage is not subject to the Limits of Insurance.

We refer you to the following language in your Limited Coverage For Fungi, Wet Rot, Dry Rot And Bacteria, J6828 1st Edition endorsement:

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS SPECIAL PROPERTY COVERAGE FORM
BUSINESSOWNERS COVERAGE FORM

09 07 001722 75Z8HV8K21 CB0402P1 09 1 001722

B. Paragraph B.2.k.(2) in the Businessowners Special Property Coverage Form and paragraph B.2.l.(2) in Section I – PROPERTY of the Businessowners Coverage FORM is replaced by the following:

- (2) Rust or other corrosion, decay, deterioration, hidden or latent defect or any quality in property that causes it to damage or destroy itself.

We refer you to the following language in your Spoilage Coverage, BP 04 15 01 97 endorsement:

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS POLICY

The Businessowners Property Coverage Form is extended to insure against direct physical loss of or damage to "perishable stock" indicated in the Schedule, caused by the Covered Causes(s) of Loss, as provided by this endorsement.

The following provisions (A. through I. Inclusive) apply to the coverage provided by this endorsement:

A. Paragraph A.1. Covered Property is replaced by the following:

1. Covered Property

Covered Property means "perishable stock" shown in the Schedule at the described premises, if the "perishable stock" is:

- a. Owned by you and used in your business; or
- b. Owned by others and in your care, custody or control except as otherwise provided in Loss Condition E.6.d.(3)(b).

C. Paragraph A.3. Covered Causes Of Loss is replaced by the following:

3. Covered Causes Of Loss

Subject to the exclusions described in Item E. of this endorsement, Covered Causes of Loss means the following as indicated in the Schedule:

- a. Breakdown or Contamination, meaning:



- (1) Change in temperature or humidity resulting from mechanical breakdown or mechanical failure of refrigerating, cooling or humidity control apparatus or equipment, only while such apparatus or equipment is at the described premises shown in the Schedule; or
- (2) Contamination by a refrigerant, only while the refrigerating apparatus or equipment is at the described premises shown in the Schedule.

Mechanical breakdown and mechanical failure do not mean power interruption, regardless of how or where the interruption is caused and whether or not the interruption is complete or partial.

- b. Power Outage, meaning change in temperature or humidity resulting from complete or partial interruption of electrical power, either on or off the described premises, due to conditions beyond your control.

We refer you to the following language in your Exclusion of Loss Due to Virus or Bacteria, J6316 1st Edition endorsement:

This endorsement modifies insurance provided under the following:

BUSINESSOWNERS SPECIAL PROPERTY COVERAGE FORM
APARTMENT OWNERS PROPERTY COVERAGE FORM
CONDOMINIUM PROPERTY COVERAGE FORM

- A. The exclusion set forth in Paragraph B. applies to all coverage under Section A - Coverage in all forms and endorsements that comprise this policy, except as provided in Paragraph C. This includes but is not limited to forms or endorsements that cover property damage to buildings or personal property and forms or endorsements that cover business income, extra expense or action of civil authority.
- B. We will not pay for loss or damage caused by or resulting from any virus, bacterium or other microorganism that induces or is capable of inducing physical distress, illness or disease.

Based on the facts of this loss as well as all information known to us at this present time, we regret to inform you that we are unable to pay this claim.

We wish to inform you there are time limits as found in the Conditions language of your policy. These limits may have been extended by statute in your state. The time period set forth in the Conditions section is the shortest period which may apply.

E. Property Loss Conditions



09 09 001722 75Z8HV8K21 080402P1 0911 001722

4. Legal Action Against Us

No one may bring a legal action against us under this insurance unless:

- a. There has been full compliance with all of the terms of this insurance; and
- b. The action is brought within 2 years after the date on which the direct physical loss or damage occurred.

Please note, on occasion, policies are updated with newer editions. We encourage you to reference your policy and included endorsements for any updates.

Even though only parts of your policy are mentioned and quoted in this letter, additional portions may apply. If they are found to be relevant and applicable, they will be applied. Because of this, we recommend you review your entire policy.

By writing this letter, we do not waive any of the terms, conditions or provisions of the insurance policy, all of which are expressly retained and reserved. We expressly retain all available defenses now and hereafter.

If you believe your claim has been wrongfully rejected or denied, in whole or in part, please contact us for further clarification. The state of California requires that we provide you with the following notice: You may also have the matter reviewed by writing to the California Department of Insurance, Consumer Services and Market Conduct Branch, Claims Services Bureau, 300 South Spring Street, South Tower, Los Angeles, CA 90013 or by calling 1-800-927-4357 or 1-213-897-8921.

If you have any questions about your claim, or additional information that you feel we may have overlooked, please contact me at (714) 353-6359.

Thank you.

Mid-Century Insurance Company

Kenneth Yim

Senior Commercial Property Claims Representative

kenneth.yim@farmersinsurance.com

(714) 353-6359

CC: BRAVO INSURANCE AGENCY INC

EXHIBIT 3



ORDER OF THE HEALTH OFFICER No. C19-07

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO DIRECTING
ALL INDIVIDUALS LIVING IN THE COUNTY TO SHELTER AT THEIR
PLACE OF RESIDENCE EXCEPT THAT THEY MAY LEAVE TO
PROVIDE OR RECEIVE CERTAIN ESSENTIAL SERVICES OR
ENGAGE IN CERTAIN ESSENTIAL ACTIVITIES AND WORK FOR
ESSENTIAL BUSINESS AND GOVERNMENT SERVICES; EXEMPTING
INDIVIDUALS EXPERIENCING HOMELESSNESS FROM THE
SHELTER IN PLACE ORDER BUT URGING THEM TO FIND SHELTER
AND GOVERNMENT AGENCIES TO PROVIDE IT; DIRECTING ALL
BUSINESSES AND GOVERNMENTAL AGENCIES TO CEASE NON-
ESSENTIAL OPERATIONS AT PHYSICAL LOCATIONS IN THE
COUNTY; PROHIBITING ALL NON-ESSENTIAL GATHERINGS OF
ANY NUMBER OF INDIVIDUALS; AND ORDERING CESSATION OF
ALL NON-ESSENTIAL TRAVEL**

(SHELTER IN PLACE)

DATE OF ORDER: March 16, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1); San Francisco Administrative Code section 7.17(b).)

Summary: The virus that causes Coronavirus 2019 Disease (“COVID-19”) is easily transmitted, especially in group settings, and it is essential that the spread of the virus be slowed to protect the ability of public and private health care providers to handle the influx of new patients and safeguard public health and safety. Because of the risk of the rapid spread of the virus, and the need to protect all members of the community and the Bay Area region, especially including our members most vulnerable to the virus and also health care providers, this Order requires all individuals anywhere in San Francisco to shelter in place—that is, stay at home—except for certain essential activities and work to provide essential business and government services or perform essential public infrastructure construction, including housing. This order begins at 12:01 a.m. on March 17, 2020 and will continue for three weeks through April 7, 2020, subject to the limited exceptions and under the terms and conditions more particularly set forth below.

Gatherings of individuals outside the home are generally prohibited, with certain exceptions for essential activities or essential travel or to perform work for essential businesses and government agencies or perform essential infrastructure work. Consistent



**City and County of
San Francisco**

**Department of Public Health
Order of the Health Officer**

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with the directive issued by Governor Gavin Newsom on March 15, 2020, all bars and nightclubs are ordered closed. Restaurants and cafes—regardless of their seating capacity—that serve food are ordered closed except solely for takeout and delivery service. Additionally, all gyms and recreation facilities are ordered closed. Homeless individuals are not subject to the shelter in place order but are strongly urged to find shelter and government agencies are urged to take steps needed to provide shelter for those individuals.

Under any of the limited circumstances in which individuals are allowed to interact in person outside their residence, the Health Officer orders individuals to abide by the following requirements: (i) maintain at least six feet from other individuals, wash hands with soap and water for at least 20 seconds as frequently as possible or using hand sanitizer, cover coughs or sneezes, and not shake hands; (ii) for people with medical conditions, regardless of age, that put them at higher risk of serious complications should they get COVID-19, and other than health care workers and other essential providers, avoid leaving their homes to the extent possible; and (iii) for employers in San Francisco that do not provide essential businesses or government services, take all steps necessary for employees to work remotely from home to the extent possible. These requirements build on the California Department of Public Health and United States Centers for Disease Control and Prevention guidelines issued March 11, 2020, extended as necessary to address the health emergency affecting the Bay Area region. No individual who is sick may go to the workplace or be outside the home except as necessary to seek or receive medical care in accordance with guidance from public health officials. The Health Officer may revise this Order as the situation evolves, and facilities must stay updated by checking the City Administrator's website (sfgsa.org) regularly.

This Order revokes and replaces Order Number C19-05b, issued March 13, 2020, and C19-02, issued March 7, 2020. Those orders are no longer in effect as of the effective date and time of this Order. This Order does not revoke Order Numbers C19-01b, C19-03, C19-04, or C19-06.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY AND
COUNTY OF SAN FRANCISCO ("HEALTH OFFICER") ORDERS:**

- 1. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing Requirements as defined in Section 10 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to**



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comply with any of the provisions of this Order constitutes an imminent threat and creates an immediate menace to public health.

2. All individuals currently living within the City and County of San Francisco (the "County") are ordered to shelter at their place of residence. To the extent individuals are using shared or outdoor spaces, they must at all times as reasonably possible maintain social distancing of at least six feet from any other person when they are outside their residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, or to operate Essential Businesses, all as defined in Section 10. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to use COVID-19 risk mitigation practices in their operation).
3. All businesses with a facility in the County, except Essential Businesses as defined below in Section 10, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 10. For clarity, businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. To the greatest extent feasible, Essential Businesses shall comply with Social Distancing Requirements as defined in Section 10 below, including by maintaining six-foot social distancing for both employees and members of the public, including, but not limited to, when any customers are standing in line.
4. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 10. Nothing in this Order prohibits the gathering of members of a household or living unit.
5. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel and Essential Activities as defined below in Section 10, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing Requirements as defined in Section 10 below, to the greatest extent feasible. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.
6. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the



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age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.

7. This Order also is issued in light of the existence of 37 cases of COVID-19 in the County, as well as at least 258 confirmed cases and at least three deaths in neighboring Bay Area counties, as of 10:00 a.m. on Sunday, March 16, 2020, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. Widespread testing for COVID-19 is not yet available but is expected to increase in the coming days. This Order is necessary to slow the rate of spread and the Health Officer will re-evaluate it as further data becomes available.
8. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
9. This Order is also issued in accordance with, and incorporates by reference the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom. Executive Order N-25-20 expressly orders 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." This Order is also based on statements by Governor Newsom during a press conference on March 15, 2020, indicating the guidance of the State of California that all nightclubs, bars, wineries, and brewpubs close and that persons 65 years old and older isolate at home.



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10. Definitions and Exemptions.

- a. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care.**
 - i. To engage in activities or perform tasks essential to their health and safety, or to the health and safety of their family or household members (including, but not limited to, pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, visiting a health care professional, or obtaining supplies they need to work from home.**
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the safety, sanitation, and essential operation of residences.**
 - iii. To engage in outdoor activity, provided the individuals comply with Social Distancing Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, or running.**
 - iv. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.**
 - v. To care for a family member or pet in another household.**
- b. For purposes of this Order, individuals may leave their residence to work for or obtain services at any “Healthcare Operations” including hospitals, clinics, dentists, pharmacies, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption shall be construed broadly to avoid any impacts to the delivery of healthcare, broadly defined. “Healthcare Operations” does not include fitness and exercise gyms and similar facilities.**



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- c. For purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operations and maintenance of “Essential Infrastructure,” including, but not limited to, public works construction, construction of housing (in particular affordable housing or housing for individuals experiencing homelessness), airport operations, water, sewer, gas, electrical, oil refining, roads and highways, public transportation, solid waste collection and removal, internet, and telecommunications systems (including the provision of essential global, national, and local infrastructure for computing services, business infrastructure, communications, and web-based services), provided that they carry out those services or that work in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- d. For purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Government Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. All Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements as defined this Section, to the extent possible.
- e. For the purposes of this Order, covered businesses include any for-profit, non-profit, or educational entities, regardless of the nature of the service, the function they perform, or its corporate or entity structure.
- f. For the purposes of this Order, “Essential Businesses” means:

 - i. Healthcare Operations and Essential Infrastructure;
 - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products (such as cleaning and personal care products). This includes stores that sell groceries and also sell other non-grocery products, and products necessary to maintaining the safety, sanitation, and essential operation of residences;
 - iii. Food cultivation, including farming, livestock, and fishing;



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- iv. **Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;**
- v. **Newspapers, television, radio, and other media services;**
- vi. **Gas stations and auto-supply, auto-repair, and related facilities;**
- vii. **Banks and related financial institutions;**
- viii. **Hardware stores;**
- ix. **Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the safety, sanitation, and essential operation of residences, Essential Activities, and Essential Businesses;**
- x. **Businesses providing mailing and shipping services, including post office boxes;**
- xi. **Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;**
- xii. **Laundromats, dry cleaners, and laundry service providers;**
- xiii. **Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;**
- xiv. **Businesses that supply products needed for people to work from home;**
- xv. **Businesses that supply other essential businesses with the support or supplies necessary to operate;**



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- xvi. **Businesses that ship or deliver groceries, food, goods or services directly to residences;**
- xvii. **Airlines, taxis, and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;**
- xviii. **Home-based care for seniors, adults, or children;**
- xix. **Residential facilities and shelters for seniors, adults, and children;**
- xx. **Professional services, such as legal or accounting services, when necessary to assist in compliance with legally mandated activities;**
- xxi. **Childcare facilities providing services that enable employees exempted in this Order to work as permitted. To the extent possible, childcare facilities must operate under the following mandatory conditions:**
 - 1. **Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).**
 - 2. **Children shall not change from one group to another.**
 - 3. **If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.**
 - 4. **Childcare providers shall remain solely with one group of children.**
- g. **For the purposes of this Order, "Minimum Basic Operations" include the following, provided that employees comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:**
 - i. **The minimum necessary activities to maintain the value of the business's inventory, ensure security, process payroll and employee benefits, or for related functions.**
 - ii. **The minimum necessary activities to facilitate employees of the business being able to continue to work remotely from their residences.**



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- h. For the purposes of this Order, “Essential Travel” includes travel for any of the following purposes. Individuals engaged in any Essential Travel must comply with all Social Distancing Requirements as defined in this Section.**

 - i. Any travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.**
 - ii. Travel to care for elderly, minors, dependents, persons with disabilities, or other vulnerable persons.**
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.**
 - iv. Travel to return to a place of residence from outside the jurisdiction.**
 - v. Travel required by law enforcement or court order.**
 - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.**
- i. For purposes of this order, residences include hotels, motels, shared rental units, and similar facilities.**
- j. For purposes of this order Social Distancing Requirements includes maintaining at least six-foot social distancing from other individuals, washing hands with soap and water for at least twenty seconds as frequently as possible or using hand sanitizer, covering coughs or sneezes (into the sleeve or elbow, not hands), regularly cleaning high-touch surfaces, and not shaking hands.**
- 11. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and creates an immediate menace to public health.**
- 12. This Order shall become effective at 12:01 a.m. on March 17, 2020 and will continue to be in effect until 11:59 p.m. on April 7, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.**



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13. The City must promptly provide copies of this Order as follows: (1) by posting on the City Administrator's website (sfgsa.org) and the Department of Public Health website (sfdph.org); (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; and (3) by providing to any member of the public requesting a copy. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
14. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

A handwritten signature in black ink that reads "Tomás Aragón". The signature is written in a cursive style and is positioned above a horizontal line.

Tomás J. Aragón, MD, DrPH,
Health Officer of the
City and County of San Francisco

Dated: March 16, 2020

EXHIBIT 4



ORDER OF THE HEALTH OFFICER No. C19-07b

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO DIRECTING ALL
INDIVIDUALS LIVING IN THE COUNTY TO CONTINUE SHELTERING
AT THEIR PLACE OF RESIDENCE EXCEPT FOR ESSENTIAL NEEDS;
CONTINUING TO EXEMPT HOMELESS INDIVIDUALS FROM THE
ORDER BUT URGING GOVERNMENT AGENCIES TO PROVIDE THEM
SHELTER AND HAND SANITATION FACILITIES; RESTRICTING
ACCESS TO RECREATION AREAS; REQUIRING ESSENTIAL
BUSINESSES TO IMPLEMENT SOCIAL DISTANCING PROTOCOLS;
CLARIFYING AND FURTHER LIMITING ESSENTIAL BUSINESS
ACTIVITIES, INCLUDING CONSTRUCTION; AND DIRECTING ALL
BUSINESSES AND GOVERNMENTAL OPERATIONS TO FURTHER
CEASE NON-ESSENTIAL OPERATIONS**

(SHELTER IN PLACE)

DATE OF ORDER: March 31, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1); and San Francisco Administrative Code § 7.17(b))

Summary: It is now well established that the virus that causes Novel Coronavirus 2019 Disease ("COVID-19") is easily transmitted, especially in group settings, and that the disease can be extremely serious. It can require long hospital stays, and in some instances cause long-term health consequences or death. It can impact not only those known to be at high risk but also other people, regardless of age. This is a global pandemic causing untold societal, social, and economic harm. To mitigate the harm from the pandemic, on March, 16, 2020, the City and County of San Francisco, along with a group of five other Bay Area counties and the City of Berkeley, issued parallel health officer orders imposing shelter in place limitations across the Bay Area, requiring everyone to stay safe at home except for certain essential needs. Other jurisdictions in the Bay Area and ultimately the State have since joined in adopting stay safe at home orders. It appears that our collective effort has started to have a positive impact. But the infection rate has not yet leveled off and more needs to be done to flatten the curve.



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There is no effective treatment or cure yet for the disease, testing ability while improving remains constrained, and San Francisco's health care system is at ongoing risk of being overwhelmed. For these reasons, it is imperative that San Francisco not only extend the duration of its stay at home order but also further limit essential activities and extend social distancing requirements outside the home.

This new Order replaces the earlier March 17, 2020 shelter in place order. Beginning at midnight on March 31, 2020, all people and businesses in San Francisco must strictly comply with this new Order. This new Order extends and tightens the stay safe at home restrictions for another 26 days, through May 3, 2020. But the Health Officer will continue to carefully monitor the evolving situation and could change that date.

Generally, under this Order gatherings of individuals with anyone outside of their household or living unit remain prohibited, with limited exceptions for essential activities or essential travel, or to perform work for essential businesses and government agencies. Bars, nightclubs, theaters and movie theaters, and other entertainment venues must remain closed for any gatherings. Restaurants, cafes, coffee shops, and other facilities that serve food—regardless of their seating capacity—must remain closed except solely for takeout and delivery service. All gyms and fitness studios must remain closed. All hair and nail salons must also remain closed. Facilities that sell food and that provide health care remain open as permitted by this Order and other Health Officer orders. Homeless individuals continue to be exempt from the shelter in place order, but government agencies remain urged to take steps needed to provide shelter for those individuals.

This Order makes a number of significant revisions to the earlier order, including these five sets of changes. (1) When people leave their residence as allowed by this Order, they are ordered in most situations to strictly comply with designated Social Distancing Requirements when interacting with anyone outside their household. (2) Outdoor recreation activities are further limited and additional recreation facilities must be closed. People cannot participate in outdoor activities that involve shared equipment, such as frisbee, soccer, or basketball, with any person outside of their own household or living unit, and areas with shared equipment and facilities like playgrounds, picnic areas, dog parks, golf courses, tennis courts, and pools must close. To prevent crowding, San Francisco may adopt further restrictions on use of parks and access to beaches, including possible closure. (3) What businesses constitute Essential Businesses is further clarified and limited. Essential businesses must maximize the number of employees who work from home and must generally scale down operations that are not considered essential. Businesses that sell food, groceries, or cleaning products combined with non-essential products may continue to operate only if the portion of essential products they sell is a significant part of their business. There is also a new requirement that each Essential Business, such as a bank, grocery store, pharmacy, or restaurant open for take-out or delivery, must prepare, post, and implement a written protocol, in a form attached to the Order, tailored for that business, to protect customers and employees through designated social distance requirements. And Businesses that supply products needed for



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people to work from home are no longer Essential Businesses under the Order and must close stores open to the public in San Francisco. (4) In addition to continuing to urge government agencies to provide shelter for individuals experiencing homelessness, the Order urges government agencies and other service providers to take steps to protect that population, including requiring social distancing in shelters and other facilities, providing hand sanitation for individuals who remain unhoused and ensuring 12 feet x 12 feet distancing for tents in encampments. (5) The Order provides that only certain limited types of construction are permitted to continue, including healthcare projects directly related to addressing the COVID-19 pandemic, housing and mixed use projects that includes at least 10% affordable housing, projects that provide services to vulnerable populations, projects required to maintain safety, sanitation, and habitability of residences and commercial buildings; and construction necessary to secure an existing construction site that must shut down. The Health Officer may issue guidance requiring construction site-specific health and safety plans. The Order also provides for San Francisco to limit public works construction to essential public works projects as determined by the City Administrator in consultation with the Health Officer. All other construction is prohibited.

This Order clarifies the effect of the local order in relation to the statewide stay at home order. And this Order includes a number of other important clarifications and restrictions on activities, all as set forth below. The Health Officer may revise this Order as the situation evolves, and facilities must stay updated by checking the City Administrator's website (www.sfgsa.org) regularly.

In addition to extending and replacing Order Number C19-07 (shelter in place), issued March 16, 2020, this Order also extends Order Nos. C19-01b (prohibiting visitors at Laguna Honda Hospital and Rehabilitation Center and Unit 4A at Zuckerberg San Francisco General Hospital), C19-03 (prohibiting visitors to specific residential facilities), C19-04 (imposing cleaning standards for residential hotels), C19-06 (prohibiting visitors to general acute care hospitals and acute psychiatric hospitals), C19-08 (prohibiting most routine appointments and elective surgeries and encouraging delivery of prescriptions and cannabis products), C19-09 (prohibiting visitors to residential care facilities for the elderly, adult residential facilities, and residential facilities for the chronically ill), C19-10 (requiring reporting by labs of COVID-19 testing information), and C19-11 (placing Laguna Honda Hospital and Rehabilitation Center under protective quarantine) through 11:59 p.m. on May 3, 2020, with those listed orders otherwise remaining in effect.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY AND
COUNTY OF SAN FRANCISCO ("HEALTH OFFICER") ORDERS:**

- 1. This Order supersedes the March 16, 2020 Order of the Health Officer directing all individuals to shelter in place (the "Prior Shelter Order"). This Order clarifies,**



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strengthens, and extends certain terms of the Prior Shelter Order to increase social distancing and reduce person-to-person contact to further slow transmission of Novel Coronavirus Disease 2019 ("COVID-19"). As of the effective date and time of this Order set forth in Section 16 below, all individuals, businesses and government agencies in the City and County of San Francisco ("County") are required to follow the provisions of this Order.

2. The intent of this Order is to ensure that the maximum number of people shelter in their places of residence to the maximum extent feasible to slow the spread of COVID-19 and mitigate the impact on delivery of critical healthcare services to those in need. All provisions of this Order must be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
3. All individuals currently living within the County are ordered to shelter at their place of residence. They may leave their residence only for Essential Activities, Essential Governmental Functions, including Essential Travel, to work for Essential Businesses, or to perform Minimum Basic Operations for non-essential businesses, all as defined in Section 13. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to, as soon as possible, make such shelter available and provide handwashing or hand sanitation facilities to persons who continue experiencing homelessness.
4. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing Requirements as defined in Section 13.k, except as expressly provided in this Order.
5. All businesses with a facility in the County, except Essential Businesses, as defined in Section 13.f, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 13.g. For clarity, all businesses may continue operations consisting exclusively of owners, employees, volunteers, or contractors performing activities at their own residences (i.e., working from home). All Essential Businesses are strongly encouraged to remain open. But Essential Businesses are directed to maximize the number of employees who work from home. Essential Businesses may only assign those employees who cannot perform their job duties from home to work outside the home. All Essential Businesses shall prepare, post, and implement a Social Distancing Protocol at each of their facilities at which they are maintaining operations, as specified in Section 13.h. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only; provided, however, that mixed



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retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products. Essential Businesses must follow industry-specific guidance issued by the Health Officer related to COVID-19.

6. All public and private gatherings of any number of people occurring outside a single household or living unit are prohibited, except for the limited purposes expressly permitted in this Order. Nothing in this Order prohibits members of a single household or living unit from engaging in Essential Travel or Essential Activities together.
7. All travel, including, but not limited to, travel on foot, bicycle, scooter, motorcycle, automobile, or public transit, except Essential Travel, as defined below in Section 13.i, is prohibited. People may use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses, maintain Essential Governmental Functions, or to perform Minimum Basic Operations at non-essential businesses. Transit agencies and people riding on public transit must comply with Social Distancing Requirements, as defined in Section 13.k, to the greatest extent feasible. This Order allows travel into or out of the County only to perform Essential Activities, operate Essential Businesses, maintain Essential Governmental Functions, or perform Minimum Basic Operations at non-essential businesses.
8. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County and throughout the Bay Area, scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 disease in the general public, which is now a pandemic according to the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings and other interpersonal interactions can result in preventable transmission of the virus. This public health emergency has substantially worsened since the County issued the Prior Shelter Order on March 16, 2020, with a significant escalation in the number of positive cases, hospitalizations, and deaths, and increasing strain on health care resources. At the same time, evidence suggests that the restrictions on mobility and social distancing requirements imposed by the Prior Shelter Order are slowing the rate of increase in community transmission and confirmed cases by limiting interactions among people, consistent with scientific evidence of the efficacy of similar measures in other parts of the country and world. The scientific evidence shows that at this stage of the emergency, it remains essential to continue to slow



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virus transmission as much as possible to protect the most vulnerable, to prevent the health care system from being overwhelmed, and to prevent deaths. Extension of the Prior Shelter Order and strengthening of its restrictions are necessary to further reduce the spread of the COVID-19 disease, preserving critical and limited healthcare capacity in the County and advancing toward a point in the public health emergency where transmission can be controlled.

9. This Order is also issued in light of the existence, as of March 29, 2020, of 848 cases of COVID-19 in the County, as well as at least 2,092 confirmed cases (up from 258 confirmed cases on March 15, 2020, just before the Prior Shelter Order) and at least 51 deaths (up from three deaths on March 15, 2020) in the seven Bay Area jurisdictions jointly issuing this Order, including a significant and increasing number of suspected cases of community transmission and likely further significant increases in transmission. This Order is necessary to slow the rate of spread, and the Health Officer will re-evaluate it as further data becomes available.
10. This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
11. This Order is issued in light of evidence that the Prior Shelter Order has been generally effective in increasing social distancing, but that at this time additional restrictions are necessary to further mitigate the rate of transmission of COVID-19, to prevent the health care system from being overwhelmed, and prevent death. This Order comes after the release of substantial guidance from the County Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including an increasing number of orders imposing similar social distancing requirements and mobility restrictions to combat the spread and harms of COVID-19. The Health Officer will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19, as changing circumstances dictate.
12. This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the "State Shelter Order"), which set baseline statewide restrictions on non-residential business activities effective until further notice, as well as the Governor's March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order. The State Shelter Order was complementary to the Prior Shelter Order. This Order adopts in certain respects more stringent



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restrictions addressing the particular facts and circumstances in this County, which are necessary to control the public health emergency as it is evolving within the County and the Bay Area. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the County will worsen to the point at which it may overtake available health care resources within the County and increase the death rate. Also, this Order enumerates additional restrictions on non-work-related travel not covered by the State Shelter Order, including limiting such travel to performance of Essential Travel or Essential Activities; sets forth mandatory Social Distancing Requirements for all individuals in the County when engaged in activities outside their residences; and adds a mechanism to ensure that Essential Businesses comply with the Social Distancing Requirements. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County.

13. Definitions and Exemptions.

- a. For the purposes of this Order, individuals may leave their residence only to perform the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are strongly urged to stay in their residence to the extent possible, except as necessary to seek or provide medical care or Essential Governmental Functions. Essential Activities are:
 - i. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
 - ii. To obtain necessary services or supplies for themselves and their family or household members, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, and any other household consumer products, products needed to work from home, or products necessary to maintain the habitability, sanitation, and operation of residences.
 - iii. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and



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running, in compliance with Social Distancing Requirements and with the following limitations:

- 1. Outdoor recreation activity at parks, beaches, and other open spaces must be in conformance with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19. Such restrictions may include, but are not limited to, restricting the number of entrants, closing the area to vehicular access and parking, or closure to all public access;**
 - 2. Use of recreational areas with high-touch equipment or that encourage gathering, including, but not limited to, playgrounds, outdoor gym equipment, picnic areas, dog parks, and barbecue areas, is prohibited outside of residences, and all such areas shall be closed to public access including by signage and, as appropriate, by physical barriers;**
 - 3. Use of shared facilities for recreational activities outside of residences, including, but not limited to, golf courses, tennis and pickle ball courts, rock parks, climbing walls, pools, spas, shooting and archery ranges, gyms, disc golf, and basketball courts is prohibited and those areas must be closed for recreational purposes, including by signage and, as appropriate, by physical barriers. Such facilities may be repurposed during the emergency to provide essential services needed to address the COVID-19 pandemic; and**
 - 4. Sports or activities that include the use of shared equipment may only be engaged in by members of the same household or living unit.**
- iv. To perform work for an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations, as defined in this Section.**
 - v. To provide necessary care for a family member or pet in another household who has no other source of care.**
 - vi. To attend a funeral with no more than 10 individuals present.**
 - vii. To move residences, but only if it is not possible to defer an already planned move, if the move is necessitated by safety, sanitation, or habitability reasons, or if the move is necessary to preserve access to**



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shelter. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.

- b. For the purposes of this Order, individuals may leave their residence to work for, volunteer at, or obtain services at “Healthcare Operations,” including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.
- c. For the purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).
- d. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others working for or to support Essential Businesses are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions.” Essential Government Functions means all services needed to ensure the continuing operation of the government agencies and provide for the health, safety and welfare of the public. Each governmental entity shall identify and designate appropriate employees, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new employees or contractors to perform such functions. Each governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to and recover from the COVID-19 pandemic, and all Essential Governmental Functions shall be performed in compliance with Social Distancing Requirements to the greatest extent feasible.



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- e. For the purposes of this Order, a “business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- f. For the purposes of this Order, “Essential Businesses” are:
 - i. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
 - ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food;
 - iii. Food cultivation, including farming, livestock, and fishing;
 - iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
 - v. Construction, but only of the types listed in this subparagraph below:
 - 1. Projects immediately necessary to the maintenance, operation, or repair of Essential Infrastructure;
 - 2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response;
 - 3. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;



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4. Public works projects if specifically designated as an Essential Governmental Function by the City Administrator in consultation with the Health Officer;
 5. Shelters and temporary housing, but not including hotels or motels;
 6. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
 7. Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and
 8. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed;
- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services (and not, by way of example, car sales or car washes). This subparagraph (vii) does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business;
- viii. Bicycle repair and supply shops;
- ix. Banks and related financial institutions;
- x. Service providers that enable residential transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in person visits are not allowed when the occupant is still residing in the residence);



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- xi. Hardware stores;**
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, and operation of residences and Essential Businesses, but not for cosmetic or other purposes;**
- xiii. Arborists, landscapers, gardeners, and similar service professionals, but only to the limited extent necessary to maintain the habitability, sanitation, operation of businesses or residences, or the safety of residents, employees, or the public (such as fire safety or tree trimming to prevent a dangerous condition), and not for cosmetic or other purposes (such as upkeep);**
- xiv. Businesses providing mailing and shipping services, including post office boxes;**
- xv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained to the greatest extent possible;**
- xvi. Laundromats, drycleaners, and laundry service providers;**
- xvii. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;**
- xviii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;**
- xix. Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;**



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- xx. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;**
- xxi. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;**
- xxii. Home-based care for seniors, adults, children, and pets;**
- xxiii. Residential facilities and shelters for seniors, adults, and children;**
- xxiv. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities;**
- xxv. Services to assist individuals in finding employment with Essential Businesses;**
- xxvi. Moving services that facilitate residential or commercial moves that are allowed under this Order;**
- xxvii. Childcare facilities providing services that enable owners, employees, volunteers, and contractors for Essential Businesses or Essential Governmental Functions to work as permitted. Children of owners, employees, volunteers, and contractors who are not exempt under this Order may not attend childcare facilities. To the extent possible, childcare facilities must operate under the following conditions:**
 - 1. Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).**
 - 2. Children shall not change from one group to another.**
 - 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.**
 - 4. Childcare providers shall remain solely with one group of children.**



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- g. For the purposes of this Order, “Minimum Basic Operations” means the following activities for businesses, provided that owners, employees, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:**
- i. The minimum necessary activities to maintain and protect the value of the business’s inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to residences or businesses; and related functions; and**
 - ii. The minimum necessary activities to facilitate owners, employees, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.**
- h. For the purposes of this Order, all Essential Businesses must prepare and post by no later than 11:59 p.m. on April 2, 2020 a “Social Distancing Protocol” for each of their facilities in the County frequented by the public or employees. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A. The Social Distancing Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the facility. All Essential Businesses shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing Protocol must explain how the business is achieving the following, as applicable:**
- i. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete the Essential Business activity;**
 - ii. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;**
 - iii. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g., cashiers);**



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- iv. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
 - v. Regularly disinfecting other high-touch surfaces;
 - vi. Posting a sign at the entrance of the facility informing all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; and not shake hands or engage in any unnecessary physical contact; and
 - vii. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).
- i. For the purposes of this Order, "Essential Travel" means travel for any of the following purposes:
- i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations;
 - ii. Travel to care for any elderly, minors, dependents, or persons with disabilities;
 - iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
 - iv. Travel to return to a place of residence from outside the County;
 - v. Travel required by law enforcement or court order;
 - vi. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel;
 - vii. Travel to manage after-death arrangements and burial;
 - viii. Travel to arrange for shelter or avoid homelessness;



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- ix. Travel to avoid domestic violence or child abuse;
- x. Travel for parental custody arrangements; and
- xi. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.
- j. For purposes of this Order, “residences” include hotels, motels, shared rental units and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit.
- k. For purposes of this Order, “Social Distancing Requirements” means:
 - i. Maintaining at least six-foot physical distancing from individuals who are not part of the same household or living unit;
 - ii. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
 - iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands); and
 - iv. Avoiding all social interaction outside the household when sick with a fever or cough.

All individuals must strictly comply with Social Distancing Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order.

14. Government agencies and other entities operating shelters and other facilities that house or provide meals or other necessities of life for individuals experiencing homelessness must take appropriate steps to help ensure compliance with Social Distancing Requirements, including adequate provision of hand sanitizer. Also, individuals experiencing homelessness who are unsheltered and living in encampments should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and government agencies should provide restroom and hand washing facilities for individuals in such encampments as set



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forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).

15. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both.
16. This Order shall become effective at 11:59 p.m. on March 31, 2020 and will continue to be in effect until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer.
17. This Order revises and replaces Order Number C19-07, issued March 16, 2020, effective as of 11:59 p.m. on March 31, 2020. This Order also extends Order Nos. C19-01b (prohibiting visitors at Laguna Honda Hospital and Rehabilitation Center and Unit 4A at Zuckerberg San Francisco General Hospital), C19-03 (prohibiting visitors to specific residential facilities), C19-04 (imposing cleaning standards for residential hotels), C19-06 (prohibiting visitors to general acute care hospitals and acute psychiatric hospitals), C19-08 (prohibiting most routine appointments and elective surgeries and encouraging delivery of prescriptions and cannabis products), C19-09 (prohibiting visitors to residential care facilities for the elderly, adult residential facilities, and residential facilities for the chronically ill), C19-10 (requiring reporting by labs of COVID-19 testing information), and C19-11 (placing Laguna Honda Hospital and Rehabilitation Center under protective quarantine) through 11:59 p.m. on May 3, 2020, without any further need to amend those orders, with those listed orders otherwise remaining in effect. This Order does not prohibit amendment of those orders separately.
18. The County must promptly provide copies of this Order as follows: (1) by posting on the City Administrator's website (www.sfgsa.org) and the Department of Public Health website (www.sfdph.org); (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; and (3) by providing to any member of the public requesting a copy. In addition, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.
19. If any provision of this Order or its application to any person or circumstance is held to be invalid, then the remainder of the Order, including the application of such



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part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

A handwritten signature in cursive script that reads "Tomás Aragón".

Tomás J. Aragón, MD, DrPH,
Health Officer of the
City and County of San Francisco

Dated: March 31, 2020

Attachments: Appendix A – Social Distancing Protocol

Appendix A: Social Distancing Protocol

Business name:

Facility Address:

Approximate gross square footage of space open to the public:

Businesses must implement all applicable measures listed below, and be prepared to explain why any measure that is not implemented is inapplicable to the business.

Signage:

☐ Signage at each public entrance of the facility to inform all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into a cloth or tissue or, if not available, into one's elbow; and not shake hands or engage in any unnecessary physical contact.

☐ Signage posting a copy of the Social Distancing Protocol at each public entrance to the facility.

Measures To Protect Employee Health (check all that apply to the facility):

☐ Everyone who can carry out their work duties from home has been directed to do so.

☐ All employees have been told not to come to work if sick.

☐ Symptom checks are being conducted before employees may enter the work space.

☐ All desks or individual work stations are separated by at least six feet.

☐ Break rooms, bathrooms, and other common areas are being disinfected frequently, on the following schedule:

☐ Break rooms:

☐ Bathrooms:

☐ Other ():

☐ Disinfectant and related supplies are available to all employees at the following location(s):

☐ Hand sanitizer effective against COVID-19 is available to all employees at the following location(s):

☐ Soap and water are available to all employees at the following location(s):

☐ Copies of this Protocol have been distributed to all employees.

☐ Optional—Describe other measures:

Measures To Prevent Crowds From Gathering (check all that apply to the facility):

☐ Limit the number of customers in the store at any one time to (insert number) _____, which allows for customers and employees to easily maintain at least six-foot distance from one another at all practicable times.

☐ Post an employee at the door to ensure that the maximum number of customers in the facility set forth above is not exceeded.

☐ Placing per-person limits on goods that are selling out quickly to reduce crowds and lines. Explain:

Appendix A: Social Distancing Protocol

☐ Optional—Describe other measures:

Measures To Keep People At Least Six Feet Apart (check all that apply to the facility)

- ☐ Placing signs outside the store reminding people to be at least six feet apart, including when in line.
- ☐ Placing tape or other markings at least six feet apart in customer line areas inside the store and on sidewalks at public entrances with signs directing customers to use the markings to maintain distance.
- ☐ Separate order areas from delivery areas to prevent customers from gathering.
- ☐ All employees have been instructed to maintain at least six feet distance from customers and from each other, except employees may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary.
- ☐ Optional—Describe other measures:

Measures To Prevent Unnecessary Contact (check all that apply to the facility):

- ☐ Preventing people from self-serving any items that are food-related.
 - ☐ Lids for cups and food-bar type items are provided by staff; not to customers to grab.
 - ☐ Bulk-item food bins are not available for customer self-service use.
- ☐ Not permitting customers to bring their own bags, mugs, or other reusable items from home.
- ☐ Providing for contactless payment systems or, if not feasible, sanitizing payment systems regularly. Describe:
- ☐ Optional—Describe other measures (e.g. providing senior-only hours):

Measures To Increase Sanitization (check all that apply to the facility):

- ☐ Disinfecting wipes that are effective against COVID-19 are available near shopping carts and shopping baskets.
- ☐ Employee(s) assigned to disinfect carts and baskets regularly.
- ☐ Hand sanitizer, soap and water, or effective disinfectant is available to the public at or near the entrance of the facility, at checkout counters, and anywhere else inside the store or immediately outside where people have direct interactions.
- ☐ Disinfecting all payment portals, pens, and styluses after each use.
- ☐ Disinfecting all high-contact surfaces frequently.
- ☐ Optional—Describe other measures:

* Any additional measures not included here should be listed on separate pages, which the business should attach to this document.

You may contact the following person with any questions or comments about this protocol:

Name:

Phone number:

EXHIBIT 5



**NINTH SUPPLEMENT TO MAYORAL PROCLAMATION DECLARING THE
EXISTENCE OF A LOCAL EMERGENCY DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the "Proclamation") declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus ("COVID-19"); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Local Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 6, 2020, the City issued public health guidance to encourage social distancing to disrupt the spread of COVID-19 and protect community health; and

WHEREAS, On March 7, 2020, the Local Health Officer ordered certain City facilities not to hold non-essential group events of more than 50 people for the two weeks from the date of the order and prohibited visitors from Laguna Honda Hospital; and

WHEREAS, On March 7, 2020, the Department of Human Resources issued guidance to minimize COVID-19 exposure risk for City employees who provide essential services to the local community, in particular during the current local emergency; and

WHEREAS, On March 11, 2020, March 13, 2020, March 17, 2020, March 18, 2020, and March 23, 2020, the Mayor issued supplements to the Proclamation, ordering additional measures to respond to the emergency; and



WHEREAS, On March 16, 2020, the City's Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the "Stay Safe At Home Order"), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses, through April 7, 2020, and on March 31, 2020, the Health Officer extended the Stay Safe At Home Order through May 3, 2020; and

WHEREAS, On March 19, 2020, the Governor issued Executive Order N-33-20 and the California Public Health Officer issued a corresponding order requiring people to stay home except as needed subject to certain exceptions; and

WHEREAS, There are currently 797 confirmed cases of COVID-19 within the City and there have been 13 COVID-19-related deaths in the City; there are more than 20,000 confirmed cases in California, and there have been 542 COVID-19-related deaths in California; and

WHEREAS, This order and the previous orders issued during this emergency have all been issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and

WHEREAS, To reduce the spread of the virus and protect the public health, the Stay Safe At Home Order prohibits restaurants in the City from offering dine-in service, limiting restaurants to delivery and takeout offerings only; and

WHEREAS, Restricting restaurants to takeout and delivery offerings only has placed a sudden and severe financial strain on many restaurants, particularly those that are small businesses that already operate on thin margins, adding to financial pressures in the industry that predate the COVID-19 crisis; and

WHEREAS, It is in the public interest to take action to maximize restaurant revenue from the takeout and delivery orders that are currently the sole source of revenue for these small businesses to enable restaurants to survive this crisis and remain as sources of employment and neighborhood vitality in the City; and



WHEREAS, Many consumers use third-party applications and websites to place orders with restaurants for delivery and takeout, and these third-party platforms charge restaurants fees; service agreements between some restaurants and third-party platforms provide that the platform charges the restaurant 10% of the purchase price per order, while some agreements provide for higher per-order fees; and

WHEREAS, Restaurants, and particularly restaurants that are small businesses with few locations, have limited bargaining power to negotiate lower fees with third-party platforms, given the high market saturation of third-party platforms, and the dire financial straits small business restaurants are facing in this COVID-19 emergency; and

WHEREAS, Capping the per-order fees at 15% will accomplish the legitimate public purpose of easing the financial burden on struggling restaurants during this emergency while not unduly burdening third-party platforms, as this fee is recognized as reasonable, and third-party platforms continue to earn significant profits; and

WHEREAS, In the Second Supplement to the Emergency Proclamation, dated March 13, 2019, the Mayor authorized the Controller to establish a fund to receive private donations to support the City's COVID-19 response efforts; private parties have also expressed interest in donating goods to assist with emergency response efforts, and it is in the public interest to expand the prior authorization to allow the acceptance and use of such goods; and

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation dated March 11, March 13, March 17, March 18, March 23, March 27, March 31, and April 1, 2020, it is further ordered that:

(1) It shall be unlawful for a third-party food delivery service to charge a covered establishment a fee per online order for the use of its services that totals more than 15% of the purchase price of such online order.



(a) For purposes of this order, the following definitions apply:

“Covered establishment” means a restaurant that offers, in a single commercial transaction over the internet, whether directly or through a third-party food delivery service, the sale and same-day delivery of food to customers from one or more retail locations within the City. Covered establishment shall not include any restaurant that meets the definition of a formula retail use under Section 303.1 of the Planning Code.

“Online order” means an order placed by a customer through a platform provided by a third-party food delivery service for delivery or pickup within the City.

“Purchase price” means the menu price of an online order. Such term therefore excludes taxes, gratuities and any other fees that may make up the total cost to the customer of an online order.

“Restaurant” shall have the meaning provided in Section 451 of the Health Code.

“Third-party food delivery service” means any website, mobile application or other internet service that offers or arranges for the sale of food and beverages prepared by, and the same-day delivery or same-day pickup of food and beverages from, no fewer than 20 separately owned and operated food service establishments.

(b) The Director of the Office of Economic and Workforce Development, or the Director’s designee, is authorized to implement this order and issue any necessary guidance or rules consistent with this order.

(c) This order shall take effect on April 13, 2020, and shall terminate at such time as the Health Officer amends or terminates the order prohibiting restaurants from offering dine-in service or that prohibition otherwise expires, so that dine-in service is then allowed.

(d) A third-party food delivery service shall not be found in violation of this order if between April 13, 2020 and April 20, 2020, it imposes a fee per online order for the use of its services that totals more than 15% of the purchase price of such online order, provided it refunds the portion of the fee that exceeds 15% of the purchase price to the covered establishment prior to April 27, 2020.



(e) If a third-party food delivery service charges a covered establishment fees that violate this order, the covered establishment shall provide written notice to the third-party food delivery service requesting a refund within seven days. If the third-party food delivery service does not provide the refund requested after seven days or the third-party food delivery service continues to charge fees in violation of this order after the initial notice and seven-day cure period, a covered establishment may enforce this order by means of a civil action seeking damages and injunctive relief. The prevailing party in any such action shall be entitled to an award of reasonable attorney fees.

(2) Item 4 in the Second Supplement to the Emergency Proclamation, dated March 13, 2020, is revised and replaced as follows:

The Controller is authorized to accept and expend funds in any amount and accept, distribute and use goods valued at any amount contributed by individuals or entities for the purposes of assisting the City's efforts to respond to the COVID-19 emergency. Notwithstanding any authorization in the Administrative Code or other City laws to accept and expend funds or accept, distribute and use goods, all donations, grants, gifts and bequests of money and goods to the City for the purpose of responding to the emergency shall be accepted by the Controller, and expenditures of such funds and the distribution and use of such goods shall be subject to the Controller's direction. Funds and goods accepted by the Controller may be expended or used by the City to provide shelter, food, financial assistance including but not limited to loans, grants, or rent, mortgage and utility payments, and other assistance to individuals and families in the City who are impacted by the emergency; to replace, repair, and rebuild public buildings, infrastructure, and other assets for use in the City's efforts to respond to the emergency; to issue and administer grants and/or interest-free loans to small businesses in the City to compensate for economic harms resulting from COVID-19; and for other City efforts to address the impacts of COVID-19. Goods accepted by the Controller may be distributed by the City or used for any City effort to address the impacts of COVID-19. The Controller may coordinate with or delegate responsibility to any other department or agency to develop criteria for and administer the expenditure of funds and the distribution or use of goods. Provisions of existing agreements and of local law are suspended to the extent they would impede the disbursement of funds or the distribution or use of goods to outside entities for the purposes described above; and



(3) Item 9 in the Seventh Supplement to the Emergency Proclamation, dated March 31, 2020, is revised and replaced as follows:

All fees and charges authorized by the Board of Supervisors for Fiscal Year 2019-2020 shall remain in effect until the Board's adoption of the Annual Appropriation Ordinance, or until otherwise altered by ordinance or emergency declaration.

DATED: April 10, 2020


A handwritten signature in cursive script, reading "London Breed", written over a horizontal line.

London N. Breed
Mayor of San Francisco

n:\govern\as2020\9690082\01438868.doc

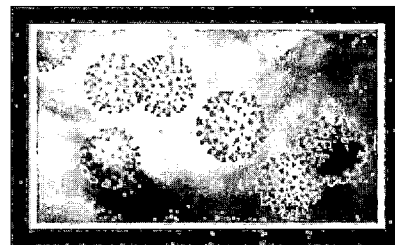
EXHIBIT 6

Order of the Health Officer C19-05: Shelter in Place Extended

 socoemergency.org/order-of-the-health-officer-shelter-in-place-extended

April 1,
2020

En español »



Updated May 1, 2020

This Health Order has been superseded by [No. C19-09: Extending the Shelter-in-Place Order No. C19-05 Beyond May 3, 2020](#)

No. C19-05
Extending The Shelter In Place Order No. C19-03 Beyond
April 7, 2020 To May 3, 2020

DATE OF ORDER: MARCH 31, 2020

[Read Order of the Health Officer of the County of Sonoma »](#)

[Read Health Order Appendix – Social Distancing Protocol »](#)

[Detailed Summary of Changes – New Shelter Order issued on March 31, 2020 \(PDF\) »](#)

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120275, *et seq.*; Cal. Penal Code §§ 69, 148(a)(1).)

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE COUNTY OF SONOMA ("HEALTH OFFICER") ORDERS:

1. This Order shall become effective at 12:01 a.m. on April 1, 2020 and will continue to be in effect until 11:59 p.m. on May 3, 2020, or until it is extended, rescinded, superseded, or amended in writing by the Health Officer or the State Health Officer.
2. This Order supersedes the March 17, 2020 Shelter in Place Order of the Health Officer (C19-03) directing all individuals to shelter in place ("Prior Shelter Order"). This Order clarifies, strengthens, and extends certain terms of the Prior Shelter Order to increase social distancing and further reduce person-to-person contact in order to further slow transmission of Novel Coronavirus Disease 2019 ("COVID-19"). As of the effective date and time of this Order set forth in Section 1 above, all individuals, businesses and government agencies in the County of Sonoma ("County") are required to follow the provisions of this Order.
3. The intent of this Order is to ensure that the maximum number of people self-isolate in their places of residence to the maximum extent feasible, while enabling essential services to continue, to slow the spread of COVID-19 to the maximum extent possible. When people need to leave their places of residence, whether to obtain or perform vital services, or to otherwise facilitate authorized activities necessary for continuity of social and commercial life, they should at all times reasonably possible comply with Social Distancing and Hygiene Requirements as defined in Section 13 below. All provisions of this Order should be interpreted to effectuate this intent. Failure to comply with any of the provisions of this Order constitutes an imminent threat to public health.
4. All individuals currently living within the County are ordered to shelter at their place of residence. All persons may leave their residences only for Essential Activities, Essential Governmental Functions, to work for Essential Businesses, or to perform Minimum Basic Operations for non-essential businesses, all as defined in Section 13. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter, and governmental and other entities are strongly urged to make such shelter available as soon as possible and to the maximum extent practicable (and to utilize Social Distancing and Hygiene Requirements in their operation).
5. When people need to leave their place of residence for the limited purposes allowed in this Order, they must strictly comply with Social Distancing and Hygiene Requirements as defined in Section 13, except as expressly provided in this Order.

6. All businesses with a facility in the County, except those where the primary function or activities of the facility are Essential Businesses, as defined in Section 13.f, are required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 13. Businesses may also continue operations consisting exclusively of employees or contractors performing activities at their own residences (i.e., working from home). Essential Businesses are directed to maximize the number of employees who work from home. Essential Businesses may only assign those employees who cannot perform their job duties from home to work outside the home. All Essential Businesses shall prepare, post, and implement a Social Distancing Protocol at each of their facilities at which they are maintaining operations, as specified in Section 13.h. Businesses that include an Essential Business component at their facilities alongside non-essential components must, to the extent feasible, scale down their operations to the Essential Business component only; provided, however, that mixed retail businesses that are otherwise allowed to operate under this Order may continue to stock and sell non-essential products. Essential businesses must follow industry-specific guidance issued by the California Department of Public Health ("CDPH") related to COVID-19.
7. All public and private gatherings of any number of people occurring outside a household or living unit are prohibited, except for the limited purposes as expressly permitted in Section 13.
8. All travel, except Essential Travel and Essential Activities as defined below in Section 13, is prohibited. People must use public transit only for purposes of performing Essential Activities or to travel to and from work to operate Essential Businesses or maintain Essential Governmental Functions. People riding on public transit must comply with Social Distancing and Hygiene Requirements as defined in Section 13 below. This Order allows travel into or out of the County to perform Essential Activities, operate Essential Businesses, or maintain Essential Governmental Functions.

9. This Order is issued based on evidence of increasing occurrence of COVID-19 within the County, throughout the Bay Area, and throughout the United States and scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically, and evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19. Due to the outbreak of the COVID-19 virus in the general public, which is now a pandemic according to the United States and the World Health Organization, there is a public health emergency throughout the County. Making the problem worse, some individuals who contract the COVID-19 virus have no symptoms or have mild symptoms, which means they may not be aware they carry the virus. Because even people without symptoms can transmit the disease, and because evidence shows the disease is easily spread, gatherings can result in preventable transmission of the virus. The scientific evidence shows that at this stage of the emergency, it is essential to slow virus transmission as much as possible to protect the most vulnerable and to prevent the health care system from being overwhelmed. One proven way to slow the transmission is to limit interactions among people to the greatest extent practicable. By reducing the spread of the COVID-19 virus, this Order helps preserve critical and limited healthcare capacity in the County.
10. This Order also is issued in light of the existence of 73 cases of COVID-19 in the County as well as 1 fatality, as of March 31, 2020. The County has confirmed through testing that every section of the County suffers from infection. This Order is necessary to slow the rate of spread and the Health Officer will re-evaluate it as further data becomes available.
11. This Order is issued in accordance with, and incorporates by reference, the March 19, 2020 Executive Order of the Governor (N-33-20); the March 13, 2020 Order of the Health Officer No. C19-02; the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom; the March 2, 2020 Proclamation of Local Emergency for the County of Sonoma issued by the Director of Emergency Services Declaring the Existence of a Local Emergency in the County Regarding Novel Coronavirus 2019 (COVID-19); the Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer; the March 4, 2020 Resolution of the Board of Supervisors of the County of Sonoma Ratifying and Extending the Declaration of a Local Health Emergency, and the March 4, 2020 Resolution of the Board of Supervisors of the County of Sonoma Ratifying and Extending the Proclamation of a Local Emergency.

12. This Order comes after the release of substantial guidance from the County Health Officer, the Centers for Disease Control and Prevention, the California Department of Public Health, and other public health officials throughout the United States and around the world, including a variety of prior orders to combat the spread and harms of COVID-19. The Health Officer will continue to assess the quickly evolving situation and may modify or extend this Order, or issue additional Orders, related to COVID-19.
13. **Definitions and Exemptions.**

1. For purposes of this Order, individuals may leave their residence only to perform any of the following “Essential Activities.” But people at high risk of severe illness from COVID-19 and people who are sick are urged to stay in their residence to the extent possible except as necessary to seek medical care. For purposes of this Order, people at “high risk of severe illness from COVID-19” are people who meet the CDC definition of higher risk. (<https://www.cdc.gov/coronavirus/2019-ncov/specific-groups/high-risk-complications.html>)
 1. To engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or household members (including pets), such as, by way of example only and without limitation, obtaining medical supplies or medication, or visiting a health care professional.
 2. To obtain necessary services or supplies for themselves and their family, household members, and pets, or to deliver those services or supplies to others, such as, by way of example only and without limitation, canned food, dry goods, fresh fruits and vegetables, pet food and supply, fresh meats, fish, and poultry, and any other household consumer products, and products necessary to maintain the habitability, sanitation, and essential operation of residences.
 3. To engage in outdoor activity, provided the individuals comply with Social Distancing and Hygiene Requirements as defined in this Section, such as, by way of example and without limitation, walking, hiking, biking, or running.
 4. To perform work providing essential products and services at an Essential Business or to otherwise carry out activities specifically permitted in this Order, including Minimum Basic Operations.
 5. To provide necessary care for a family member or pet in another household who has no other source of care.
 6. To attend a funeral with no more than 10 individuals present.
 7. To move residences, but only if it is not possible to defer an already planned move, if the move is necessitated by safety, sanitation, or habitability reasons, or if the move is necessary to preserve access to shelter. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days. To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention

2. For the purposes of this Order, individuals may leave their residence to work for, volunteer at, or obtain services at “Healthcare Operations,” including, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations shall be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.
3. For the purposes of this Order, individuals may leave their residence to provide any services or perform any work necessary to the operation and maintenance of “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, business infrastructure, communications, and web-based services).
4. For the purposes of this Order, all first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services. Further, nothing in this Order shall prohibit any individual from performing or accessing “Essential Governmental Functions,” as determined by the governmental entity performing those functions in the County. Each governmental entity shall identify and designate appropriate employees, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new employees or contractors to perform such functions. Each governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to and recover from the COVID-19 pandemic, and all Essential Governmental Functions shall be performed in compliance with Social Distancing and Hygiene Requirements to the greatest extent feasible.
5. For the purposes of this Order, a “business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.
6. For the purposes of this Order, “Essential Businesses” means:

1. Healthcare Operations and businesses that operate, maintain, or repair Essential Infrastructure;
2. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of residences. The businesses included in this subparagraph (ii) include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subparagraph, such as liquor stores that also sell a significant amount of food. Farmer's markets shall comply with CDPH Guidance regarding Retail Food, Beverage, and Other Related Service Venues issued March 16, 2020;
3. Businesses engaged in the production, cultivation, processing, testing, or distribution of food, beverage, or other agricultural products. These businesses shall be closed to the public, except that retail sales to the public may occur via curbside pick-up, delivery, shipping, farm and produce stands, or farmer's markets (see Subsection 13.f.ii. of this Order), where otherwise allowed by law. Such businesses include agriculture, farming, ranching, fishing, dairies, creameries, wineries, breweries, and licensed cannabis businesses;
4. Businesses that are necessary to support businesses described in Subsection 13.f.iii. above, including but not limited to farm management companies, food and beverage processing, equipment dealerships, fuel companies and deliveries, mobile and fixed mechanics, agricultural transportation services, and companies providing seeds, nursery stock, fertilizer, livestock feed, and crop production products;
5. Businesses providing food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;

6. Construction, but only of the types listed in this subparagraph below:
 1. Projects immediately necessary to the maintenance, operation or repair of Essential Infrastructure;
 2. Projects associated with Healthcare Operations, including creating or expanding Healthcare Operations, provided that such construction is directly related to the COVID-19 response.
 3. Affordable housing that is or will be income-restricted, including multi-unit or mixed-use developments containing at least 10% income-restricted units;
 4. Public works projects if specifically designated as an Essential Governmental Function by the lead governmental agency;
 5. Shelters and temporary housing, but not including hotels or motels;
 6. Projects immediately necessary to provide critical non-commercial services to individuals experiencing homelessness, elderly persons, persons who are economically disadvantaged, and persons with special needs;
 7. Construction necessary to ensure that existing construction sites that must be shut down under this Order are left in a safe and secure manner, but only to the extent necessary to do so; and
 8. Construction or repair necessary to ensure that residences and buildings containing Essential Businesses are safe, sanitary, or habitable to the extent such construction or repair cannot reasonably be delayed;
 9. Construction or debris removal activities undertaken pursuant to Chapters 40 and 40A of the County Code, or any other construction and debris removal activities on fire damaged or destroyed properties;
7. Newspapers, television, radio, and other media services;
8. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services (and not, by way of example, car sales or car washes). This subparagraph does not restrict the on-line purchase of automobiles if they are delivered to a residence or Essential Business;
9. Bicycle repair and supply shops;
10. Banks and related financial institutions;

11. Service providers that enable residential transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same household or living unit and one individual showing the unit (except that in person visits are not allowed when the occupant is still residing in the residence);
12. Hardware stores;
13. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, and operation of residences and Essential Businesses, but not for cosmetic or other purposes;
14. Arborists, landscapers, gardeners, and similar service professionals, but only to the limited extent necessary to maintain the habitability, sanitation, operation of businesses or residences, or the safety of residents, employees, or the public (such as fire safety or tree trimming to prevent a dangerous condition), and not for cosmetic or other purposes (such as upkeep);
15. Businesses providing mailing and shipping services, including post office boxes;
16. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, provided that social distancing of six-feet per person is maintained;
17. Laundromats, drycleaners, and laundry service providers;
18. Restaurants and other facilities that prepare and serve food, but only for drive-thru, delivery, or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site. Food trucks shall comply with CDPH Guidance regarding Retail Food, Beverage, and Other Related Service Venues issued March 16, 2020;
19. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains;

20. Businesses that supply other Essential Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Essential Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
21. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to residences or businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
22. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
23. Home-based care for seniors, adults, or children;
24. Residential facilities and shelters for seniors, adults, and children;
25. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities;
26. Services to assist individuals in finding employment with Essential Businesses;
27. Moving services that facilitate residential or commercial moves that are allowed under this Order;
28. Childcare facilities providing services that enable owners, employees, volunteers, and contractors for Essential Businesses, Healthcare Operations, or Essential Governmental Functions to work as permitted. Children of owners, employees, volunteers, and contractors who are not exempt under this Order may not attend childcare facilities. To the extent possible, childcare facilities must operate under the following conditions:
 1. Childcare must be carried out in stable groups of 12 or fewer ("stable" means that the same 12 or fewer children are in the same group each day).
 2. Children shall not change from one group to another.
 3. If more than one group of children is cared for at one facility, each group shall be in a separate room. Groups shall not mix with each other.
 4. Childcare providers shall remain solely with one group of children.

29. Short-term lodging facilities (including short-term rentals, vacation rentals, timeshares, hotels, motels, and other short-term lodgings) only to the extent they provide: (1) lodging to protect the County homeless population, (2) lodging for County residents who have been displaced and cannot return to their residence because there is a person residing at their residence that must isolate or quarantine or is at a high risk of severe illness from COVID-19, as defined in this Section 13.a. above, (3) lodging for County residents who need to isolate or quarantine, (4) housing support for Healthcare Operations, Essential Infrastructure, Essential Businesses, and Essential Governmental Functions (i.e. housing traveling nurses or government contractors). Short-term lodging facilities shall not operate for tourism. No homeowner, agent of the homeowner, property manager, marketing agent, listing agent, or real estate agent shall engage in efforts to rent or lease any short-term lodging facilities within the County for any other purpose.
7. For the purposes of this Order, "Minimum Basic Operations" include the following activities when they cannot be performed remotely, provided that there are only the minimum number of persons on-site and persons comply with Social Distancing and Hygiene Requirements as defined this Section:
 1. The minimum necessary activities to maintain and protect the value of the business's inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to residences or businesses; and related functions.
 2. The minimum necessary activities to facilitate owners, employees, and contractors of the business being able to continue to work remotely from their residences, and to ensure that the business can deliver its service remotely.

8. For the purposes of this Order, all Essential Businesses must prepare and post by no later than 11:59 p.m. on April 2, 2020 a "Social Distancing Protocol" for each of their facilities in the County frequented by the public or employees. The Social Distancing Protocol must be substantially in the form attached to this Order as Appendix A. The Social Distancing Protocol must be posted at or near the entrance of the relevant facility, and shall be easily viewable by the public and employees. A copy of the Social Distancing Protocol must also be provided to each employee performing work at the facility. All Essential Businesses shall implement the Social Distancing Protocol and provide evidence of its implementation to any authority enforcing this Order upon demand. The Social Distancing Protocol must explain how the business is achieving the following, as applicable:

1. Limiting the number of people who can enter into the facility at any one time to ensure that people in the facility can easily maintain a minimum six-foot distance from one another at all times, except as required to complete the Essential Business activity;
2. Where lines may form at a facility, marking six-foot increments at a minimum, establishing where individuals should stand to maintain adequate social distancing;
3. Providing hand sanitizer, soap and water, or effective disinfectant at or near the entrance of the facility and in other appropriate areas for use by the public and employees, and in locations where there is high-frequency employee interaction with members of the public (e.g. cashiers);
4. Providing for contactless payment systems or, if not feasible to do so, the providing for disinfecting all payment portals, pens, and styluses after each use;
5. Regularly disinfecting other high-touch surfaces; and
6. Posting a sign at the entrance of the facility informing all employees and customers that they should: avoid entering the facility if they have a cough or fever; maintain a minimum six-foot distance from one another; sneeze and cough into one's elbow; not shake hands or engage in any unnecessary physical contact.
7. Any additional social distancing measures being implemented (see the Centers for Disease Control and Prevention's guidance at: <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>).

9. For the purposes of this Order, “Essential Travel” means travel for any of the following purposes:

1.

1. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, or Minimum Basic Operations.
2. Travel to care for any elderly, minors, dependents, or persons with disabilities.
3. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services.
4. Travel to return to a place of residence from outside the County.
5. Travel required by law enforcement or court order.
6. Travel required for non-residents to return to their place of residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional prior to commencing such travel.
7. Travel to manage after-death arrangements and burial.
8. Travel to arrange for shelter or avoid homelessness.
9. Travel to avoid domestic violence or child abuse.
10. Travel for parental custody arrangements.
11. Travel to a place to temporarily reside in a residence or other facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.

10. For purposes of this Order, “residences” include hotels, motels, shared rental units and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or household unit. Hotels, motels and short term rentals are subject to the restrictions in Section 13.f.xxix above.

11. For purposes of this Order, "Social Distancing and Hygiene Requirements" means:
1. Maintaining at least six-foot social distancing from individuals who are not part of the same household or living unit;
 2. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
 3. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands); and
 4. Avoiding all social interaction outside the household when sick with a fever or cough. All individuals must strictly comply with Social Distancing and Hygiene Requirements, except to the limited extent necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order.
12. To the extent the Sheriff or any chief of police has any questions regarding the definitions under this Order, the Health Officer hereby delegates authority to the County Counsel to answer such questions in writing.
14. Government agencies and other entities operating shelters and other facilities that house or provide meals or other necessities of life for individuals experiencing homelessness must take appropriate steps to help ensure compliance with Social Distancing and Hygiene Requirements, including adequate provision of hand sanitizer. Also, individuals experiencing homelessness who are unsheltered should abide by 12 foot by 12 foot distancing for the placement of tents/sleeping quarters, and government agencies should provide restroom and hand washing facilities for such individuals as set forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).
15. Pursuant to Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and all chiefs of police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both..
16. The County is ordered to establish an Emergency Operations Center, implement all emergency protective orders, implement all health officer orders, and implement the County's pandemic response..

17. This order is given because of the propensity of the virus to spread person-to-person, and also because the virus physically is causing property loss or damage due to its proclivity to stay airborne and to attach to surfaces for prolonged periods of time..
18. Copies of this Order shall promptly be: (1) made available at the County Administration Center at 575 Administration Drive, Santa Rosa CA 95403; (2) posted on the County Public Health Department website (<https://sonomacounty.ca.gov/Health/Public-Health/>) and (<https://socoemergency.org/>); and (3) provided to any member of the public requesting a copy of this Order..
19. If any provision of this Order to the application thereof to any person or circumstance is held to be invalid, the reminder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall continue in full force and effect. To this end, the provisions of this Order are severable.

It is so ordered:

Signed by Dr. Sundari R. Mase MD MPH,
Health Officer of Sonoma County

EXHIBIT 7



ORDER OF THE HEALTH OFFICER No. C19-07f

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO
DIRECTING ALL INDIVIDUALS IN THE COUNTY TO CONTINUE
STAYING SAFER AT THEIR PLACES OF RESIDENCE TO THE
EXTENT THEY CAN EXCEPT FOR IDENTIFIED NEEDS AND
ACTIVITIES, AND TO FOLLOW HEALTH RISK REDUCTION
MEASURES OUTSIDE THEIR RESIDENCES; URGING GOVERNMENT
AGENCIES TO PROVIDE SHELTER AND SANITATION FACILITIES
TO INDIVIDUALS EXPERIENCING HOMELESSNESS; REQUIRING
ALL BUSINESSES AND RECREATION FACILITIES THAT ARE
ALLOWED TO OPERATE TO IMPLEMENT HEALTH RISK
REDUCTION MEASURES; AND DIRECTING ALL BUSINESSES,
FACILITY OPERATORS, AND GOVERNMENTAL AGENCIES TO
CONTINUE THE TEMPORARY CLOSURE OF ALL OPERATIONS
THAT ARE NOT YET SAFE ENOUGH TO RESUME**

(STAY SAFER AT HOME)

DATE OF ORDER: July 13, 2020 (updated July 20, 2020)

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1); and San Francisco Administrative Code § 7.17(b))

Summary: On February 25, 2020 the Mayor of the City and County of San Francisco (the "County") declared a state of emergency to prepare for coronavirus disease 2019 ("COVID-19"). On March 5, 2020 there was the first reported case of COVID-19 in the County. On March 16, 2020 the County and five other Bay Area counties and the City of Berkeley, working together, were the first in the State to implement shelter-in-place orders in a collective effort to reduce the impact of the virus that causes COVID-19. That virus is easily transmitted, especially indoors or in group settings, and the disease can be extremely serious. It can require long hospital stays, and in some instances cause long-term health consequences or death. It can impact not only those who are older or have underlying health conditions and known to be at high risk, but also other people, regardless of age. And a major risk remains the spread of the virus that causes COVID-19 through asymptomatic and pre-symptomatic carriers, people who can spread the disease but do not even know they are infected and contagious. The spread of disease is a global pandemic causing untold societal, social, and economic harm.



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Initially the shelter-in-place orders generally required individuals to stay in their residences except for essential needs like grocery shopping, working in essential businesses, providing essential government functions, or engaging in essential travel. Over time, and based on health data and a risk analysis, the County allowed the phased resumption of some businesses and activities, consistent with the roadmap that the State has established under its order. For instance, the County allowed businesses that had operated primarily outdoors before March 16, 2020, to resume outdoor business activities, and the County has allowed many outdoor recreation activities that do not involve physical contact or shared equipment. Later, the County allowed additional categories of businesses and activities to resume, such as outdoor dining, curbside pick-up, and in-store retail, with other businesses and activities to be added over time when safe to do so.

Through this gradual reopening process the County has adopted risk reduction measures for individuals and businesses as further described below. Beginning on April 17, 2020 and based on increasing evidence that face coverings help protect against the spread of the virus, the County adopted a requirement for people to wear face coverings. That requirement has since been updated to expand the requirement to most settings outside people's residences. The County Health Officer has also issued best practices health directives for a number of businesses and activities, and the County Department of Public Health has issued companion guidance documents.

Meanwhile, in March 2020 after the County and neighboring jurisdictions adopted their shelter-in-place orders, the State adopted its own shelter-in-place order that applied throughout California. And in mid-April 2020 the State established a four-stage roadmap for reopening that sets a baseline for all counties in California and allows counties to go at a slower pace. The State has continued to revise its roadmap. Consistent with the State roadmap, the County created its own phased reopening plan. The County's plan provides for the incremental resumption of certain business and other activities to gradually increase the volume of person-to-person contact to help contain the risk of a surge in COVID-19 cases in the County and the region. The County's plan is available online at <https://sf.gov/topics/reopening>. Because of the density of San Francisco and local health conditions, the County has moved more cautiously than the State otherwise allows. To help further protect workers and the public and give both more confidence in resuming day-to-day activities, the County has imposed health and safety measures that are more restrictive than the State's industry guidelines. In late June 2020, the County Health Officer, with support from the County Board of Supervisors, applied for and received a variance from the State to allow the County more flexibility in its decision-making on the phases of reopening. As long as the County makes progress on ways to contain virus transmission and health-based risk considerations support doing so, the Health Officer will allow additional business and other activities under a phased, incremental process, to provide for a safer economic recovery.

Our collective effort has had a positive impact on limiting the spread of the virus. Early on the County, along with the other Bay Area jurisdictions, were able to bend the curve



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and preserve hospital capacity. The County continues to work on building up its testing, case finding, case investigation, contact tracing capacity, and resources to protect vulnerable populations and address outbreaks. Still, the severe danger the virus poses to the health and welfare of all continues, and there remains a continuing risk of a surge that will overwhelm the capacity of our hospital system. Also, while the search continues, treatment for disease is limited and there is no vaccine. The vast majority of the population remains susceptible to infection, and local conditions could rapidly worsen if reopening steps are taken too quickly.

Indeed, as of the date of this Order the County and the region are at the beginning of a major surge in infections and hospitalizations, and are taking appropriate steps to respond, including pausing the reopening process. Along with other counties in the Bay Area, the County has been placed on the State monitoring list and is suspending certain additional business activities as required by the State Health Officer. The County Health Officer may suspend more business and other activities—or for a longer duration—than the State requires, depending on local health indicators.

We are going to have to live with the threat of the virus for many months to come. And for us to be able to continue to resume business and other activities, we are all going to have to take responsibility to act safely, including wearing face coverings, keeping at least six feet from others who are not in our household, washing our hands frequently, and minimizing gatherings. We are all in this together, and each of us is going to have to make sacrifices for the good of the community as a whole, including for our most vulnerable members.

This new Order updates, changes, and replaces the prior shelter in place order. In particular, it reflects a shift in the County's approach to focus more on risk reduction while at the same time keeping to an incremental, health-data-driven plan for resuming business and other activity. This Order updates and refines the health data framework that will guide the Health Officer's "gating" decisions about whether to move forward with phases to reopen businesses and resume activities and otherwise modify this Order. Gating criteria are the benchmarks that, when met, will allow the County to move through the gate to the next level of reopening. In connection with those changes to the gating framework, this Order updates and refines the risk criteria that the Health Officer will apply to reopening decisions for specific business sectors and other activities. Those risk factors, described in more detail in the Order, include: the ability to modify behavior to reduce the risk; avoidance of risky activities; the nature of the setting; mixing of households; the number and nature of contacts; and the modification potential for the activity.

This Order includes the following requirements, and you should review the Order itself for additional details.

General Requirements. The Order:



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- Urges all residents in the County to reduce the risk of COVID-19 transmission by staying in their residences to the extent possible and minimizing trips and activities outside the home;
- Allows people to engage in listed activities, including, for example, working for or going to the businesses listed below and certain governmental and essential infrastructure activities, as well as engaging in essential activities, outdoor activities, certain additional activities, and travel related to those activities;
- Urges older individuals and others who have serious underlying health conditions to remain home other than essential needs;
- Continues to require everyone to wear face coverings while outside their residences, subject to limited exceptions;
- Continues to require everyone to follow social distancing requirements, including staying at least six feet away from members outside of their household, subject to limited exceptions;
- Continues to urge government agencies to provide shelter and sanitation facilities for individuals experiencing homelessness;
- Continues to require everyone to comply with requirements issued by the State and other Health Officer orders and directives; and
- Limits gatherings among different households to help reduce the transmission of the virus.

Requirements for All Businesses. The Order:

- Allows only listed businesses to operate onsite, including essential businesses, outdoor businesses, healthcare operations, and certain additional businesses;
- Allows other businesses only to operate Minimum Basic Operations (as defined in the Order) onsite;
- Requires that businesses continue to maximize the number of people who work remotely from home to the extent possible;
- Requires businesses to complete and post a Social Distancing Protocol checklist in the form attached to the Order as Appendix A;
- Requires businesses to direct personnel to stay home when sick and prohibits adverse action against personnel for doing so;
- Requires businesses and governmental entities to report to the San Francisco Department of Public Health when three or more personnel test positive for the virus that causes COVID-19 within a two-week period;
- Allows for customers to use reusable shopping bags at businesses; and
- Requires businesses to cancel reservations or appointments without a financial penalty when a customer has a COVID-19 related reason.

Mandatory Best Practices Health Officer Directives. The Order requires that businesses and other entities review and comply with any applicable Health Officer Directives, and many of them require a Health and Safety Plan be completed and posted. These requirements include measures to help protect health of workers and customers, such as



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face covering, social distancing and sanitation protocols and in many instances capacity limits. There are currently directives for many types of businesses and activities, including: construction projects; food delivery and take-out restaurants; residential delivery services; grocery stores, pharmacies, farmer's markets, and hardware stores; healthcare operations that offer elective surgeries, dental care, or ambulatory care; retail stores that offer curbside pickup; manufacturing and warehousing; summer camps; child care; golf and tennis facilities; outdoor dining; indoor retail sales and services; and office environments. All directives are available online at www.sfdph.org/directives.

Term. This Order will remain in effect, without a specific expiration date, for so long as the threat of the pandemic continues, or until this Order is otherwise extended, rescinded, superseded, or amended in writing by the Health Officer. But the Health Officer will continue to carefully monitor the evolving situation and will periodically revise this Order to loosen – or if need be tighten – restrictions as conditions warrant, to help further the safer economic recovery and resumption of activities.

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UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY AND
COUNTY OF SAN FRANCISCO (“HEALTH OFFICER”) ORDERS:

1. Purpose and Findings.

- a. Purpose. As of the effective date and time set forth in Section 13, below, this Order supersedes the May 17, 2020 Order of the Health Officer, No. C19-07e, last updated on June 11, 2020, directing all individuals to shelter in place (the “Prior Order”), and all individuals, Businesses (as defined in Section 8.e below), and applicable government agencies in the County are required to follow the provisions of this Order. This Order continues to temporarily prohibit certain Businesses and activities from resuming and limits gatherings with individuals from other Households (as defined in Section 4.b below) until it is safer to do so. But it allows certain other Businesses, activities, travel and governmental functions to occur subject to specified health and safety restrictions, limitations, and conditions to limit the transmission of Novel Coronavirus Disease 2019 (“COVID-19”). COVID-19 continues to pose a severe risk to residents of our County, and significant safety measures are necessary to protect against a surge in COVID-19 cases, serious illnesses and deaths. Accordingly, this Order requires risk reduction measures to be in place across Business sectors and activities that are allowed to occur, ensuring necessary precautions are followed as we adapt the way we live and function in light of the ongoing threat that the virus now poses and is very likely to continue to pose for some time to come. The Health Officer will continue to monitor data regarding COVID-19 and the evolving scientific understanding of the risks COVID-19 poses and may amend or rescind this Order based on analysis of that data and knowledge.
- b. Intent. The primary intent of this Order is to ensure that County residents continue to stay safer in their Residences (as defined in Section 4.b, below) to the extent possible and that together as a community our residents, along with visitors and workers in the County, take appropriate risk reduction measures, especially while outside their Residences, to slow the spread of COVID-19 and mitigate its impact on the delivery of critical healthcare services in the County



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and the region. As further provided in Section 2, below, the Health Officer intends to allow the phased resumption of Businesses and activities to provide for a safer reopening, with specified risk reduction measures, all while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19 in light of the COVID-19 Indicators and risk framework described in Sections 2 and 3, below.

- c. **Interpretation.** All provisions of this Order must be interpreted to effectuate the intent of this Order as described in subsection (b) above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order; in the event of any inconsistency between the summary, headings or subheadings and the text of this Order below, the text will control. Certain initially capitalized used in this Order have the meanings given them in Section 8 below. The interpretation of this Order in relation to the health orders of the State is described in Section 10 below.
- d. **Effect of Failure to Comply.** Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both, as further provided in Section 12 below.
- e. **Continuing Severe Health and Safety Risk Posed by COVID-19.** This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; continued uncertainty regarding the degree of undetected asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes. Due to the outbreak of the COVID-19 disease in the general public, which remains a pandemic according to the World Health Organization, there is a public health emergency throughout the County, region and State. That immediate threat to public health and safety is also reflected in the continuing declarations of emergency referenced in Section 9.a below. Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Further, evidence shows that the virus can survive for hours to days on surfaces and be indirectly transmitted between individuals and also may be transmitted through airborne micro-droplets. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings of people and other direct or indirect interpersonal interactions, particularly those that occur indoors, can result in preventable transmission of the virus.



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- f. Local Health Conditions Relating to COVID-19. The efforts taken beginning in March 2020 under the prior shelter-in-place orders of the Health Officer, along with those of health officers of five neighboring counties, slowed the virus's trajectory. While the public health emergency and threat to the County's population remain severe, the region has significantly increased its capacity to detect cases, contain spread, and treat infected patients through widespread testing; greatly expanded its case investigation and contact tracing program and workforce; and expanded hospital resources and capacity. At the same time, across the region and the rest of the State, there has been a significant reopening of Businesses and activities, accompanied by an increase in cases and hospitalizations, which increases carry risks to County residents and resources. As we continue to evolve our strategies for protecting residents of the County from COVID-19, we must take into account both the trajectory of the virus in the County and across the region, and the increased health risks associated with the opening of many Businesses and activities under the Prior Order. To protect the community from COVID-19, we must ensure that when people engage in activities they are doing so as safely as possible.
- g. Cases, Hospitalizations and Deaths. As of July 18, 2020, there were 5,202 confirmed cases of COVID-19 in the County (up from 37 on March 16, 2020, the day before the first shelter-in-place order in the County went into effect) as well as at least 52 deaths (up from 1 death on March 17, 2020). This information, as well as information regarding hospitalizations and hospital capacity, is regularly updated on the San Francisco Department of Public Health's website at <https://data.sfgov.org/stories/s/fjki-2fab>.

2. Health Gating Framework for Reopening.

To inform decisions about whether and how to augment, limit, or temporarily prohibit Businesses or activities to slow the spread of COVID-19, the Health Officer will continually review (1) progress on the COVID-19 Indicators; (2) developments in epidemiological and diagnostic methods for tracing, diagnosing, treating, or testing for COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.

The COVID-19 Indicators will be key drivers in the Health Officer's gating decisions. In particular, the number of new COVID-19 cases per 100,000 residents, the rate of change in COVID-19 hospitalizations, and the amount of available hospital capacity will help guide decisions. If any indicator or a collection of these and other indicators are orange or red, then the Health Officer will give serious consideration to pausing or even reversing openings if appropriate. Also, the total number of hospitalized COVID-19 patients, and whether this total number is significantly increasing, flat, or decreasing, will play a role in gating decisions, especially if these numbers become larger than the prior surge (e.g., more than 100



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COVID-19 positive patients in the County's hospitals at one time). Modeling estimates of peak hospitalizations will also be considered.

Information about San Francisco's status under the COVID-19 Indicators is available on the City's website at <https://data.sfgov.org/stories/s/Key-Health-Indicators-on-Containing-COVID-19/epem-wyzb>.

In addition to evaluating the COVID-19 Indicators in making gating decisions, the Health Officer will also consider the estimate of the effective reproductive number (R_e), and whether there is evidence it is increasing, stable, or decreasing. The effective reproductive number (R_e) is the average number of secondary cases per infectious case in the setting of public health interventions (e.g., sheltering in place, face coverings, physical distancing, etc.). When $R_e > 1$, the epidemic curve increases. When $R_e < 1$, the epidemic curve decreases. When $R_e \sim 1$, the epidemic curve is flat.

3. Risk Criteria for Additional Businesses and Additional Activities Under Phased Reopening.

In connection with the health indicators and other public health data discussed above, the Health Officer will consider the risk of transmission involved in Businesses or activities in determining when and how they can safely resume, or if they must remain or be ordered temporarily closed. The following risk criteria will inform this analysis:

- a) *Ability to modify behavior to reduce risk*—whether individuals engaged in the Business or other activity can wear face coverings at all times, maintain at least six feet of physical distancing at all times, and comply with other Social Distancing Requirements, including hand washing and sanitation;
- b) *Avoidance of risky activities*—whether the nature of the Business or activity necessarily involves eating or drinking (which requires removing face covering); gatherings with other Households (which presents risks as described in subsection d below); or singing, chanting, shouting, or playing wind/brass instruments (which all present significant risk of airborne transmission);
- c) *Setting*—Outdoor Businesses and activities are safer than indoor businesses or activities, so outdoors is strongly preferred;
- d) *Mixing of Households*—Mixing of people from different Households present higher risk of virus transmission and community spread, and the more different Households that mix, the greater the cumulative risk;
- e) *Number, frequency, duration and distance of contacts*—The more people who interact, the higher the risk of virus transmission; and the more people who gather at a site, or the more sites involved in the business, possible



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interactions increase exponentially (number of contacts). The more often people interact, the higher the risk of virus transmission (frequency of contacts). The longer the duration of contacts, the higher the risk of virus transmission (duration of contacts). The closer the proximity of people, the higher the risk of virus transmission (distance of contacts); and

- f) *Modification potential*—the degree to which best practices health protocols can reduce the risk of transmission, where those protocols can be properly implemented.

4. General Requirements for Individuals.

- a. Staying Safer At Home Is The Best Way To Control Risk. All people are strongly reminded that continuing to stay home as much as possible is the best way to prevent the risk of COVID-19 transmission, and therefore minimizing trips and activities outside the home helps reduce risk to individuals and the community. All activities that involve contact with people from different Households increase the risk of transmission of COVID-19. Accordingly, all individuals currently living within the County are for the time being ordered to stay in their place of Residence to the extent possible. They are strongly urged to leave their Residence only to:
- Work for or access Businesses that are allowed to be open under this Order (Essential Businesses, Outdoor Businesses, and Additional Businesses, as those terms are defined in Sections 8.a, 8.b and 8.c);
 - Work for, volunteer at, or access services at Healthcare Operations, as that term is defined in Section 8.g;
 - Engage in activities that are allowed under this Order (Essential Activities, Outdoor Activities, and Additional Activities, as those terms are defined in Sections 8.h, 8.i and 8.j); and
 - Engage in Essential Travel, as that term is defined in Section 8.k; or
 - Provide any services or perform any work necessary to the operation maintenance of Essential Governmental Functions or Essential Infrastructure, as those terms are defined in Sections 8.l and 8.m.
- b. Residences and Households. For purposes of this Order, “Residences” include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or Household. For purposes of this order “Household” means people living in a single Residence or shared living unit.
- c. Individuals Experiencing Homelessness. Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter. Government agencies and other entities operating shelters and other facilities



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that house or provide meals or other necessities of life for individuals experiencing homelessness are strongly urged to, as soon as possible, make such shelter available, and must take appropriate steps to help ensure compliance with Social Distancing Requirements, including adequate provision of hand sanitizer. Also, individuals experiencing homelessness who are unsheltered and living in encampments should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and government agencies should provide restroom and hand washing facilities for individuals in such encampments as set forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).

- d. **Older Adults and Individuals of Any Age with Underlying Medical Conditions.** Older adults and individuals with underlying medical conditions—including chronic kidney disease, chronic obstructive pulmonary disease, immunocompromised state from solid organ transplant, obesity, serious heart conditions (such as heart failure, coronary artery disease, or cardiomyopathies), sickle cell disease, and diabetes—are strongly urged to stay in their Residence except to access critical necessities such as food, and to seek or provide medical care or Essential Governmental Functions. Individuals with other medical conditions might be at increased risk for severe illness from COVID-19 and are encouraged to minimize activities and interactions with people outside their Household to the extent practicable, except as necessary to seek or provide medical care or Essential Governmental Functions. These conditions, and the most up to date information about who is at greatest risk of severe illness as more information and data emerge about COVID-19, can be found at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-increased-risk.html>.
- e. **Mandatory Risk Reduction Measures For Individuals Outside their Place of Residence.** When people leave their place of Residence, they must (1) strictly comply with the Social Distancing Requirements as defined in Section 8.o, including maintaining at least six feet of social distance from other people not in the same Household, except as expressly provided in this subsection below or elsewhere in this Order, and (2) wear Face Coverings as provided in, and subject to the limited exceptions in, Health Officer Order No. C19-12b issued April 17, 2020 and revised May 28, 2020 (the “Face Covering Order”), including any future amendments to that order. The requirement to strictly comply with Social Distancing Requirements is subject to a limited exception as necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order. For clarity,



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individuals who do not currently reside in the County must comply with all applicable requirements of this Order when in the County.

- f. **Limitations on Gatherings that Involve Mixing of Different Households to Reduce Virus Transmission Risk.** Gatherings of individuals from different Households pose a significant risk of virus transmission to the community. The greater the number of people from different households in a gathering, the greater the risk of the spread of COVID-19. All public and private gatherings of any number of people occurring outside a single Household are prohibited, except as expressly permitted in this Order including, but not limited to, gatherings allowed as Additional Activities in Appendix C-2. If, despite this prohibition, people find themselves with members of other Households, they are required to follow the health guidelines for safer interactions set forth in the Tip Sheet for Safer Interactions During COVID-19 Pandemic, posted at: www.sfcdcp.org/communicable-disease/diseases-a-z/covid19whatsnew.

5. General Requirements for Businesses and Business Activities.

- a. **Allowed Businesses.** Essential Businesses, Outdoor Businesses, and Additional Businesses, as defined in Sections 8.a, 8.b and 8.c, are allowed to operate in the County under this Order. All other Businesses are temporarily required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 8.d. Except as otherwise provided in Appendix C-1, Businesses that include allowed operations alongside other operations that are not yet allowed must, to the extent feasible, scale down their operations to the allowed components only.
- b. **Maximization of Telework.** All Businesses must continue to maximize the number of Personnel who work remotely from their place of Residence, subject to the conditions and limitations provided in Appendix C-1.
- c. **Activities that Can Occur Outdoors.** All Businesses are strongly urged to move as many operations as possible outdoors, to the extent permitted by local law and permitting requirements, where there is generally less risk of COVID-19 transmission.
- d. **Social Distancing Protocol.** As a condition of operating under this Order, the operators of all Businesses allowed to operate must comply with the requirements of the Social Distancing Protocol attached to this Order as Appendix A and must complete a Social Distancing Protocol checklist for each of their facilities in the County frequented by Personnel or members of the public. The Social Distancing Protocol checklist must be posted at or near each public entrance of each of the Business facilities and must be easily viewable by the public and Personnel. A copy of the Social Distancing Protocol checklist must also be provided in hardcopy or electronic format to each person performing



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work at the facility. Each Business subject to this paragraph must provide evidence of its implementation of the Social Distancing Protocol requirements to any authority enforcing this Order upon demand. A copy of the Social Distancing Protocol checklist must also be provided by the Business or entity to any member of the public on request.

With the exception of construction activities—which must comply with the Construction Project Safety Protocols set forth in Appendix B—each Business must use the Social Distancing Protocol checklist included in Appendix A or a form that is substantially similar.

The July 13, 2020 update to Appendix A includes three new elements:

1. Reusable shopping bags are now allowed with certain limitations, including that the customer must bag their own items after checkout because Personnel are not allowed to handle bags brought by a customer;
2. Businesses and entities are required to post signs stating that customers with a cough or fever or who are not feeling well should avoid waiting in line for or entering the Business; and
3. When a customer has symptoms or another COVID-19 related reason, an appointment or reservation must be cancelled without financial penalty to the customer, although the Business or entity may offer to reschedule if the customer wants.

Any Business with an existing Social Distancing Protocol checklist must comply with the new requirements by July 27, 2020. All Businesses implementing a Social Distancing Protocol checklist for the first time on or after July 13, 2020 must comply with the requirements and post the updated checklist before resuming operations. The requirements in this subsection for a Social Distancing Protocol do not apply to governmental entities.

- e. Industry Specific Requirements. In addition to the Social Distancing Protocol, all Businesses allowed to operate under this Order must follow any industry or activity-specific guidance issued by the Health Officer related to COVID-19 (available online at <http://www.sfdph.org/directives>) and any conditions on operation specified in this Order, including those specified in Appendix C-1.
- f. Businesses Must Allow Personnel to Stay Home When Sick. As outlined in the Social Distancing Protocol, Businesses are required to allow Personnel to stay home if they have symptoms associated with COVID-19, and Personnel are prohibited from coming to work if they are sick and may only return to work as outlined in the Social Distancing Protocol. Each Business that is required to comply with the Social Distancing Protocol is prohibited from taking any adverse action against any Personnel for staying home in the circumstances listed in the Social Distancing Protocol.



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6. Public Transit.

Transit agencies and people riding or waiting to ride on public transit must comply with Social Distancing Requirements, as defined in Section 8.o, and Personnel and passengers must wear Face Coverings as required by the Face Covering Order. Also, people riding or waiting to ride on public transit must follow any applicable directives issued by the County Health Officer (<http://www.sfdph.org/directives>) and any applicable "COVID-19 Industry Guidance" issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>.

7. Mandatory Reporting by Businesses and Government Entities When Three or More Personnel Contract COVID-19 Within Two Weeks.

Businesses and governmental entities must require that all Personnel immediately alert the Business or governmental entity if they test positive for COVID-19 and were present in the workplace within the 48 hours before onset of symptoms or within 48 hours of the date on which they were tested. Businesses and governmental entities can learn more about what to do after a positive COVID-19 case among Personnel at www.sfdcp.org/covid19-positive-workplace. If a Business or governmental entity has three or more Personnel who test positive for COVID-19 within a two week period, then the Business or governmental entity is required to call the San Francisco Department of Public Health at 415-554-2830 immediately to report the cluster of cases. Businesses and governmental entities must also comply with all case investigation and contact tracing measures by the County, including providing any information requested.

8. Definitions.

For purposes of this Order, the following initially capitalized terms have the meanings given below.

Allowed Businesses and Business Activities.

a. *Essential Businesses.* "Essential Businesses" means:

- i. Healthcare Operations (as defined in subsection g below);**
- ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of Residences. The Businesses included in this subsection include establishments that sell multiple categories of products provided that they**



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sell a significant amount of essential products identified in this subsection, such as liquor stores that also sell a significant amount of food;

- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Construction, but only as permitted under the State Shelter Order and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into this Order by this reference. City public works projects shall also be subject to Appendix B, except if other protocols are specified by the Health Officer;
- vi. Newspapers, television, radio, and other media services;
- vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services. This subsection (vii) does not restrict the on-line purchase of automobiles if they are delivered to a Residence or Essential Business;
- viii. Bicycle repair and supply shops;
- ix. Banks and related financial institutions;
- x. Service providers that enable real estate transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential real estate viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same Household and one individual showing the unit (except that in person visits are not allowed when the occupant is present in the Residence);
- xi. Hardware stores;
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, or operation of Residences and Essential Businesses;
- xiii. Businesses providing mailing and shipping services, including post office boxes;
- xiv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, or as allowed under subsection (xxvi), provided that social distancing of six feet per person is maintained to the greatest extent possible;
- xv. Laundromats, drycleaners, and laundry service providers;



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- xvi. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xvii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains, and to hold funerals for no more than 12 individuals (or, if higher, the number of individuals allowed to gather for social gatherings under Appendix C-2) [EFFECTIVE JULY 20, 2020, AND UNTIL FURTHER ORDER OF THE HEALTH OFFICER FOLLOWING AUTHORIZATION BY THE STATE HEALTH OFFICER, ALL FUNERAL SERVICES MUST BE HELD OUTDOORS];
- xviii. Businesses that supply other Essential Businesses and Outdoor Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
- xix. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to Residences or Businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
- xx. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xxi. Home-based care for seniors, adults, children, and pets;
- xxii. Residential facilities and shelters for seniors, adults, and children;
- xxiii. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities or in relation to death or incapacity;
- xxiv. Services to assist individuals in finding employment with Essential Businesses;
- xxv. Moving services that facilitate residential or commercial moves that are allowed under this Order;
- xxvi. Childcare establishments and other educational or recreational institutions or programs providing care or supervision for children (with the exception



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of summer camps, which are addressed separately in Appendix C-1, and schools, which will be addressed separately) that enable owners and Personnel of Essential Businesses, Essential Governmental Functions, Outdoor Businesses, Additional Businesses, as well as people engaged in Minimum Basic Operations for other Businesses to work as allowed under this Order. To the extent possible, and unless otherwise provided in Appendix C-1 or a directive issued by the County Health Officer, these operations must comply with the following conditions:

1. They must be carried out in stable groups of 12 or fewer children ("stable" means that the same 12 or fewer children are in the same group each day);
2. Children shall not change from one group to another;
3. If more than one group of children is at one facility, each group must be in a separate room. Groups must not mix with each other; and
4. Providers or educators must remain solely with one group of children;

xxvii. Businesses that operate, maintain, or repair Essential Infrastructure.

b. *Outdoor Businesses.* "Outdoor Businesses" means:

- i. The following Businesses that normally operated primarily outdoors before March 16, 2020, and where there is the ability to fully maintain social distancing of at least six feet between all persons:
 1. Businesses primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers; and
 2. Service providers that primarily provide outdoor services, such as landscaping and gardening services, and environmental site remediation services.

For clarity, "Outdoor Businesses" do not include outdoor restaurants, cafes, or bars. Except as otherwise provided in Appendix C-1, they also do not include Businesses that promote large, coordinated, and prolonged gatherings, such as outdoor concert venues and amusement parks.

Outdoor Businesses may conduct their operations under a tent, canopy, or other sun shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement.

c. *Additional Businesses.* "Additional Business" means any Business identified as an Additional Business in Appendix C-1, which will be updated as warranted based on the Health Officer's ongoing evaluation of the COVID-19 Indicators and other data. In addition to the other requirements in this Order, operation of those Additional Businesses is subject to any conditions and health and safety



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requirements set forth in Appendix C-1 and in any industry-specific guidance issued by the Health Officer.

- d. ***Minimum Basic Operations.*** “Minimum Basic Operations” means the following activities for Businesses, provided that owners, Personnel, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:
 - i. The minimum necessary activities to maintain and protect the value of the Business’s inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to Residences or Businesses; and related functions. For clarity, this section does not permit Businesses to provide curbside pickup to customers; and
 - ii. The minimum necessary activities to facilitate owners, Personnel, and contractors of the Business being able to continue to work remotely from their Residences, and to ensure that the Business can deliver its service remotely.
- e. ***Business.*** A “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and regardless of the nature of the service, the function it performs, or its corporate or entity structure.
- f. ***Personnel.*** “Personnel” means the following people who provide goods or services associated with the Business in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the Business); independent contractors; vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Business. “Personnel” includes “gig workers” who perform work via the Business’s app or other online interface, if any.
- g. ***Healthcare Operations.*** “Healthcare Operations” includes, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations must be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.



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Allowed Activities.

h. *Essential Activities.* "Essential Activities" means to:

- i. Engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or Household members (including pets);**
- ii. Obtain necessary services or supplies for themselves and their family or Household members, or to deliver those services or supplies to others;**
- iii. Provide necessary care for a family member or pet in another Household who has no other source of care;**
- iv. Attend a funeral with no more than 12 individuals present (or, if higher, the number of individuals allowed to gather for social gatherings under Appendix C-2) [EFFECTIVE JULY 20, 2020, AND UNTIL FURTHER ORDER OF THE HEALTH OFFICER FOLLOWING AUTHORIZATION BY THE STATE HEALTH OFFICER, ALL FUNERAL SERVICES MUST BE HELD OUTDOORS]; and**
- v. Move Residences. When moving into or out of the Bay Area region, individuals are strongly urged to quarantine for 14 days, especially if you had been engaging in activities that would put you at higher risk of contracting the virus that causes COVID-19. These higher risk activities include those in which you were:**
 - Interacting within six feet of individuals outside your Household, especially if you or those around you were not wearing Face Coverings at all times;**
 - Interacting with individuals outside your Household in indoor settings;**
 - Attending large gatherings, particularly ones where people were unmasked, people did not stay at least six feet apart, or gatherings that were held indoors; or**
 - Sharing items, including food, with people outside your Household.**

To quarantine, individuals should follow the guidance of the United States Centers for Disease Control and Prevention.

i. *Outdoor Activities.* "Outdoor Activities" means:

- i. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:**
 - 1. Outdoor recreation activity at parks, beaches, and other open spaces must comply with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19;**



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2. Except as otherwise provided in Appendix C-2 or as otherwise authorized in writing by the Health Officer, use of outdoor recreational areas and facilities with high-touch equipment or that encourage gathering—including playgrounds, gym equipment, climbing walls, pools, spas, and barbecue areas—is prohibited outside of Residences, and all such areas must be closed to public access including by signage and, as appropriate, by physical barriers; and
3. Except as otherwise provided in Appendix C-2, sports or activities that include the use of shared equipment or physical contact between participants may only be engaged in by members of the same Household.

Outdoor Activities may be conducted under a tent, canopy, or other sun shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement.

j. *Additional Activities.* “Additional Activities” means:

- i. To engage in outdoor recreation activities or other activities set forth in Appendix C-2, subject to any conditions and health and safety requirements set forth there.

Allowed Travel.

k. *Essential Travel.* “Essential Travel” means travel for any of the following purposes:

- i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Minimum Basic Operations, Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses;
- ii. Travel to care for any elderly, minors, dependents, or persons with disabilities;
- iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
- iv. Travel to return to a place of Residence from outside the County;
- v. Travel required by law enforcement or court order;
- vi. Travel required for non-residents to return to their place of Residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional before commencing such travel;



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- vii. Travel to manage after-death arrangements and burial;
- viii. Travel to arrange for shelter or avoid homelessness;
- ix. Travel to avoid domestic violence or child abuse;
- x. Travel for parental custody arrangements; and
- xi. Travel to a place to temporarily reside in a Residence or facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.

Governmental Functions.

- l. Essential Infrastructure.* “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, Business infrastructure, communications, and web-based services).
- m. Essential Government Functions.* “Essential Governmental Functions” are determined by the governmental entity performing those functions in the County. Each governmental entity shall identify and designate appropriate Personnel, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new personnel or contractors to perform such functions. Each governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to, and recover from the COVID-19 pandemic, and all Essential Governmental Functions must be performed in compliance with Social Distancing Requirements to the greatest extent feasible. All first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services.

Residences and Households.

- n. “Residences” and “Households” are defined as set forth in Section 4.b, above.

Social Distancing.

- o. Social Distancing Requirements.* “Social Distancing Requirements” mean:
 - i. Maintaining at least six-foot social distancing from individuals who are not part of the same Household;



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- ii. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
 - iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands);
 - iv. Wearing a face covering when out in public, consistent with the orders or guidance of the Health Officer; and
 - v. Avoiding all social interaction outside the Household when sick with a fever, cough, or other COVID-19 symptoms.
- 9. Incorporation of State and Local Emergency Proclamations and State Health Orders.**
- a. **State and Local Emergency Proclamations.** This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
 - b. **State Health Orders.** This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the "State Shelter Order"), which set baseline statewide restrictions on non-residential Business activities, effective until further notice, the Governor's March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order, and the July 13, 2020 Order of the State Public Health Officer. The May 4, 2020 Executive Order issued by Governor Newsom and May 7, 2020 Order of the State Public Health Officer permit certain Businesses to reopen if a local health officer believes the conditions in that jurisdictions warrant it, but expressly acknowledge the authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer. Also on June 18, 2020 the State Department of Public Health issued guidance for the use of face coverings, requiring all people in the State to wear face coverings in certain high risk situations, subject to limited exceptions.
- 10. Obligation to Follow Stricter Requirements of Orders.**

This Order adopts certain health and safety restrictions that are more stringent than those contained in the State Shelter Order. Without this tailored set of



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restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the County will worsen to the point at which it may overtake available health care resources within the County and increase the death rate. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision (i.e., the more protective of public health) controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. Also, to the extent any federal guidelines allow activities that are not allowed by this Order, this Order controls and those activities are not allowed.

11. Obligation to Follow Health Officer Directives and Mandatory State Guidance.

In addition to complying with all provisions of this Order, all individuals and entities, including all Businesses and governmental entities, must also follow any applicable directives issued by the County Health Officer (<http://www.sfdph.org/directives>) and any applicable "COVID-19 Industry Guidance" issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>. To the extent that provisions in the directives of the County Health Officer and the guidance of the State Health Officer conflict, the more restrictive provisions (i.e., the more protective of public health) apply.

12. Enforcement.

Under Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order (including, without limitation, any Health Directives) constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both. The San Francisco Department of Public Health is authorized to respond to such public nuisances by issuing Notice(s) of Violation and ordering premises vacated and closed until the owner, tenant, or manager submits a written plan to eliminate all violations and the Department of Public Health finds that plan satisfactory. Such Notice(s) of Violation and orders to vacate and close may be issued based on a written report made by any City employees writing the report within the scope of their duty. The Department of Public Health must give notice of such orders to vacate and close to the Chief of Police or the Chief's designee to be executed and enforced by officers in the same manner as provided by San Francisco Health Code section 597.



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13. Effective Date.

This Order becomes effective at 12:00 p.m. on July 13, 2020, and will continue, as updated, to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.

14. Relation to Other Orders of the San Francisco Health Officer.

Effective as of the date and time in Section 13 above, this Order revises and replaces Order Number C19-07e, issued May 17, 2020. This Order also extends Order Nos. C19-01b (prohibiting visitors at Laguna Honda Hospital and Rehabilitation Center and Unit 4A at Zuckerberg San Francisco General Hospital), C19-03 (prohibiting visitors to specific residential facilities), C19-04 (imposing cleaning standards for residential hotels), C19-09 (prohibiting visitors to residential care facilities for the elderly, adult residential facilities, and residential facilities for the chronically ill), and C19-11 (placing Laguna Honda Hospital and Rehabilitation Center under protective quarantine) without any further need to amend those orders, with those listed orders otherwise remaining in effect until the specific listed order or this Order is extended, rescinded, superseded, or amended in writing by the Health Officer. This Order does not prohibit amendment of those orders separately. This Order also does not affect Order Nos. C19-06b (prohibiting visitors to general acute care hospitals and acute psychiatric hospitals), C19-08b (limiting routine appointments and elective surgeries and encouraging delivery of prescriptions and cannabis products), C19-10 (requiring reporting by labs of COVID-19 testing information), C19-12b (requiring face coverings), C19-13 (regarding testing, reporting, and cooperation at skilled nursing facilities), and C19-14 (regarding decedent testing), which continue indefinitely as provided in those respective orders until each of them is extended, rescinded, superseded, or amended in writing by the Health Officer.

15. Copies.

The County must promptly provide copies of this Order as follows: (1) by posting on the Department of Public Health website (<http://www.sfdph.org/healthorders>); (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; and (3) by providing to any member of the public requesting a copy. Also, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

16. Severability.

If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall



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continue in full force and effect. To this end, the provisions of this Order are severable.

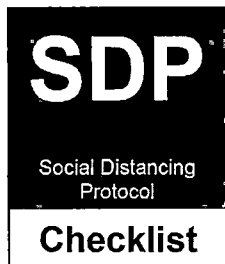
IT IS SO ORDERED:

A handwritten signature in black ink that reads "Tomás Aragón".

Tomás J. Aragón, MD, DrPH,
Health Officer of the
City and County of San Francisco

Dated: July 13, 2020 (updated July 20, 2020)

Attachments: Appendix A – Social Distancing Protocol for Businesses (revised July 13, 2020)
Appendix B-1 – Small Construction Project Safety Protocol (revised July 13, 2020)
Appendix B-2 – Large Construction Project Safety Protocol (revised July 13, 2020)
Appendix C-1 – Additional Businesses (July 20, 2020)
Appendix C-2 – Additional Activities (July 20, 2020)



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Appendix A: Social Distancing Protocol (revised 7/13/2020)

Each business allowed to operate in San Francisco must complete, post onsite, and follow this Social Distancing Protocol checklist. The attached **Instructions and Requirements** detail what is required and how to complete this checklist.

Check off all items below that apply and list other required information.

Business name:

Contact name:

Facility Address:

Email / telephone:

(You may contact the person listed above with any questions or comments about this protocol.)

SIGNAGE & EDUCATION

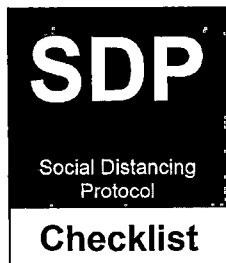
- ☐ Post signage at each public entrance of the facility requiring of everyone:
 - (1) do not enter if experiencing COVID-19 symptoms (cough, fever, or not feeling well);
 - (2) maintain a minimum six-foot distance from others in line and in the facility;
 - (3) wear a face covering; and
 - (4) for self-brought bags, keep bags in a cart/basket or carry them and self-place items in bags after checkout
- ☐ Post a copy of this two-page Social Distancing Protocol checklist at each public entrance
- ☐ Post signage showing maximum number of patrons who can be in line and in the facility
- ☐ Educate Personnel about this Protocol and other COVID-19 related safety requirements

PROTECTIVE MEASURES

- ☐ Follow Sections 2.1 through 2.4 below, including:
 - ☐ Ensure Personnel stay home or leave work if they are sick
 - ☐ Provide a copy of the Attachment to Personnel to ensure they understand when to stay home; translated versions of the Attachment are available online
 - ☐ Ensure Personnel review health criteria before each shift and advise Personnel what to do if they are required to stay home
- ☐ Require Personnel and patrons to wear a face covering as required by Health Officer orders
- ☐ Implement a plan to keep site Personnel safe, including by limiting the number of Personnel and patrons onsite to a number that ensures physical distancing and favoring allowing Personnel to carry out their duties from home when possible
- ☐ Ensure that patrons may cancel an appointment or reservation without financial penalty based on any COVID-19 symptoms or a COVID-19 related reason and require cancelation for fever or severe coughing not explained by a pre-existing condition, but you may offer to reschedule for another time if the patron wants to reschedule instead of to cancel

MEASURES TO PREVENT UNNECESSARY CONTACT

- ☐ Tell Personnel and patrons to maintain physical distancing of at least six feet, except Personnel may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary
- ☐ Separate all used desks or individual work stations by at least six feet
- ☐ Place markings in patron line areas to ensure six feet physical distancing (inside and outside)



- ☐ Provide for contactless payment systems or, if not feasible, disinfect payment systems regularly. The Board of Supervisors has required businesses to accept cash—if cash is used encourage exact change.
- ☐ Maintain Plexiglas or other barriers between patrons and Personnel at point of payment (if not possible, then ensure at least six feet of distance)

- ☐ Limit the number of patrons in the store at any one time to: _____
- ☐ Separate ordering areas from delivery areas or similarly help distance patrons when possible
- ☐ Optional—Describe other measures:

SANITIZING MEASURES

- ☐ Regularly disinfect high touch areas, and do so continuously for surfaces patrons touch (countertops, payment systems, pens, and styluses)
- ☐ Provide disinfecting wipes that are effective against SARS-CoV-2 near shopping carts, shopping baskets, and high-touch surfaces and provide hand sanitizer
- ☐ Have Personnel disinfect carts and baskets after each use
- ☐ Provide hand sanitizer, sink with soap and water, and/or disinfecting wipes to patrons and Personnel at or near the entrance of the facility, at checkout counters, and anywhere else where people have direct interactions
- ☐ Disinfect break rooms, bathrooms, and other common areas frequently, on the following schedule:
 - ☐ Break rooms:
 - ☐ Bathrooms:
 - ☐ Other:
- ☐ Prevent people from self-serving any items that are food-related:
 - ☐ Provide lids and utensils for food items by Personnel, not for patrons to grab
 - ☐ Limit access to bulk-item food bins to Personnel—no self-service use
- ☐ Require patrons and Personnel to follow requirements of Section 2.29 below for self-brought bags, and prohibit patrons from bringing any other reusable items such as coffee mugs.
- ☐ Prohibit Personnel from using shared food prep equipment for their own use (e.g., microwaves, water coolers), but microwaves may be used if disinfected between each use and hand sanitizer is available nearby
- ☐ Optional—Describe other measures (e.g., providing senior-only hours):

INDUSTRY-SPECIFIC DIRECTIVES

- ☐ Ensure that you have read and implemented the attached list of requirements.
- ☐ In addition to complying with the Social Distancing Protocol, many businesses must comply with additional, industry-specific directives. Go to www.sfdph.org/directives and check to see if your business is subject to one or more additional directives. For each one, you must review the Health and Safety Plan (HSP) requirements and post an additional checklist for each one that applies. In the event that any directive changes the requirements of the Social Distancing Protocol, the more specific language of the directive controls, even if it is less restrictive. Check this box after you have checked the list of directives and posted any other required HSP.

* Any additional measures may be listed on separate pages and attached.

[You are not required to post these Instructions and Requirements]**Instructions:**

The two-page Social Distancing Protocol checklist above must reflect the business's completion of each requirement listed below unless an item is not applicable. Use the two-page checklist above to show compliance with these requirements. The business does not need to post these Instructions and Requirements, only the checklist above. The term "Personnel" is defined in Health Officer Order No. C19-07f to which this Appendix is attached. The term "patron" includes customers, others seeking services, visitors, and guests.

Requirements:

In addition to the items below, this protocol requires the business to ensure that Personnel who perform work associated with the business are covered by the Social Distancing Protocol checklist and comply with those requirements. Each business is required to take certain steps in the protocol related to its Personnel, including the actions listed in Sections 2.1 through 2.4 below if Personnel are sick. Each business is prohibited from taking any adverse action against any Personnel for staying home in the circumstances listed in Sections 2.1 through 2.4 below. Personnel of each business are prohibited from coming to work if they are sick and must comply with the protocol, including the rules for returning to work listed in Sections 2.1 through 2.4 below.

1. Section 1 – Signage and Education:

- 1.1.** Post signage at each public entrance of the facility or location (if any) to inform all patrons that they must: not wait in line or enter the facility or location if they have a cough or fever or are not feeling well; maintain a minimum six-foot distance from others while in line or in the facility or location; wear a face covering or barrier mask (a "Face Covering") at all times; not shake hands or engage in any unnecessary physical contact; and, if they bring their own reusable bags, leave the bags in a shopping cart/basket or carry them and bag their own items after checkout. Criteria for Face Coverings and the requirements related to their use are set forth in Health Officer Order No. C19-12, issued on April 17, 2020 (the "Face Covering Order"), including as that order is updated in the future. Sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. A list of common symptoms of COVID-19 can be found at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.
- 1.2.** Post a copy of the Social Distancing Protocol checklist at each public entrance to the facility or location.
- 1.3.** Distribute to all Personnel copies of the Social Distancing Protocol checklist in hardcopy or electronic format.
- 1.4.** Educate all Personnel on the requirements of the Social Distancing Protocol and any other Health Officer directive that applies.

2. Section 2 – Personnel and Patron Protection and Sanitation Requirements:

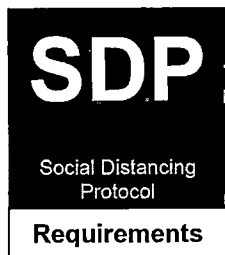
- 2.1.** Instruct all Personnel orally and in writing not to come to work or the facility if they are sick.
- 2.2.** Provide a copy of the attachment to this Exhibit, titled "Information for Personnel (Employees, Contractors, Volunteers) of Additional Business and Other Businesses Permitted To Operate During the Health Emergency" (the "Attachment"), to all Personnel who regularly work at the

facility or location in hardcopy format or electronically. PDF and translated versions of the Attachment can be found at www.sfdcdp.org/screening-handout. If the Attachment is updated, provide an updated copy to all Personnel.

- 2.3.** Review the criteria listed in Part 1 of the Attachment on a daily basis with all Personnel in the City who regularly work at the facility or location before each person enters work spaces or begins a shift. If such a review is not feasible because the business does not directly interact with some Personnel onsite daily, then that business must for those Personnel (1) instruct such Personnel to review the criteria before each shift in the City and (2) have such Personnel report to the business that they are okay to begin the shift such as through an app, website, or phone call.
- Instruct any Personnel who answered yes to any question in Part 1 of the Attachment to return home or not come to work and follow the directions on the Attachment.
- 2.4.** Instruct Personnel who stayed home or who went home based on the criteria listed on the Attachment that they must follow the criteria as well as any applicable requirements from the quarantine and isolation directives (available at www.sfdph.org/healthorders) before returning to work. If they are required to self-quarantine or self-isolate, they may only return to work after they have completed self-quarantine or self-isolation. If they test negative for the virus (no virus found), they may only return to work after waiting for the amount of time listed on the Attachment after their symptoms have resolved. Personnel are not required to provide a medical clearance letter to return to work as long as they have met the requirements outlined on the Attachment.
- 2.5.** Businesses must periodically check the following website for any testing requirements for employers and businesses: www.sfdcdp.org/covid19. If requirements are added, ensure that the business and all Personnel comply with testing requirements.
- 2.6.** If an aspect of the business is allowed to operate and is covered by a Health Officer directive, then the business must comply with all applicable directives as well as this Social Distancing Protocol. Copies of other directives are available online at www.sfdph.org/directives. For each directive that applies, review the Health and Safety Plan (HSP) requirements and post an additional HSP checklist for each one that applies. In the event that any directive changes the requirements of the Social Distancing Protocol, the more specific language of the directive controls, even if it is less restrictive.
- 2.7.** Instruct all Personnel and patrons to maintain at least a six-foot distance from others, including when in line and when shopping or collecting goods on behalf of patrons, except when momentarily necessary to facilitate or accept payment and hand off items or deliver goods. Note that if the business cannot ensure maintenance of a six-foot distance within the location or facility between Personnel or other people onsite, such as by moving work stations or spreading Personnel out, it must reduce the number of Personnel permitted in the location or facility accordingly.
- 2.8.** Provide Face Coverings for all Personnel, with instructions that they must wear Face Coverings at all times when at work, as further set forth in the Face Covering Order. A sample sign is available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. Allow Personnel to bring their own Face Covering if they bring one that has been cleaned before the shift. In general, people should have multiple Face Coverings (whether reusable or disposable) to ensure they use a clean one each day. The Face Covering Order permits certain exceptions, and the business should be aware of exceptions that allow a person not to wear a Face Covering (for example, children 12 years old or younger or based on a written

medical excuse). When Personnel do not wear a Face Covering because of an exception, take steps to otherwise increase safety for all.

- 2.9.** If patrons wait in line outside or inside any facility or location operated by the business, require patrons to wear a Face Covering while waiting in line outside or inside the facility or location. This includes taking steps to notify patrons they will not be served if they are in line without a Face Covering and refusing to serve a patron without a Face Covering, as further provided in the Face Covering Order. The business may provide a clean Face Covering to patrons while in line. For clarity, the transaction or service must be aborted if the patron is not wearing a Face Covering. But the business must permit a patron who is excused by the Face Covering Order from wearing a Face Covering to conduct their transaction or obtain service, including by taking steps that can otherwise increase safety for all.
- 2.10.** Provide a sink with soap, water, and paper towels for handwashing for all Personnel working onsite at the facility or location and for patrons if sinks and restrooms are open to patrons. Require that all Personnel wash hands at least at the start and end of each shift, after sneezing, coughing, eating, drinking, smoking (to the extent smoking is allowed by law and the business), or using the restroom, when changing tasks, and, when possible, frequently during each shift. Personnel who work off-site, such as driving or delivering goods, must be required to use hand sanitizer throughout their shift.
- 2.11.** Provide hand sanitizer effective against SARS-CoV-2, the virus that causes COVID-19, at appropriate locations for patrons and elsewhere at the facility or location for Personnel. Sanitizer must also be provided to Personnel who shop, deliver, or drive for use when they are shopping, delivering, or driving. If sanitizer cannot be obtained, a handwashing station with soap, water, and paper towels will suffice for Personnel who are on-site at the facility or location. But for Personnel who shop, deliver, or drive in relation to their work, the business must provide hand sanitizer effective against SARS-CoV-2 at all times; for any period during which the business does not provide sanitizer to such shopping, delivery, or driving Personnel, the business is not allowed for that aspect of its service to operate in the City. Information on hand sanitizer, including sanitizer effective against SARS-CoV-2 and how to obtain sanitizer, is available online from the Food and Drug Administration here: <https://www.fda.gov/drugs/information-drug-class/qa-consumers-hand-sanitizers-and-covid-19>.
- 2.12.** Provide disinfectant and related supplies to Personnel and require Personnel to sanitize all high-touch surfaces under their control, including but not limited to: shopping carts and baskets used by Personnel and patrons; countertops, food/item display cases, refrigerator and freezer case doors, drawers with tools or hardware, and check-out areas; cash registers, payment equipment, and self-check-out kiosks; door handles; tools and equipment used by Personnel during a shift; and any inventory-tracking or delivery-tracking equipment or devices which require handling throughout a work shift. These items should be routinely disinfected during the course of the day, including as required below. A list of products listed by the United States Environmental Protection Agency as meeting criteria for use against SARS-CoV-2 can be found online here: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>.
- 2.13.** Ensure that all shared devices and equipment are cleaned and/or sanitized by Personnel on frequent schedules, not less than at the beginning and end of each Personnel member's work shift and during the shift.
- 2.14.** Direct all Personnel to avoid touching unsanitized surfaces that may be frequently touched, such as door handles, tools, or credit cards, unless protective equipment such as gloves



(provided by the business) are used and discarded after each use or hand sanitizer is used after each interaction.

- 2.15.** Frequently disinfect any break rooms, bathrooms, and other common areas. Create and use a daily checklist to document each time disinfection of these rooms or areas occurs. Conspicuously post the checklist inside each respective break room, bathroom, or other common area clearly detailing the dates and times the room was last cleaned, disinfected, or restocked.
- 2.16.** For any facility or location that has carts, baskets, or other equipment for use by Personnel, assign Personnel to disinfect carts, baskets, or other equipment after each use and take steps to prevent anyone from grabbing used carts, baskets, or other equipment before disinfection.
- 2.17.** Establish adequate time in the work day to allow for proper cleaning and decontamination throughout the facility or location by Personnel including, but not limited to, before closing for the day and opening in the morning.
- 2.18.** Suspend use of any microwaves, water coolers, drinking fountains, and other similar group equipment for breaks until further notice. Microwaves may be used if disinfected between each use and hand sanitizer is available nearby.
- 2.19.** When possible, provide a barrier between the patron and the cashier such as a plexi-glass temporary barrier. When not possible, create sufficient space to enable the patron to stand more than six feet away from the cashier while items are being scanned/tallied and bagged.
- 2.20.** Provide for contactless payment systems or, if not feasible, sanitize payment systems, including touch screens, payment portals, pens, and styluses, after each patron use. Patrons may pay with cash but to further limit person-to-person contact, Personnel should encourage patrons to use credit, debit, or gift cards for payment.
- 2.21.** For any larger facility or location, appoint a designated sanitation worker at all times to continuously clean and sanitize commonly touched surfaces and meet the environmental cleaning guidelines set by the Center for Disease Control and Prevention.
- 2.22.** If an employee or other Personnel tests positive for COVID-19 or SARS-CoV-2, follow the guidance on "Business guidance if a staff member tests positive for COVID-19," available at <https://sf.gov/business-guidance-if-staff-member-tests-positive-covid-19>.
- 2.23.** Post signs to advise patrons of the maximum line capacity to ensure that the maximum number of patrons in line is not exceeded. Once the maximum number of patrons is reached, patrons should be advised to return later to prevent buildup of congestion in the line.
- 2.24.** Place tape or other markings on the sidewalk or floor at least six feet apart in patron line areas with signs directing patrons to use the markings to maintain distance.
- 2.25.** When stocking shelves, if any, ensure that Personnel wash or sanitize hands before placing items on shelves, making sure to again wash or sanitize hands if they become contaminated by touching face or hair or being exposed to other soiled surfaces.
- 2.26.** Ensure that all Personnel who select items on behalf of patrons wear a Face Covering when selecting, packing, and/or delivering items.

2.27. Require Personnel to wash hands frequently, including:

- When entering any kitchen or food preparation area
- Before starting food preparation or handling
- After touching their face, hair, or other areas of the body
- After using the restroom
- After coughing, sneezing, using a tissue, smoking, eating, or drinking
- Before putting on gloves
- After engaging in other activities that may contaminate the hands

2.28. Assign Personnel to keep soap and paper towels stocked at sinks and handwashing stations at least every hour and to replenish other sanitizing products.**2.29. [Added 7/13/20] If patrons bring their own reusable shopping bags, ensure that such bags, even in contexts other than grocery stores, are handled in a manner consistent with Cal/OSHA requirements available at <https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Grocery-Stores.pdf>, including all of the following:**

- Post signs at all entrances with infection control information to patrons, including requiring patrons to leave their own bags in the shopping cart or basket or carry them and bag their own items after checkout;
- Ensure that Personnel do not touch the bags or place items in them;
- Bags must not be placed on a conveyor belt, checkout area countertop, or other surface where patrons are served;
- Ensure that patrons bag their own items if they bring their own bags;
- Bags may not be loaded on the checkout area surface. Items can be left in a cart/basket and bagged elsewhere by the patron after checkout;
- Ensure that patrons maintain physical distancing while bagging their items; and
- Increase the frequency of disinfection in bagging areas and patron service areas frequented by patrons.

2.30. [Added 7/13/20] If a patron has symptoms of COVID-19 (see Section 1.1 above) or is otherwise unable to participate in an appointment or reservation for a COVID-19 related reason, the business must allow the patron to cancel without any financial penalty. If the patron reports having a fever or has a severe cough not explained by a pre-existing condition, the business must cancel the appointment or reservation. The business may offer to reschedule the appointment or reservation but cannot require rescheduling instead of allowing the patron to cancel. In the healthcare context, more specific Health Officer directives may allow appointments when a patient or client is ill, and the requirements of the directive must be followed in that situation.

Note – Sections 2.18 and 2.29 control over any contrary language in Health Officer Directive Nos. 2020-05, 2020-06, and 2020-07 until each of them is amended or updated.

City and County of San Francisco Health Officer Directive - Attachment
Handout for Personnel (Employees, Contractors, Volunteers) of Essential Business and
Other Businesses Permitted to Operate During the Health Emergency (May 18, 2020)

Any business or entity that is subject to a Health Officer Directive to which this handout is attached (each "Business") must give a copy of this handout to Personnel who work in the City outside their household during this emergency. Go to www.sfdcp.org/covid19 for more info or a copy of this form.

All Personnel: If you work outside your household in the City during this local health emergency, you may qualify for a free test for the virus that causes COVID-19, even if you have no symptoms. Contact your healthcare provider or go to **CityTestSF** at <https://sf.gov/get-tested-covid-19-citytestsf> to sign up for a free test.

Part 1 – You must answer the following questions before starting your work every day that you work.

You may be required to provide the answers in person or via phone or other electronic means to the Business before the start of each shift. If any answers change while you are at work, notify the Business by phone and leave the workplace.

1. Within the last 10 days have you been diagnosed with COVID-19 or had a test confirming you have the virus?
2. Do you live in the same household with, or have you had close contact* with someone who in the past 14 days has been in isolation for COVID-19 or had a test confirming they have the virus?

If the answer to either question is "yes", do not go to work and follow the steps listed in **Part 2** below.

3. Have you had any one or more of these symptoms today or within the past 24 hours, which is new or not explained by another reason?

- | | |
|--|---------------------------|
| • Fever, Chills, or Repeated Shaking/Shivering | • Loss of Taste or Smell |
| • Cough | • Muscle pain |
| • Sore Throat | • Headache |
| • Shortness of Breath, Difficulty Breathing | • Runny or congested nose |
| • Feeling Unusually Weak or Fatigued | • Diarrhea |

If the answer to Question 3 is "yes", do not go to work and follow the steps listed in **Part 3** below.

Part 2 –

- If you answered **yes to Question 1**: you are subject to the Health Officer Isolation Directive. Do not go to work. **Follow Isolation Steps** at: <https://www.sfdcp.org/Isolation-Quarantine-Packet>
- If you answered **yes to Question 2**: you are subject to the Health Officer Quarantine Directive. Do not go to work. **Follow Quarantine Steps** at: <https://www.sfdcp.org/Isolation-Quarantine-Packet>
- Do not return to work until the Isolation or Quarantine Steps tell you it is safe to return!
- The meaning of *Close Contact is explained in this document: <https://www.sfdcp.org/Isolation-Quarantine-Packet>

Part 3 – If you answered yes to Question 3:

You may have COVID-19 and must be tested for the virus before returning to work. Without a test, the Business must treat you as being positive for COVID-19 and require you to stay out of work for at least **10** calendar days. In order to return to work sooner and to protect those around you, you must get tested for the virus. Follow these steps:

1. Contact your usual healthcare provider about getting tested for the virus, or sign up for free testing at CityTestSF <https://sf.gov/get-tested-covid-19-citytestsf>. If you live outside the City, you can check with the county where you live, get tested by your usual healthcare provider, or use CityTestSF.
2. Wait for your test results at home while minimizing exposure to those you live with. A good resource is <https://www.cdc.gov/coronavirus/2019-ncov/if-you-are-sick/steps-when-sick.html>
- If your result is positive (confirms that you have the virus) go to **Part 2** above and follow **Isolation Steps**.
- If your result is negative, do not return to work until you have had at least 3 days in a row without fever and with improvement in your other symptoms. Consult with your healthcare provider to decide.

If you have questions about any part of this Handout, please see FAQs at www.sfdcp.org/covid19 under "Isolation & Quarantine Directives" or call 3-1-1

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Small Construction Project Safety Protocol (revised July 13, 2020)

1. Any construction project meeting any of the following specifications is subject to this Small Construction Project Safety Protocol ("SCP Protocol"), including public works projects unless otherwise specified by the Health Officer:
 - a. For residential projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of 10 units or fewer. This SCP Protocol does not apply to construction projects where a person is performing construction on their current residence either alone or solely with members of their own household.
 - b. For commercial projects, any construction, renovation, or tenant improvement project consisting of 20,000 square feet of floor area or less.
 - c. For mixed-use projects, any project that meets both of the specifications in subsections 1.a and 1.b.
 - d. All other construction projects not subject to the Large Construction Project Safety Protocol set forth in Appendix B-2.
2. The following restrictions and requirements must be in place at all construction job sites subject to this SCP Protocol:
 - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference, or discrepancy between or among applicable laws and regulations and/or this SCP Protocol, the stricter standard shall apply.
 - b. Designate a site-specific COVID-19 supervisor or supervisors to enforce this guidance. A designated COVID-19 supervisor must be present on the construction site at all times during construction activities. A COVID-19 supervisor may be an on-site worker who is designated to serve in this role.
 - c. The COVID-19 supervisor must review this SCP Protocol with all workers and visitors to the construction site.
 - d. Establish a daily screening protocol for arriving staff to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exits to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
 - e. Practice social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the construction project.

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- f. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
- i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
 - ii. Decontaminate and sanitize all surfaces at each location at which the infected worker was present. Provide those performing the decontamination and sanitization work with medical-grade PPE, ensure the workers are trained in proper use of the PPE, require the workers to use the provided PPE, and prohibit any sharing of the PPE. Prohibit anyone from entering the possibly contaminated area, except those performing decontamination and sanitization work. Cease all work in these locations until decontamination and sanitization is complete.
 - iii. Each subcontractor, upon learning that one of its employees is infected, must notify the General Contractor immediately, if you have one, and provide all of the information specified below. The General Contractor or other appropriate supervisor must notify the County Public Health Department Communicable Disease Control (CD Control) at 415-554-2830 immediately of every project site worker found to have a confirmed case of COVID-19, and provide all the information specified below. Follow all directives and complete any additional requirements by County health officials, including full compliance with any tracing efforts by the County.
- Information to be reported to CD Control regarding the jobsite:
 - 1) Address of jobsite;
 - 2) Name of project, if any;
 - 3) Name of General Contractor; and
 - 4) General Contractor point of contact, role, phone number and email.
 - Information to be reported to CD Control regarding the COVID-19 case(s):
 - 5) First and last name;
 - 6) Date of birth;
 - 7) Phone;
 - 8) Date tested positive;
 - 9) Date last worked;
 - 10) City of residence; and
 - 11) If the case is an employee of a subcontractor, please provide the following information:
 - Subcontractor;
 - Subcontractor contact name;
 - Subcontractor contact phone; and
 - Subcontractor contact email.
 - Information to be reported to CD Control regarding Close Contacts. For each reported case(s) above, please provide the following information (if you are

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reporting more than one positive case, please include the name of the positive case for each close contact):

- 1) Close contact's first and last name;
- 2) Phone;
- 3) City of residence; and
- 4) Positive case name.

A "Close Contact" in the workplace is anyone who:

- o Stayed within 6 feet of the Person with COVID-19 for 10 minutes or more while they were not wearing a face mask; OR
- o Had direct contact for any amount of time with the body fluids and/or secretions of the Person With COVID-19 (e.g., was coughed or sneezed on, shared utensils with, or was provided care or provided care for them without wearing a mask, gown, and gloves).

Close contacts are high risk exposures and need to quarantine for a full 14 days due to the 14 day incubation period of the virus. Even if a close contact tests negative within 14 days of their last exposure to the case, they must continue quarantining the full 14 day period to prevent transmission of the virus.

- g. Where construction work occurs within an occupied residential unit, separate work areas must be sealed off from the remainder of the unit with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.
- h. Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, separate work areas must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.
- i. Prohibit gatherings of any size on the jobsite, including gatherings for breaks or eating, except for meetings regarding compliance with this protocol or as strictly necessary to carry out a task associated with the construction project.

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- j. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Sharing of any of any food or beverage is strictly prohibited and if sharing is observed, the worker must be sent home for the day.
- k. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE unless required due to the medical nature of a jobsite. Face coverings must be worn in compliance with Health Officer Order No. C19-12b, issued April 17, 2020 and revised May 28, 2020, or any subsequently issued or amended order.
- l. Prohibit use of microwaves, water coolers, and other similar shared equipment.
- m. Strictly control “choke points” and “high-risk areas” where workers are unable to maintain six-foot social distancing and prohibit or limit use to ensure that six-foot distance can easily be maintained between individuals.
- n. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- o. Stagger trades as necessary to reduce density and allow for easy maintenance of minimum six-foot separation.
- p. Discourage workers from using others’ desks, work tools, and equipment. If more than one worker uses these items, the items must be cleaned and disinfected with disinfectants that are effective against COVID-19 in between use by each new worker. Prohibit sharing of PPE.
- q. If hand washing facilities are not available at the jobsite, place portable wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- r. Clean and sanitize any hand washing facilities, portable wash stations, jobsite restroom areas, or other enclosed spaces daily with disinfectants that are effective against COVID-19. Frequently clean and disinfect all high touch areas, including entry and exit areas, high traffic areas, rest rooms, hand washing areas, high touch surfaces, tools, and equipment
- s. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, phone number, address, and email.
- t. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
 - i. Do not touch your face with unwashed hands or with gloves.

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- ii. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
 - iii. Clean and disinfect frequently touched objects and surfaces such as work stations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
 - iv. Cover your mouth and nose when coughing or sneezing, or cough or sneeze into the crook of your arm at your elbow/sleeve.
 - v. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
 - vi. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six feet at all times when not wearing the necessary PPE for working in close proximity to another person.
 - vii. Do not carpool to and from the jobsite with anyone except members of your own household unit, or as necessary for workers who have no alternative means of transportation.
 - viii. Do not share phones or PPE.
- u. The notice in Section 2.t must be translated as necessary to ensure that all non-English speaking workers are able to understand the notice.

ORDER OF THE HEALTH OFFICER No. C19-07f
Appendix B-2

Large Construction Project Safety Protocol (revised July 13, 2020)

1. Any construction project meeting any of the following specifications is subject to this Large Construction Project Safety Protocol (“LCP Protocol”), including public works projects unless otherwise specified by the Health Officer:
 - a. For residential construction projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of more than 10 units.
 - b. For commercial construction projects, any construction, renovation, or tenant improvement project consisting of more than 20,000 square feet of floor area.
 - c. For construction of Essential Infrastructure, as defined in Section 8.1 of the Order, any project that requires twenty or more workers at the jobsite at any one time.
2. The following restrictions and requirements must be in place at all construction job sites subject to this LCP Protocol:
 - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference or discrepancy between or among applicable laws and regulations and/or this LCP Protocol, the stricter standard will apply.
 - b. Prepare a new or updated Site-Specific Health and Safety Plan to address COVID-19-related issues, post the Plan on-site at all entrances and exits, and produce a copy of the Plan to County governmental authorities upon request. The Plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the Plan.
 - c. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE, unless required due to the medical nature of a job site. Face Coverings must be worn in compliance with Health Officer Order No. C19-12b, issued April 17, 2020 and revised May 28, 2020, or any subsequently issued or amended order.
 - d. Ensure that employees are trained in the use of PPE. Maintain and make available a log of all PPE training provided to employees and monitor all employees to ensure proper use of the PPE.
 - e. Prohibit sharing of PPE.
 - f. Implement social distancing requirements including, at minimum:

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- i. Stagger stop- and start-times for shift schedules to reduce the quantity of workers at the jobsite at any one time to the extent feasible.
- ii. Stagger trade-specific work to minimize the quantity of workers at the jobsite at any one time.
- iii. Require social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the project.
- iv. Prohibit gatherings of any size on the jobsite, except for safety meetings or as strictly necessary to carry out a task associated with the project.
- v. Strictly control “choke points” and “high-risk areas” where workers are unable to maintain minimum six-foot social distancing and prohibit or limit use to ensure that minimum six-foot distancing can easily be maintained between workers.
- vi. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- vii. Prohibit workers from using others’ phones or desks. Any work tools or equipment that must be used by more than one worker must be cleaned with disinfectants that are effective against COVID-19 before use by a new worker.
- viii. Place wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- ix. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, address, phone number, and email.
- x. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
 1. Do not touch your face with unwashed hands or with gloves.
 2. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
 3. Clean and disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
 4. Cover your mouth and nose when coughing or sneezing or cough or sneeze into the crook of your arm at your elbow/sleeve.
 5. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
 6. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six-feet distancing at all times when not wearing the necessary PPE for working in close proximity to another person.
 7. Do not share phones or PPE.

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- xi. The notice in section 2.f.x must be translated as necessary to ensure that all non-English speaking workers are able to understand the notice.
- g. Implement cleaning and sanitization practices in accordance with the following:
 - i. Frequently clean and sanitize, in accordance with CDC guidelines, all high-traffic and high-touch areas including, at a minimum: meeting areas, jobsite lunch and break areas, entrances and exits to the jobsite, jobsite trailers, hand-washing areas, tools, equipment, jobsite restroom areas, stairs, elevators, and lifts.
 - ii. Establish a cleaning and decontamination protocol prior to entry and exit of the jobsite and post the protocol at entrances and exits of jobsite.
 - iii. Supply all personnel performing cleaning and sanitization with proper PPE to prevent them from contracting COVID-19. Employees must not share PPE.
 - iv. Establish adequate time in the workday to allow for proper cleaning and decontamination including prior to starting at or leaving the jobsite for the day.
- h. Implement a COVID-19 community spread reduction plan as part of the Site-Specific Health and Safety Plan that includes, at minimum, the following restrictions and requirements:
 - i. Prohibit all carpooling to and from the jobsite except by workers living within the same household unit, or as necessary for workers who have no alternative means of transportation.
 - ii. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Prohibit any sharing of any food or beverage and if sharing is observed, the worker must be sent home for the day.
 - iii. Prohibit use of microwaves, water coolers, and other similar shared equipment.
- i. Assign a COVID-19 Safety Compliance Officer (SCO) to the jobsite and ensure the SCO's name is posted on the Site-Specific Health and Safety Plan. The SCO must:
 - i. Ensure implementation of all recommended safety and sanitation requirements regarding the COVID-19 virus at the jobsite.
 - ii. Compile daily written verification that each jobsite is compliant with the components of this LCP Protocol. Each written verification form must be copied, stored, and made immediately available upon request by any County official.
 - iii. Establish a daily screening protocol for arriving staff, to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exit to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
 - iv. Conduct daily briefings in person or by teleconference that must cover the following topics:
 - 1. New jobsite rules and pre-job site travel restrictions for the prevention of COVID-19 community spread.
 - 2. Review of sanitation and hygiene procedures.
 - 3. Solicitation of worker feedback on improving safety and sanitation.
 - 4. Coordination of construction site daily cleaning/sanitation requirements.

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- 5. Conveying updated information regarding COVID-19.
- 6. Emergency protocols in the event of an exposure or suspected exposure to COVID-19.
- v. Develop and ensure implementation of a remediation plan to address any non-compliance with this LCP Protocol and post remediation plan at entrance and exit of jobsite during remediation period. The remediation plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the document.
- vi. The SCO must not permit any construction activity to continue without bringing such activity into compliance with these requirements.
- vii. Report repeated non-compliance with this LCP Protocol to the appropriate jobsite supervisors and a designated County official.
- j. Assign a COVID-19 Third-Party Jobsite Safety Accountability Supervisor (JSAS) for the jobsite, who at a minimum holds an OSHA-30 certificate and first-aid training within the past two years, who must be trained in the protocols herein and verify compliance, including by visual inspection and random interviews with workers, with this LCP Protocol.
 - i. Within seven calendar days of each jobsite visit, the JSAS must complete a written assessment identifying any failure to comply with this LCP Protocol. The written assessment must be copied, stored, and, upon request by the County, sent to a designated County official.
 - ii. If the JSAS discovers that a jobsite is not in compliance with this LCP Protocol, the JSAS must work with the SCO to develop and implement a remediation plan.
 - iii. The JSAS must coordinate with the SCO to prohibit continuation of any work activity not in compliance with rules stated herein until addressed and the continuing work is compliant.
 - iv. The remediation plan must be sent to a designated County official within five calendar days of the JSAS's discovery of the failure to comply.
- k. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
 - i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
 - ii. Decontaminate and sanitize all surfaces at each location at which the infected worker was present. Provide those performing the decontamination and sanitization work with medical-grade PPE, ensure the workers are trained in proper use of the PPE, require the workers to use the provided PPE, and prohibit any sharing of the PPE. Prohibit anyone from entering the possibly contaminated area, except those performing decontamination and sanitization work. Cease all work in these locations until decontamination and sanitization is complete.
 - iii. Notify the County Public Health Department Communicable Disease Control (CD Control) immediately at 415-554-2830 and provide the information below. Follow all directives and complete any additional requirements by

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County health officials, including full compliance with any tracing efforts by the County.

- Information to be reported to CD Control regarding the jobsite:
 - 1) Address of jobsite;
 - 2) Name of project, if any;
 - 3) Name of General Contractor; and
 - 4) General Contractor point of contact, role, phone number and email.
 - Information to be reported to CD Control regarding the COVID-19 case(s):
 - 5) First and last name;
 - 6) Date of birth;
 - 7) Phone;
 - 8) Date tested positive;
 - 9) Date last worked;
 - 10) City of residence; and
 - 11) If the case is an employee of a subcontractor, please provide the following information:
 - Subcontractor;
 - Subcontractor contact name;
 - Subcontractor contact phone; and
 - Subcontractor contact email.
 - Information to be reported to CD Control regarding Close Contacts. For each reported case(s) above, please provide the following information (if you are reporting more than one positive case, please include the name of the positive case for each close contact):
 - 1) Close contact's first and last name;
 - 2) Phone;
 - 3) City of residence; and
 - 4) Positive case name.
- A "Close Contact" in the workplace is anyone who:
- Stayed within 6 feet of the Person with COVID-19 for 10 minutes or more while they were not wearing a face mask; OR
 - Had direct contact for any amount of time with the body fluids and/or secretions of the Person With COVID-19 (e.g., was coughed or sneezed on, shared utensils with, or was provided care or provided care for them without wearing a mask, gown, and gloves).

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Close contacts are high risk exposures and need to quarantine for a full 14 days due to the 14 day incubation period of the virus. Even if a close contact tests negative within 14 days of their last exposure to the case, they must continue quarantining the full 14 day period to prevent transmission of the virus.

If you are unable to obtain the above case or close contact information from your subcontractor, please ensure your subcontractor is aware that they will need to report directly to SFDPH CD Control.

- l.* Where construction work occurs within an occupied residential unit, any separate work area must be sealed off from the remainder of the unit with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.
- m.* Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, any separate work area must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.

Order No. C19-07f – Appendix C-1: Additional Businesses Permitted to Operate

[July 20, 2020]

A. General Requirements

The “Additional Businesses” listed below may begin operating, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate industry-specific guidance by the Health Officer. These businesses were selected based on current health-related information, the risk criteria set forth in Section 3 of the Order, and the overall impact that allowing these businesses to resume operation will have on mobility and volume of activity in the County.

To mitigate the risk of transmission to the greatest extent possible, before resuming operations, each Additional Business must:

- Comply with Social Distancing Requirements (Section 8.o of the Order) and prepare, post, implement, and distribute to their Personnel a Social Distancing Protocol checklist as specified in Section 5.d and Appendix A of the Order for each of their facilities in the County where Personnel or members of the public will be onsite;
- Prepare, post, implement, and distribute to their Personnel a written health and safety plan checklist that addresses all applicable best practices set forth in relevant Health Officer directives; and
- Comply with any relevant state guidance and local directives. If a conflict exists between state guidance and local public health directives related to the COVID-19 pandemic, the most restrictive provision shall be followed, as further provided in Section 10 of the Order.

Businesses that are permitted to operate outdoors may conduct their operations under a tent, canopy, or other sun shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement.

The health-related basis for selection of Additional Businesses and the specific requirements for risk mitigation are summarized below. The bases for the additions were amended on July 13, 2020, to reflect an updated and refined analysis under the risk criteria set forth in Section 3 of the amended Order.

B. List of Additional Businesses

For purposes of the Order, Additional Businesses include the following subject to the stated limitations and conditions:

- | | |
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(1) Retail Stores for Goods—SUSPENDED IN PART

- a. Basis for Addition. Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while paying for goods). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. While shopping customers interact only with a small number of individuals from other Households. Although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate physical distancing and adherence with other Social Distancing Requirements (Section 8.o of the Order) and other worker protection measures and decrease the risk of virus transmission. Consistent with Section 5.c of the Order and to the extent possible, retail stores are urged to conduct curbside/outdoor pickup to further decrease the risk.
- b. Description and Conditions to Operate.
 1. Curbside/Outdoor Pickup: Retail stores may operate for curbside/outside pickup of goods, subject to the following limitations:
 - i. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements;
 - ii. The store must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup—including the requirement to create a Health and Safety Plan;
 - iii. If a store chooses to display merchandise for sale on tables or otherwise outside the store, it must comply with the following specific requirements:
 - The store must obtain any necessary permits from the City;
 - Customers must either use hand sanitizer before touching items or ask the vendor to hand items to them;

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- Only the number of customers who can maintain at least six feet of physical distancing may approach the table at a time;
- Chalk demarcations must be placed on the ground to indicate where shoppers should stand behind others, while waiting to purchase items; and
- The store must take measures to help ensure against congestion and blocking passage by pedestrians, including people with disabilities.

Stores may apply for a free temporary permit to use the sidewalk or parking lane for retail operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.

- iv. The store must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion; and

Retail stores that are in an enclosed Indoor Shopping Center (defined as a large building or group of buildings where customer access to stores is possible only through indoor passage ways or indoor common areas, such as Stonestown Galleria, Westfield San Francisco Centre and the Ferry Building Marketplace) and that do not have direct access to adjacent sidewalk, street, parking lot or alley area, may only reopen for curbside/outdoor pickup at this time if the Indoor Shopping Center operator submits to the Health Officer a proposed plan for reopening and that plan is approved as provided below. The proposed plan must include:

- a. the number of stores and businesses that would be resuming operation;
- b. the number of Personnel associated with each store or business;
- c. the number of customers expected daily; and
- d. the specific social distancing and sanitation measures the shopping center would employ to prevent congestion at the doorways and streets, and protect customers and Personnel.

Plans must be submitted to HealthPlan@sfcityatty.org. Subject to the advance written approval of the Health Officer or the Health Officer's designee, retailers in the Indoor Shopping Center may then operate for curbside pickup consistent with the approved plan.

2. In-Store Retail: Beginning at 6:00 a.m. on June 15, 2020, retail stores may begin to operate for indoor shopping, subject to the following limitations and conditions:
- i. The store must reduce maximum occupancy to limit the number of people (including both customers and Personnel) to the lesser of: (1) 50% the store's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the store at all times;
 - ii. Before opening for in-store shopping, the store must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order)

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and must comply with Health Officer Directive No. 2020-17, as that directive may be amended from time to time, regarding required best practices for retail businesses offering in-store shopping or services—including the requirement to create a Health and Safety Plan;

- iii. If a store chooses to display merchandise for sale on tables or otherwise outside the store, it must comply with the following specific requirements:
- The store must obtain any necessary permits from the City;
 - Customers must either use hand sanitizer before touching items or ask the vendor to hand items to them;
 - Only the number of customers who can maintain at least six feet physical distancing may approach the table at a time;
 - Chalk demarcations must be placed on the ground to indicate where shoppers should stand behind others, while waiting to purchase items; and
 - The store must take measures to help ensure against congestion and blocking passage by pedestrians, including people with disabilities.

Stores may apply for a free temporary permit to use the sidewalk or parking lane for retail operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.

- iv. **THIS SUBSECTION IS SUSPENDED. INDOOR SHOPPING CENTERS ARE NOT ALLOWED TO BE OPEN TO THE PUBLIC FOR IN-STORE RETAIL UNTIL FURTHER ORDER OF THE HEALTH OFFICER FOLLOWING AUTHORIZATION BY THE STATE HEALTH OFFICER TO REOPEN. FOR CLARITY, EVEN THOSE SHOPPING CENTERS THAT PREVIOUSLY RECEIVED WRITTEN APPROVAL OF THE HEALTH OFFICER TO RESUME INDOOR RETAIL OPERATIONS MUST TEMPORARILY CLOSE TO THE PUBLIC. FURTHER, ALL BUSINESS IN THE INDOOR SHOPPING CENTER (INCLUDING ESSENTIAL BUSINESSES) MUST TEMPORARILY CLOSE TO THE PUBLIC. DURING THIS SUSPENSION THEY MAY OPERATE FOR CURBSIDE/OUTDOOR PICKUP IF THE INDOOR SHOPPING CENTER HAS AN APPROVED PLAN UNDER SECTION 1.b.1.iv, ABOVE. ONCE INDOOR SHOPPING CENTERS FOR NON-ESSENTIAL BUSINESSES ARE ALLOWED TO REOPEN, THE CONDITIONS TO OPERATE SET FORTH BELOW MAY BE REVISED AND/OR ADDITIONAL PROVISIONS CONDITIONS MAY BE ADDED TO PREVIOUSLY APPROVED PLANS.**

[Retail stores that are in an enclosed Indoor Shopping Center (as defined in subsection 1.b.1.iv above) and that do not have direct access to adjacent sidewalk, street, parking lot or alley area, may only reopen for in-store retail at this time if the Indoor Shopping Center submits to the Health Officer a

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proposed plan for reopening and that plan is approved as provided below. The proposed plan must include:

- a. the number of stores and businesses that would be resuming operation;*
- b. the number of Personnel associated with each store or business;*
- c. the number of customers expected daily;*
- d. how the shopping center will regulate the number of people in the common areas of the shopping center;*
- e. how the shopping center will address HVAC/circulated air, use of elevators, use and cleaning of bathrooms;*
- f. any special considerations for indoor parking garages and access points; and*
- g. whether the shopping center will permit curbside pickup.*

Plans must be submitted to HealthPlan@sfcityatty.org. Subject to the written advance approval of the Health Officer or the Health Officer's designee, the shopping center may then operate for in-store retail consistent with the approved plan.]

For clarity, operation of retail stores under category (1) and (2), above, applies only to the sale of goods and not to the provision of services or the rental of equipment, which are covered separately in Sections (4) and (5), below.

(Added May 17, 2020; Revised June 1, 2020, June 11, 2020; Non-substantive revisions July 13, 2020; Subsection suspended July 20, 2020)

(2) Manufacturing, Warehousing and Logistical Support

- a. Basis for Addition. Personnel can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Personnel will interact only with a consistent and moderately sized group of people (i.e., the business's other Personnel) as members of the public do not generally frequent these businesses. Finally, risks of virus transmission associated with this activity can be mitigated through Social Distancing Requirements (Order Section 8.o) and sanitation, and other worker safety protocols.
- b. Description and Conditions to Operate.
 1. Manufacturing: Manufacturing businesses—including non-essential manufacturing businesses—may operate, subject to the following limitations and conditions:

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- i. The business must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements; and
 - ii. The business must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-11, as that directive may be amended from time to time, regarding required best practices for manufacturing businesses—including the requirement to create a Health and Safety Plan.
2. Warehousing and Logistical Support: Businesses that provide warehousing and logistical support—including non-essential businesses —may operate, subject to the following limitations and conditions:
- i. The business must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements; and
 - ii. The business must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-12, as that directive may be amended from time to time, regarding required best practices for warehouse and logistical support businesses—including the requirement to create a Health and Safety Plan.

(Added May 17, 2020; Revised June 1, 2020, June 11, 2020; Non-substantive revisions July 13, 2020)

(3) Childcare Programs and Summer Camps for All Children

- a. Basis for Addition. Childcare is critical to early education and developmental equity, family social and economic wellbeing, and economic recovery from the pandemic. More specifically, childcare is an important element for a child’s social and emotional development, as well as for a child’s physical health and wellness. Also, childcare is often necessary to allow parents or guardians to work, making the availability of childcare important for individual families as well as the local economy. Although attendance at a childcare program involves a high number of close contacts that may be of lengthy duration. The risks of virus transmission can be reduced by mitigation measures, as generally described below. But children’s inability to consistently follow social distancing and sanitation recommendations means that even with the mitigation measures the risk of transmission is higher than in interactions exclusively among adults. And while based on available evidence, children do not appear to be at higher risk for COVID-19 than adults, medical knowledge about the possible health effects of COVID-19 on children is evolving. Accordingly, the decision about whether to enroll a child in a childcare program is an individualized inquiry that should be made by parents/guardians with an understanding of the risks that such enrollment entails. Parents/guardians may discuss these risks and their concerns with their pediatrician. The Health Officer will continue to monitor the changing situation and may amend this section as necessary to protect the public health.

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b. Description and Conditions to Operate.

1. Childcare Programs: Educational or recreational institutions or programs that provide care or supervision for children of any age (with the exception of summer camps, which are addressed separately in (b)(2) below) (“Childcare Programs”) may open for all children, subject to the following limitations and conditions:
 - i. Childcare Programs must limit group size to 12 children per room or space;
 - ii. Childcare Program sessions must be at least three weeks long, and childcare programs without set sessions may not enroll children for fewer than three weeks;
 - iii. Childcare Programs must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with all of the requirements set forth in relevant industry-specific Health Officer directives (*see* Health Officer Directive No. 2020-14b), including the requirements to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written health and safety plan to mitigate the risk of virus transmission to the greatest extent feasible.
2. Summer Camps: Summer camps and summer learning programs that operate exclusively outside of the academic school year (“Summer Camps”) may operate for all children over the age of six and school-aged children currently in grades transitional kindergarten (TK) and above who are under age six, subject to the following limitations and conditions:
 - i. Summer Camps must limit group size to 12 children (a “pod”) per room or space;
 - ii. Summer Camp sessions must last at least three weeks;
 - iii. Children must remain in the same pod for at least three weeks, and preferably for the entire time throughout the summer.
 - iv. Summer Camps may not begin to operate until they have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and complied with all of the requirements set forth in relevant industry-specific Health Officer directives (*see* Health Officer Directive No. 2020-13b) including the requirements to complete an online form with general information about the program and required certifications, to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written health and safety plan to mitigate the risk of virus transmission to the greatest extent feasible.

(Added May 22, 2020; Revised June 1, 2020, July 13, 2020; Non-substantive revisions June 11, 2020)

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(4) Curbside Pickup and Drop-Off for Low Contact Retail Services

- a. **Basis for Addition.** Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., in some instances where remote payment is not feasible, while paying for services). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Customers interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. The majority of interactions can occur outdoors, which further decreases risk—and consistent with Section 5.c of the Order, businesses are strongly urged to conduct interactions outdoors to the largest extent possible.
- b. **Description and Conditions to Operate.** Services that do not generally require close customer contact (e.g., dog grooming and shoe or electronics repair) may operate, subject to the following limitations and conditions:
 - i. To the extent feasible, all interactions and transactions between Personnel and customers should occur outdoors;
 - ii. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements (Section 8.o of the Order);
 - iii. The businesses must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup and drop-off;
 - iv. The stores must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion; and
 - v. Stores in an enclosed indoor shopping center that do not have direct access to adjacent sidewalk, street, parking lot or alley area may not reopen at this time unless they are located in an approved Indoor Shopping Center as described in 1.b above.

For clarity, this provision does not apply to personal service businesses, such as hair salons, barbershops, nail salons, or piercing or tattoo parlors.

As discussed in Section 1.b above regarding retail stores and Indoor Shopping Centers, stores within enclosed shopping centers may operate only upon advance written approval by the Health Officer or the Health Officer's designee of a plan submitted by the Indoor Shopping Center operator. Plans must be submitted to HealthPlan@sfcityatty.org. **NOTE THAT SECTION 1.b.2.iv REGARDING INDOOR SHOPPING CENTERS IS SUSPENDED. INDOOR SHOPPING CENTERS ARE NOT ALLOWED TO BE OPEN TO THE PUBLIC FOR IN-STORE RETAIL UNTIL FURTHER ORDER OF THE HEALTH OFFICER FOLLOWING AUTHORIZATION BY THE STATE HEALTH OFFICER TO REOPEN. FOR CLARITY, EVEN THOSE SHOPPING CENTERS THAT PREVIOUSLY**

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RECEIVED WRITTEN APPROVAL OF THE HEALTH OFFICER MUST TEMPORARILY CLOSE TO THE PUBLIC. INDOOR SHOPPING CENTERS MAY OPEN FOR CURBSIDE/OUTDOOR PICKUP ONLY WITH AN APPROVED PLAN AS DISCUSSED IN SECTION 1.b.1.iv ABOVE.

(Added June 1, 2020; Revised June 11, 2020, July 20, 2020; Non-substantive revisions July 13, 2020)

(5) Outdoor Activity Equipment Rental Businesses

- a. Basis for Addition. Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while paying for services). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Customers interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. The majority of interactions can occur outdoors, which further decreases risk—and businesses are strongly urged to conduct interactions outdoors to the largest extent possible. Also the risk of multiple individuals using shared equipment can be mitigated through sanitation measures. Finally, resumption of these businesses is expected to result in only a small increase in the number of people reentering the workforce and the overall volume of commercial activity.
- b. Description and Conditions to Operate. Businesses that rent equipment for permissible outdoor recreational activities (e.g., bicycles, kayaks, paddleboards, boats, horseback riding or fishing equipment) may operate, subject to the following limitations and conditions:
 - i. To the extent feasible, all interactions and transactions between Personnel and customers should occur outdoors;
 - ii. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements (Section 8.o of the Order);
 - iii. The business must have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup and drop-off;
 - iv. The business must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion;

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- v. Businesses in an enclosed indoor shopping center that do not have direct access to adjacent sidewalk, street, parking lot or alley area may not reopen at this time unless they are in an approved Shopping Center as described in 1.b above; and
- vi. All equipment must be thoroughly cleaned and disinfected between each use with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with the following guidelines, which may be modified by the Health Officer as new information becomes available:
 - For hard non-porous surfaces, clean with detergent or soap and water if the surfaces are visibly dirty, before applying disinfectant. For these purposes, appropriate disinfectants include:
 - Products listed on the Environmental Protection Agency’s list of Disinfectants for Use Against SARS-CoV-2 (COVID-19), which can be found online at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. Follow the manufacturer’s instructions for concentration, application method, and contact time for all cleaning and disinfection products.
 - Diluted household bleach solutions prepared according to the manufacturer’s label for disinfection, if appropriate for the surface. Follow manufacturer’s instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser.
 - Alcohol solutions with at least 70% alcohol.
 - For soft or porous surfaces, remove any visible contamination, if present, and clean with appropriate cleaners indicated for use on these surfaces. After cleaning, use products that are EPA-approved as effective against SARS-CoV-2 (COVID-19) (see link above) and that are suitable for porous surfaces.
 - For frequently touched electronic surfaces, remove visible dirt, then disinfect following the manufacturer’s instructions for all cleaning and disinfection products. If no manufacturer guidance is available, then consider the using alcohol-based wipes or sprays containing at least 70% alcohol to disinfect.
 - Gloves and any other disposable PPE used for cleaning and disinfecting the vehicle must be removed and disposed of after cleaning; wash hands immediately after removing gloves and PPE with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer with at least 60% alcohol if soap and water are not available. If a disposable gown was not worn, work uniforms/clothes worn during cleaning and disinfecting should be laundered afterwards using the warmest appropriate water setting and dry items completely. Wash hands after handling laundry.

As discussed in Section 1.b above regarding retail stores and Indoor Shopping Centers, stores within Indoor Shopping Centers may operate only upon the advance written approval by the Health Officer or the Health Officer’s designee of a plan submitted by the Indoor Shopping

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Center operator. Proposed plans must be submitted to HealthPlan@sfcityatty.org. **NOTE THAT SECTION 1.b.2.iv REGARDING INDOOR SHOPPING CENTERS IS SUSPENDED. INDOOR SHOPPING CENTERS ARE NOT ALLOWED TO BE OPEN TO THE PUBLIC FOR IN-STORE RETAIL UNTIL FURTHER ORDER OF THE HEALTH OFFICER FOLLOWING AUTHORIZATION BY THE STATE HEALTH OFFICER TO REOPEN. FOR CLARITY, EVEN THOSE SHOPPING CENTERS THAT PREVIOUSLY RECEIVED WRITTEN APPROVAL OF THE HEALTH OFFICER MUST TEMPORARILY CLOSE TO THE PUBLIC. INDOOR SHOPPING CENTERS MAY OPEN FOR CURBSIDE/OUTDOOR PICKUP ONLY WITH AN APPROVED PLAN AS DISCUSSED IN SECTION 1.b.1.iv ABOVE.**

(Added June 1, 2020; Revised June 11, 2020; Non-substantive revisions July 13, 2020; Suspension note added July 20, 2020)

(6) Professional Sports Teams: Practices, Games, and Tournaments without In-Person Spectators with an Approved Plan

- a. **Basis for Addition.** Although contact sports may present a significant risk of virus transmission, those risks can be mitigated by stringent social distancing, sanitation, and testing measures. Resuming such events—without a live audience and subject to strict health controls and mitigation measures—represents a first step toward the resumption of professional sports exhibitions that can be broadcast for the entertainment of the public and viewed by the public remotely in a safe manner.
- b. **Description and Conditions to Operate.** Professional sports teams that wish to resume practices, games, or tournaments and broadcasting of those events in San Francisco, without in-person spectators, may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among players, staff, media, broadcast crew, and any others who will be in the facility. The plan must include a proposal for interval testing (without using City resources) of all players and coaching staff who will be present in the facility. Plans must be submitted to HealthPlan@sfcityatty.org. Subject to the advance written approval of the Health Officer or the Health Officer’s designee, the team may then resume activities consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer’s designee. Teams, games, exhibitions, and tournaments must also comply with any applicable Health Officer directives to the extent they are consistent with the approved plan; in the event of an inconsistency, the approved plan controls. Finally, crew, athletes, coaching staff and other workers should also abide by protocols agreed to by labor and management, to the extent they are at least as protective of health as the approved plan.

NOTE THAT ALTHOUGH TEAMS MAY CONTINUE TO SUBMIT PLANS, NO PLANS FOR INDOOR EVENTS INVOLVING MORE THAN 12 PEOPLE WILL BE APPROVED UNTIL FURTHER NOTICE BY THE HEALTH OFFICER.

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(Added June 1, 2020; Revised June 11, 2020; Non-substantive revisions June 26, 2020;
Suspension note added July 20, 2020)

(7) Entertainment Venues: Live Streaming or Broadcasting Events without In-Person Audiences with an Approved Plan

a. Basis for Addition. Although some types of live entertainment and cultural events, such as music, dance and comedy performances, may present a risk of virus transmission, those risks can be mitigated by stringent social distancing, sanitation, and testing measures. Resuming such events—without a live audience and subject to strict health controls and mitigation measures—represents a first step toward the resumption of these entertainment and cultural activities that can be broadcast and watched by the public remotely in a safe manner.

b. Description and Conditions to Operate.

1. Operators of entertainment venues may film, stream, or otherwise broadcast small scale events so long as:
 - i. the venue remains closed to the public;
 - ii. the live stream is limited to the fewest number of Personnel needed (up to a maximum of 12 people in the facility, including, without limitation, media Personnel needed for the broadcast);
 - iii. doors and windows are left open to the extent possible, or mechanical ventilation systems are run, to increase ventilation;
 - iv. the venue complies with the Social Distancing Requirements set forth in Section 8.0 of this Order; and
 - v. Because singing and playing wind or brass instruments can transmit particles farther in the air than breathing or speaking quietly, people must be in an isolation booth or in a separate room from others in the facility while singing or playing wind or brass instruments.

To further reduce the risk of transmission, it is strongly recommended that all events allowed under this section be conducted and filmed, streamed, or otherwise broadcast from outdoors. The same outdoors recommendation applies to all other operations that are allowed under the Order to be filmed, live streamed or otherwise broadcast indoors with health restrictions.

2. Operators of entertainment venues that wish to film, stream, or otherwise broadcast events that require more than 12 people to be on site at the facility at any one time may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among participants. If the event involves singing, playing wind or brass instruments, or physical contact, the plan must include a

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proposal for interval testing (without using City resources) of those individuals. Proposed plans must be submitted to HealthPlan@sfcityattty.org. Subject to the advance written approval of the Health Officer or the Health Officer's designee, the venue may then begin operating consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee. Cast, crew, and other workers should also abide by protocols agreed to by labor and management, to the extent they are at least as protective of health as the approved plan.

NOTE THAT ALTHOUGH VENUES MAY CONTINUE TO SUBMIT PLANS, NO PLANS FOR INDOOR EVENTS INVOLVING MORE THAN 12 PEOPLE HAVE BEEN APPROVED TO DATE OR WILL BE APPROVED UNTIL FURTHER NOTICE BY THE HEALTH OFFICER.

(Added June 11, 2020; Non-substantive revisions June 26, 2020; Revised July 20, 2020)

(8) Outdoor Dining

- a. Basis for Addition. Outdoor dining with small groups of people potentially involves mixing of Households and a moderate number of contacts. Accordingly, and because Face Coverings must be removed to eat and drink, the risk of virus transmission is slightly higher than in other allowable interactions. But outdoor interactions carry a significantly lower risk of transmission than most indoor interactions, and mitigation measures in outdoor dining establishments can significantly decrease the transmission risk.
- b. Description and Conditions to Operate. Restaurants and bars that serve food ("outdoor dining establishments") may operate for outdoor dining only subject to the following limitations and conditions:
 - i. Patrons must remain outside the outdoor dining establishment and may enter the establishment only (1) to access a bathroom, (2) to access an outdoor space that is only accessible by traveling through the restaurant, or (3) to order or pickup food at an indoor counter;
 - ii. All patrons must be seated at a table to eat or drink—standing between tables or in other areas of the outdoor space is not permitted;
 - iii. Patrons may not be served food or beverages while waiting to be seated;
 - iv. Patrons must wear Face Coverings any time they are not eating or drinking, including but not limited to: while they are waiting to be seated; while reviewing the menu and ordering; while socializing at a table waiting for their food and drinks to be served or after courses or the meal is complete; and any time they leave the table, such as to use a restroom. Customers must also wear Face Coverings any time servers, bussers, or other Personnel approach their table;

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- v. Tables used to seat patrons outdoors must be spaced to ensure that patrons are at least six feet apart from other patrons seated at different service tables or separated by an impermeable physical barrier between;
- vi. No more than six patrons may be seated at a single table, unless all are members of the same household—it is strongly encouraged that only individuals in the same household sit together at a single table;
- vii. An outdoor dining establishment shall not be permitted to provide alcoholic beverage service without also providing real meal service in a bona fide manner. Bona fide meals must be prepared and served by the outdoor dining establishment or another person or business operating under an agreement with the outdoor dining establishment. The service of prepackaged food like sandwiches or salads, or simply heating frozen or prepared meals, shall not be deemed as compliant with this requirement;
- viii. No patrons are allowed to eat or drink indoors in the dining establishment; and
- ix. The business must have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-16b, as that directive may be amended from time to time, regarding required best practices for outdoor dining.

Outdoor dining establishments may apply for a free temporary permit to use the sidewalk or parking lane for business operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.

(Added June 11, 2020; Revised July 13, 2020)

(9) Outdoor Fitness Classes

- a. Basis for Addition. Outdoor fitness classes involve mixing of Households and a moderate number of contacts. Also, the contacts are often of relatively long duration. Accordingly, and because exercise causes people to more forcefully expel airborne particles, the risk of virus transmission is higher than in other allowable interactions. But participants can—and must—wear Face Coverings and maintain at least six feet of physical distance at all times and not share equipment. Further, outdoor interactions carry a lower risk of transmission than most indoor interactions, and health protocols in outdoor fitness classes can significantly decrease the transmission risk.
- b. Description and Conditions to Operate. Outdoor fitness classes (e.g., outdoor boot camp, non-contact dance classes, tai chi, pilates, and yoga classes) may operate subject to the following limitations and conditions:
 - i. No more than 12 people, including the instructor(s), may participate in an outdoor fitness class;

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- ii. The business/instructor should ask participants to voluntarily provide their name and phone number for potential contact tracing purposes—the business/instructor should keep this information on file for at least three weeks;
- iii. The business/instructor must ask each participant whether they have had any of the following symptoms within the prior 24 hours that are new and not explained by another reason:
 - Fever or chills
 - Cough
 - Sore throat
 - Shortness of breath or trouble breathing
 - Feeling unusually weak or fatigued
 - New loss of taste or smell
 - Muscle pain
 - Headache
 - Runny or congested nose
 - diarrhea

Any participants who report having any of these symptoms should not be permitted to come to or participate in the fitness class.

In addition, the business/instructor must ask each participant (1) if within the last 10 days they have been diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus; and (2) if they live with or have had close contact with someone who in the past 14 days was diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus in that same period. Any participants who answer yes to either of these questions should not be permitted to come to or participate in the fitness class.

- iv. All participants must maintain a physical distance of at least six feet from each other, from the instructor(s), and from members of the public at all times;
- v. The business/instructor must have permission of the property owner to use the space;
- vi. All participants and instructors must wear a face covering at all times, unless they are specifically exempted from the face covering requirements in Health Officer Order No. C19-12b, issued on May 28, 2020, as that order may be amended from time to time; and
- vii. Equipment (e.g., medicine balls, resistance bands, mats, weights, or yoga blocks) may not be shared by members of the class and must be thoroughly cleaned and disinfected between each use with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with the following guidelines, which may be modified by the Health Officer as new information becomes available:
 - For hard non-porous surfaces, clean with detergent or soap and water if the surfaces are visibly dirty, before applying disinfectant. For these purposes, appropriate disinfectants include:
 - Products listed on the Environmental Protection Agency’s list of Disinfectants for Use Against SARS-CoV-2 (COVID-19), which can be

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found online at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. Follow the manufacturer's instructions for concentration, application method, and contact time for all cleaning and disinfection products.

- Diluted household bleach solutions prepared according to the manufacturer's label for disinfection, if appropriate for the surface. Follow manufacturer's instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser.
- Alcohol solutions with at least 70% alcohol.
- For soft or porous surfaces, remove any visible contamination, if present, and clean with appropriate cleaners indicated for use on these surfaces. After cleaning, use products that are EPA-approved as effective against SARS-CoV-2 (COVID-19) (see link above) and that are suitable for porous surfaces.
- Gloves and any other disposable PPE used for cleaning and disinfecting the equipment must be removed and disposed of after cleaning; wash hands immediately after removing gloves and PPE with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer with at least 60% alcohol if soap and water are not available. If a disposable gown was not worn, work uniforms/clothes worn during cleaning and disinfecting should be laundered afterwards using the warmest appropriate water setting and dry items completely. Wash hands after handling laundry.

For clarity, this section does not allow contact sports (e.g., football) or fitness classes that involve physical contact (e.g., jiu jitsu or boxing with sparring) to resume. Also, this section does not cover childcare or summer camp programs for children or youth, which are governed by section 3 above and Health Officer Directive Nos. 2020-13b and 2020-14b.

Additional guidance about outdoor fitness classes from the San Francisco Department of Public Health is available at <http://www.sfdph.org/directives>.

(Added June 11, 2020; Non-substantive revisions July 13, 2020)

(10) Indoor Household Services

- a. Basis for Addition. Household service providers and residents can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Although indoor household services may involve mixing of Households (if the resident is at home) and occurs indoors, the number of contacts is low. Finally, risks of virus transmission can be mitigated through adherence to other Social Distancing Requirements and to sanitation, and other safety protocols.

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- b. Description and Conditions to Operate. Providers of indoor household services that can be provided while maintaining social distancing (e.g., house cleaners and cooks) may operate, subject to the following limitations and conditions:
- i. Residents may not have any household service provider come into their home if they have experienced any of the following symptoms within the prior 24 hours that are new and not explained by another reason:
 - Fever or chills
 - Cough
 - Sore throat
 - Shortness of breath or trouble breathing
 - Feeling unusually weak or fatigued
 - New loss of taste or smell
 - Muscle pain
 - Headache
 - Runny or congested nose
 - diarrhea
 - ii. Household service providers may not enter a residence to provide services if they have experienced any of the above symptoms within the prior 24 hours that are new and not explained by another reason;
 - iii. In addition, household service providers may not enter a residence to provide services if either the household service provider or anyone in the residence answers yes to either of the following questions: (1) within the last 10 days has the person been diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus; and (2) does the person live with or have they had close contact with someone who in the past 14 days was diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus in that same period.
 - iv. When feasible, residents should leave the premises when household services providers are in their home—if leaving the premises is not feasible, residents should try to be in a different room than the household service provider to the greatest extent possible;
 - v. When feasible, leave windows and doors open to increase ventilation or run mechanical ventilation systems;
 - vi. High touch surfaces and any shared implements or tools should be cleaned at the beginning and end of any service visit;
 - vii. Both residents and household service providers must wear a face covering at all times, unless they are specifically exempted from the face covering requirements in Health Officer Order No. C19-12b, issued on May 28, 2020.

For clarity, this section does not allow personal service providers, such as hair dressers or personal trainers, to provide in-home services. Also, this section does not apply to in-home childcare, which is independently permissible under Section 8.a.xxi of the Order.

Additional guidance about indoor household services from the San Francisco Department of Public Health is available at <http://www.sfdph.org/directives>.

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(Added June 11, 2020; Non-substantive revisions July 13, 2020)

(11) Offices for Non-Essential Businesses: Individuals Necessary for Operations Where Telecommuting is not Feasible—SUSPENDED

THIS SECTION IS SUSPENDED. OFFICES FOR NON-ESSENTIAL BUSINESSES ARE NOT ALLOWED TO OPERATE UNTIL FURTHER ORDER OF THE HEALTH OFFICER FOLLOWING AUTHORIZATION BY THE STATE HEALTH OFFICER TO REOPEN. ONCE OFFICES FOR NON-ESSENTIAL BUSINESSES ARE ALLOWED TO REOPEN, THE CONDITIONS TO OPERATE SET FORTH BELOW MAY BE REVISED.

- a. *[Basis for Addition. Personnel can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Personnel will interact only with a consistent and moderately sized group of people (i.e., the business's other Personnel). Finally, risks of virus transmission associated with this activity can be mitigated through adherence to other Social Distancing Requirements and to sanitation, and other safety protocols.]*
- b. *Description and Conditions to Operate. Office workplaces that are not otherwise permitted to operate under this Order may open for individuals necessary for operations who cannot work remotely, subject to the following conditions:*
 - i. *All workers who are able to telecommute must continue to do so, only individuals necessary for operations who cannot work remotely may come into the office;*
 - ii. *Office Facilities must adjust their maximum occupancy rules based on the size of the facility to limit the number of people (including Personnel and members of the public), as follows:*
 - *Office Facilities with fewer than 20 Personnel must reduce their maximum occupancy to the number of people who can maintain at least six feet of physical distance from each other in the facility at all times,*
 - *Office Facilities with 20 or more Personnel must reduce their maximum occupancy to the **lesser** of: (1) 20% the facility's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the facility at all times; and*
 - iii. *The business must have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-18, as that directive may be amended from time to time, regarding required best practices for businesses operating office facilities.]*

(Added June 11, 2020; Non-substantive revisions July 13, 2020; Suspended July 20, 2020)

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(12) Outdoor Zoos with an Approved Plan

- a. Basis for Addition. Zoo Personnel and visitors can wear Face Coverings and maintain at least six feet of physical distance from people in different households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And outdoor businesses—like the outdoor areas of the zoo—are safer than indoor businesses. Finally, the number, frequency and proximity of contacts can be minimized through capacity limitations and the risk of virus transmission can be reduced through other health protocols.
- b. Description and Conditions to Operate. Zoos that wish to resume operations for visits by the public solely in their outdoor spaces may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among Personnel and visitors.

The plan must be submitted to HealthPlan@sfcityattv.org, and must include detailed descriptions of how the business intends to address the following safety precautions.

- Ensuring that the facility remains below the lesser of: (a) 50% of the maximum capacity for the outdoor space that is permitted to open; or (b) the capacity based on the ability of Personnel and patrons to comply with the Social Distancing Requirements;
- Signage regarding Social Distancing Requirements (to include at least six feet of distance, handwashing/sanitizer practices, face covering policy);
- Ensuring Personnel and patrons wear Face Coverings at all times, unless they are specifically exempted from the face covering requirements in Health Officer Order No. C19-12b, issued on May 28, 2020, as that order may be amended from time to time;
- Ticketing booths and payment systems;
- Personnel safety precautions;
- HVAC systems (e.g., quality and level of filtration, percentage of air exchange with outside air can HVAC be run at 100% capacity to increase ventilation);
- Compliance with applicable Health Officer directives (e.g. regarding Food and beverage concessions, and retail gift shops);
- Social distancing in elevators;
- Monitoring and limiting patrons to ensure physical distancing between members of different Households;
- Paths of travel through the establishment and wayfinding signage;
- Sanitation for restrooms;
- Tours and audio self-tour equipment;
- Coat/personal property check services;
- Sanitation for high-touch surfaces and areas; and
- Closing interactive exhibits or modifying those exhibits to prevent common touching.

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Beginning at 10 a.m. on July 13, 2020, and subject to the advance written approval of the Health Officer or the Health Officer's designee, the zoo may resume operating its outdoor spaces for visits by the public at the lesser of: (a) 50% of the maximum capacity for the outdoor space that is permitted to open; or (b) the capacity based on the ability of Personnel and patrons to comply with the Social Distancing Requirements, consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee.

(Added July 13, 2020)

(13) Charter Boat Operators

- a. Basis for Addition. Personnel and passengers can wear Face Coverings and maintain six feet of physical distance from people in different households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And charter boat tours occur outside, which is safer than indoor interactions. Finally, outdoor boating excursions of small, socially distanced groups involve only a moderate number of contacts, and health mitigation measures in small boating excursions can significantly decrease the transmission risk.
- b. Description and Conditions to Operate. Individuals or businesses that offer bareboat or skippered charters ("Charter Boat Operators") may operate, subject to the following limitations and conditions:
 - i. The total number of passengers must be limited to no more than 12—or fewer if necessary to ensure that at least six feet of spacing can be maintained;
 - ii. All passengers must maintain a physical distance of at least six feet from each other, from the captain, and from Personnel, at all times;
 - iii. Before boarding, passengers must wait on the dock at least six feet apart and must not board the vessel until the captain or crew allow boarding;
 - iv. For fishing, rod holders must be spaced at least six feet apart from each other;
 - v. Bathrooms (if any) must be sanitized after each use following EPA guidelines;
 - vi. Passengers must stay in the open air portion of the boat except for brief periods, such as to use the bathroom;
 - vii. Charter Boat Operators should ask passengers to voluntarily provide their name and phone number for potential contact tracing purposes—the business/captain should keep this information on file for at least three weeks;
 - viii. Charter Boat Operators must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order);
 - ix. Charter Boat Operators must ask each passenger whether they have had any of the following symptoms within the prior 24 hours that are new and not explained by another reason:

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- Fever or chills
- Cough
- Sore throat
- Shortness of breath or trouble breathing
- Feeling unusually weak or fatigued
- New loss of taste or smell
- Muscle pain
- Headache
- Runny or congested nose
- diarrhea

Any passengers who report having any of these symptoms should not be permitted to board the boat, and may not be charged any cancellation fee.

Also, Charter Boat Operators must ask each passenger (1) if within the last 10 days they have been diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus; and (2) if they live with or have had close contact with someone who in the past 14 days was diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus in that same period. Any passengers who answer yes to either of these questions should not be permitted to board the boat, and may not be charged any cancellation fee.

- x. All passengers and Personnel must wear a face covering at all times while waiting to board, at all times while on board—except when eating or drinking, and at all times when disembarking from the vessel, unless they are specifically exempted from the face covering requirements in Health Officer Order No. C19-12b, issued on May 28, 2020, as that order may be amended from time to time;
- xi. Passengers from different households should not shake hands, share food or drinks, or engage in any unnecessary physical contact—the captain and crew must instruct passengers about these requirements;
- xii. Charter Boat Operators must make hand sanitizer available throughout the boat and at each rod station (if any);
- xiii. Equipment (e.g., fishing equipment) may not be shared by people outside of a single household, and the boat and all equipment belonging to the Charter Boat Operator or otherwise provided by the Charter Boat Operator must be thoroughly cleaned and disinfected after each trip with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with CDC guidelines (<https://www.cdc.gov/coronavirus/2019-ncov/community/cleaning-disinfecting-decision-tool.html>).

For clarity, this section does not cover vessels used exclusively for transportation purposes or other Essential Travel (such as ferries and water taxis) and such vessels do not need to follow the conditions set forth in this section.

(Added July 13, 2020)

Order No. C19-07f – Appendix C-2: Allowed Additional Activities

[July 20, 2020]

A. General Requirements

The “Additional Activities” listed below may resume, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate guidance by the Health Officer. These activities were selected based on current health-related information, the risk criteria set forth in Section 3 of the Order, and the overall impact that allowing these activities to resume will have on mobility and volume of activity in the County.

The health-related basis for selection of Additional Activities and the specific requirements for risk mitigation are summarized below. The bases for the additions were amended on July 13, 2020, to reflect an updated and refined analysis under the risk criteria set forth in Section 3 of the amended Order.

B. List of Additional Activities

For purposes of the Order, Additional Activities include the following based on the summarized health risk related rationale:

(1) Outdoor Museums, Outdoor Historical Sites, and Outdoor Public Gardens	1
(2) Outdoor Recreation: Golf and Tennis.....	3
(3) Outdoor Recreation: Dog Parks	3
(4) Small Outdoor Special Gatherings.....	4
(5) Libraries for Curbside Pickup and Return	5

(1) Outdoor Museums, Outdoor Historical Sites, and Outdoor Public Gardens

- a. Basis for Addition. Personnel and visitors can wear Face Coverings and maintain at least six feet of physical distance from people in different Households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And outdoor activities are safer than indoor activities. Finally, the number, frequency and proximity of contacts can be minimized through capacity limitations and the risk of virus transmission can be reduced through other health protocols.
- b. Description and Conditions. Outdoor museums, outdoor historical sites, and outdoor public gardens (for example, the Botanical Gardens and Japanese Tea Garden may reopen to the public—and individuals may leave their residence and travel to visit these locations—subject to the following conditions:
 1. Only outdoor spaces may be open to the public, except for restrooms as provided below.

Order No. C19-07f – Appendix C-2: Allowed Additional Activities

[July 20, 2020]

2. Face Coverings must be worn by all staff and visitors, subject to the limited exceptions in Health Officer Order No. C19-12b (e.g., for young children), including as that order is amended in the future;
3. Physical distancing of at least six-feet must be maintained at all times other than between members of the same Household;
4. Other than picnic tables, which may be available for use with signs instructing patrons to clean them before and after use, common high-touch equipment and fixtures must be off-limits, with signage and with physical barriers as appropriate;
5. Public restrooms, if any, must
 - a. be routinely disinfected frequently throughout the day,
 - b. have open doors to prevent touching of door handles or knobs,
 - c. have soap and paper towels, and
 - d. have signs promoting handwashing;
6. The museum, outdoor historical site, or outdoor public garden must provide for contactless payment systems or, if not feasible, sanitize any payment systems, including touch screens, payment portals, pens, and styluses, after each customer use. Under San Francisco's Legal Tender Law, customers must be allowed to pay with cash but to further limit person-to-person contact, Personnel should encourage customers to use credit, debit, or gift cards for payment;
7. Signage must be posted at each public entrance to inform all personnel and customers that they must: avoid entering the facility or location if they have a cough or fever, maintain a minimum six-foot distance from one another while in the facility or location, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>);
8. Any on-site retail stores (e.g., gift shops) may operate for curbside/outdoor pickup only, and must do so in compliance with Appendix C-1 of this Order and Health Officer Directive 2020-10b (available at <https://www.sfdph.org/directives>);
9. Before resuming operations, outdoor museums, outdoor historical sites, and outdoor public gardens must prepare, post, implement, and distribute to their Personnel a Social Distancing Protocol checklist as required by Appendix A of the Order and a written health and safety plan that addresses all best practices listed in Section 1.b of this Appendix.

For clarity, this section does not apply to outdoor zoos, which are covered under Section 12 of Appendix C-1.

(Added May 17, 2020; revised June 1, 2020; Non-substantive revisions on July 13, 2020)

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[July 20, 2020]

(2) Outdoor Recreation: Golf and Tennis

- a. Basis for Addition. Non-contact outdoor sports like tennis and golf involve a low number of contacts and a high proximity of contact, as long as the groups engaged in play together are small, maintain required physical distance, and do not share equipment among different Households. Also, interactions and activities that occur outdoors carry a lower risk of transmission than most indoor interactions and activities. And the risk of transmission can be further mitigated by sanitation and hygiene practices. Finally, because outdoor recreation is already allowed under the Order, resumption of this activity is expected to result in only a relatively modest increase in mobility and may decrease congestion in other outdoor locations like public parks and beaches.
- b. Description and Conditions. Individuals may play tennis and golf outdoors, and outdoor tennis and golf facilities/clubs may open, subject to the following conditions:
 1. Face Coverings must be worn by all golf and tennis facility/club Personnel, subject to the limited exceptions in Health Officer Order No. C19-12b (e.g., for young children), including as that order is amended in the future;
 2. All golf and tennis players must wear a Face Covering while in facility/club parking lots, when entering and exiting facilities/clubs, and while waiting to play—Face Coverings may be removed during play if nobody from a different Household is within 30 feet of the player;
 3. For golf, groups must be limited to a maximum of four players per group, unless all players within the group are part of a single Household. Groups of players from different Households must comply with the State of California under its Stay-Safer-At Home Order;
 4. Tennis may only be played between members of the same Household or between a maximum two single individuals outside of the same Household; and
 5. Before resuming operations, each golf or tennis facility/club must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive No. 2020-15 regarding required best practices for tennis and golf.

(Added June 1, 2020; Non-substantive revisions July 13, 2020)

(3) Outdoor Recreation: Dog Parks

- a. Basis for Addition. Although taking a dog to a dog park may involve mixing of Households, individuals can wear Face Coverings at all times and maintain at least six feet of physical distance from members of other Households except for short interactions. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.

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- b. Description and Conditions. Individuals may take their dogs to dog parks (both enclosed and unenclosed), and all dog parks may open, subject to the following conditions:
1. Face Coverings must be worn by all people in the dog park, subject to the limited exceptions in Health Officer Order No. C19-12b (e.g., for young children), including as that order is amended in the future;
 2. The Centers for Disease Control and Prevention (CDC) has advised that “[u]ntil we learn more about how this virus affects animals,” owners should “treat pets as you would other human family members to protect them from a possible infection.” Specifically, the CDC recommends that pet owners: “Do not let pets interact with people or other animals outside the household,” “Walk dogs on a leash, maintaining at least 6 feet (2 meters) from other people and animals,” and “Avoid dog parks or public places where a large number of people and dogs gather.” Accordingly, pet owners are urged to use on-leash dog parks or keep their dogs on a leash, particularly if the dog is not under voice control—pet owners who choose to let their dogs be off leash in an off-leash dog park should prevent their dog from interacting with other people or animals to the greatest extent feasible;
 3. People in the dog park should maintain at least six feet of physical distance from people or animals other than those in their same Household;
 4. People must bring their own water for themselves and their pets, and must not use common touch water facilities in the park;
 5. People must use their sleeve or a disposable cloth to touch high-touch surfaces like gates;
 6. People should bring their own bags for picking up and disposing of pet waste;
 7. Signage must be posted at each dog park to inform people that they must: avoid entering the location if they have a cough or fever, maintain a minimum six-foot distance from one another, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>); and
 8. People must follow any other rules and regulations adopted by the operator of the dog park.

(Added June 1, 2020; Non-substantive revisions July 13, 2020)

(4) Small Outdoor Special Gatherings

- a. Basis for Addition. As provided in Section 4.f of the Order, gatherings among different Households are strongly discouraged to help prevent the spread of COVID-19, and larger gatherings pose higher risks. Although small outdoor gatherings involve mixing of Households, individuals can wear Face Coverings at all times, except when eating and drinking, and maintain at least six feet of physical distance from others outside their

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Household at all times. Inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) can and are strongly urged to be minimized to the greatest extent possible. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.

- b. **Description and Conditions.** As further provided in Section 4.f of the Order, all people are strongly encouraged to continue staying safe at home and minimizing unnecessary interactions with others to the maximum extent possible. But individuals may participate in small outdoor gatherings—including for ceremonies, religious services, and other special purposes—subject to the following conditions:
1. No more than six people may participate in a gathering that involves eating or drinking within six feet of each other, unless all are members of the same Household;
 2. No more than 12 people may participate in any other outdoor gathering under this section, unless all are members of the same Household.
 3. Unless eating or drinking in a group of six people or fewer, participants outside of the same Household must remain at least six feet apart from each other. Participants must otherwise follow all Social Distancing Requirements (Section 8.o of the Order), and wear Face Coverings unless eating, drinking, or exempted from wearing a Face Covering under Health Officer Order No. C19-12b (the Face Covering Order); and
 4. Participants and hosts of small outdoor gatherings must comply with Health Officer Directive No. 2020-19 regarding required best practices for small outdoor gatherings and with the health guidelines for safer interactions set forth in the Tip Sheet for Safer Interactions During COVID-19 Pandemic, posted at: www.sfcddcp.org/communicable-disease/diseases-a-z/covid19whatsnew.

For clarity, this section does not allow contact sports (e.g., football or boxing) or games with shared equipment (e.g. Frisbee, baseball, or playing catch) to resume among members of different Households. This section also does not apply to organized outdoor fitness classes, which are covered by Section 9 of Appendix C-1.

(Added June 11, 2020; Non-substantive revisions July 13, 2020)

(5) Libraries for Curbside Pickup and Return

- a. **Basis for Addition.** Personnel and patrons can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while picking up items). Patrons interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. In addition, interactions can occur outdoors, which further decreases risk.

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[July 20, 2020]

- b. Description and Conditions to Operate. Libraries may open for curbside/outside pickup and drop off of items, and approved by the City Administrator. All Personnel and patrons must comply with Social Distancing Requirements—including the requirement to maintain at least six feet of physical distance—and wear a Face Covering at all times, subject to the limited exceptions in Health Officer Order No. C19-12b (e.g., for young children), as that order may be amended from time to time.

(Added July 20, 2020)

EXHIBIT 8



ORDER OF THE HEALTH OFFICER No. C19-07j

**ORDER OF THE HEALTH OFFICER
OF THE CITY AND COUNTY OF SAN FRANCISCO
DIRECTING ALL INDIVIDUALS IN THE COUNTY TO CONTINUE
STAYING SAFER AT THEIR PLACES OF RESIDENCE TO THE
EXTENT THEY CAN EXCEPT FOR IDENTIFIED NEEDS AND
ACTIVITIES, AND TO FOLLOW HEALTH RISK REDUCTION
MEASURES OUTSIDE THEIR RESIDENCES; URGING GOVERNMENT
AGENCIES TO PROVIDE SHELTER AND SANITATION FACILITIES
TO INDIVIDUALS EXPERIENCING HOMELESSNESS; REQUIRING
ALL BUSINESSES AND RECREATION FACILITIES THAT ARE
ALLOWED TO OPERATE TO IMPLEMENT HEALTH RISK
REDUCTION MEASURES; AND DIRECTING ALL BUSINESSES,
FACILITY OPERATORS, AND GOVERNMENTAL AGENCIES TO
CONTINUE THE TEMPORARY CLOSURE OF ALL OPERATIONS
THAT ARE NOT YET SAFE ENOUGH TO RESUME**

(STAY SAFER AT HOME)

DATE OF ORDER: September 30, 2020

Please read this Order carefully. Violation of or failure to comply with this Order is a misdemeanor punishable by fine, imprisonment, or both. (California Health and Safety Code § 120295, *et seq.*; California Penal Code §§ 69, 148(a)(1); and San Francisco Administrative Code § 7.17(b))

Summary: On February 25, 2020 the Mayor of the City and County of San Francisco (the "County") declared a state of emergency to prepare for coronavirus disease 2019 ("COVID-19"). On March 5, 2020 there was the first reported case of COVID-19 in the County. On March 16, 2020 the County and five other Bay Area counties and the City of Berkeley, working together, were the first in the State to implement shelter-in-place orders in a collective effort to reduce the impact of the virus that causes COVID-19. That virus is easily transmitted, especially indoors or in group settings, and the disease can be extremely serious. It can require long hospital stays, and in some instances cause long-term health consequences or death. It can impact not only those who are older or have underlying health conditions and known to be at high risk, but also other people, regardless of age. And a major risk remains the spread of the virus that causes COVID-19 through asymptomatic and pre-symptomatic carriers, people who can spread the disease but do not even know they are infected and contagious. The spread of disease is a global pandemic causing untold societal, social, and economic harm.



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Initially the shelter-in-place orders generally required individuals to stay in their residences except for essential needs like grocery shopping, working in essential businesses, providing essential government functions, or engaging in essential travel. Over time, and based on health data and a risk analysis, the County allowed the phased resumption of some businesses and activities, consistent with the roadmap that the State has established under its order. For instance, the County allowed businesses that had operated primarily outdoors before March 16, 2020, to resume outdoor business activities, and the County has allowed many outdoor recreation activities that do not involve physical contact or shared equipment. Later, the County allowed additional categories of businesses and activities to resume, such as outdoor dining, curbside pick-up, and in-store retail, with other businesses and activities to be added over time when safe to do so.

Through this gradual reopening process the County has adopted risk reduction measures for individuals and businesses as further described below. Beginning on April 17, 2020 and based on increasing evidence that face coverings help protect against the spread of the virus, the County adopted a requirement for people to wear face coverings. That requirement has since been updated to expand the requirement to most settings outside people's residences. The County Health Officer has also issued best practices health directives for a number of businesses and activities, and the County Department of Public Health has issued companion guidance documents.

Meanwhile, in March 2020 after the County and neighboring jurisdictions adopted their shelter-in-place orders, the State adopted its own shelter-in-place order that applied throughout California. And in mid-April 2020 the State established a four-stage roadmap for reopening that sets a baseline for all counties in California and allows counties to go at a slower pace. The State has continued to revise its roadmap. Consistent with the State roadmap, the County created its own phased reopening plan. The County's plan provides for the incremental resumption of certain business and other activities to gradually increase the volume of person-to-person contact to help contain the risk of a surge in COVID-19 cases in the County and the region. The County's plan is available online at <https://sf.gov/topics/reopening>.

Because of the density of San Francisco and local health conditions, the County has moved more cautiously than the State otherwise allows. To help further protect workers and the public and give both more confidence in resuming day-to-day activities, the County has imposed health and safety measures that are more restrictive than the State's industry guidelines. In late June 2020, the County Health Officer, with support from the County Board of Supervisors, applied for and received a variance from the State to allow the County more flexibility in its decision-making on the phases of reopening. As long as the County makes progress on ways to contain virus transmission and health-based risk considerations support doing so, the Health Officer will allow additional business and other activities under a phased, incremental process, to provide for a safer economic recovery.



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Our collective effort has had a positive impact on limiting the spread of the virus. Early on the County, along with the other Bay Area jurisdictions, were able to bend the curve and preserve hospital capacity. The County continues to work on building up its testing, case finding, case investigation, contact tracing capacity, and resources to protect vulnerable populations and address outbreaks. Still, the severe danger the virus poses to the health and welfare of all continues, and there remains a continuing risk of a surge that will overwhelm the capacity of our hospital system. Also, while the search continues, treatments for the disease are limited and there is no vaccine. The vast majority of the population remains susceptible to infection, and local conditions could rapidly worsen if reopening steps are taken too quickly or if people fail to safely modify their behavior, including wearing face coverings and adhering to social distancing requirements.

Indeed, recently the County and the region experienced a surge in infections and hospitalizations, and took appropriate steps to respond, including pausing the reopening process. Along with all the other counties in the Bay Area, the County was placed on the State monitoring list and temporarily suspended certain additional business activities as required by the State Health Officer. On August 28, 2020 the State adopted a new four-tiered, color-coded framework to guide reopening statewide. Counties can be more restrictive than this State framework. Beginning on September 29, 2020, the County's risk of COVID-19 community transmission has been designated to be in the moderate (orange) tier (the second least restrictive tier), moving San Francisco's risk designation from the substantial (red) tier. Most of the surrounding Bay Area counties have been designated the red tier (the second most restrictive tier). The County would have also been designated red but the State adjusted for the County's testing above State mandated levels. The County is resuming its reopening process in a measured, data-driven way, based on local health indicators, and will initially be guided largely by the restrictions that apply to the Bay Area region as a whole.

We are going to have to live with the threat of the virus for many months to come. And for us to be able to reopen in-person schools as well as resume reopening business and other activities, we are all going to have to take responsibility to act safely, including wearing face coverings, keeping at least six feet from others who are not in our household, washing our hands frequently, and minimizing gatherings. We are all in this together, and each of us is going to have to make sacrifices for the good of the community as a whole, including for our most vulnerable members.

On August 14, 2020 the County shifted away from the prior shelter in place order and this Order continues that shift. In particular, the County will continue to focus more on risk reduction while as the same time keeping to an incremental, health-data-driven plan for resuming business and other activity. This Order sets forth the local health data framework that will guide the Health Officer's "gating" decisions about whether to move forward with phases to reopen businesses and resume activities and otherwise modify this Order. Gating criteria are the benchmarks that, when met, will allow the County to move through the gate to the next level of reopening. In connection with those changes to the gating framework, this Order details the risk criteria that the Health Officer will apply to



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reopening decisions for specific business sectors and other activities. Those risk factors, described in more detail in the Order, include: the ability to modify behavior to reduce the risk; avoidance of risky activities; the nature of the setting; mixing of households; the number and nature of contacts; and the modification potential for the activity.

This Order includes the following requirements, and you should review the Order itself for additional details.

General Requirements. The Order:

- Urges all residents in the County to reduce the risk of COVID-19 transmission by staying in their residences to the extent possible and minimizing trips and activities outside the home;
- Allows people to engage in listed activities, including, for example, working for or going to the businesses listed below and certain governmental and essential infrastructure activities, as well as engaging in essential activities, outdoor activities, certain additional activities, and travel related to those activities;
- Urges older individuals and others who have serious underlying health conditions to remain home other than essential needs;
- Continues to require everyone to wear face coverings while outside their residences, subject to limited exceptions;
- Continues to require everyone to follow social distancing requirements, including staying at least six feet away from members outside of their household, subject to limited exceptions;
- Continues to urge government agencies to provide shelter and sanitation facilities for individuals experiencing homelessness;
- Continues to require everyone to comply with requirements issued by the State and other Health Officer orders and directives; and
- Limits gatherings among different households to help reduce the transmission of the virus.

Requirements for All Businesses. The Order:

- Allows only listed businesses to operate onsite, including essential businesses, outdoor businesses, healthcare operations, and certain additional businesses;
- Allows other businesses only to operate Minimum Basic Operations (as defined in the Order) onsite;
- Requires that businesses continue to maximize the number of people who work remotely from home to the extent possible;
- Requires businesses to complete and post a Social Distancing Protocol checklist in the form attached to the Order as Appendix A;
- Requires businesses to direct personnel to stay home when sick and prohibits adverse action against personnel for doing so;



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- Requires businesses and governmental entities to report to the San Francisco Department of Public Health when three or more personnel test positive for the virus that causes COVID-19 within a two-week period;
- Allows for customers to use reusable shopping bags at businesses; and
- Requires businesses to cancel reservations or appointments without a financial penalty when a customer has a COVID-19 related reason.

Mandatory Best Practices Health Officer Directives. The Order requires that businesses and other entities review and comply with any applicable Health Officer Directives, and many of them require a Health and Safety Plan be completed and posted. These requirements include measures to help protect health of workers and customers, such as face covering, social distancing and sanitation protocols and in many instances capacity limits. There are currently directives for many types of businesses and activities, including: construction projects; food delivery and take-out restaurants; residential delivery services; grocery stores, pharmacies, farmer's markets, and hardware stores; healthcare operations that offer elective surgeries, dental care, or ambulatory care; retail stores that offer curbside pickup; manufacturing and warehousing; summer camps; child care; golf and tennis facilities; outdoor dining; indoor retail sales and services; outdoor and indoor personal services; outdoor and indoor gyms and fitness facilities, lodging facilities; outdoor gatherings; and office environments. All directives are available online at www.sfdph.org/directives.

Term. This Order will remain in effect, without a specific expiration date, for so long as the threat of the pandemic continues, or until this Order is otherwise extended, rescinded, superseded, or amended in writing by the Health Officer. But the Health Officer will continue to carefully monitor the evolving situation and will periodically revise this Order to loosen – or if need be tighten – restrictions as conditions warrant, to help further the safer economic recovery and resumption of activities.

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**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER OF THE CITY AND
COUNTY OF SAN FRANCISCO (“HEALTH OFFICER”) ORDERS:**

1. Purpose and Findings.

- a. **Purpose.** As of the effective date and time set forth in Section 13, below, this Order supersedes the September 14, 2020 Order of the Health Officer, No. C19-07i, (the “Prior Order”), and all individuals, Businesses (as defined in Section 8.e below), and applicable government agencies in the County are required to follow the provisions of this Order. This Order continues to temporarily prohibit certain Businesses and activities from resuming and limits gatherings with individuals from other Households (as defined in Section 3.b below) until it is safer to do so. But it allows certain other Businesses, activities, travel and governmental functions to occur subject to specified health and safety restrictions, limitations, and conditions to limit the transmission of Novel Coronavirus Disease 2019 (“COVID-19”). COVID-19 continues to pose a severe risk to residents of our County, and significant safety measures are necessary to protect against a surge in COVID-19 cases, serious illnesses and deaths. Accordingly, this Order requires risk reduction measures to be in place across Business sectors and activities that are allowed to occur, ensuring necessary precautions are followed as we adapt the way we live and function in light of the



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ongoing threat that the virus now poses and is very likely to continue to pose for some time to come. The Health Officer will continue to monitor data regarding COVID-19 and the evolving scientific understanding of the risks COVID-19 poses and may amend or rescind this Order based on analysis of that data and knowledge.

- b. **Intent.** The primary intent of this Order is to ensure that County residents continue to stay safer in their Residences (as defined in Section 3.b, below) to the extent possible and that together as a community our residents, along with visitors and workers in the County, take appropriate risk reduction measures, especially while outside their Residences, to slow the spread of COVID-19 and mitigate its impact on the delivery of critical healthcare services in the County and the region. As further provided in Section 2, below, the Health Officer intends to allow the phased resumption of Businesses and activities to provide for a safer reopening, with specified risk reduction measures, all while the Health Officer continues to assess the transmissibility and clinical severity of COVID-19 in light of the COVID-19 Indicators and risk framework described in Section 2 below.
- c. **Interpretation.** All provisions of this Order must be interpreted to effectuate the intent of this Order as described in subsection (b) above. The summary at the beginning of this Order as well as the headings and subheadings of sections contained in this Order are for convenience only and may not be used to interpret this Order; in the event of any inconsistency between the summary, headings or subheadings and the text of this Order below, the text will control. Certain initially capitalized used in this Order have the meanings given them in Section 8 below. The interpretation of this Order in relation to the health orders of the State is described in Section 10 below.
- d. **Effect of Failure to Comply.** Failure to comply with any of the provisions of this Order constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is punishable by fine, imprisonment, or both, as further provided in Section 12 below.
- e. **Continuing Severe Health and Safety Risk Posed by COVID-19.** This Order is issued based on evidence of continued significant community transmission of COVID-19 within the County and throughout the Bay Area; continued uncertainty regarding the degree of undetected asymptomatic transmission; scientific evidence and best practices regarding the most effective approaches to slow the transmission of communicable diseases generally and COVID-19 specifically; evidence that the age, condition, and health of a significant portion of the population of the County places it at risk for serious health complications, including death, from COVID-19; and further evidence that others, including younger and otherwise healthy people, are also at risk for serious outcomes. Due to the outbreak of the COVID-19 disease in the general public, which remains a



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pandemic according to the World Health Organization, there is a public health emergency throughout the County, region and State. That immediate threat to public health and safety is also reflected in the continuing declarations of emergency referenced in Section 9.a below. Making the problem worse, some individuals who contract the virus causing the COVID-19 disease have no symptoms or have mild symptoms, which means they may not be aware they carry the virus and are transmitting it to others. Further, evidence shows that the virus can survive for hours to days on surfaces and be indirectly transmitted between individuals and also may be transmitted through airborne micro-droplets. Because even people without symptoms can transmit the infection, and because evidence shows the infection is easily spread, gatherings of people and other direct or indirect interpersonal interactions, particularly those that occur indoors, can result in preventable transmission of the virus.

f. **Local Health Conditions Relating to COVID-19.** The efforts taken beginning in March 2020 under the prior shelter-in-place orders of the Health Officer, along with those of health officers of five neighboring counties, slowed the virus's trajectory. While the public health emergency and threat to the County's population remain severe, the region has significantly increased its capacity to detect cases, contain spread, and treat infected patients through widespread testing; greatly expanded its case investigation and contact tracing program and workforce; and expanded hospital resources and capacity. At the same time, across the region and the rest of the State, there has been a significant reopening of Businesses and activities, accompanied by an increase in cases and hospitalizations, which increases carry risks to County residents and resources. As we continue to evolve our strategies for protecting residents of the County from COVID-19, we must take into account both the trajectory of the virus in the County and across the region, and the increased health risks associated with the opening of many Businesses and activities under the Prior Order. To protect the community from COVID-19, we must ensure that when people engage in activities they are doing so as safely as possible.

g. **Cases, Hospitalizations and Deaths.** As of September 26, 2020, there were 11,238 confirmed cases of COVID-19 in the County (up from 37 on March 16, 2020, the day before the first shelter-in-place order in the County went into effect) as well as at least 101 deaths (up from a single death on March 17, 2020). This information, as well as information regarding hospitalizations and hospital capacity, is regularly updated on the San Francisco Department of Public Health's website at <https://data.sfgov.org/stories/s/fiki-2fab>.

2. Health Gating and Risk Criteria Framework for Reopening.

a. **Health Gating.** To inform decisions about whether and how to augment, limit, or temporarily prohibit Businesses or activities to slow the spread of COVID-19, the Health Officer will continually review (1) progress on the



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COVID-19 Indicators; (2) developments in epidemiological and diagnostic methods for tracing, diagnosing, treating, or testing for COVID-19; and (3) scientific understanding of the transmission dynamics and clinical impact of COVID-19.

The COVID-19 Indicators will be key drivers in the Health Officer's gating decisions. In particular, the number of new COVID-19 cases per 100,000 residents, the rate of change in COVID-19 hospitalizations, and the amount of available hospital capacity will help guide decisions. If any indicator or a collection of these and other indicators are orange or red, then the Health Officer will give serious consideration to pausing or even reversing openings if appropriate. Also, the total number of hospitalized COVID-19 patients, and whether this total number is significantly increasing, flat, or decreasing, will play a role in gating decisions, especially if these numbers become larger than the prior surge (e.g., more than 100 COVID-19 positive patients in the County's hospitals at one time). Modeling estimates of peak hospitalizations will also be considered.

Information about San Francisco's status under the COVID-19 Indicators is available on the City's website at <https://data.sfgov.org/stories/s/Key-Health-Indicators-on-Containing-COVID-19/epem-wyzb>.

In addition to evaluating the COVID-19 Indicators in making gating decisions, the Health Officer will also consider the estimate of the effective reproductive number (Re), and whether there is evidence it is increasing, stable, or decreasing. The effective reproductive number (Re) is the average number of secondary cases per infectious case in the setting of public health interventions (e.g., sheltering in place, face coverings, physical distancing, etc.). When $Re > 1$, the epidemic curve increases. When $Re < 1$, the epidemic curve decreases. When $Re \sim 1$, the epidemic curve is flat.

b. Risk Criteria for Additional Businesses and Additional Activities Under Phased Reopening.

In connection with the health indicators and other public health data discussed above, the Health Officer will consider the risk of transmission involved in Businesses or activities in determining when and how they can safely resume, or if they must remain or be ordered temporarily closed. The following risk criteria will inform this analysis:

- 1) *Ability to modify behavior to reduce risk*—whether individuals engaged in the Business or other activity can wear face coverings at all times, maintain at least six feet of physical distancing at all times, and comply with other Social Distancing Requirements, including hand washing and sanitation;



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- 2) *Avoidance of risky activities*—whether the nature of the Business or activity necessarily involves eating or drinking (which requires removing face covering); gatherings with other Households (which presents risks as described in subsection d below); or singing, chanting, shouting, or playing wind/brass instruments (which all present significant risk of airborne transmission);
- 3) *Setting*—Outdoor Businesses and activities are safer than indoor businesses or activities, so outdoors is strongly preferred;
- 4) *Mixing of Households*—Mixing of people from different Households present higher risk of virus transmission and community spread, and the more different Households that mix, the greater the cumulative risk;
- 5) *Number, frequency, duration and distance of contacts*—The more people who interact, the higher the risk of virus transmission; and the more people who gather at a site, or the more sites involved in the business, possible interactions increase exponentially (number of contacts). The more often people interact, the higher the risk of virus transmission (frequency of contacts). The longer the duration of contacts, the higher the risk of virus transmission (duration of contacts). The closer the proximity of people, the higher the risk of virus transmission (distance of contacts); and
- 6) *Modification potential*—the degree to which best practices health protocols can reduce the risk of transmission, where those protocols can be properly implemented.

3. General Requirements for Individuals.

- a. Staying Safer At Home Is The Best Way To Control Risk. All people are strongly reminded that continuing to stay home as much as possible is the best way to prevent the risk of COVID-19 transmission, and therefore minimizing trips and activities outside the home helps reduce risk to individuals and the community. All activities that involve contact with people from different Households increase the risk of transmission of COVID-19. Accordingly, all individuals currently living within the County are for the time being ordered to stay in their place of Residence to the extent possible. They are strongly urged to leave their Residence only to:
 - Work for or access Businesses that are allowed to be open under this Order (Essential Businesses, Outdoor Businesses, and Additional Businesses, as those terms are defined in Sections 8.a, 8.b and 8.c);
 - Work for, volunteer at, or access services at Healthcare Operations, as that term is defined in Section 8.g;



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- Engage in activities that are allowed under this Order (Essential Activities, Outdoor Activities, and Additional Activities, as those terms are defined in Sections 8.h, 8.i and 8.j); and
 - Engage in Essential Travel, as that term is defined in Section 8.k; or
 - Provide any services or perform any work necessary to the operation maintenance of Essential Governmental Functions or Essential Infrastructure, as those terms are defined in Sections 8.l and 8.m.
- b. **Residences and Households.** For purposes of this Order, “Residences” include hotels, motels, shared rental units, and similar facilities. Residences also include living structures and outdoor spaces associated with those living structures, such as patios, porches, backyards, and front yards that are only accessible to a single family or Household. For purposes of this order “Household” means people living in a single Residence or shared living unit.
- c. **Individuals Experiencing Homelessness.** Individuals experiencing homelessness are exempt from this Section, but are strongly urged to obtain shelter. Government agencies and other entities operating shelters and other facilities that house or provide meals or other necessities of life for individuals experiencing homelessness are strongly urged to, as soon as possible, make such shelter available, and must take appropriate steps to help ensure compliance with Social Distancing Requirements, including adequate provision of hand sanitizer. Also, individuals experiencing homelessness who are unsheltered and living in encampments should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and government agencies should provide restroom and hand washing facilities for individuals in such encampments as set forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).
- d. **Older Adults and Individuals of Any Age with Underlying Medical Conditions.** Older adults and individuals with underlying medical conditions—including chronic kidney disease, chronic obstructive pulmonary disease, immunocompromised state from solid organ transplant, obesity, serious heart conditions (such as heart failure, coronary artery disease, or cardiomyopathies), sickle cell disease, and diabetes—are strongly urged to stay in their Residence except to access critical necessities such as food, and to seek or provide medical care or Essential Governmental Functions. Individuals with other medical conditions might be at increased risk for severe illness from COVID-19 and are encouraged to minimize activities and interactions with people outside their Household to the extent practicable, except as necessary to seek or provide medical care or Essential Governmental Functions. These conditions, and the most up to date information about who is at greatest risk of severe illness as more information and data emerge about COVID-19, can be found at



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<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-increased-risk.html>.

- e. **Mandatory Risk Reduction Measures For Individuals Outside their Place of Residence.** When people leave their place of Residence, they must (1) strictly comply with the Social Distancing Requirements as defined in Section 8.o, including maintaining at least six feet of social distance from other people not in the same Household, except as expressly provided in this subsection below or elsewhere in this Order, and (2) wear Face Coverings as provided in, and subject to the limited exceptions in, Health Officer Order No. C19-12c issued July 22, 2020 (the "Face Covering Order"), including any future amendments to that order. The requirement to strictly comply with Social Distancing Requirements is subject to a limited exception as necessary to provide care (including childcare, adult or senior care, care to individuals with special needs, and patient care); as necessary to carry out the work of Essential Businesses, Essential Governmental Functions, or provide for Minimum Basic Operations; or as otherwise expressly provided in this Order. For clarity, individuals who do not currently reside in the County must comply with all applicable requirements of this Order when in the County.
- f. **Limitations on Gatherings that Involve Mixing of Different Households to Reduce Virus Transmission Risk.** Gatherings of individuals from different Households pose a significant risk of virus transmission to the community. The greater the number of people from different households in a gathering, the greater the risk of the spread of COVID-19. All public and private gatherings of any number of people occurring outside a single Household are prohibited, except as expressly permitted in this Order including, but not limited to, gatherings allowed as Additional Activities in Appendix C-2. If, despite this prohibition, people find themselves with members of other Households, they are required to follow the health guidelines for safer interactions set forth in the Tip Sheet for Safer Interactions During COVID-19 Pandemic, posted at: www.sfcdcp.org/communicable-disease/diseases-a-z/covid19whatsnew.
- g. **Quarantine Recommendation Upon Entering or Reentering the Bay Area.** When moving into or out of the Bay Area (i.e., the nine counties that make up the San Francisco Bay Area region) or returning after travel outside the Bay Area, individuals are urged to quarantine for 14 days if they engaged in activities while traveling or outside the Bay Area that would put them at higher risk of contracting the virus that causes COVID-19. These higher risk activities include those in which an individual: interacted for more than 15 minutes within six feet of individuals outside your Household if you or those around you were not wearing Face Coverings at all times, especially if you were indoors (including traveling on planes, buses, or trains if Face Coverings were not worn at all times by you and those around you). The greater number of people outside your household who are involved in these interactions, the greater the risk. To



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quarantine, individuals should follow the guidance of jurisdiction they are moving to and the United States Centers for Disease Control and Prevention and Health Officer Directive No. 2020-02c, available at www.sfdph.org/directives.

4. General Requirements for Businesses and Business Activities.

- a. **Allowed Businesses.** Essential Businesses, Outdoor Businesses, and Additional Businesses, as defined in Sections 8.a, 8.b and 8.c, are allowed to operate in the County under this Order. All other Businesses are temporarily required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 8.d. Except as otherwise provided in Appendix C-1, Businesses that include allowed operations alongside other operations that are not yet allowed must, to the extent feasible, scale down their operations to the allowed components only.
- b. **Maximization of Telework.** All Businesses must continue to maximize the number of Personnel who work remotely from their place of Residence, subject to the conditions and limitations provided in Appendix C-1.
- c. **Activities that Can Occur Outdoors.** All Businesses are strongly urged to move as many operations as possible outdoors, to the extent permitted by local law and permitting requirements, where there is generally less risk of COVID-19 transmission. Businesses that operate outdoors may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.
- d. **Social Distancing Protocol.** As a condition of operating under this Order, the operators of all Businesses allowed to operate must comply with the requirements of the Social Distancing Protocol attached to this Order as Appendix A and must complete a Social Distancing Protocol checklist for each of their facilities in the County frequented by Personnel or members of the public. The Social Distancing Protocol checklist must be posted at or near each public entrance of each of the Business facilities and must be easily viewable by the public and Personnel. A copy of the Social Distancing Protocol checklist must also be provided in hardcopy or electronic format to each person performing work at the facility. Each Business subject to this paragraph must provide evidence of its implementation of the Social Distancing Protocol requirements to any authority enforcing this Order upon demand. A copy of the Social Distancing Protocol checklist must also be provided by the Business or entity to any member of the public on request.



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With the exception of construction activities—which must comply with the Construction Project Safety Protocols set forth in Appendix B—each Business must use the Social Distancing Protocol checklist included in Appendix A or a form that is substantially similar.

- e. **Industry Specific Requirements.** In addition to the Social Distancing Protocol, all Businesses allowed to operate under this Order must follow any industry or activity-specific guidance issued by the Health Officer related to COVID-19 (available online at www.sfdph.org/directives) and any conditions on operation specified in this Order, including those specified in Appendix C-1.
- f. **Businesses Must Allow Personnel to Stay Home When Sick.** As outlined in the Social Distancing Protocol, Businesses are required to allow Personnel to stay home if they have symptoms associated with COVID-19, and Personnel are prohibited from coming to work if they are sick and may only return to work as outlined in the Social Distancing Protocol. Each Business that is required to comply with the Social Distancing Protocol is prohibited from taking any adverse action against any Personnel for staying home in the circumstances listed in the Social Distancing Protocol.
- g. **Signage For Indoor Activities.** Although this Order allows certain indoor activities to resume, those activities are allowed subject to more stringent safety measures and, as a general matter, remain inherently riskier than activities that are done outdoors. All businesses that are allowed to be open indoors for the public must conspicuously post signage, including at all primary public entrances, reminding people to adhere to physical distancing, hygiene, and Face Covering requirements and to stay home when they feel ill. They must also post a stand-alone sign bearing the message that: (1) COVID-19 is transmitted through the air, and the risk is much higher indoors, and (2) seniors and those with health risks should avoid indoor settings with crowds. The County is making available templates for the signage online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, and businesses are strongly urged to keep informed of those changes and update their signage accordingly.

5. Schools, Childcare, Youth Programs, and Higher Education

- a. **Schools.** Except as expressly provided below, under the State Health Order, until San Francisco has been in the red tier (or lower risk tier) for 14 consecutive days (the “Waiting Period”), transitional kindergarten (TK)-12 schools may not open for in-person instruction and must conduct distance learning only. The Waiting Period has expired.



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- 1) **Application for Waiver for In-Person Instruction for Elementary Schools.** Before the Waiting Period, a district superintendent, private school principal/head of school, or executive director of a charter school may apply for an advance written waiver by the Health Officer of this restriction to allow the school to open for in-person instruction for grades TK-6. If the Health Officer grants a waiver, only grades TK-6 may open for in-person education even if the grade configuration at the school includes additional grades. More information about the requirements for the waiver application process, including the criteria the Health Officer or the Health Officer's designee will consider, is available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.
- 2) **Submittal of Plan for In-Person Instruction for All TK-12 Schools.** After the Waiting Period ends, and subject to an approval process and schedule to be established by the Health Officer and the Department of Public Health, TK-12 schools and school districts may open for in-person instruction but only upon advance written approval of the Health Officer or the Health Officer's designee of a plan to open for such purposes. More information about how to request approval of a plan by the Health Officer will be available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.
- 3) **Specialized Targeted Support Services.** Beginning on September 8, 2020, TK-12 schools may operate to provide in-person specialized and targeted support services to vulnerable children and youth. Schools providing specialized targeted support services do not need to obtain a waiver or advance written approval of the Health Officer, but must comply with the Health Officer Directive No. 2020-26 (forthcoming). Additional information about what qualifies as specialized targeted support services and which students may be served in these specialized programs will be available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.

In addition to waiver applications or plans approved by the Health Officer, all TK-12 schools must follow any applicable directives issued by the County Health Officer (www.sfdph.org/directives) and any applicable "COVID-19 Industry Guidance" issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>.

For clarity, this subsection applies to public and private schools operating in San Francisco, including independent, parochial and charter schools.

- b. **Home-Based Care for Children.** Home-based care for children is permitted under Section 8.a.xxi, below.



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- c. **Childcare Programs for Young Children.** Group care facilities for children who are not yet in elementary school—including, for example, licensed childcare centers, daycares, family daycares, and preschools (including cooperative preschools)—may operate subject to, and to the extent permitted by, the health and safety requirements set forth in Section 3.b.1 of Appendix C-1 and Health Officer Directive No. 2020-14c, as it may be amended in the future.
- d. **Out of School Time Programs.** With the exception of schools, which are addressed in subsection a above, educational or recreational institutions or programs that provide care or supervision for school-aged children and youth—including for example, learning hubs, other programs that support and supplement distance learning in schools, school-aged childcare programs, youth sports programs, and afterschool programs—may operate subject to, and to the extent permitted by, the health and safety requirements set forth in Section 3.b.3 of Appendix C-1 and Health Officer Directive No. 2020-21, as it may be amended in the future.
- e. **Institutions of Higher Education and Adult Education.** Institutions of higher education (“IHEs”), such as colleges and universities, and other programs offering adult education—including, for example, programs offering job skills training and English as a second language classes to adults—may operate subject to, and to the extent permitted by, the health and safety requirements set forth in Section 14 of Appendix C-1, and any relevant industry-specific Health Officer directives.
- f. **Additional Information.** Additional information about the operational requirements and restrictions relating to COVID-19 for schools, childcare, and youth programs is available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.

6. Public Transit.

Transit agencies and people riding or waiting to ride on public transit must comply with Social Distancing Requirements, as defined in Section 8.o, and Personnel and passengers must wear Face Coverings as required by the Face Covering Order. Also, people riding or waiting to ride on public transit must follow any applicable directives issued by the County Health Officer (www.sfdph.org/directives) and any applicable “COVID-19 Industry Guidance” issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>.

7. Mandatory Reporting by Businesses and Government Entities When Three or More Personnel Contract COVID-19 Within Two Weeks.

Businesses and governmental entities must require that all Personnel immediately alert the Business or governmental entity if they test positive for COVID-19 and



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were present in the workplace within the 48 hours before onset of symptoms or within 48 hours of the date on which they were tested. Businesses and governmental entities can learn more about what to do after a positive COVID-19 case among Personnel at www.sfcdep.org/covid19-positive-workplace. If a Business or governmental entity has three or more Personnel who test positive for COVID-19 within a two-week period, then the Business or governmental entity is required to call the San Francisco Department of Public Health at 628-217-6100 immediately to report the cluster of cases. Businesses and governmental entities must also comply with all case investigation and contact tracing measures by the County, including providing any information requested.

8. Definitions.

For purposes of this Order, the following initially capitalized terms have the meanings given below.

Allowed Businesses and Business Activities.

a. *Essential Businesses.* "Essential Businesses" means:

- i. Healthcare Operations (as defined in subsection g below);
- ii. Grocery stores, certified farmers' markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of Residences. The Businesses included in this subsection include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subsection, such as liquor stores that also sell a significant amount of food;
- iii. Food cultivation, including farming, livestock, and fishing;
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;
- v. Construction, but only as permitted under the State Shelter Order and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into this Order by this reference. City public works projects shall also be subject to Appendix B, except if other protocols are specified by the Health Officer;
- vi. Newspapers, television, radio, and other media services;



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- vii. Gas stations and auto-supply, auto-repair (including, but not limited to, for cars, trucks, motorcycles and motorized scooters), and automotive dealerships, but only for the purpose of providing auto-supply and auto-repair services. This subsection (vii) does not restrict the on-line purchase of automobiles if they are delivered to a Residence or Essential Business;
- viii. Bicycle repair and supply shops;
- ix. Banks and related financial institutions;
- x. Service providers that enable real estate transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential real estate viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same Household and one individual showing the unit (except that in person visits are not allowed when the occupant is present in the Residence);
- xi. Hardware stores;
- xii. Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, or operation of Residences and Essential Businesses;
- xiii. Businesses providing mailing and shipping services, including post office boxes;
- xiv. Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, or as allowed under subsection (xxvi), provided that social distancing of six feet per person is maintained to the greatest extent possible;
- xv. Laundromats, drycleaners, and laundry service providers;
- xvi. Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;
- xvii. Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains, and for those same entities, as well as for houses of worship, to hold funerals for no more than 12 individuals (the number of individuals allowed to gather for social gatherings under Appendix C-2). In addition, those same entities, as well as houses of worship, may hold funerals subject



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to the capacity limits for people allowed either for outdoor religious gatherings under Section (9)b.2 of Appendix C-2 (if the facility is fully compliant with Section (9)b.2 and also Health Officer Directive No. 2020-19c) or for indoor religious services and cultural ceremonies under Section (9)b.3 of Appendix C-2 (if the facility is fully compliant with Section (9)b.3 and also Health Officer Directive No. 2020-34), but not for both indoor and outdoor concurrently for the funeral for the same individual;

- xviii. Businesses that supply other Essential Businesses and Outdoor Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;
- xix. Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to Residences or Businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;
- xx. Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;
- xxi. Home-based care for seniors, adults, children, and pets;
- xxii. Residential facilities and shelters for seniors, adults, and children;
- xxiii. Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities or in relation to death or incapacity;
- xxiv. Services to assist individuals in finding employment with Essential Businesses;
- xxv. Moving services that facilitate residential or commercial moves that are allowed under this Order;
- xxvi. Childcare establishments and other educational or recreational institutions or programs providing care or supervision for children (with the exception of summer camps, which are addressed separately in Appendix C-1, and schools, which are addressed separately in Section 6.b, above) that enable owners and Personnel of Essential Businesses and providers of Essential Governmental Functions to work as allowed under this Order;
- xxvii. Businesses that operate, maintain, or repair Essential Infrastructure.



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b. *Outdoor Businesses.* “Outdoor Businesses” means:

i. The following Businesses that normally operated primarily outdoors before March 16, 2020, and where there is the ability to fully maintain social distancing of at least six feet between all persons:

- 1. Businesses primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers; and**
- 2. Service providers that primarily provide outdoor services, such as landscaping and gardening services, and environmental site remediation services.**

For clarity, “Outdoor Businesses” do not include outdoor restaurants, cafes, or bars. Except as otherwise provided in Appendix C-1, they also do not include Businesses that promote large, coordinated, and prolonged gatherings, such as outdoor concert venues and amusement parks.

Outdoor Businesses may conduct their operations under a tent, canopy, or other sun shelter as further provided in Section 4.c above.

c. *Additional Businesses.* “Additional Business” means any Business identified as an Additional Business in Appendix C-1, which will be updated as warranted based on the Health Officer’s ongoing evaluation of the COVID-19 Indicators and other data. In addition to the other requirements in this Order, operation of those Additional Businesses is subject to any conditions and health and safety requirements set forth in Appendix C-1 and in any industry-specific guidance issued by the Health Officer.

d. *Minimum Basic Operations.* “Minimum Basic Operations” means the following activities for Businesses, provided that owners, Personnel, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:

- i. The minimum necessary activities to maintain and protect the value of the Business’s inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to Residences or Businesses; and related functions. For clarity, this section does not permit Businesses to provide curbside pickup to customers; and**
- ii. The minimum necessary activities to facilitate owners, Personnel, and contractors of the Business being able to continue to work remotely from their Residences, and to ensure that the Business can deliver its service remotely.**

e. *Business.* A “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and



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regardless of the nature of the service, the function it performs, or its corporate or entity structure.

- f. *Personnel.* “Personnel” means the following people who provide goods or services associated with the Business in the County: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the Business); independent contractors; vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Business. “Personnel” includes “gig workers” who perform work via the Business’s app or other online interface, if any.
- g. *Healthcare Operations.* “Healthcare Operations” includes, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations must be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.

Allowed Activities.

- h. *Essential Activities.* “Essential Activities” means to:
 - i. Engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or Household members (including pets);
 - ii. Obtain necessary services or supplies for themselves and their family or Household members, or to deliver those services or supplies to others;
 - iii. Provide necessary care for a family member or pet in another Household who has no other source of care;
 - iv. Attend a funeral with no more than 12 individuals present (or, if higher, the number of individuals allowed to gather for social gatherings under Appendix C-2); and
 - v. Move Residences.
- i. *Outdoor Activities.* “Outdoor Activities” means:
 - i. To engage in outdoor recreation activity, including, by way of example and without limitation, walking, hiking, bicycling, and running, in compliance with Social Distancing Requirements and with the following limitations:



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1. Outdoor recreation activity at parks, beaches, and other open spaces must comply with any restrictions on access and use established by the Health Officer, government, or other entity that manages such area to reduce crowding and risk of transmission of COVID-19;
2. Except as otherwise provided in Appendix C-2 or as otherwise authorized in writing by the Health Officer, use of outdoor recreational areas and facilities with high-touch equipment or that encourage gathering—including playgrounds, gym equipment, climbing walls, pools, spas, and barbecue areas—is prohibited outside of Residences, and all such areas must be closed to public access including by signage and, as appropriate, by physical barriers; and
3. Except as otherwise provided in Appendix C-2, sports or activities that include the use of shared equipment or physical contact between participants may only be engaged in by members of the same Household.

Outdoor Activities may be conducted under a tent, canopy, or other sun shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement.

j. *Additional Activities.* “Additional Activities” means:

- i. To engage in outdoor recreation activities or other activities set forth in Appendix C-2, subject to any conditions and health and safety requirements set forth there.

Allowed Travel.

k. *Essential Travel.* “Essential Travel” means travel for any of the following purposes:

- i. Travel related to the provision of or access to Essential Activities, Essential Governmental Functions, Essential Businesses, Minimum Basic Operations, Outdoor Activities, Outdoor Businesses, Additional Activities, and Additional Businesses;
- ii. Travel to care for any elderly, minors, dependents, or persons with disabilities;
- iii. Travel to or from educational institutions for purposes of receiving materials for distance learning, for receiving meals, and any other related services;
- iv. Travel to return to a place of Residence from outside the County;
- v. Travel required by law enforcement or court order;



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- vi. Travel required for non-residents to return to their place of Residence outside the County. Individuals are strongly encouraged to verify that their transportation out of the County remains available and functional before commencing such travel;
- vii. Travel to manage after-death arrangements and burial;
- viii. Travel to arrange for shelter or avoid homelessness;
- ix. Travel to avoid domestic violence or child abuse;
- x. Travel for parental custody arrangements; and
- xi. Travel to a place to temporarily reside in a Residence or facility to avoid potentially exposing others to COVID-19, such as a hotel or other facility provided by a governmental authority for such purposes.

Governmental Functions.

- l. Essential Infrastructure.* "Essential Infrastructure," including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, Business infrastructure, communications, and web-based services).
- m. Essential Governmental Functions.* "Essential Governmental Functions" are determined by the governmental entity performing those functions in the County. Each governmental entity shall identify and designate appropriate Personnel, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new personnel or contractors to perform such functions. Each governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to, and recover from the COVID-19 pandemic, and all Essential Governmental Functions must be performed in compliance with Social Distancing Requirements to the greatest extent feasible. All first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services.

The County may operate facilities as needed to address health emergencies related to weather conditions or acts of nature, such as excessive heat or smoke from wildfires, even if those facilities are not otherwise allowed to open for their intended purposes under this Order, provided that the operation of such facilities must be done in compliance with any COVID-19 related guidance that the Health Officer may issue. Those facilities include, but are not limited to,



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cooling centers and smoke respite centers, and may be operated directly by the County or by other entities at the direction of or in coordination with the County or as otherwise provided for in such guidance.

Residences and Households.

n. "Residences" and "Households" are defined as set forth in Section 3.b, above.

Social Distancing.

o. *Social Distancing Requirements.* "Social Distancing Requirements" mean:

- i. Maintaining at least six-foot social distancing from individuals who are not part of the same Household;
- ii. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
- iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands);
- iv. Wearing a face covering when out in public, consistent with the orders or guidance of the Health Officer; and
- v. Avoiding all social interaction outside the Household when sick with a fever, cough, or other COVID-19 symptoms.

9. Incorporation of State and Local Emergency Proclamations and State Health Orders.

- a. **State and Local Emergency Proclamations.** This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
- b. **State Health Orders.** This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the "State Shelter Order"), which set baseline statewide restrictions on non-residential Business activities, effective until further notice, the Governor's March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order, and the July 13, 2020 Order of the State Public Health Officer. The May 4, 2020 Executive Order issued by Governor Newsom and May 7, 2020 Order of the State Public Health Officer permit certain Businesses to reopen if a local health officer



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believes the conditions in that jurisdictions warrant it, but expressly acknowledge the authority of local health officers to establish and implement public health measures within their respective jurisdictions that are more restrictive than those implemented by the State Public Health Officer. Also on June 18, 2020 the State Department of Public Health issued guidance for the use of face coverings, requiring all people in the State to wear face coverings in certain high-risk situations, subject to limited exceptions.

10. Obligation to Follow Stricter Requirements of Orders.

This Order adopts certain health and safety restrictions that are more stringent than those contained in the State Shelter Order. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the County will worsen to the point at which it may overtake available health care resources within the County and increase the death rate. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision (i.e., the more protective of public health) controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. Also, to the extent any federal guidelines allow activities that are not allowed by this Order, this Order controls and those activities are not allowed.

11. Obligation to Follow Health Officer Directives and Mandatory State Guidance.

In addition to complying with all provisions of this Order, all individuals and entities, including all Businesses and governmental entities, must also follow any applicable directives issued by the County Health Officer (www.sfdph.org/directives) and any applicable "COVID-19 Industry Guidance" issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>. To the extent that provisions in the directives of the County Health Officer and the guidance of the State Health Officer conflict, the more restrictive provisions (i.e., the more protective of public health) apply.

12. Enforcement.

Under Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order (including, without limitation, any Health Directives) constitutes an imminent threat and menace to public health, constitutes a public



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nuisance, and is punishable by fine, imprisonment, or both. The San Francisco Department of Public Health is authorized to respond to such public nuisances by issuing Notice(s) of Violation and ordering premises vacated and closed until the owner, tenant, or manager submits a written plan to eliminate all violations and the Department of Public Health finds that plan satisfactory. Such Notice(s) of Violation and orders to vacate and close may be issued based on a written report made by any City employees writing the report within the scope of their duty. The Department of Public Health must give notice of such orders to vacate and close to the Chief of Police or the Chief's designee to be executed and enforced by officers in the same manner as provided by San Francisco Health Code section 597.

13. Effective Date.

This Order becomes effective at 9:00 a.m. on September 30, 2020, and will continue, as updated, to be in effect until it is rescinded, superseded, or amended in writing by the Health Officer.

14. Relation to Other Orders of the San Francisco Health Officer.

Effective as of the date and time in Section 13 above, this Order revises and replaces Order Number C19-07i, issued September 14, 2020. This Order also extends Order Nos. C19-04 (imposing cleaning standards for residential hotels) and C19-11 (placing Laguna Honda Hospital and Rehabilitation Center under protective quarantine) without any further need to amend those orders, with those listed orders otherwise remaining in effect until the specific listed order or this Order is extended, rescinded, superseded, or amended in writing by the Health Officer. This Order does not prohibit amendment of those orders separately. This Order also does not alter the end date of any other Health Officer order or directive having its own end date or which continues indefinitely.

15. Copies.

The County must promptly provide copies of this Order as follows: (1) by posting on the Department of Public Health website (www.sfdph.org/healthorders); (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA 94102; and (3) by providing to any member of the public requesting a copy. Also, the owner, manager, or operator of any facility that is likely to be impacted by this Order is strongly encouraged to post a copy of this Order onsite and to provide a copy to any member of the public asking for a copy.

16. Severability.

If any provision of this Order or its application to any person or circumstance is held to be invalid, the remainder of the Order, including the application of such part or provision to other persons or circumstances, shall not be affected and shall



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continue in full force and effect. To this end, the provisions of this Order are severable.

IT IS SO ORDERED:

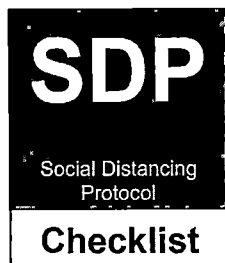
A handwritten signature in cursive script that reads "Tomás Aragón".

Tomás J. Aragón, MD, DrPH,
Health Officer of the
City and County of San Francisco

Dated: September 30, 2020

Attachments:

- Appendix A – Social Distancing Protocol for Businesses (revised September 30, 2020)
- Appendix B-1 – Small Construction Project Safety Protocol (revised July 13, 2020, and minor revisions on August 14, 2020)
- Appendix B-2 – Large Construction Project Safety Protocol (revised July 13, 2020, and minor revisions on August 14, 2020)
- Appendix C-1 – Additional Businesses (revised September 30, 2020)
- Appendix C-2 – Additional Activities (revised September 30, 2020)



Health Officer Order No. C19-07j

Appendix A: Social Distancing Protocol (revised 9/14/2020, attachments revised 9/30/2020)

Each business allowed to operate in San Francisco must complete, post onsite, and follow this Social Distancing Protocol checklist. The attached **Instructions and Requirements** detail what is required and how to complete this checklist.

Check off all items below that apply and list other required information.

Business name:

Contact name:

Facility Address:

Email / telephone:

(You may contact the person listed above with any questions or comments about this protocol.)

SIGNAGE & EDUCATION

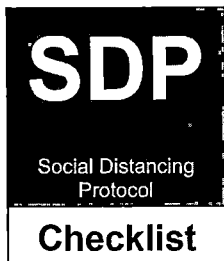
- ☐ Post signage at each public entrance of the facility requiring of everyone:
 - (1) do not enter if experiencing COVID-19 symptoms (cough, fever, or not feeling well);
 - (2) maintain a minimum six-foot distance from others in line and in the facility;
 - (3) wear a face covering; and
 - (4) for self-brought bags, keep bags in a cart/basket or carry them and self-place items in bags after checkout
- ☐ Post a copy of this two-page Social Distancing Protocol checklist at each public entrance
- ☐ Post signage showing maximum number of patrons who can be in line and in the facility
- ☐ Educate Personnel about this Protocol and other COVID-19 related safety requirements

PROTECTIVE MEASURES

- ☐ Follow Sections 2.1 through 2.4 below, including:
 - ☐ Ensure Personnel stay home or leave work if they are sick
 - ☐ Provide Personnel a copy of the Personnel Screening Attachment (A-1) to ensure they understand when to stay home; translated versions are available online
 - ☐ Ensure Personnel review health criteria before each shift and advise Personnel what to do if they are required to stay home
- ☐ Require Personnel and patrons to wear a face covering as required by Health Officer orders
- ☐ Implement a plan to keep site Personnel safe, including by limiting the number of Personnel and patrons onsite to a number that ensures physical distancing and favoring allowing Personnel to carry out their duties from home when possible
- ☐ Ensure that patrons may cancel an appointment or reservation without financial penalty based on any COVID-19 symptoms or a COVID-19 related reason and require cancellation for fever or severe coughing not explained by a pre-existing condition, but you may offer to reschedule for another time if the patron wants to reschedule instead of to cancel

MEASURES TO PREVENT UNNECESSARY CONTACT

- ☐ Tell Personnel and patrons to maintain physical distancing of at least six feet, except Personnel may momentarily come closer when necessary to accept payment, deliver goods or services, or as otherwise necessary
- ☐ Separate all used desks or individual work stations by at least six feet
- ☐ Place markings in patron line areas to ensure six feet physical distancing (inside and outside)



- ☐ Provide for contactless payment systems or, if not feasible, disinfect payment systems regularly. The Board of Supervisors has required businesses to accept cash—if cash is used encourage exact change.
- ☐ Maintain Plexiglas or other barriers between patrons and Personnel at point of payment (if not possible, then ensure at least six feet of distance)

- ☐ Limit the number of patrons in the business at any one time to: _____
- ☐ Separate ordering areas from delivery areas or similarly help distance patrons when possible
- ☐ Optional—Describe other measures:

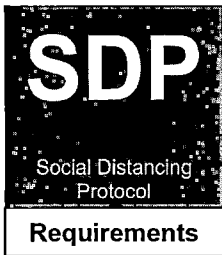
SANITIZING MEASURES

- ☐ Regularly disinfect high touch areas, and do so continuously for surfaces patrons touch (countertops, payment systems, pens, and styluses)
- ☐ Provide disinfecting wipes that are effective against SARS-CoV-2 near shopping carts, shopping baskets, and high-touch surfaces and provide hand sanitizer
- ☐ Have Personnel disinfect carts and baskets after each use
- ☐ Provide hand sanitizer, sink with soap and water, and/or disinfecting wipes to patrons and Personnel at or near the entrance of the facility, at checkout counters, and anywhere else where people have direct interactions
- ☐ Disinfect break rooms, bathrooms, and other common areas frequently, on the following schedule:
 - ☐ Break rooms:
 - ☐ Bathrooms:
 - ☐ Other:
- ☐ Prevent people from self-serving any items that are food-related:
 - ☐ Provide lids and utensils for food items by Personnel, not for patrons to grab
 - ☐ Limit access to bulk-item food bins to Personnel—no self-service use
- ☐ Require patrons and Personnel to follow requirements of Section 3.25 below for self-brought bags, and prohibit patrons from bringing any other reusable items such as coffee mugs.
- ☐ Prohibit Personnel from using shared food prep equipment for their own use (e.g., microwaves, water coolers), but microwaves may be used if disinfected between each use and hand sanitizer is available nearby and water coolers may be used as outlined in Section 3.14 below.
- ☐ Optional—Describe other measures (e.g., providing senior-only hours):

INDUSTRY-SPECIFIC DIRECTIVES

- ☐ Ensure that you have read and implemented the attached list of requirements.
- ☐ In addition to complying with the Social Distancing Protocol, many businesses must comply with additional, industry-specific directives. Go to www.sfdph.org/directives and check to see if your business is subject to one or more additional directives. For each one, you must review the Health and Safety Plan (HSP) requirements and post an additional checklist for each one that applies. In the event that any directive changes the requirements of the Social Distancing Protocol, the more specific language of the directive controls, even if it is less restrictive. Check this box after you have checked the list of directives and posted any other required HSP.

* Any additional measures may be listed on separate pages and attached.



[You are not required to post these Instructions and Requirements]

Instructions:

The two-page Social Distancing Protocol checklist above must reflect the business's completion of each requirement listed below unless an item is not applicable. Use the two-page checklist above to show compliance with these requirements. The business does not need to post these Instructions and Requirements, only the checklist above. The term "Personnel" is defined in Health Officer Order to which this Appendix is attached. The term "patron" includes customers, others seeking services, visitors, and guests.

Requirements:

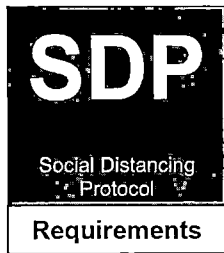
In addition to the items below, this protocol requires the business to ensure that Personnel who perform work associated with the business are covered by the Social Distancing Protocol checklist and comply with those requirements. Each business is required to take certain steps in the protocol related to its Personnel, including the actions listed in Sections 2.1 through 2.4 below if Personnel are sick. Each business is prohibited from taking any adverse action against any Personnel for staying home in the circumstances listed in Sections 2.1 through 2.4 below. Personnel of each business are prohibited from coming to work if they are sick and must comply with the protocol, including the rules for returning to work listed in Sections 2.1 through 2.4 below.

1. Signage and Education

- 1.1.** Post signage at each public entrance of the facility or location (if any) to inform all patrons that they must: not wait in line or enter the facility or location if they have a cough or fever or are not feeling well; maintain a minimum six-foot distance from others while in line or in the facility or location; wear a face covering or barrier mask (a "Face Covering") at all times; not shake hands or engage in any unnecessary physical contact; and, if they bring their own reusable bags, leave the bags in a shopping cart/basket or carry them and bag their own items after checkout. Criteria for Face Coverings and the requirements related to their use are set forth in Health Officer Order No. C19-12, issued on April 17, 2020 (the "Face Covering Order"), including as that order is updated in the future. Sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. A list of common symptoms of COVID-19 can be found at <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.
- 1.2.** Post a copy of the Social Distancing Protocol checklist at each public entrance to the facility or location.
- 1.3.** Distribute to all Personnel copies of the Social Distancing Protocol checklist in hardcopy or electronic format.
- 1.4.** Educate all Personnel on the requirements of the Social Distancing Protocol and any other Health Officer directive that applies.

2. Screening Requirements and Related Restrictions

[Entire section revised 9/14/20] Businesses and other entities in the City that are allowed to operate must screen all Personnel each day using the screening process described in Sections 2.1 through 2.4 below. Attached to this Appendix is the Personnel Screening Attachment (**Attachment A-1**) which provides the questions that must be used for that purpose. That form



may be used, or the business may adapt the questions for use through another method such as by phone, text message, email, web interface, or app.

Separately, many businesses and other entities that are allowed to operate are required by separate directives to screen guests, visitors, customers, or others using similar questions. Attached to this Appendix is the San Francisco COVID-19 Health Screening Form (**Attachment A-2**) that may be used for this purpose. If a directive requires use of the San Francisco COVID-19 Health Screening Form, then that form must be used or the business or entity may adapt the questions for use through another method such as by phone, text message, email, web interface, or app.

A copy of the applicable screening form should be provided to anyone on request, although a poster or other large-format version of the form may be used to review the questions with people verbally at entrances. Businesses and organizations can use the guidance available online at <https://www.sfdcdp.org/wp-content/uploads/2020/05/COVID19-Screening-Questions-UPDATE-05.26.2020.pdf> for determining how best to conduct screening. The City has flyers, posters, fact sheets, and social media graphics available in multiple languages for use by the community. These resources include posters regarding use of Face Coverings and screening. These resources are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.

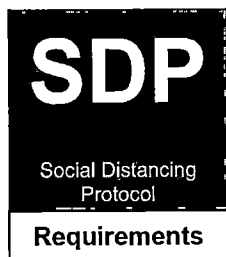
The screening requirements listed in this Appendix are subject to any more specific (or different) requirements that apply under any other Health Officer directive or order.

Personnel Screening and Restrictions:

- 2.1. Instruct all Personnel orally and in writing not to come to work or the facility if they are sick.
- 2.2. Provide a copy of the Personnel Screening Attachment (**Attachment A-1**) to all Personnel who regularly work at the facility or location in hardcopy format or electronically. PDF and translated versions of the Personnel Screening Attachment can be found at www.sfdcdp.org/screen. If the Personnel Screening Attachment is updated, provide an updated copy to all Personnel. Instead of sending out the attachment, Businesses may adopt the questions from the Personnel Screening Attachment and ask Personnel those questions through another format.
- 2.3. Review the criteria listed in Part 1 of the Personnel Screening Attachment on a daily basis with all Personnel in the City who regularly work at the facility or location before each person enters work spaces or begins a shift. If such a review is not feasible because the business does not directly interact with some Personnel onsite daily, then that business must for those Personnel (1) instruct such Personnel to review the criteria before each shift in the City and (2) have such Personnel report to the business that they are okay to begin the shift such as through an app, website, or phone call.

Instruct any Personnel who answered yes to any question in Part 1 of the Personnel Screening Attachment to return home or not come to work and follow the directions on the Attachment.

- 2.4. Instruct Personnel who stayed home or who went home based on the criteria listed on the Personnel Screening Attachment that they must follow the criteria as well as any applicable requirements from the quarantine and isolation directives (available at www.sfdph.org/healthorders) before returning to work. If they are required to self-quarantine or self-isolate, they may only return to work after they have completed self-quarantine or self-isolation. If they test negative for the virus (no virus found), they may only return to work after



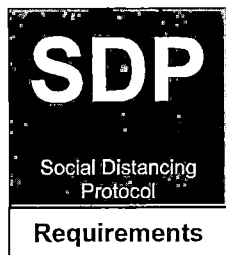
waiting for the amount of time listed on the Attachment after their symptoms have resolved. Personnel are not required to provide a medical clearance letter to return to work as long as they have met the requirements outlined on the Personnel Screening Attachment. Additional information about isolation and quarantine is available online at www.sfdcdp.org/i&q.

Guest, Visitor, Customer, and Other People Screening and Restrictions:

- 2.5.** Health Officer directives may require screening of guests, visitors, customers, and others using the San Francisco COVID-19 Health Screening Form (**Attachment A-2**). In general, anyone who answers “yes” to any screening question on the San Francisco COVID-19 Health Screening Form should not enter the business or facility because they are at risk of having the virus that causes COVID-19. The form lists steps that should be taken by anyone who answers “yes” to a screening question. In some instances, a Health Officer directive will require that anyone who answers “yes” to be prevented from entry. In other situations, the Department of Public Health discourages organizations from denying essential services to those who may answer “yes” to any of the questions and encourages organizations to find alternative means to meet clients’ needs that would not require them to enter the facility.

3. Other Personnel and Patron Protection and Sanitation Requirements:

- 3.1.** Businesses must periodically check the following website for any testing requirements for employers and businesses: www.sfdcdp.org/covid19. If requirements are added, ensure that the business and all Personnel comply with testing requirements.
- 3.2.** If an aspect of the business is allowed to operate and is covered by a Health Officer directive, then the business must comply with all applicable directives as well as this Social Distancing Protocol. Copies of other directives are available online at www.sfdph.org/directives. For each directive that applies, review the Health and Safety Plan (HSP) requirements and post an additional HSP checklist for each one that applies. In the event that any directive changes the requirements of the Social Distancing Protocol, the more specific language of the directive controls, even if it is less restrictive.
- 3.3.** Instruct all Personnel and patrons to maintain at least a six-foot distance from others, including when in line and when shopping or collecting goods on behalf of patrons, except when momentarily necessary to facilitate or accept payment and hand off items or deliver goods. Note that if the business cannot ensure maintenance of a six-foot distance within the location or facility between Personnel or other people onsite, such as by moving work stations or spreading Personnel out, it must reduce the number of Personnel permitted in the location or facility accordingly.
- 3.4.** Provide Face Coverings for all Personnel, with instructions that they must wear Face Coverings at all times when at work, as further set forth in the Face Covering Order. A sample sign is available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. Allow Personnel to bring their own Face Covering if they bring one that has been cleaned before the shift. In general, people should have multiple Face Coverings (whether reusable or disposable) to ensure they use a clean one each day. The Face Covering Order permits certain exceptions, and the business should be aware of exceptions that allow a person not to wear a Face Covering (for example, children 12 years old or younger or based on a written medical excuse). When Personnel do not wear a Face Covering because of an exception, take steps to otherwise increase safety for all.
- 3.5.** If patrons wait in line outside or inside any facility or location operated by the business, require patrons to wear a Face Covering while waiting in line outside or inside the facility or

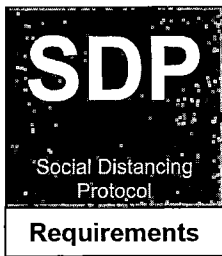


location. This includes taking steps to notify patrons they will not be served if they are in line without a Face Covering and refusing to serve a patron without a Face Covering, as further provided in the Face Covering Order. The business may provide a clean Face Covering to patrons while in line. For clarity, the transaction or service must be aborted if the patron is not wearing a Face Covering. But the business must permit a patron who is excused by the Face Covering Order from wearing a Face Covering to conduct their transaction or obtain service, including by taking steps that can otherwise increase safety for all.

- 3.6. Provide a sink with soap, water, and paper towels for handwashing for all Personnel working onsite at the facility or location and for patrons if sinks and restrooms are open to patrons. Require that all Personnel wash hands at least at the start and end of each shift, after sneezing, coughing, eating, drinking, smoking (to the extent smoking is allowed by law and the business), or using the restroom, when changing tasks, and, when possible, frequently during each shift. Personnel who work off-site, such as driving or delivering goods, must be required to use hand sanitizer throughout their shift.
- 3.7. Provide hand sanitizer effective against SARS-CoV-2, the virus that causes COVID-19, at appropriate locations for patrons and elsewhere at the facility or location for Personnel. Sanitizer must also be provided to Personnel who shop, deliver, or drive for use when they are shopping, delivering, or driving. If sanitizer cannot be obtained, a handwashing station with soap, water, and paper towels will suffice for Personnel who are on-site at the facility or location. But for Personnel who shop, deliver, or drive in relation to their work, the business must provide hand sanitizer effective against SARS-CoV-2 at all times; for any period during which the business does not provide sanitizer to such shopping, delivery, or driving Personnel, the business is not allowed for that aspect of its service to operate in the City. Information on hand sanitizer, including sanitizer effective against SARS-CoV-2 and how to obtain sanitizer, is available online from the Food and Drug Administration here: <https://www.fda.gov/drugs/information-drug-class/qa-consumers-hand-sanitizers-and-covid-19>.
- 3.8. Provide disinfectant and related supplies to Personnel and require Personnel to sanitize all high-touch surfaces under their control, including but not limited to: shopping carts and baskets used by Personnel and patrons; countertops, food/item display cases, refrigerator and freezer case doors, drawers with tools or hardware, and check-out areas; cash registers, payment equipment, and self-check-out kiosks; door handles; tools and equipment used by Personnel during a shift; and any inventory-tracking or delivery-tracking equipment or devices which require handling throughout a work shift. These items should be routinely disinfected during the course of the day, including as required below. A list of products listed by the United States Environmental Protection Agency as meeting criteria for use against SARS-CoV-2 can be found online here: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2>.
- 3.9. Ensure that all shared devices and equipment are cleaned and/or sanitized by Personnel on frequent schedules, not less than at the beginning and end of each Personnel member's work shift and during the shift.
- 3.10. Direct all Personnel to avoid touching unsanitized surfaces that may be frequently touched, such as door handles, tools, or credit cards, unless protective equipment such as gloves (provided by the business) are used and discarded after each use or hand sanitizer is used after each interaction.
- 3.11. Frequently disinfect any break rooms, bathrooms, and other common areas. Create and use a daily checklist to document each time disinfection of these rooms or areas occurs.

Conspicuously post the checklist inside each respective break room, bathroom, or other common area clearly detailing the dates and times the room was last cleaned, disinfected, or restocked.

- 3.12. For any facility or location that has carts, baskets, or other equipment for use by Personnel, assign Personnel to disinfect carts, baskets, or other equipment after each use and take steps to prevent anyone from grabbing used carts, baskets, or other equipment before disinfection.
- 3.13. Establish adequate time in the work day to allow for proper cleaning and decontamination throughout the facility or location by Personnel including, but not limited to, before closing for the day and opening in the morning.
- 3.14. [Revised 8/14/20] Except as listed in this Section 3.14, suspend use of any microwaves, water coolers, drinking fountains, and other similar group equipment for breaks until further notice. Microwaves may be used if disinfected by wiping the interior and exterior with an approved disinfectant after each use. Water coolers may be used if: i) touch surfaces are wiped down with an approved disinfectant after each use; and ii) any person changing a container-type water cooler must wash their hands or use hand sanitizer immediately prior to handling/replacing the water container.
- 3.15. When possible, provide a barrier between the patron and the cashier such as a plexi-glass temporary barrier. When not possible, create sufficient space to enable the patron to stand more than six feet away from the cashier while items are being scanned/tallied and bagged.
- 3.16. Provide for contactless payment systems or, if not feasible, sanitize payment systems, including touch screens, payment portals, pens, and styluses, after each patron use. Patrons may pay with cash but to further limit person-to-person contact, Personnel should encourage patrons to use credit, debit, or gift cards for payment.
- 3.17. For any larger facility or location, appoint a designated sanitation worker at all times to continuously clean and sanitize commonly touched surfaces and meet the environmental cleaning guidelines set by the Center for Disease Control and Prevention.
- 3.18. If an employee or other Personnel tests positive for COVID-19 or SARS-CoV-2, follow the guidance on "Business guidance if a staff member tests positive for COVID-19," available at <https://sf.gov/business-guidance-if-staff-member-tests-positive-covid-19>.
- 3.19. Post signs to advise patrons of the maximum line capacity to ensure that the maximum number of patrons in line is not exceeded. Once the maximum number of patrons is reached, patrons should be advised to return later to prevent buildup of congestion in the line.
- 3.20. Place tape or other markings on the sidewalk or floor at least six feet apart in patron line areas with signs directing patrons to use the markings to maintain distance.
- 3.21. When stocking shelves, if any, ensure that Personnel wash or sanitize hands before placing items on shelves, making sure to again wash or sanitize hands if they become contaminated by touching face or hair or being exposed to other soiled surfaces.
- 3.22. Ensure that all Personnel who select items on behalf of patrons wear a Face Covering when selecting, packing, and/or delivering items.
- 3.23. Require Personnel to wash hands frequently, including:



- When entering any kitchen or food preparation area
- Before starting food preparation or handling
- After touching their face, hair, or other areas of the body
- After using the restroom
- After coughing, sneezing, using a tissue, smoking, eating, or drinking
- Before putting on gloves
- After engaging in other activities that may contaminate the hands

3.24. Assign Personnel to keep soap and paper towels stocked at sinks and handwashing stations at least every hour and to replenish other sanitizing products.

3.25. [Added 7/13/20] If patrons bring their own reusable shopping bags, ensure that such bags, even in contexts other than grocery stores, are handled in a manner consistent with Cal/OSHA requirements available at <https://www.dir.ca.gov/dosh/Coronavirus/COVID-19-Infection-Prevention-in-Grocery-Stores.pdf>, including all of the following:

- Post signs at all entrances with infection control information to patrons, including requiring patrons to leave their own bags in the shopping cart or basket or carry them and bag their own items after checkout;
- Ensure that Personnel do not touch the bags or place items in them;
- Bags must not be placed on a conveyor belt, checkout area countertop, or other surface where patrons are served;
- Ensure that patrons bag their own items if they bring their own bags;
- Bags may not be loaded on the checkout area surface. Items can be left in a cart/basket and bagged elsewhere by the patron after checkout;
- Ensure that patrons maintain physical distancing while bagging their items; and
- Increase the frequency of disinfection in bagging areas and patron service areas frequented by patrons.

3.26. [Added 7/13/20] If a patron has symptoms of COVID-19 (see Section 1.1 above) or is otherwise unable to participate in an appointment or reservation for a COVID-19 related reason, the business must allow the patron to cancel without any financial penalty. If the patron reports having a fever or has a severe cough not explained by a pre-existing condition, the business must cancel the appointment or reservation. The business may offer to reschedule the appointment or reservation but cannot require rescheduling instead of allowing the patron to cancel. In the healthcare context, more specific Health Officer directives may allow appointments when a patient or client is ill, and the requirements of the directive must be followed in that situation.

Note – Sections 3.14 and 3.26 control over any contrary language in Health Officer Directive Nos. 2020-05, 2020-06, and 2020-07 until each of them is amended or updated.

ATTACHMENT A-1: Personnel Screening Form

(September 30, 2020)

Any business or entity that is allowed to operate in San Francisco during the COVID-19 pandemic **MUST** screen Personnel with the questions below on a daily basis as part of its Social Distancing Protocol compliance and provide this information to Personnel. Go to www.sfgcdcp.org/screen for more information or a copy of this form. Do not use this form to screen customers, visitors, or guests. The screening form for Non-Personnel is available at www.sfgcdcp.org/screen. Health Officer orders or directives may provide additional screening requirements.

Part 1 – You must answer the following questions before starting your work every day that you work.

You may be required to provide the answers in person or via phone or other electronic means to the Business before the start of each shift. If any answers change while you are at work, notify the Business by phone and leave the workplace.

- | |
|--|
| 1. In the last 10 days, have you been diagnosed with COVID-19 or had a test confirming you have the virus? |
| 2. In the past 14 days, have you had “Close Contact” with someone who was diagnosed with COVID-19 or had a test confirming they have the virus while they were contagious [†] ?

† “Close Contact” means you had any of the following types of contact with the person with COVID-19 while they were contagious [‡] : <ul style="list-style-type: none">• Lived or stayed overnight with them• Was their intimate sex partner• Took care of them or they took care of you• Stayed within 6 feet of them for more than 15 minutes• Exposed to direct contact with their body fluids or secretions (e.g., they coughed or sneezed on you) while you were not wearing a face mask, gown, <u>and</u> gloves
‡ Contagiousness: People with COVID-19 are considered contagious starting 48 hours before their symptoms began until 1) they haven’t had a fever for at least 24 hours, 2) their symptoms have improved, AND 3) at least 10 days have passed since their symptoms began. If the person with COVID-19 never had symptoms, then they are considered contagious starting 48 hours before their test that confirmed they have COVID-19 until 10 days after the date of that test. |
| 3. Have you had one or more of these symptoms today or within the past 24 hours which is <u>new or not explained by another condition</u> ? <ul style="list-style-type: none">• Fever (100.4°F/38.0°C or greater), chills, repeated shaking/shivering• Cough• Sore throat• Shortness of breath, difficulty breathing• Feeling unusually weak or fatigued• Loss of taste or smell• Muscle or body aches• Headache• Runny or congested nose• Diarrhea• Nausea or vomiting |

If you answer “YES” to ANY of these 3 questions, do not enter any business or facility and follow the steps listed in Part 2 below.

Part 2 –

- If you answered **YES to Question 1 or Question 2. DO NOT GO TO WORK.** And:
 - You **MUST** follow the rules **mandated** by the Health Officer Isolation/Quarantine Directive No 2020-03c/02c. **Follow Isolation/Quarantine Steps** at: www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines
 - Do not return to work until the Isolation or Quarantine Steps tell you it is safe to return!
- If you answered **YES to Question 3:** You may have COVID-19 and **must be tested for the virus** before returning to work. Without a test, the Business must treat you as being positive for COVID-19 and require you to stay out of work for at least **10** calendar days. To return to work sooner and protect others, **follow these steps:**
 1. **GET TESTED!** If you have insurance, contact your healthcare provider to get tested for COVID-19. If you do not have insurance, you can sign up for free testing at CityTestSF (<https://sf.gov/citytestsfsf>). If you live outside the City, you can check with the county where you live, get tested by your usual healthcare provider, or use CityTestSF.
 2. Wait for your results at home and follow the instructions at www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines to determine next steps. Only return to work when those guidelines say it is safe.

ATTACHMENT A-2: San Francisco COVID-19 Health Screening Form

(September 30, 2020)

This handout is for use by anyone who is screening non-personnel individuals (such as clients, visitors, etc.) prior to entry into a location or business. **SFDPH discourages anyone from denying core essential services (such as food, medicine, shelter, or social services) to those who may answer “yes” to any of the questions below and encourages people to find alternative means to meet clients’ needs that would not require them to enter the location.** Health Officer Directives may provide additional requirements regarding screening in a specific context.

More information, a copy of this form, and a screening form for personnel can be found at www.sfgdcp.org/screen.

Part 1 – Please answer the following questions before entering this location.

1. In the last 10 days, have you been diagnosed with COVID-19 or had a test confirming you have the virus?												
2. In the past 14 days, have you had “Close Contact” with someone who was diagnosed with COVID-19 or had a test confirming they have the virus while they were contagious [†] ?												
† “Close Contact” means you had any of the following types of contact with the person with COVID-19 while they were contagious [‡] :												
<table border="0"><tr><td>• Lived or stayed overnight with them</td><td>• Stayed within 6 feet of them for more than 15 minutes</td></tr><tr><td>• Was their intimate sex partner</td><td>• Exposed to direct contact with their body fluids or secretions (e.g., they coughed or sneezed on you) while you were not wearing a face mask, gown, and gloves</td></tr><tr><td>• Took care of them or they took care of you</td><td></td></tr></table>	• Lived or stayed overnight with them	• Stayed within 6 feet of them for more than 15 minutes	• Was their intimate sex partner	• Exposed to direct contact with their body fluids or secretions (e.g., they coughed or sneezed on you) while you were not wearing a face mask, gown, and gloves	• Took care of them or they took care of you							
• Lived or stayed overnight with them	• Stayed within 6 feet of them for more than 15 minutes											
• Was their intimate sex partner	• Exposed to direct contact with their body fluids or secretions (e.g., they coughed or sneezed on you) while you were not wearing a face mask, gown, and gloves											
• Took care of them or they took care of you												
‡ Contagiousness: People with COVID-19 are considered infectious starting 48 hours before their symptoms began until 1) they haven’t had a fever for at least 24 hours, 2) their symptoms have improved, AND 3) at least 10 days have passed since their symptoms began. If the person with COVID-19 never had symptoms, then they are considered infectious starting 48 hours before their test that confirmed they have COVID-19 until 10 days after the date of that test.												
3. Have you had one or more of these symptoms today or within the past 24 hours which is <u>new or not explained by another condition</u> ?												
<table border="0"><tr><td>• Fever (100.4°F/38.0°C or greater), chills, repeated shaking/shivering</td><td>• Loss of taste or smell</td></tr><tr><td>• Cough</td><td>• Muscle or body aches*</td></tr><tr><td>• Sore throat</td><td>• Headache</td></tr><tr><td>• Shortness of breath, difficulty breathing</td><td>• Runny or congested nose*</td></tr><tr><td>• Feeling unusually weak or fatigued*</td><td>• Diarrhea</td></tr><tr><td></td><td>• Nausea or vomiting</td></tr></table>	• Fever (100.4°F/38.0°C or greater), chills, repeated shaking/shivering	• Loss of taste or smell	• Cough	• Muscle or body aches*	• Sore throat	• Headache	• Shortness of breath, difficulty breathing	• Runny or congested nose*	• Feeling unusually weak or fatigued*	• Diarrhea		• Nausea or vomiting
• Fever (100.4°F/38.0°C or greater), chills, repeated shaking/shivering	• Loss of taste or smell											
• Cough	• Muscle or body aches*											
• Sore throat	• Headache											
• Shortness of breath, difficulty breathing	• Runny or congested nose*											
• Feeling unusually weak or fatigued*	• Diarrhea											
	• Nausea or vomiting											
* Children and youth under 18 years old do not need to be screened for these symptoms since these symptoms are less common in youth with COVID-19.												

If you answer “YES” to ANY of these 3 questions, do not enter the location and follow the steps listed in Part 2 below. If you are seeking core essential services (such as food, medicine, shelter, or social services), work with the organization to determine how you can receive services these services without entering the building.

Part 2 –

- If you answered **YES to Question 1 or Question 2:**
 - You **MUST** follow the rules **mandated** by the Health Officer Isolation/Quarantine Directive No 2020-03c/02c. **Follow Isolation/Quarantine Steps** at: www.sfgdcp.org/Home-Isolation-Quarantine-Guidelines
 - Do not leave your home to the extent possible until the Isolation or Quarantine Steps tell you it is safe to do so!
 - If you need help with essential services like food, housing, or other needs while you are isolating or quarantining, call 3-1-1.
- If you answered **YES to Question 3:** You may have COVID-19 and to keep others safe, you should isolate until you know whether you have COVID-19. **Follow these steps:**
 1. Follow the instructions at: www.sfgdcp.org/Home-Isolation-Quarantine-Guidelines
 2. **GET TESTED!** If you have insurance, contact your healthcare provider to get tested for COVID-19. If you do not have insurance, you can sign up for free testing at CityTestSF (<https://sf.gov/citytests>).
 - Follow the instructions in www.sfgdcp.org/Home-Isolation-Quarantine-Guidelines to determine next steps depending on your test result.

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Small Construction Project Safety Protocol (revised August 14, 2020)

1. Any construction project meeting any of the following specifications is subject to this Small Construction Project Safety Protocol ("SCP Protocol"), including public works projects unless otherwise specified by the Health Officer:
 - a. For residential projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of 10 units or fewer. This SCP Protocol does not apply to construction projects where a person is performing construction on their current residence either alone or solely with members of their own household.
 - b. For commercial projects, any construction, renovation, or tenant improvement project consisting of 20,000 square feet of floor area or less.
 - c. For mixed-use projects, any project that meets both of the specifications in subsections 1.a and 1.b.
 - d. All other construction projects not subject to the Large Construction Project Safety Protocol set forth in Appendix B-2.
2. The following restrictions and requirements must be in place at all construction job sites subject to this SCP Protocol:
 - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference, or discrepancy between or among applicable laws and regulations and/or this SCP Protocol, the stricter standard shall apply.
 - b. Designate a site-specific COVID-19 supervisor or supervisors to enforce this guidance. A designated COVID-19 supervisor must be present on the construction site at all times during construction activities. A COVID-19 supervisor may be an on-site worker who is designated to serve in this role.
 - c. The COVID-19 supervisor must review this SCP Protocol with all workers and visitors to the construction site.
 - d. Establish a daily screening protocol for arriving staff to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exits to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
 - e. Practice social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the construction project.

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- f. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
- i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
 - ii. Decontaminate and sanitize all surfaces at each location at which the infected worker was present. Provide those performing the decontamination and sanitization work with medical-grade PPE, ensure the workers are trained in proper use of the PPE, require the workers to use the provided PPE, and prohibit any sharing of the PPE. Prohibit anyone from entering the possibly contaminated area, except those performing decontamination and sanitization work. Cease all work in these locations until decontamination and sanitization is complete.
 - iii. Each subcontractor, upon learning that one of its employees is infected, must notify the General Contractor immediately, if you have one, and provide all of the information specified below. The General Contractor or other appropriate supervisor must notify the County Public Health Department Communicable Disease Control (CD Control) at 628-217-6100 immediately of every project site worker found to have a confirmed case of COVID-19, and provide all the information specified below. Follow all directives and complete any additional requirements by County health officials, including full compliance with any tracing efforts by the County.
- Information to be reported to CD Control regarding the jobsite:
 - 1) Address of jobsite;
 - 2) Name of project, if any;
 - 3) Name of General Contractor; and
 - 4) General Contractor point of contact, role, phone number and email.
 - Information to be reported to CD Control regarding the COVID-19 case(s):
 - 5) First and last name;
 - 6) Date of birth;
 - 7) Phone;
 - 8) Date tested positive;
 - 9) Date last worked;
 - 10) City of residence; and
 - 11) If the case is an employee of a subcontractor, please provide the following information:
 - Subcontractor;
 - Subcontractor contact name;
 - Subcontractor contact phone; and
 - Subcontractor contact email.
 - Information to be reported to CD Control regarding Close Contacts. For each reported case(s) above, please provide the following information (if you are

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reporting more than one positive case, please include the name of the positive case for each close contact):

- 1) Close contact's first and last name;
- 2) Phone;
- 3) City of residence; and
- 4) Positive case name.

A "Close Contact" in the workplace is anyone who:

- Stayed within 6 feet of the Person with COVID-19 for 10 minutes or more while they were not wearing a face mask; OR
- Had direct contact for any amount of time with the body fluids and/or secretions of the Person With COVID-19 (e.g., was coughed or sneezed on, shared utensils with, or was provided care or provided care for them without wearing a mask, gown, and gloves).

Close contacts are high risk exposures and need to quarantine for a full 14 days due to the 14 day incubation period of the virus. Even if a close contact tests negative within 14 days of their last exposure to the case, they must continue quarantining the full 14 day period to prevent transmission of the virus.

- g. Where construction work occurs within an occupied residential unit, separate work areas must be sealed off from the remainder of the unit with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.
- h. Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, separate work areas must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.
- i. Prohibit gatherings of any size on the jobsite, including gatherings for breaks or eating, except for meetings regarding compliance with this protocol or as strictly necessary to carry out a task associated with the construction project.

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- j. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Sharing of any of any food or beverage is strictly prohibited and if sharing is observed, the worker must be sent home for the day.
- k. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE unless required due to the medical nature of a jobsite. Face coverings must be worn in compliance with Health Officer Order No. C19-12b, issued April 17, 2020 and revised May 28, 2020, or any subsequently issued or amended order.
- l. Prohibit use of microwaves, water coolers, and other similar shared equipment except as allowed by the Social Distancing Protocol (Appendix A).
- m. Strictly control “choke points” and “high-risk areas” where workers are unable to maintain six-foot social distancing and prohibit or limit use to ensure that six-foot distance can easily be maintained between individuals.
- n. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- o. Stagger trades as necessary to reduce density and allow for easy maintenance of minimum six-foot separation.
- p. Discourage workers from using others’ desks, work tools, and equipment. If more than one worker uses these items, the items must be cleaned and disinfected with disinfectants that are effective against COVID-19 in between use by each new worker. Prohibit sharing of PPE.
- q. If hand washing facilities are not available at the jobsite, place portable wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- r. Clean and sanitize any hand washing facilities, portable wash stations, jobsite restroom areas, or other enclosed spaces daily with disinfectants that are effective against COVID-19. Frequently clean and disinfect all high touch areas, including entry and exit areas, high traffic areas, rest rooms, hand washing areas, high touch surfaces, tools, and equipment
- s. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, phone number, address, and email.
- t. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
 - i. Do not touch your face with unwashed hands or with gloves.

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- ii. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
 - iii. Clean and disinfect frequently touched objects and surfaces such as work stations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
 - iv. Cover your mouth and nose when coughing or sneezing, or cough or sneeze into the crook of your arm at your elbow/sleeve.
 - v. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
 - vi. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six feet at all times when not wearing the necessary PPE for working in close proximity to another person.
 - vii. Do not carpool to and from the jobsite with anyone except members of your own household unit, or as necessary for workers who have no alternative means of transportation.
 - viii. Do not share phones or PPE.
- u. The notice in Section 2.t must be translated as necessary to ensure that all non-English speaking workers are able to understand the notice.

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Large Construction Project Safety Protocol (revised August 14, 2020)

1. Any construction project meeting any of the following specifications is subject to this Large Construction Project Safety Protocol (“LCP Protocol”), including public works projects unless otherwise specified by the Health Officer:
 - a. For residential construction projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of more than 10 units.
 - b. For commercial construction projects, any construction, renovation, or tenant improvement project consisting of more than 20,000 square feet of floor area.
 - c. For construction of Essential Infrastructure, as defined in Section 8.1 of the Order, any project that requires twenty or more workers at the jobsite at any one time.
2. The following restrictions and requirements must be in place at all construction job sites subject to this LCP Protocol:
 - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference or discrepancy between or among applicable laws and regulations and/or this LCP Protocol, the stricter standard will apply.
 - b. Prepare a new or updated Site-Specific Health and Safety Plan to address COVID-19-related issues, post the Plan on-site at all entrances and exits, and produce a copy of the Plan to County governmental authorities upon request. The Plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the Plan.
 - c. Provide personal protective equipment (PPE) specifically for use in construction, including gloves, goggles, face shields, and face coverings as appropriate for the activity being performed. At no time may a contractor secure or use medical-grade PPE, unless required due to the medical nature of a job site. Face Coverings must be worn in compliance with Health Officer Order No. C19-12b, issued April 17, 2020 and revised May 28, 2020, or any subsequently issued or amended order.
 - d. Ensure that employees are trained in the use of PPE. Maintain and make available a log of all PPE training provided to employees and monitor all employees to ensure proper use of the PPE.
 - e. Prohibit sharing of PPE.
 - f. Implement social distancing requirements including, at minimum:

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- i. Stagger stop- and start-times for shift schedules to reduce the quantity of workers at the jobsite at any one time to the extent feasible.
- ii. Stagger trade-specific work to minimize the quantity of workers at the jobsite at any one time.
- iii. Require social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the project.
- iv. Prohibit gatherings of any size on the jobsite, except for safety meetings or as strictly necessary to carry out a task associated with the project.
- v. Strictly control “choke points” and “high-risk areas” where workers are unable to maintain minimum six-foot social distancing and prohibit or limit use to ensure that minimum six-foot distancing can easily be maintained between workers.
- vi. Minimize interactions and maintain social distancing with all site visitors, including delivery workers, design professional and other project consultants, government agency representatives, including building and fire inspectors, and residents at residential construction sites.
- vii. Prohibit workers from using others’ phones or desks. Any work tools or equipment that must be used by more than one worker must be cleaned with disinfectants that are effective against COVID-19 before use by a new worker.
- viii. Place wash stations or hand sanitizers that are effective against COVID-19 at entrances to the jobsite and in multiple locations dispersed throughout the jobsite as warranted.
- ix. Maintain a daily attendance log of all workers and visitors that includes contact information, including name, address, phone number, and email.
- x. Post a notice in an area visible to all workers and visitors instructing workers and visitors to do the following:
 - 1. Do not touch your face with unwashed hands or with gloves.
 - 2. Frequently wash your hands with soap and water for at least 20 seconds or use hand sanitizer with at least 60% alcohol.
 - 3. Clean and disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, machines, shared tools, elevator control buttons, and doorknobs.
 - 4. Cover your mouth and nose when coughing or sneezing or cough or sneeze into the crook of your arm at your elbow/sleeve.
 - 5. Do not enter the jobsite if you have a fever, cough, or other COVID-19 symptoms. If you feel sick, or have been exposed to anyone who is sick, stay at home.
 - 6. Constantly observe your work distances in relation to other staff. Maintain the recommended minimum six-feet distancing at all times when not wearing the necessary PPE for working in close proximity to another person.
 - 7. Do not share phones or PPE.

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- xi. The notice in section 2.f.x must be translated as necessary to ensure that all non-English speaking workers are able to understand the notice.
- g. Implement cleaning and sanitization practices in accordance with the following:
 - i. Frequently clean and sanitize, in accordance with CDC guidelines, all high-traffic and high-touch areas including, at a minimum: meeting areas, jobsite lunch and break areas, entrances and exits to the jobsite, jobsite trailers, hand-washing areas, tools, equipment, jobsite restroom areas, stairs, elevators, and lifts.
 - ii. Establish a cleaning and decontamination protocol prior to entry and exit of the jobsite and post the protocol at entrances and exits of jobsite.
 - iii. Supply all personnel performing cleaning and sanitization with proper PPE to prevent them from contracting COVID-19. Employees must not share PPE.
 - iv. Establish adequate time in the workday to allow for proper cleaning and decontamination including prior to starting at or leaving the jobsite for the day.
- h. Implement a COVID-19 community spread reduction plan as part of the Site-Specific Health and Safety Plan that includes, at minimum, the following restrictions and requirements:
 - i. Prohibit all carpooling to and from the jobsite except by workers living within the same household unit, or as necessary for workers who have no alternative means of transportation.
 - ii. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Prohibit any sharing of any food or beverage and if sharing is observed, the worker must be sent home for the day.
 - iii. Prohibit use of microwaves, water coolers, and other similar shared equipment except as allowed by the Social Distancing Protocol (Appendix A).
- i. Assign a COVID-19 Safety Compliance Officer (SCO) to the jobsite and ensure the SCO's name is posted on the Site-Specific Health and Safety Plan. The SCO must:
 - i. Ensure implementation of all recommended safety and sanitation requirements regarding the COVID-19 virus at the jobsite.
 - ii. Compile daily written verification that each jobsite is compliant with the components of this LCP Protocol. Each written verification form must be copied, stored, and made immediately available upon request by any County official.
 - iii. Establish a daily screening protocol for arriving staff, to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exit to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
 - iv. Conduct daily briefings in person or by teleconference that must cover the following topics:
 - 1. New jobsite rules and pre-job site travel restrictions for the prevention of COVID-19 community spread.
 - 2. Review of sanitation and hygiene procedures.
 - 3. Solicitation of worker feedback on improving safety and sanitation.

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4. Coordination of construction site daily cleaning/sanitation requirements.
 5. Conveying updated information regarding COVID-19.
 6. Emergency protocols in the event of an exposure or suspected exposure to COVID-19.
 - v. Develop and ensure implementation of a remediation plan to address any non-compliance with this LCP Protocol and post remediation plan at entrance and exit of jobsite during remediation period. The remediation plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the document.
 - vi. The SCO must not permit any construction activity to continue without bringing such activity into compliance with these requirements.
 - vii. Report repeated non-compliance with this LCP Protocol to the appropriate jobsite supervisors and a designated County official.
- j. Assign a COVID-19 Third-Party Jobsite Safety Accountability Supervisor (JSAS) for the jobsite, who at a minimum holds an OSHA-30 certificate and first-aid training within the past two years, who must be trained in the protocols herein and verify compliance, including by visual inspection and random interviews with workers, with this LCP Protocol.
- i. Within seven calendar days of each jobsite visit, the JSAS must complete a written assessment identifying any failure to comply with this LCP Protocol. The written assessment must be copied, stored, and, upon request by the County, sent to a designated County official.
 - ii. If the JSAS discovers that a jobsite is not in compliance with this LCP Protocol, the JSAS must work with the SCO to develop and implement a remediation plan.
 - iii. The JSAS must coordinate with the SCO to prohibit continuation of any work activity not in compliance with rules stated herein until addressed and the continuing work is compliant.
 - iv. The remediation plan must be sent to a designated County official within five calendar days of the JSAS's discovery of the failure to comply.
- k. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
- i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
 - ii. Decontaminate and sanitize all surfaces at each location at which the infected worker was present. Provide those performing the decontamination and sanitization work with medical-grade PPE, ensure the workers are trained in proper use of the PPE, require the workers to use the provided PPE, and prohibit any sharing of the PPE. Prohibit anyone from entering the possibly contaminated area, except those performing decontamination and sanitization work. Cease all work in these locations until decontamination and sanitization is complete.
 - iii. Notify the County Public Health Department Communicable Disease Control (CD Control) immediately at 628-217-6100 and provide the information

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below. Follow all directives and complete any additional requirements by County health officials, including full compliance with any tracing efforts by the County.

- Information to be reported to CD Control regarding the jobsite:
 - 1) Address of jobsite;
 - 2) Name of project, if any;
 - 3) Name of General Contractor; and
 - 4) General Contractor point of contact, role, phone number and email.

- Information to be reported to CD Control regarding the COVID-19 case(s):
 - 5) First and last name;
 - 6) Date of birth;
 - 7) Phone;
 - 8) Date tested positive;
 - 9) Date last worked;
 - 10) City of residence; and
 - 11) If the case is an employee of a subcontractor, please provide the following information:
 - Subcontractor;
 - Subcontractor contact name;
 - Subcontractor contact phone; and
 - Subcontractor contact email.

- Information to be reported to CD Control regarding Close Contacts. For each reported case(s) above, please provide the following information (if you are reporting more than one positive case, please include the name of the positive case for each close contact):
 - 1) Close contact's first and last name;
 - 2) Phone;
 - 3) City of residence; and
 - 4) Positive case name.

- A "Close Contact" in the workplace is anyone who:
 - Stayed within 6 feet of the Person with COVID-19 for 10 minutes or more while they were not wearing a face mask; OR
 - Had direct contact for any amount of time with the body fluids and/or secretions of the Person With COVID-19 (e.g., was coughed or sneezed

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on, shared utensils with, or was provided care or provided care for them without wearing a mask, gown, and gloves).

Close contacts are high risk exposures and need to quarantine for a full 14 days due to the 14 day incubation period of the virus. Even if a close contact tests negative within 14 days of their last exposure to the case, they must continue quarantining the full 14 day period to prevent transmission of the virus.

If you are unable to obtain the above case or close contact information from your subcontractor, please ensure your subcontractor is aware that they will need to report directly to SFDPH CD Control.

- l.* Where construction work occurs within an occupied residential unit, any separate work area must be sealed off from the remainder of the unit with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative entry/exit door to the entry/exit door used by residents. Available windows and exhaust fans must be used to ventilate the work area. If residents have access to the work area between workdays, the work area must be cleaned and sanitized at the beginning and at the end of workdays. Every effort must be taken to minimize contact between workers and residents, including maintaining a minimum of six feet of social distancing at all times.
- m.* Where construction work occurs within common areas of an occupied residential or commercial building or a mixed-use building in use by on-site employees or residents, any separate work area must be sealed off from the rest of the common areas with physical barriers such as plastic sheeting or closed doors sealed with tape to the extent feasible. If possible, workers must access the work area from an alternative building entry/exit door to the building entry/exit door used by residents or other users of the building. Every effort must be taken to minimize contact between worker and building residents and users, including maintaining a minimum of six feet of social distancing at all times.

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A. General Requirements

The “Additional Businesses” listed below may begin operating, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate industry-specific guidance by the Health Officer. These businesses were selected based on current health-related information, the risk criteria set forth in Section 3 of the Order, and the overall impact that allowing these businesses to resume operation will have on mobility and volume of activity in the County.

To mitigate the risk of transmission to the greatest extent possible, before resuming operations, each Additional Business must:

- Comply with Social Distancing Requirements (Section 8.o of the Order) and prepare, post, implement, and distribute to their Personnel a Social Distancing Protocol checklist as specified in Section 5.d and Appendix A of the Order for each of their facilities in the County where Personnel or members of the public will be onsite;
- Prepare, post, implement, and distribute to their Personnel a written health and safety plan checklist that addresses all applicable best practices set forth in relevant Health Officer directives; and
- Comply with any relevant state guidance and local directives. If a conflict exists between state guidance and local public health directives related to the COVID-19 pandemic, the most restrictive provision shall be followed, as further provided in Section 10 of the Order.

Businesses that are permitted to operate outdoors may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.

The health-related basis for selection of Additional Businesses and the specific requirements for risk mitigation are summarized below. The bases for the additions were amended on July 13, 2020, to reflect an updated and refined analysis under the risk criteria set forth in Section 3 of the amended Order.

On August 28, 2020 the State adopted a new four-tiered, color-coded framework to guide reopening statewide. Basic information about the State’s tiered system is available online at <https://covid19.ca.gov/safer-economy/>. Counties can be more restrictive than this State framework. Beginning on September 29, 2020, the County’s risk of COVID-19 community transmission has been designated to be in the moderate (orange) tier (the second least restrictive tier, or the “Orange Tier”), moving San Francisco’s risk designation from the substantial (red) tier (the “Red Tier”). Some of the activities allowed by this Appendix are expressly conditioned on the County’s Orange Tier designation by the State, and where that is the case, the listed activities are only allowed when the County reaches that tier. And if the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner

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that puts the public health at increased risk, the Health Officer may reduce or suspend those or other activities allowed under this Appendix.

B. List of Additional Businesses

For purposes of the Order, Additional Businesses include the following, subject to the stated limitations and conditions:

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(1) Retail Stores for Goods

- a. **Basis for Addition.** Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while paying for goods). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. While shopping customers interact only with a small number of individuals from other Households. Although Personnel are interacting with a moderate

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number of people, the duration of those interactions are low and safety limitations can ensure adequate physical distancing and adherence with other Social Distancing Requirements (Section 8.o of the Order) and other worker protection measures and decrease the risk of virus transmission. Consistent with Section 5.c of the Order and to the extent possible, retail stores are urged to conduct curbside/outdoor pickup to further decrease the risk.

b. Description and Conditions to Operate.

1. Curbside/Outdoor Pickup: Retail stores may operate for curbside/outside pickup of goods, subject to the following limitations:

- i. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements;
- ii. The store must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup—including the requirement to create a Health and Safety Plan;
- iii. If a store chooses to display merchandise for sale on tables or otherwise outside the store, it must comply with the following specific requirements:
 - The store must obtain any necessary permits from the County;
 - Customers must either use hand sanitizer before touching items or ask the vendor to hand items to them;
 - Only the number of customers who can maintain at least six feet of physical distancing may approach the table at a time;
 - Chalk demarcations must be placed on the ground to indicate where shoppers should stand behind others, while waiting to purchase items; and
 - The store must take measures to help ensure against congestion and blocking passage by pedestrians, including people with disabilities.

Stores may apply for a free temporary permit to use the sidewalk or parking lane for retail operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.

- iv. The store must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion; and
- v. Retail stores that are in an enclosed Indoor Shopping Center (defined as a large building or group of buildings where customer access to stores is possible only through indoor passage ways or indoor common areas, such as Stonestown Galleria, and Westfield San Francisco Centre) and that do not have direct access to adjacent sidewalk, street, parking lot or alley area, may only reopen for curbside/outdoor pickup at this time if the Indoor Shopping

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Center operator submits to the Health Officer a proposed plan for reopening and that plan is approved as provided below. The proposed plan must include:

- a. the number of stores and businesses that would be resuming operation;
- b. the number of Personnel associated with each store or business;
- c. the number of customers expected daily; and
- d. the specific social distancing and sanitation measures the shopping center would employ to prevent congestion at the doorways and streets, and protect customers and Personnel.

Plans must be submitted to HealthPlan@sfcityatty.org. Subject to the advance written approval of the Health Officer or the Health Officer's designee, retailers in the Indoor Shopping Center may then operate for curbside pickup consistent with the approved plan.

2. In-Store Retail: Beginning at 6:00 a.m. on June 15, 2020, retail stores may begin to operate for indoor shopping, subject to the following limitations and conditions:
 - i. The store must reduce maximum occupancy to limit the number of people (including both customers and Personnel) to the lesser of: (1) 50% the store's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the store at all times;
 - ii. Before opening for in-store shopping, the store must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-17, as that directive may be amended from time to time, regarding required best practices for retail businesses offering in-store shopping or services—including the requirement to create a Health and Safety Plan;
 - iii. If a store chooses to display merchandise for sale on tables or otherwise outside the store, it must comply with the following specific requirements:
 - The store must obtain any necessary permits from the County;
 - Customers must either use hand sanitizer before touching items or ask the vendor to hand items to them;
 - Only the number of customers who can maintain at least six feet physical distancing may approach the table at a time;
 - Chalk demarcations must be placed on the ground to indicate where shoppers should stand behind others, while waiting to purchase items; and
 - The store must take measures to help ensure against congestion and blocking passage by pedestrians, including people with disabilities.

Stores may apply for a free temporary permit to use the sidewalk or parking lane for retail operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.

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- iv. Retail stores that are in an enclosed Indoor Shopping Center (as defined in subsection 1.b.1.iv above) and that do not have direct access to adjacent sidewalk, street, parking lot or alley area, may only reopen for in-store retail as outlined in this subsection iv.

Initially any enclosed Indoor Shopping Center was allowed to operate at no more than 25% capacity if the Indoor Shopping Center submits to the Health Officer a proposed plan for reopening and that plan is approved as provided below. Any Indoor Shopping Center with such an approved plan may continue to operate at that level (but may not allow a food court to operate under that plan).

Now that the County has been placed in the Orange Tier by the State, an enclosed Indoor Shopping Center that submits to the Health Officer a new proposed plan for reopening (if none has already been submitted) and has that new plan approved or that submits a letter update to an existing approved plan as provided below is then allowed to (1) operate at no more than 50% capacity and (2) operate food courts inside the Indoor Shopping Center at up to 25% occupancy or 100 people, whichever is fewer, subject to the same minimum safety precautions that apply to indoor dining listed below in Section (8) including but not limited to the requirements to complete and post a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive No. 2020-16c (and complete and post a Health and Safety Plan) for indoor dining. If the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend the ability for Indoor Shopping Centers to operate.

The proposed plan must include:

- a. the number of stores and businesses that would be resuming operation;
- b. the number of Personnel associated with each store or business;
- c. the number of customers expected daily;
- d. confirmation that the Indoor Shopping Center will close all food courts for indoor dining and a description of how that closure will be effectuated;
- e. how the Indoor Shopping Center will regulate the number of people in the paths of travel of the shopping center and close any common gathering areas;
- f. how the Indoor Shopping Center will address HVAC/circulated air, use of elevators, use and cleaning of bathrooms;
- g. any special considerations for indoor parking garages and access points;

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- h. whether the Indoor Shopping Center will permit curbside pickup;
- i. adoption of a Health and Safety Plan addressing the requirements of Appendix A to the Order;
- j. if approval for operation of a food court is sought, a plan to cordon off or otherwise physically separate any food court area to limit entry; and
- k. if approval for operation of a food court is sought, inclusion in the Health and Safety Plan each of the following in relation to the food court operation: limiting entry by patrons to the food court area; screening for COVID-19 symptoms and close contacts before patrons enter; personnel who monitor compliance with the health and safety requirements including wearing Face Coverings except when eating and drinking; and signage that warns of the transmission risk at the entrance to the food court area.

A letter update to a previously-approved plan must outline what changes will be made to ensure safety of Personnel, customers, and other visitors at the higher occupancy level and/or all changes that will be made consistent with Section (8) below regarding indoor dining if food court operation is being proposed. If the facility believes no changes are required, that position must be explained. The Indoor Shopping Center may immediately begin operating at the new capacity limit and/or an indoor food court upon submission of a letter update but must work with the City and the Department of Public Health to resolve any issues or concerns regarding the letter once it has been reviewed.

Plans and letter updates must be submitted to HealthPlan@sfcityatty.org. Subject to the written advance approval of the Health Officer or the Health Officer's designee, the Indoor Shopping Center may then operate for in-store retail consistent with the approved plan or letter update.

For clarity, operation of retail stores under category (1) and (2), above, applies only to the sale of goods and not to the provision of services or the rental of equipment, which are covered separately in Sections (4) and (5), below.

(Added May 17, 2020; Revised June 1, 2020, June 11, 2020; Non-substantive revisions July 13, 2020; Subsection suspended July 20, 2020, with minor update on August 14, 2020; Subsection reinstated with amendments on September 1, 2020; Revised September 30, 2020)

(2) Manufacturing, Warehousing and Logistical Support

- a. Basis for Addition. Personnel can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Personnel will interact only with a consistent and moderately sized group of people (i.e., the business's other Personnel) as members of

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the public do not generally frequent these businesses. Finally, risks of virus transmission associated with this activity can be mitigated through Social Distancing Requirements (Order Section 8.o) and sanitation, and other worker safety protocols.

b. Description and Conditions to Operate.

1. **Manufacturing:** Manufacturing businesses—including non-essential manufacturing businesses—may operate, subject to the following limitations and conditions:
 - i. The business must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements; and
 - ii. The business must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-11, as that directive may be amended from time to time, regarding required best practices for manufacturing businesses—including the requirement to create a Health and Safety Plan.
2. **Warehousing and Logistical Support:** Businesses that provide warehousing and logistical support—including non-essential businesses—may operate, subject to the following limitations and conditions:
 - i. The business must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements; and
 - ii. The business must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-12, as that directive may be amended from time to time, regarding required best practices for warehouse and logistical support businesses—including the requirement to create a Health and Safety Plan.

(Added May 17, 2020; Revised June 1, 2020, June 11, 2020; Non-substantive revisions July 13, 2020)

(3) Childcare and Youth Programs for All Children

- a. **Basis for Addition.** Childcare and educational or recreational programs for youth are critical to early education and developmental equity, family social and economic wellbeing, and economic recovery from the pandemic. More specifically, such programs are an important element for a child's social and emotional development, as well as for a child's physical health and wellness. Also, childcare and youth programs are often necessary to allow parents or guardians to work, making the availability of such programs important for individual families as well as the local economy. Although attendance at a childcare or youth program involves a high number of close contacts that may be of lengthy duration, the risks of virus transmission can be reduced by mitigation measures, as generally described below. But children's inability to consistently follow social distancing and sanitation recommendations means that even with the mitigation measures

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the risk of transmission is higher than in interactions exclusively among adults. And while based on available evidence, children do not appear to be at higher risk for COVID-19 than adults, medical knowledge about the possible health effects of COVID-19 on children is evolving. Accordingly, the decision about whether to enroll a child in a childcare or youth program is an individualized inquiry that should be made by parents/guardians with an understanding of the risks that such enrollment entails. Parents/guardians may discuss these risks and their concerns with their pediatrician. The Health Officer will continue to monitor the changing situation and may amend this section as necessary to protect the public health.

b. Description and Conditions to Operate.

1. **Childcare Programs:** Group care facilities for very young children who are not yet in elementary school—including, for example, licensed childcare centers, daycares, family daycares, and preschools (including cooperative preschools)—(collectively, “Childcare Programs”) may open and operate, subject to the following limitations and conditions:
 - i. Childcare Programs may not enroll children for fewer than three weeks;
 - ii. Childcare Programs must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with all of the requirements set forth in Health Officer Directive No. 2020-14c, including any limits on the number of children that can be in a group, and the requirements to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written health and safety plan to mitigate the risk of virus transmission to the greatest extent feasible.
2. **Summer Camps:** Summer camps and summer learning programs that operate exclusively outside of the academic school year (“Summer Camps”) may operate for all children over the age of six and school-aged children currently in grades transitional kindergarten (TK) and above who are under age six, subject to the following limitations and conditions:
 - i. Summer Camps must limit group size to 12 children (a “pod”) per room or space;
 - ii. Summer Camp sessions must last at least three weeks;
 - iii. Children must remain in the same pod for at least three weeks, and preferably for the entire time throughout the summer.
 - iv. Summer Camps may not begin to operate until they have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and complied with all of the requirements set forth in relevant industry-specific Health Officer directives (*see* Health Officer Directive No. 2020-13b) including the requirements to complete an online form with general information about the program and required certifications, to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written

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health and safety plan to mitigate the risk of virus transmission to the greatest extent feasible.

3. Out of School Time Programs: Educational or recreational institutions or programs that provide care or supervision for school-aged children and youth—including for example, learning hubs, other programs that support distance learning, school-aged childcare programs, youth sports programs, and afterschool programs (“Out of School Time Programs” or “OST Programs”) may open for all children, subject to the following limitations and conditions:
 - i. OST Program sessions must be at least three weeks long, and programs without set sessions may not enroll children for fewer than three weeks;
 - ii. OST Programs must create, post, and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with all of the requirements set forth in Health Officer Directive No. 2020-21, including any limits on the number of children that can be in a group, and also the requirements to complete an online form with general information about the program and required certifications, to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written Health and Safety Plan to mitigate the risk of virus transmission to the greatest extent feasible.

For clarity, this Section does not apply to schools, which are addressed separately in Section 6.b of the Order; Childcare Programs, which are addressed separately in subsection b.1 of this Appendix above; or Summer Camps, which are addressed separately in subsection b.2 of this Appendix above. OST Programs are intended to supplement, rather than replace, school programming.

(Added May 22, 2020; Revised June 1, 2020; Non-substantive revisions June 11, 2020; Revised further July 13, 2020 and August 14, 2020)

(4) Curbside Pickup and Drop-Off for Low Contact Retail Services

- a. Basis for Addition. Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., in some instances where remote payment is not feasible, while paying for services). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Customers interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. The majority of interactions can occur outdoors, which further decreases risk—and consistent with Section 5.c of the Order, businesses are strongly urged to conduct interactions outdoors to the largest extent possible.

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- b. **Description and Conditions to Operate.** Services that do not generally require close customer contact (e.g., dog grooming and shoe or electronics repair) may operate, subject to the following limitations and conditions:
- i. To the extent feasible, all interactions and transactions between Personnel and customers should occur outdoors;
 - ii. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements (Section 8.o of the Order);
 - iii. The businesses must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup and drop-off;
 - iv. The stores must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion; and
 - v. Stores in an enclosed indoor shopping center that do not have direct access to adjacent sidewalk, street, parking lot or alley area may not reopen at this time unless they are located in an approved Indoor Shopping Center as described in 1.b above.

For clarity, this provision does not apply to personal service businesses, such as hair salons, barbershops, nail salons, or piercing or tattoo parlors.

As discussed in Section 1.b above regarding retail stores and Indoor Shopping Centers, stores within enclosed shopping centers may operate only upon advance written approval by the Health Officer or the Health Officer's designee of a plan submitted by the Indoor Shopping Center operator. Plans must be submitted to HealthPlan@sfcityatty.org.

(Added June 1, 2020; Revised June 11, 2020, July 20, 2020; Non-substantive revisions July 13, 2020)

(5) Outdoor Activity Equipment Rental Businesses

- a. **Basis for Addition.** Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while paying for services). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Customers interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. The majority of interactions can occur outdoors, which further decreases risk—and businesses are strongly urged to conduct interactions outdoors to the largest extent possible. Also, the risk of multiple individuals using shared equipment can be mitigated through sanitation

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measures. Finally, resumption of these businesses is expected to result in only a small increase in the number of people reentering the workforce and the overall volume of commercial activity.

- b. **Description and Conditions to Operate.** Businesses that rent equipment for permissible outdoor recreational activities (e.g., bicycles, kayaks, paddleboards, boats, horseback riding or fishing equipment) may operate, subject to the following limitations and conditions:
- i. To the extent feasible, all interactions and transactions between Personnel and customers should occur outdoors;
 - ii. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements (Section 8.o of the Order);
 - iii. The business must have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup and drop-off;
 - iv. The business must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion;
 - v. Businesses in an enclosed indoor shopping center that do not have direct access to adjacent sidewalk, street, parking lot or alley area may not reopen at this time unless they are in an approved Shopping Center as described in 1.b above; and
 - vi. All equipment must be thoroughly cleaned and disinfected between each use with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with the following guidelines, which may be modified by the Health Officer as new information becomes available:
 - For hard non-porous surfaces, clean with detergent or soap and water if the surfaces are visibly dirty, before applying disinfectant. For these purposes, appropriate disinfectants include:
 - Products listed on the Environmental Protection Agency's list of Disinfectants for Use Against SARS-CoV-2 (COVID-19), which can be found online at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. Follow the manufacturer's instructions for concentration, application method, and contact time for all cleaning and disinfection products.
 - Diluted household bleach solutions prepared according to the manufacturer's label for disinfection, if appropriate for the surface. Follow manufacturer's instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser.

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- Alcohol solutions with at least 70% alcohol.
- For soft or porous surfaces, remove any visible contamination, if present, and clean with appropriate cleaners indicated for use on these surfaces. After cleaning, use products that are EPA-approved as effective against SARS-CoV-2 (COVID-19) (see link above) and that are suitable for porous surfaces.
- For frequently touched electronic surfaces, remove visible dirt, then disinfect following the manufacturer's instructions for all cleaning and disinfection products. If no manufacturer guidance is available, then consider the using alcohol-based wipes or sprays containing at least 70% alcohol to disinfect.
- Gloves and any other disposable PPE used for cleaning and disinfecting the vehicle must be removed and disposed of after cleaning; wash hands immediately after removing gloves and PPE with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer with at least 60% alcohol if soap and water are not available. If a disposable gown was not worn, work uniforms/clothes worn during cleaning and disinfecting should be laundered afterwards using the warmest appropriate water setting and dry items completely. Wash hands after handling laundry.

As discussed in Section 1.b above regarding retail stores and Indoor Shopping Centers, stores within Indoor Shopping Centers may operate only upon the advance written approval by the Health Officer or the Health Officer's designee of a plan submitted by the Indoor Shopping Center operator. Proposed plans must be submitted to HealthPlan@sfcityatty.org.

(Added June 1, 2020; Revised June 11, 2020; Non-substantive revisions July 13, 2020; Suspension note added July 20, 2020 and removed September 1, 2020)

(6) Professional Sports Teams: Practices, Games, and Tournaments without In-Person Spectators with an Approved Plan

- a. Basis for Addition. Although contact sports may present a significant risk of virus transmission, those risks can be mitigated by stringent social distancing, sanitation, and testing measures. Resuming such events—without a live audience and subject to strict health controls and mitigation measures—represents a first step toward the resumption of professional sports exhibitions that can be broadcast for the entertainment of the public and viewed by the public remotely in a safe manner.
- b. Description and Conditions to Operate. Professional sports teams that wish to resume practices, games, or tournaments and broadcasting of those events in San Francisco, without in-person spectators, may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among players, staff, media, broadcast crew, and any others who will be in the facility. The plan must include a proposal for interval testing (without using City resources) of all players and coaching staff who will be present in the facility. Plans must be submitted to HealthPlan@sfcityatty.org. Subject

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to the advance written approval of the Health Officer or the Health Officer's designee, the team may then resume activities consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee. Teams, games, exhibitions, and tournaments must also comply with any applicable Health Officer directives to the extent they are consistent with the approved plan; in the event of an inconsistency, the approved plan controls. Finally, crew, athletes, coaching staff and other workers should also abide by protocols agreed to by labor and management, to the extent they are at least as protective of health as the approved plan.

(Added June 1, 2020; Revised June 11, 2020; Non-substantive revisions June 26, 2020; Suspension note added July 20, 2020)

(7) Entertainment Venues: Live Streaming or Broadcasting Events without In-Person Audiences with an Approved Plan

- a. Basis for Addition. Although some types of live entertainment and cultural events, such as music, dance and comedy performances, may present a risk of virus transmission, those risks can be mitigated by stringent social distancing, sanitation, and testing measures. Resuming such events—without a live audience and subject to strict health controls and mitigation measures—represents a first step toward the resumption of these entertainment and cultural activities that can be broadcast and watched by the public remotely in a safe manner.
- b. Description and Conditions to Operate.
 1. Operators of entertainment venues may film, stream, or otherwise broadcast small scale events so long as:
 - i. the venue remains closed to the public;
 - ii. the live stream is limited to the fewest number of Personnel needed (up to a maximum of 12 people in the facility, including, without limitation, media Personnel needed for the broadcast);
 - iii. doors and windows are left open to the extent possible, or mechanical ventilation systems are run, to increase ventilation;
 - iv. the venue complies with the Social Distancing Requirements set forth in Section 8.0 of this Order; and
 - v. Because singing and playing wind or brass instruments can transmit particles farther in the air than breathing or speaking quietly, people must be in an isolation booth or in a separate room from others in the facility while singing or playing wind or brass instruments.

To further reduce the risk of transmission, it is strongly recommended that all events allowed under this section be conducted and filmed, streamed, or otherwise broadcast from outdoors. The same outdoors recommendation

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applies to all other operations that are allowed under the Order to be filmed, live streamed or otherwise broadcast indoors with health restrictions.

2. Operators of entertainment venues that wish to film, stream, or otherwise broadcast events that require more than 12 people to be on site at the facility at any one time may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among participants. If the event involves singing, playing wind or brass instruments, or physical contact, the plan must include a proposal for interval testing (without using City resources) of those individuals. Proposed plans must be submitted to HealthPlan@sfcityattv.org. Subject to the advance written approval of the Health Officer or the Health Officer's designee, the venue may then begin operating consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee. Cast, crew, and other workers should also abide by protocols agreed to by labor and management, to the extent they are at least as protective of health as the approved plan.

(Added June 11, 2020; Non-substantive revisions June 26, 2020; Revised July 20, 2020)

(8) Dining

- a. Basis for Addition. Dining has been added in three phases, take-out, then outdoor, and then indoor, based on the relative risk levels. Any dining with small groups of people potentially involves mixing of Households and a moderate number of contacts. Accordingly, and because Face Coverings must be removed to eat and drink, the risk of virus transmission is slightly higher than in other allowable interactions. But outdoor interactions carry a significantly lower risk of transmission than most indoor interactions, and mitigation measures in outdoor dining establishments can significantly decrease the transmission risk. Indoor dining has an increased risk of transmission because of the transmission of the virus through aerosols. When coupled with strong mitigation measures, indoor dining, which is riskier than outdoor dining, can present manageable risks, although outdoor dining or take-away are safer options, especially for seniors and those who are vulnerable to complications from COVID-19.
- b. All Dining – General Conditions to Operate. All restaurants and bars that operate under this Section (8), whether for service outdoors, indoors, or both, must comply with all of the following limitations and conditions in relation to all such operations:
 - i. All patrons must be seated at a table to eat or drink—except briefly, standing or lingering between tables or in other areas of the restaurant's outdoor or indoor space is not allowed;
 - ii. Patrons must be seated to be served food or beverages;
 - iii. Patrons must wear Face Coverings any time they are not eating or drinking, including but not limited to: while they are waiting to be seated; while reviewing

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- the menu and ordering; while socializing at a table waiting for their food and drinks to be served or after courses or the meal is complete; and any time they leave the table, such as to use a restroom. Customers must also wear Face Coverings any time servers, bussers, or other Personnel approach their table;
- iv. Each dining establishment must use signs and verbal directions to notify patrons of the requirements for dining (whether indoor or outdoor), including, but not limited to, the requirements for when to wear a face covering;
 - v. No more than six patrons may be seated at a single table, unless all are members of the same household—it is strongly encouraged that only individuals in the same household sit together at a single table;
 - vi. No dining establishment is permitted to provide alcoholic beverage service without also providing real meal service in a bona fide manner. Bona fide meals must be prepared and served by the dining establishment or another person or business operating under an agreement with the dining establishment. The service of prepackaged food like sandwiches or salads, or simply heating frozen or prepared meals, is not deemed as compliant with this requirement;
 - vii. Each patron at a table must order a bona fide meal to receive alcoholic beverage service, and dining establishments must deliver alcoholic beverages to patrons only when they are seated;
 - viii. No patrons are allowed to eat or drink indoors in the dining establishment except when seated at an indoor table under the indoor dining rules below;
 - ix. No patrons are allowed to use self-serve items (such as buffets or self-serve continental breakfasts);
 - x. Areas that may lead to patrons gathering, congregating, or dancing must be closed;
 - xi. New tabletop signage must be used, and information about where to obtain signage will be found in Health Officer Directive No. 2020-16c, including as that directive is amended in the future;
 - xii. The dining establishment must screen all patrons and other visitors on a daily basis using the standard screening questions attached to the Order as Appendix A and Attachment A-2 (the “Screening Handout”). Screening must occur before people are seated at the dining establishment to prevent the inadvertent spread of the SARS-CoV-2 virus. A copy of the Screening Handout must be provided to anyone on request, although a poster or other large-format version of the Screening Handout may be used to review the questions with people verbally. Any person who answers “yes” to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering or being seated by the establishment, and should be referred for appropriate support as outlined on the Screening Handout. The establishment can use the guidance available online at www.sfdph.org/screen for determining how best to conduct screening. Patrons who are feeling ill, have exhibited symptoms of COVID-19 within 24 hours of

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arriving at the establishment, or answer “yes” to any screening question must cancel or reschedule their reservation. In such cases, patrons must not be charged a cancellation fee or other financial penalty; and

- xiii. Each dining establishment must (1) comply with the sections that follow that are applicable to the type of dining being offered by the establishment regarding outdoor dining, indoor dining, or both, (2) have created, posted, and implemented a Social Distancing Protocol checklist (Appendix A to this Order), and (3) also comply with Health Officer Directive No. 2020-16c, as that directive may be amended from time to time, regarding required best practices for outdoor dining and/or indoor dining, as applicable.
- c. Outdoor Dining – Description and Conditions to Operate. Restaurants and bars that serve food may operate for outdoor dining (“outdoor dining establishments”) subject to the following limitations and conditions:
- i. The outdoor dining establishment must comply with all General Conditions to Operate listed in Section (8)b above; and
 - ii. Patrons must remain outside the outdoor dining establishment and may enter the establishment only (1) to access a bathroom, (2) to access an outdoor space that is only accessible by traveling through the restaurant, or (3) to order or pickup food at an indoor counter.

Outdoor dining establishments may apply for a free temporary permit to use the sidewalk or parking lane for business operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.

- d. Indoor Dining – Description and Conditions to Operate. Restaurants and bars that serve food may operate for indoor dining (“indoor dining establishments”) now that the County has been placed in the Orange Tier by the State and after the requirements of this Order and the requirements of Health Officer Directive No. 2020-16c are met. If the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend the ability for indoor dining establishments to operate.

These rules for indoor dining establishments do not allow any of the following to occur, each of which is still prohibited by the Order: eating indoors at gyms, fitness centers, or museums, aquariums and zoos (although food items may be sold for consumption offsite or outdoors); indoor food-related gatherings at businesses, organizations, or houses of worship; the operation of bars, breweries, or distilleries that do not serve bona fide meals; and eating inside movie theatres (see Section (21) below for movie theatres). For restaurants and other foodservice entities that are part of an Indoor Shopping Center, such establishments may operate for indoor dining so long as both (1) they are located in an Indoor Shopping Center that is allowed to operate under Section (1)b.2 above and (2) they follow the requirements for indoor dining in Health Officer Directive No. 2020-16c.

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The operation of indoor dining establishments is subject to the following limitations and conditions:

- i. The indoor dining establishment must comply with all General Conditions to Operate listed in Section (8)b above;
- ii. The indoor dining establishment must limit the number of patrons who are present inside the indoor space of the dining establishment to the lesser of: (1) 25% of the maximum occupancy or (2) 100 patrons. Indoor dining establishments with indoor spaces consisting of more than one room must limit the occupancy in each room to 25% of the maximum occupancy for that room. The occupancy limit includes patrons in the interior dining space, but it excludes Personnel and patrons when seated outside. The number of Personnel allowed in the back of the house areas, like kitchens, must be determined based on the amount of space required to provide for physical distancing;
- iii. Patrons should be encouraged to use outdoor dining or take-out options based on the decreased risk of those activities, and facilities that offer indoor dining are strongly encouraged to continue offering outdoor dining whenever possible in order to give patrons a choice;
- iv. Patrons must remain outside the indoor dining establishment until they are ready to be seated indoors and may otherwise enter the establishment only (1) to access a bathroom, (2) to access an outdoor space that is only accessible by traveling through the restaurant, or (3) to order or pickup food at an indoor counter;
- v. Tables used to seat patrons indoors must be spaced to ensure that patrons are at least six feet apart from other patrons seated at different service tables, and although an impermeable physical barrier may be placed between tables, all patrons must be separated from other groups of patrons by at least six feet—the use of impermeable physical barriers is not a substitute for full physical distancing between groups indoors. Customers may not be seated at bars or food preparation areas or where six feet of distance from in use common-use work stations cannot be maintained;
- vi. Unless City zoning or other laws require an earlier closing, all indoor service of food and beverages must end at midnight. Indoor dining establishments that cease indoor food service at midnight may allow patrons to finish their meals for an additional 30 minutes. All indoor dining establishments must close to the public by 12:30 a.m.; and
- vii. The establishment must conspicuously post signage, including at all primary public entrances, reminding people to adhere to physical distancing, hygiene, and Face Covering requirements and to stay home when they feel ill. They must also post a stand-alone sign bearing the message that: (1) COVID-19 is transmitted through the air, and the risk is much higher indoors, and (2) seniors and those with health risks should avoid indoor settings with crowds. The County is making available templates for the signage online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, and

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businesses are strongly urged to keep informed of those changes and update their signage accordingly.

(Added June 11, 2020; Revised July 13, 2020 and September 30, 2020)

(9) Outdoor Fitness Classes

- a. Basis for Addition. Outdoor fitness classes involve mixing of Households and a moderate number of contacts. Also, the contacts are often of relatively long duration. Accordingly, and because exercise causes people to more forcefully expel airborne particles, the risk of virus transmission is higher than in other allowable interactions. But participants can—and must—wear Face Coverings and maintain at least six feet of physical distance at all times and not share equipment. Further, outdoor interactions carry a lower risk of transmission than most indoor interactions, and health protocols in outdoor fitness classes can significantly decrease the transmission risk.
- b. Description and Conditions to Operate. Outdoor fitness classes (e.g., outdoor boot camp, non-contact dance classes, tai chi, pilates, and yoga classes) may operate subject to the following limitations and conditions:
 - i. No more than two groups of up to 12 people each, including the instructor(s), may participate in an outdoor fitness class at the same time, subject to use of one of the two following options to ensure separation of the groups:
 - a. Physical barriers must be placed between the groups so that every member of one group is kept at least six feet from every member of the other group; or
 - b. If physical barriers are not used because of safety or other logistical considerations, every member of one group must be kept at least 12 feet from every member of the other group through use of markings on the ground or otherwise;
 - ii. The business/instructor should ask participants to voluntarily provide their name and phone number for potential contact tracing purposes—the business/instructor should keep this information on file for at least three weeks;
 - iii. The business/instructor must ask each participant whether they have had any of the following symptoms within the prior 24 hours that are new and not explained by another reason:

• Fever or chills	• New loss of taste or smell
• Cough	• Muscle pain
• Sore throat	• Headache
• Shortness of breath or trouble breathing	• Runny or congested nose
• Feeling unusually weak or fatigued	• diarrhea

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Any participants who report having any of these symptoms should not be permitted to come to or participate in the fitness class.

In addition, the business/instructor must ask each participant (1) if within the last 10 days they have been diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus; and (2) if they live with or have had close contact with someone who in the past 14 days was diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus in that same period. Any participants who answer yes to either of these questions should not be permitted to come to or participate in the fitness class.

- iv. All participants must maintain a physical distance of at least six feet from each other, from the instructor(s), and from members of the public at all times;
- v. The business/instructor must have permission of the property owner to use the space;
- vi. All participants and instructors must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time; and
- vii. Equipment (e.g., medicine balls, resistance bands, mats, weights, or yoga blocks) may not be shared by members of the class and must be thoroughly cleaned and disinfected between each use with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with the following guidelines, which may be modified by the Health Officer as new information becomes available:
 - For hard non-porous surfaces, clean with detergent or soap and water if the surfaces are visibly dirty, before applying disinfectant. For these purposes, appropriate disinfectants include:
 - Products listed on the Environmental Protection Agency's list of Disinfectants for Use Against SARS-CoV-2 (COVID-19), which can be found online at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. Follow the manufacturer's instructions for concentration, application method, and contact time for all cleaning and disinfection products.
 - Diluted household bleach solutions prepared according to the manufacturer's label for disinfection, if appropriate for the surface. Follow manufacturer's instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser.
 - Alcohol solutions with at least 70% alcohol.
 - For soft or porous surfaces, remove any visible contamination, if present, and clean with appropriate cleaners indicated for use on these surfaces. After

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cleaning, use products that are EPA-approved as effective against SARS-CoV-2 (COVID-19) (see link above) and that are suitable for porous surfaces.

- Gloves and any other disposable PPE used for cleaning and disinfecting the equipment must be removed and disposed of after cleaning; wash hands immediately after removing gloves and PPE with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer with at least 60% alcohol if soap and water are not available. If a disposable gown was not worn, work uniforms/clothes worn during cleaning and disinfecting should be laundered afterwards using the warmest appropriate water setting and dry items completely. Wash hands after handling laundry.

For clarity, this section does not allow contact sports (e.g., football) or fitness classes that involve physical contact (e.g., jiu jitsu or boxing with sparring) to resume. Also, this section does not cover childcare or summer camp programs for children or youth, which are governed by section 3 above and Health Officer Directive Nos. 2020-13b and 2020-14b.

Additional guidance about outdoor fitness classes from the San Francisco Department of Public Health is available at <http://www.sfdph.org/directives>.

(Added June 11, 2020; Non-substantive revisions July 13, 2020, August 14, 2020; Revised September 30, 2020)

(10) Indoor Household Services

- a. Basis for Addition. Household service providers and residents can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Although indoor household services may involve mixing of Households (if the resident is at home) and occurs indoors, the number of contacts is low. Finally, risks of virus transmission can be mitigated through adherence to other Social Distancing Requirements and to sanitation, and other safety protocols.
- b. Description and Conditions to Operate. Providers of indoor household services that can be provided while maintaining social distancing (e.g., house cleaners and cooks) may operate, subject to the following limitations and conditions:
 - i. Residents may not have any household service provider come into their home if they have experienced any of the following symptoms within the prior 24 hours that are new and not explained by another reason:
 - Fever or chills
 - Cough
 - Sore throat
 - Shortness of breath or trouble breathing
 - Feeling unusually weak or fatigued
 - New loss of taste or smell
 - Muscle pain
 - Headache

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- Runny or congested nose
- diarrhea
- ii. Household service providers may not enter a residence to provide services if they have experienced any of the above symptoms within the prior 24 hours that are new and not explained by another reason;
- iii. In addition, household service providers may not enter a residence to provide services if either the household service provider or anyone in the residence answers yes to either of the following questions: (1) within the last 10 days has the person been diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus; and (2) does the person live with or have they had close contact with someone who in the past 14 days was diagnosed with COVID-19 or had a test confirming they have the SARS-CoV-2 virus in that same period.
- iv. When feasible, residents should leave the premises when household services providers are in their home—if leaving the premises is not feasible, residents should try to be in a different room than the household service provider to the greatest extent possible;
- v. When feasible, leave windows and doors open to increase ventilation or run mechanical ventilation systems;
- vi. High touch surfaces and any shared implements or tools should be cleaned at the beginning and end of any service visit;
- vii. Both residents and household service providers must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020.

For clarity, this section does not allow personal service providers, such as hair dressers or personal trainers, to provide in-home services. Also, this section does not apply to in-home childcare, which is independently permissible under Section 8.a.xxi of the Order.

Additional guidance about indoor household services from the San Francisco Department of Public Health is available at <http://www.sfdph.org/directives>.

(Added June 11, 2020; Non-substantive revisions July 13, 2020, August 14, 2020)

(11) Offices for Non-Essential Businesses: Individuals Necessary for Operations Where Telecommuting is not Feasible—SUSPENDED IN PART

THIS SECTION IS SUSPENDED IN PART.

ACCESSORY OFFICE SPACE THAT IS PHYSICALLY LOCATED WITHIN FACILITIES OF ADDITIONAL BUSINESSES THAT ARE ALLOWED TO OPERATE UNDER THE ORDER MAY BE USED SUBJECT TO THE REQUIREMENTS IN THIS SECTION. ONLY INDIVIDUALS NECESSARY FOR ALLOWED OPERATIONS WHO CANNOT WORK REMOTELY CAN USE THE

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OFFICE SPACE. PERSONNEL WHO CAN WORK REMOTELY ARE REQUIRED TO CONTINUE TO DO SO. IN ALL OTHER RESPECTS, OFFICES FOR NON-ESSENTIAL BUSINESSES ARE NOT ALLOWED TO OPERATE UNTIL FURTHER ORDER OF THE HEALTH OFFICER. ONCE OFFICES FOR NON-ESSENTIAL BUSINESSES ARE ALLOWED TO REOPEN, THE CONDITIONS TO OPERATE SET FORTH BELOW MAY BE REVISED.

- a. *[Basis for Addition. Personnel can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Personnel will interact only with a consistent and moderately sized group of people (i.e., the business's other Personnel). Finally, risks of virus transmission associated with this activity can be mitigated through adherence to other Social Distancing Requirements and to sanitation, and other safety protocols.]*
- b. *Description and Conditions to Operate. Office workplaces that are not otherwise permitted to operate under this Order may open for individuals necessary for operations who cannot work remotely, subject to the following conditions:*
 - i. *All workers who are able to telecommute must continue to do so, only individuals necessary for operations who cannot work remotely may come into the office;*
 - ii. *Office Facilities must adjust their maximum occupancy rules based on the size of the facility to limit the number of people (including Personnel and members of the public), as follows:*
 - *Office Facilities with fewer than 20 Personnel must reduce their maximum occupancy to the number of people who can maintain at least six feet of physical distance from each other in the facility at all times,*
 - *Office Facilities with 20 or more Personnel must reduce their maximum occupancy to the **lesser** of: (1) 20% the facility's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the facility at all times; and*
 - iii. *The business must have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-18, as that directive may be amended from time to time, regarding required best practices for businesses operating office facilities.]*

(Added June 11, 2020; Non-substantive revisions July 13, 2020; Suspended July 20, 2020; Suspension revised September 14, 2020)

(12) Outdoor Zoos with an Approved Plan

- a. ***Basis for Addition.** Zoo Personnel and visitors can wear Face Coverings and maintain at least six feet of physical distance from people in different households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And outdoor businesses—like the outdoor areas of the zoo—are safer than indoor*

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businesses. Finally, the number, frequency and proximity of contacts can be minimized through capacity limitations and the risk of virus transmission can be reduced through other health protocols.

- b. Description and Conditions to Operate. Zoos that wish to resume operations for visits by the public solely in their outdoor spaces may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among Personnel and visitors.

The plan must be submitted to HealthPlan@sfcityattty.org, and must include detailed descriptions of how the business intends to address the following safety precautions.

- Ensuring that the facility remains below the lesser of: (a) 50% of the maximum capacity for the outdoor space that is permitted to open; or (b) the capacity based on the ability of Personnel and patrons to comply with the Social Distancing Requirements;
- Signage regarding Social Distancing Requirements (to include at least six feet of distance, handwashing/sanitizer practices, Face Covering policy);
- Ensuring Personnel and patrons wear Face Coverings at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;
- Ticketing booths and payment systems;
- Personnel safety precautions;
- HVAC systems (e.g., quality and level of filtration, percentage of air exchange with outside air can HVAC be run at 100% capacity to increase ventilation);
- Compliance with applicable Health Officer directives (e.g. regarding Food and beverage concessions, and retail gift shops);
- Social distancing in elevators;
- Monitoring and limiting patrons to ensure physical distancing between members of different Households;
- Paths of travel through the establishment and wayfinding signage;
- Sanitation for restrooms;
- Tours and audio self-tour equipment;
- Coat/personal property check services;
- Sanitation for high-touch surfaces and areas; and
- Closing interactive exhibits or modifying those exhibits to prevent common touching.

Beginning at 10 a.m. on July 13, 2020, and subject to the advance written approval of the Health Officer or the Health Officer's designee, the zoo may resume operating its outdoor spaces for visits by the public at the lesser of: (a) 50% of the maximum capacity for the outdoor space that is permitted to open; or (b) the capacity based on the ability of Personnel and patrons to comply with the Social Distancing Requirements, consistent

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with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee.

(Added July 13, 2020; Non-substantive revisions August 14, 2020)

(13) Open Air Boat Operators

- a. Basis for Addition. Personnel and passengers can wear Face Coverings and maintain six feet of physical distance from people in different households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And open-air boat excursions occur outside, which is safer than indoor interactions, and have additional air-flow from continual movement. Finally, outdoor boating excursions of socially distanced groups involve only a moderate number of contacts, and health mitigation measures in small boating excursions can significantly decrease the transmission risk.
- b. Description and Conditions to Operate. Individuals or businesses that offer open-air boat excursions ("Open-Air Boat Operators") may operate, subject to the following limitations and conditions:
 - i. If the total number of passengers is greater than 12, then the Open-Air Boat Operator must assign each passenger to a group of no more than 12 people. Multiple groups of 12 may be on an Open-Air Boat simultaneously, subject to the requirements set forth in Health Officer Directive No. 2020-19b regarding outdoor gatherings on a moving vehicle, such as an open-top tour bus or open-air sea vessel;
 - ii. All passengers must maintain a physical distance of at least six feet from each other, from the captain, and from Personnel, at all times;
 - iii. Before boarding, passengers must wait on the dock at least six feet apart and must not board the vessel until the captain or crew allow boarding;
 - iv. For fishing, rod holders must be spaced at least six feet apart from each other;
 - v. Bathrooms (if any) must be sanitized after each use following EPA guidelines;
 - vi. Passengers must stay in the open-air portion of the boat except for brief periods, such as to use the bathroom;
 - vii. Open-Air Boat Operators should ask passengers to voluntarily provide their name and phone number for potential contact tracing purposes—the operator should keep this information on file for at least three weeks;
 - viii. Open-Air Boat Operators must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order);
 - ix. Open-Air Boat Operators must ensure daily COVID-19 symptom and exposure screening is completed for all Personnel as required by the Social Distancing Protocol and its Attachment A-1.

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- x. Open-Air Boat Operators must Screen all customers and other visitors on the day of the appointment or service prior to coming in to the facility as outlined by the Social Distancing Protocol and its Attachment A-2. Any person who answers “yes” to a screening question must have service cancelled or rescheduled. No cancellation or rescheduling fee may be charged in that situation.
- xi. All passengers and Personnel must wear a Face Covering at all times while waiting to board, at all times while on board—except when eating or drinking, and at all times when disembarking from the vessel, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;
- xii. Passengers from different households should not shake hands, share food or drinks, or engage in any unnecessary physical contact—the captain and crew must instruct passengers about these requirements;
- xiii. Open-Air Boat Operators must make hand sanitizer available throughout the boat and at each rod station (if any);
- xiv. Equipment (e.g., fishing equipment) may not be shared by people outside of a single household, and the boat and all equipment belonging to the Open-Air Boat Operator or otherwise provided by the Open-Air Boat Operator must be thoroughly cleaned and disinfected after each trip with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with CDC guidelines (<https://www.cdc.gov/coronavirus/2019-ncov/community/cleaning-disinfecting-decision-tool.html>).

For clarity, this section does not cover vessels used exclusively for Essential Travel (such as ferries and water taxis) and such vessels do not need to follow the conditions set forth in this section.

(Added July 13, 2020; Non-substantive revisions August 14, 2020; Revised September 14, 2020)

(14) Institutions of Higher Education and Adult Education

- a. Basis for Addition. Personnel and students can wear Face Coverings and maintain at least six feet of physical distance from people in different households at all times. Restrictions can be placed to ensure that no inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And to the extent classes occur outdoors with distancing and Face Coverings, these interactions are safer than indoor interactions. If indoor in person instruction is authorized by the Health Officer for adult education programs under the limited conditions set forth below, then health mitigation measures adopted under an approved plan can decrease the transmission risk.
- b. Description and Conditions to Operate. Institutions of Higher Education (“IHEs”) and other programs offering adult education—including, for example, programs offering job skills training and English as a second language classes (“Adult Education Programs”)

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(IHEs and Adult Education Programs are collectively referred to below as “Higher Education Programs”)—may operate, subject to the following limitations and conditions:

- i. Higher Education Programs may operate for purposes of facilitating distance learning and themselves performing essential functions, as set forth in Section 8.a.xiv of the Order;
- ii. Higher Education Programs must screen all Personnel and students for COVID-19 and close contacts every day before they enter the campus, whether for indoor or outdoor classes or other purposes. Higher Education Programs must use the standard screening questions attached to the Order as Appendix A and Attachment A-2 (the “Screening Handout”). A copy of the Screening Handout must be provided to anyone on request, although a poster or other large-format version of the Screening Handout may be used to review the questions with people verbally. Any person who answers “yes” to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering the IHE, and should be referred for appropriate support as outlined on the Screening Handout. The Higher Education Program can use the guidance available online at www.sfdph.org/screen for determining how best to conduct screening;
- iii. Higher Education Programs may offer in-person instruction *outdoors* in groups of no more than 14 people, including the instructor(s), so long as they follow Social Distancing Requirements and wear Face Coverings and subject to any other relevant health and safety requirements contained in any relevant industry-specific Health Officer directives;
- iv. Face Coverings are required at all times but they can be briefly removed if necessary as a component of the class, such as tasting food in a cooking school;
- v. No singing, chanting or shouting, or wind instruments are allowed during in-person instruction (indoors and outdoors) at this time;
- vi. Class capacity must be limited to ensure physical distancing at all times;
- vii. Classes must be limited in duration to two hours indoors, but there is no time limit on outdoor classes;
- viii. Higher Education Programs may not offer in-person instruction indoors unless the specific class:
 - (1) cannot be held remotely or outdoors due to the need for access to specialized equipment or space, and
 - (2) is offered in specialized indoor settings whose design imposes substantial physical distancing on participants.

Higher Education Programs that wish to resume indoor classes that meet these criteria must comply with Health Officer Directive No. 2020-22c, including as that directive is updated in the future and including assembly and implementation of a written, campus-specific COVID-19 prevention plan (“Prevention Plan”).

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Requirements and limitations for such indoor instruction include but are not limited to all of the following:

- a. Indoor lectures are not allowed at this time;
 - b. A copy of the Prevention Plan must be posted and be made readily available to students, Personnel, and SFDPH; and
 - c. The Prevention Plan must address all requirements listed in Directive No. 2020-22c, including but not limited to: articulating the need for indoor classes; enforcement of physical distancing requirements; protocols for airing out and sanitizing classrooms between use; provision of stable cohorts, face coverings, screening, and testing; educating students about risk mitigation; and addressing violations of safety protocols;
- ix. Required health and safety plans are subject to audit by DPH, including on-site inspections, and Higher Education Programs must assess their plans monthly and update them as needed;
 - x. Individual student use of an indoor facility due to the need for access to specialized equipment or space that is not available outside (such as a music practice room or fine arts studio) is allowed subject to safety protocols;
 - xi. Collegiate athletics teams that wish to resume practices, games, or tournaments in San Francisco, without in-person spectators, may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among players, staff, and any others who will be in the facility. The plan must include a proposal for interval testing (without using City resources) of all players and coaching staff who will be present in the facility. The plan must also include a commitment to comply with local directives governing isolation and quarantine of individuals who are diagnosed with, or have had close contact with a person who is diagnosed with, COVID-19. Plans must be submitted to healthplan@sfcityattys.org. Subject to the advance written approval of the Health Officer or the Health Officer's designee, the team may then resume activities consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee. But in connection with an approved plan no in-person spectators will be allowed under any circumstances;
 - xii. Subject to applicable land use laws and regulations, housing controlled or operated by Higher Education Programs or restricted for the use of students attending a Higher Education Program is permitted to open and operate for students in compliance with any relevant health and safety requirements contained in any relevant industry-specific Health Officer directives. Except for family housing, students must be housed in single rooms (i.e., without a roommate) unless the student specifically requests to be housed with a roommate; and
 - xiii. All Higher Education Programs must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with relevant health and safety requirements contained in any relevant industry-

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specific Health Officer directives, including, but not limited to, Health Officer Directive No. 2020-22c.

(Added August 14, 2020; Revised September 1, 2020 and September 30, 2020)

(15) Personal Service Providers

- a. Basis for Addition. Although personal services such as hair and nail salons involve moderate to high contact intensity and a moderate number of contacts, the risk of transmission can be significantly lessened for by requiring that all providers and customers to wear a Face Covering at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Finally, the risk of virus transmission can be reduced through other health and sanitation protocols. Consistent with Section 5.c of the Order and to the extent possible, Personal Service Providers are urged to provide services outdoors to further decrease the risk.
- b. Description and Conditions to Operate.
 1. Outdoors. Personal service providers regulated by Division 3, Chapter 10 of the California Business and Professions Code, Division 104, Part 15, Chapter 7 of the California Health and Safety Code, or San Francisco Health Code Article 29 (collectively, “Personal Service Providers”) that can safely offer services outside, including, for example, hair salons, barber shops, nail salons, massage (in a non-healthcare setting), estheticians, skin care, and cosmetology services (collectively, “Outdoor Personal Services), may operate outdoors, subject to all of the following limitations and conditions:
 - i. The following personal services cannot be offered outside because they cannot be done safely in an outdoor setting: electrology, tattooing, piercing, microblading, permanent make-up, and other forms of body art that are invasive and require a controlled hygienic environment. Also, shampooing, chemical hair services, and services that require the customers to remove their face coverings are not permitted outside;
 - ii. Outdoor Personal Service Providers may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health;
 - iii. Both Outdoor Personal Service Providers and clients/customers must wear a Face Covering at all times—including during the entire service—unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time; and
 - iv. The Outdoor Personal Service Provider must have created, posted and implemented a Social Distancing Protocol and must comply with Health Officer

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Directive No. 2020-23, as that directive may be amended from time to time, regarding required best practices for outdoor personal services.

2. **Indoors.** Personal service providers regulated by Division 3, Chapter 10 of the California Business and Professions Code or San Francisco Health Code Article 29 including, for example, hair salons, barber shops, nail salons, massage (in a non-healthcare setting), estheticians, skin care, and cosmetology services, electrology, tattooing, piercing, and microblading, may operate indoors (collectively, “Indoor Personal Services,” subject to all of the following limitations and conditions:
 - i. Both Indoor Personal Service Providers and clients/customers must wear a Face Covering at all times—including during the entire service—unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020;
 - ii. The Indoor Personal Service Provider must have created, posted and implemented a Social Distancing Protocol and must comply with Health Officer Directive No. 2020-30, as that directive may be amended from time to time, regarding required best practices for Indoor Personal Services; and
 - iii. Only the number of people who can safely fit inside the facility while maintaining social distance as required by Directive No. 2020-30 may be inside the facility at a time.

(Added September 1, 2020; Revised September 14, 2020; Non-substantive revision September 30, 2020)

(16) Gyms and Fitness Centers

- a. **Basis for Addition.** Although gyms and fitness centers involve moderate contact intensity and a moderate number of contacts, the risk of transmission can be significantly lessened by requiring that everyone wear a Face Covering and maintain at least six feet of physical distance at all times. Also, the risk of virus transmission can be reduced through other health and sanitation protocols. Consistent with Section 5.c of the Order and to the extent possible, gyms and fitness centers are urged to provide services outdoors to further decrease the risk.
- b. **Description and Conditions to Operate.**
 1. **Outdoors.** Gyms and fitness centers offering space or equipment for customer-directed exercise may operate outdoors, subject to all of the following limitations and conditions:
 - i. Gyms and fitness centers may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.

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- ii. Everyone in the outdoor gym or fitness center facilities must maintain at least six feet of physical distance from people outside of their Household at all times;
 - iii. Gyms and fitness centers must limit the number of people, including Personnel, who are present in the space to ensure that six feet of physical distance can be maintained at all times;
 - iv. Everyone in the outdoor gym or fitness center facilities must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020; and
 - v. The gym or fitness center must have created, posted and implemented a Social Distancing Protocol and must comply with any and all requirements contained in Health Officer Directive No. 2020-27, regarding outdoor gyms and fitness centers including, without limitation, all enhanced cleaning requirements.
2. Indoors. Gyms and fitness centers offering space or equipment for customer-directed exercise may operate indoors, subject to all of the following limitations and conditions:
- i. Gyms and fitness centers must limit the number of people, including Personnel, who are present in the space to the lesser of: (1) 10% of the facility's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the facility at all times;
 - ii. Everyone in the gym or fitness center facility must maintain at least six feet of physical distance from people outside of their Household at all times;
 - iii. Individuals engaged in an activity that may increase breathing rate and/or intensity (including but not limited to cardio/aerobic activities or weight-lifting), must maintain at least 12 feet of physical distance from people outside of their Household while engaging in those activities;
 - iv. Group cardio/aerobic fitness classes (such as spinning, kickboxing, etc.) are not permitted indoors at this time;
 - v. Everyone in the gym or fitness center facility must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020;
 - vi. The establishment must conspicuously post signage, including at all primary public entrances, reminding people to adhere to physical distancing, hygiene, and Face Covering requirements and to stay home when they feel ill. They must also post a stand-alone sign bearing the message that: (1) COVID-19 is transmitted through the air, and the risk is much higher indoors, and (2) seniors and those with health risks should avoid indoor settings with crowds. The County is making available templates for the signage online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, and businesses are strongly urged to keep informed of those changes and update their signage accordingly; and

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The gym or fitness center must have created, posted and implemented a Social Distancing Protocol and must comply with any and all requirements contained in Health Officer Directive No. 2020-31, regarding indoor gyms and fitness centers including, without limitation, all enhanced cleaning requirements.

(Added September 1, 2020; Revised September 14, 2020 and September 30, 2020)

(17) Indoor Museums, Aquariums, and Zoos

- a. Basis for Addition. As long as patrons move through exhibits and refrain from staying or gathering in an indoor or other enclosed space for a sustained period of time, and capacity and other health safety mitigation measures are used, indoor museums, aquariums and zoos (which have indoor and outdoor spaces) involve low contact intensity and a low number of contacts. Accordingly, the risk of transmission is low as long as adequate precautions are taken.
- b. Description and Conditions to Operate. Beginning on September 21, 2020, indoor museums (including art galleries), aquariums, and zoos may resume operations, subject to all of the following limitations and conditions:
 - i. Establishments must limit the number of people, including Personnel, who are present in the facility to the **lesser** of: (1) 25% of the facility's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the facility at all times;
 - ii. Establishments must limit the number of people, including Personnel, who are present in individual galleries or public spaces to the **lesser** of: (1) 25% of the room's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the room at all times;
 - iii. Everyone in the facility must maintain at least six feet of physical distance from people outside of their Household at all times;
 - iv. Everyone in facility must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020; and
 - v. The following must remain closed:
 - Common area gathering places such as meeting rooms and lounge areas;
 - Auditoriums;
 - Indoor restaurants and cafes (must remain closed to indoor dining but may provide take-away service);
 - Guided tours, events, classes, and other gatherings; and
 - Coat/personal property check services.
 - vi. Before resuming operations, the museum, aquarium, or zoo must have created, posted and implemented a Social Distancing Protocol and must comply with any and all requirements contained in any relevant Health Officer Directives,

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including, for example, Directive Nos. 2020-05 and 2020-16c (if food is prepared and sold on-site for take-away or outdoor dining), Directive No. 2020-17 (if there is a gift-shop or other retail on-site), and Directive No. 2020-32 (forthcoming).

- vii. Also, in addition to the Social Distancing Protocol, before resuming operations, the museum, aquarium, or zoo must submit a plan to the Department of Public Health, including a detailed description of how the business intends to address safety precautions in the follow areas.
- Ensuring that facility and individual galleries and rooms remain below 25% maximum capacity;
 - Signage regarding Social Distancing Requirements (to include at least six feet of distance, handwashing/sanitizer practices, face covering policy);
 - Ensuring Personnel and patrons wear face coverings at all times, unless they are specifically exempted from the face covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;
 - Ticketing booths and payment systems;
 - Personnel safety precautions;
 - HVAC systems (an explanation of alterations and upgrades to ventilation to increase supply of fresh air and decrease stale or recirculated air, or an explanation of why alterations or upgrades were either (1) unnecessary or (2) unfeasible);
 - Food and beverage concessions for takeaway or outdoor dining;
 - Retail (e.g., gift shops);
 - Social distancing in elevators;
 - Monitoring and limiting patrons to ensure physical distancing between members of different households or living units;
 - Paths of travel through the establishment and wayfinding signage;
 - Plans for preventing patrons from gathering in an enclosed space for a sustained period of time;
 - Sanitation for restrooms;
 - Sanitation for high-touch surfaces and areas; and
 - Closing interactive exhibits or exhibits in enclosed spaces or modifying those exhibits to prevent common touching.

A plan template, which sets forth additional requirements and conditions for operation, will be available at sfdph.org/directives. It is strongly encouraged that businesses review the requirements set forth in the template and use the template to create their plan.

The plan must be submitted to HealthPlan@sfcityatty.org, posted on the business's website, and made available at the facility. The permanent URL at which the plan will be posted must be provided to SFDPH.

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For clarity, the museum, aquarium or zoo does not need SFDPH to approve its plan before it may resume operations in accordance with the proposed plan. But in the event SFDPH identifies deficiencies in the plan, SFDPH will follow up with the business.

- viii. The establishment must conspicuously post signage, including at all primary public entrances, reminding people to adhere to physical distancing, hygiene, and Face Covering requirements and to stay home when they feel ill. They must also post a stand-alone sign bearing the message that: (1) COVID-19 is transmitted through the air, and the risk is much higher indoors, and (2) seniors and those with health risks should avoid indoor settings with crowds. The County is making available templates for the signage online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, and businesses are strongly urged to keep informed of those changes and update their signage accordingly.

(Added September 21, 2020; Revised September 30, 2020)

(18) Outdoor Family Entertainment Centers

- a. Basis for Addition. Certain outdoor Family Entertainment Centers involve only moderate risk given that they occur outside, they involve moderate contact intensity and a moderate number of contacts, and the risk of transmission can be significantly lessened by requiring that everyone wear a Face Covering and maintain at least six feet of physical distance at all times. The risk of virus transmission can also be reduced through other health and sanitation protocols. And because the State of California has included outdoor family entertainment centers on the list of options for the Red Tier, this Appendix lists those that can be done now with appropriate safety protocols. More information about the State of California's designation can be found online at <https://covid19.ca.gov/safer-economy/>.
- b. Description and Conditions to Operate. Family Entertainment Centers, as defined by this Section may begin to operate outdoors, subject to all of the limitations and conditions listed below. The term "Family Entertainment Centers" includes only those activities and businesses that are listed by the State of California as examples for the Red Tier, which are: kart racing; mini-golf; and batting cages, and the limited outdoor amusement park rides described below. Even if the County is placed on a less restrictive tier, this term will not be changed until this Section is revised. Conditions for outdoor Family Entertainment Centers are as follows:
 - i. All operations must be outdoors. Operations that cannot be safely performed outdoors are not permitted;
 - ii. Family Entertainment Centers may conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and

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composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.

- iii. Everyone in the Family Entertainment Center facilities must maintain at least six feet of physical distance from people outside of their Household at all times;
- iv. Family Entertainment Centers must limit the number of people, including Personnel, who are present in the space to ensure that six feet of physical distance can be maintained at all times;
- v. Everyone in the Family Entertainment Center facility must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, including as that order is amended; and
- vi. The Family Entertainment Center must have created, posted, and implemented a Social Distancing Protocol and must comply with any and all requirements contained in relevant Health Officer directives, including, without limitation, all enhanced cleaning requirements.

In addition to the requirements listed above, the following other requirements must be met, as listed:

- vii. For kart racing, services must be provided in compliance with the requirements for outdoor activity equipment rental businesses listed in Section (5) of this Appendix.
- viii. For mini-golf, services must be provided in compliance with the requirements for outdoor golf listed in Section (2) of Appendix C-2 as well as Directive No. 2020-15, including as that directive is updated in the future.
- ix. For batting cages, services must be provided in compliance with the requirements for “Other Outdoor Recreation and Athletic Activities” listed in Section (6) of Appendix C-2.
- x. For outdoor amusement park-type rides, consisting of Ferris wheels, carousels, and miniature train rides, the following additional requirements must be met:
 - a. Screen all customers and other visitors prior to entry to the ride as outlined by the Social Distancing Protocol and its Attachment A-2. Any person who answers “yes” to a screening question must have the ride cancelled or rescheduled. No cancellation or rescheduling fee may be charged in that situation, and the price of any ticket must be refunded if the ride is not rescheduled;
 - b. Operators must regulate access by patrons to the equipment to ensure physical distancing;
 - c. Any enclosed passenger capsule or seating area must include only members of the same household, and ventilation must be maximized;

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- d. High touch surfaces and equipment must be sanitized in between uses by different households; and
- e. Hand sanitizer must be placed at the entrances and exits to rides.

Note that at the current time many outdoor family entertainment activities are allowed under other sections and directives, including zoos, outdoor swimming pools, outdoor tennis and pickleball, outdoor golf, outdoor lawn bowling, outdoor museums, and outdoor fitness centers. See Section (11) of Appendix C-2 regarding outdoor playgrounds.

Also, other activities are not yet allowed because they cannot yet be done safely in the current context due to the difficulty of regularly cleaning high-touch surfaces and of keeping people from different homes physically distant and/or are prohibited by the State under the Red Tier or Orange Tier, including: indoor amusement park rides; indoor climbing walls; indoor bowling alleys; indoor ice and rolling skating rinks; indoor arcade games; and indoor playgrounds.

(Added September 14, 2020; Revised September 30, 2020)

(19) Open-Air Tour Bus Operators

- a. Basis for Addition. Personnel and passengers can wear Face Coverings and maintain six feet of physical distance from people in different Households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And open-air bus tours occur outside, which is safer than indoor interactions, and have additional air-flow from continual movement. Finally, outdoor tour bus excursions of small, socially distanced groups involve only a moderate number of contacts, and health mitigation measures can significantly decrease the transmission risk.
- b. Description and Conditions to Operate. Individuals or businesses that offer open-air bus tours (“Open-Air Tour Bus Operators”) may operate, subject to the following limitations and conditions:
 - i. If the total number of passengers is greater than 12, the Open-Air Tour Bus Operator must assign each passenger to a group of no more than 12 people. Multiple groups of 12 may be on an Open-Air Tour Bus simultaneously, subject to the requirements set forth in Health Officer Directive No. 2020-19b regarding outdoor gatherings on a moving vehicle, such as an open-top tour bus;
 - ii. All passengers must maintain a physical distance of at least six feet from each other, from the driver, and from Personnel, at all times;
 - iii. Before boarding, passengers must wait at least six feet apart and must not board the bus until the driver or other Personnel allow boarding;
 - iv. Bathrooms (if any) must be sanitized after each use following EPA guidelines;

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- v. Passengers must stay in the open-air portion of the bus except for brief periods, such as to board, disembark and use the bathroom;
- vi. Open-Air Tour Bus Operators should ask passengers to voluntarily provide their name and phone number for potential contact tracing purposes—the operator should keep this information on file for at least three weeks;
- vii. Open-Air Tour Bus Operators must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order);
- viii. Open-Air Boat Operators must ensure daily COVID-19 symptom and exposure screening is completed for all Personnel as required by the Social Distancing Protocol and its Attachment A-1.
- ix. Open-Air Boat Operators must Screen all customers and other visitors on the day of the appointment or service prior to coming in to the facility as outlined by the Social Distancing Protocol and its Attachment A-2. Any person who answers “yes” to a screening question must have service cancelled or rescheduled. No cancellation or rescheduling fee may be charged in that situation.
- x. All passengers and Personnel must wear a Face Covering at all times while waiting to board, at all times while on board—except when eating or drinking, and at all times when disembarking from the bus, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;
- xi. Passengers from different households should not shake hands, share food or drinks, or engage in any unnecessary physical contact—Personnel must instruct passengers about these requirements;
- xii. Open-Air Tour Bus Operators must make hand sanitizer available;
- xiii. The bus and all equipment belonging to the Open-Air Tour Bus Operator or otherwise provided by the Open-Air Tour Bus Operator must be thoroughly cleaned and disinfected after each trip with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with CDC guidelines (<https://www.cdc.gov/coronavirus/2019-ncov/community/cleaning-disinfecting-decision-tool.html>).

(Added September 14, 2020)

(20) Lodging Facilities for Tourism

- a. Basis for Addition. As long as guests refrain from congregating in common areas, and capacity and other health safety mitigation measures are used, lodging facilities involve low contact intensity and a low number of contacts. Personnel and guests can wear Face Coverings whenever they are in common areas and can maintain at least six feet of physical distance except for brief interactions (e.g., while checking in). In indoor common areas, no inherently risky activities (e.g., singing, shouting, eating, drinking,

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etc.) are involved.

- b. Description and Conditions to Operate. Lodging facilities, including hotels, motels, hostels, bed and breakfasts, inns and short-term rentals, may operate for tourist use, subject to all of the following limitations and conditions:
 - i. Indoor fitness centers, indoor pools, indoor dining facilities, ballrooms, conference rooms, business centers, lounge areas, and other indoor gathering places must remain closed. But now that the County has been placed in the Orange Tier by the State, a lodging facility may operate the services listed in this subsection b.i after updating its Social Distancing Protocol and complying with the listed requirements for each listed type of service. If the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend the ability for operation of these services by the lodging facility. The additional services allowed now that the County is in the Orange Tier, and subject to compliance with the Order and related directives, are:
 - a. Gyms or fitness centers. The lodging facility may operate a gym or fitness center so long as it fully complies with the requirements listed in Section (16) of this Appendix C-1 as well as Health Officer Directive Nos. 2020-27 (for outdoor gyms or fitness centers, if applicable) and 2020-31 (for indoor gyms or fitness centers, if applicable), including as those directives are updated in the future. At present, that includes a maximum limit of 10% capacity on any indoor gym or fitness center. Also, any gym or fitness center must be staffed by lodging facility personnel at all times that it is open for operation.
 - b. Indoor dining. The lodging facility may operate indoor dining so long as it fully complies with the requirements listed in Section (8) of this Appendix C-1 as well as Health Officer Directive No. 2020-16c, including as that directive is updated in the future. At present, that includes a maximum limit of 25% occupancy or 100 people, whichever is lower. For clarity, a lodging facility is not allowed to operate self-serve stations, whether staffed by personnel or not, including buffets or continental breakfast bars.
 - ii. The Lodging Facility must have created, posted and implemented a Social Distancing Protocol and must comply with any and all requirements contained in Health Officer Directive No. 2020-29 regarding best practices for lodging facilities, as well as any other relevant Health Officer Directives, including, for example, Directive Nos. 2020-05 and 2020-16c (if food is prepared and sold on-site for take-away or outdoor dining or for indoor dining), Directive No. 2020-17 (if there is a gift-shop or other retail on-site), and Directive Nos. 2020-27 and 2020-31 (if gyms or fitness centers are opened).

(Added September 14, 2020; Revised September 30, 2020)

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[Revised September 30, 2020]

(21) Indoor Movie Theaters

- a. Basis for Addition. Viewing movies or other projected entertainment indoors in an enclosed space involves multiple risk factors, including the nearby seating of groups of people from different Households, the enclosed nature of the space, and the duration of the entertainment. When coupled with strong mitigation measures such as screening of patrons, mandatory use of Face Coverings, avoiding eating, maintaining physical distancing between different groups, and following other protocols, the risks associated with indoor movie theatres can present manageable risks, although avoiding indoor theaters is safer, especially for seniors and those who are vulnerable to complications from COVID-19.
- b. Description and Conditions to Operate. Now that the County has been placed in the Orange Tier by the State, any facility that projects entertainment onto a large-format screen indoors (an “indoor movie theater”) may operate only when (1) it is on or after October 7, 2020, (2) the Health Officer has issued a companion directive, which will be Health Officer Directive No. 2020-35, listing other requirements for indoor movie theaters, and (3) all requirements listed in this subsection b and the related directive are met. If the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend the ability for indoor movie theaters to operate.

These rules for indoor movie theaters do not allow any of the following to occur, each of which is still prohibited by the Order: indoor bars (except as allowed under Section (8) above for indoor dining) or dance clubs, regardless of whether they use large-format screens as part of their entertainment or décor; indoor social events where large-format screens are used but are not the primary focus of the gathering; live indoor in-person entertainment, including concerts, plays, musicals, ballet, or other artistic events (except as allowed for recording or streaming under the Order); and the operation of any food service bar, beverage bar, or restaurant operated within the indoor movie theater facility or by the indoor movie theaters in an adjoining space.

The operation of indoor movie theaters is subject to the following limitations and conditions:

- i. Operation of indoor movie theaters is not allowed before October 7, 2020;
- ii. The indoor movie theater is restricted overall to 25% of the business’s occupancy or 100 people, whichever is lower. If a movie theater complex has multiple individual indoor movie theaters the 25% occupancy limit applies to the complex as a whole and to each individual theater, and the 100-person maximum applies to each individual theater. Operators should stagger start and end times to ensure that there is not mixing of patrons in common areas;
- iii. The indoor movie theater facility must screen all patrons and other visitors on a daily basis using the standard screening questions attached to the Order as Appendix A and Attachment A-2 (the “Screening Handout”). Screening must occur before people are allowed to enter to prevent the inadvertent spread of the

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SARS-CoV-2 virus. A copy of the Screening Handout must be provided to anyone on request, although a poster or other large-format version of the Screening Handout may be used to review the questions with people verbally. Any person who answers “yes” to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering or being seated in the indoor movie theater, and should be referred for appropriate support as outlined on the Screening Handout. The indoor movie theater can use the guidance available online at www.sfdph.org/screen for determining how best to conduct screening. People who are feeling ill, have exhibited symptoms of COVID-19 within 24 hours of arriving at the indoor movie theater or answer “yes” to any screening must be kept from entry and must cancel or reschedule their ticket. In such cases, patrons must not be charged a cancellation fee or other financial penalty and must be given a full refund;

- iv. The indoor movie theater must keep food and beverage concessions closed (also including vending machines) for now;
- v. The indoor movie theater must ensure that all Personnel and patrons wear a Face Covering at all times as required by Health Officer Order No. C19-12c, issued on July 22, 2020, including as that order may be amended from time to time, unless the person is specifically exempted from the face covering requirements;
- vi. The indoor movie theater must post signs at all entrances notifying patrons of the rules, including the requirement to wear a face covering at all times and that consuming food or drink onsite (including if brought in from outside) is prohibited given the risk associated with removing a face covering when eating or drinking;
- vii. The indoor movie theater must prevent patrons from gathering in common areas and must close lounges, arcades, or other areas designed for casual gathering;
- viii. Patrons must remain outside the indoor movie theater until they are ready to be seated, and the indoor movie theater is prohibited from allowing customers to line up in advance of opening doors for individual showings (which may require the indoor movie theater to space out showings to allow sufficient time for cleaning and seating between shows);
- ix. The establishment must conspicuously post signage, including at all primary public entrances, reminding people to adhere to physical distancing, hygiene, and Face Covering requirements and to stay home when they feel ill. They must also post a stand-alone sign bearing the message that: (1) COVID-19 is transmitted through the air, and the risk is much higher indoors, and (2) seniors and those with health risks should avoid indoor settings with crowds. The County is making available templates for the signage online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, and businesses are strongly urged to keep informed of those changes and update their signage accordingly; and

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- x. Each indoor movie theater must have created, posted, and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and also comply with Health Officer Directive No. 2020-35, once that directive is issued and then as that directive may be amended from time to time, regarding required best practices for indoor movie theaters.

(Added September 30, 2020)

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[Revised September 30, 2020]

A. General Requirements

The “Additional Activities” listed below may resume, subject to the requirements set forth in the Order and to any additional requirements set forth below or in separate guidance by the Health Officer. These activities were selected based on current health-related information, the risk criteria set forth in Section 3 of the Order, and the overall impact that allowing these activities to resume will have on mobility and volume of activity in the County.

The health-related basis for selection of Additional Activities and the specific requirements for risk mitigation are summarized below. The bases for the additions were amended on July 13, 2020, to reflect an updated and refined analysis under the risk criteria set forth in Section 3 of the amended Order.

Activities that are permitted to operate outdoors may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.

On August 28, 2020 the State adopted a new four-tiered, color-coded framework to guide reopening statewide. Basic information about the State’s tiered system is available online at <https://covid19.ca.gov/safer-economy/>. Counties can be more restrictive than this State framework. Beginning on September 29, 2020, the County’s risk of COVID-19 community transmission has been designated to be in the moderate (orange) tier (the second least restrictive tier, or the “Orange Tier”), moving San Francisco’s risk designation from the substantial (red) tier (the “Red Tier”). Some of the activities allowed by this Appendix are expressly conditioned on the County’s Orange Tier designation by the State, and where that is the case, the listed activities are only allowed when the County reaches that tier. And if the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend those or other activities allowed under this Appendix.

B. List of Additional Activities

For purposes of the Order, Additional Activities include the following based on the summarized health risk related rationale:

(1)	Outdoor Museums, Outdoor Historical Sites, and Outdoor Public Gardens	2
(2)	Outdoor Recreation: Golf and Tennis	3
(3)	Outdoor Recreation: Dog Parks	4
(4)	Small Outdoor Gatherings	5
(5)	Libraries for Curbside Pickup and Return	6
(6)	Outdoor Recreation: Other Outdoor Recreation and Athletic Activities	7

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(7)	Outdoor Recreation: Outdoor Swimming Pools	7
(8)	Drive-In Gatherings	8
(9)	Religious Activities	9
(10)	Political Activity	11
(11)	Outdoor Playgrounds	13

(1) Outdoor Museums, Outdoor Historical Sites, and Outdoor Public Gardens

- a. **Basis for Addition.** Personnel and visitors can wear Face Coverings and maintain at least six feet of physical distance from people in different Households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And outdoor activities are safer than indoor activities. Finally, the number, frequency and proximity of contacts can be minimized through capacity limitations and the risk of virus transmission can be reduced through other health protocols.
- b. **Description and Conditions.** Outdoor museums, outdoor historical sites, and outdoor public gardens (for example, the Botanical Gardens and Japanese Tea Garden may reopen to the public—and individuals may leave their residence and travel to visit these locations—subject to the following conditions:
 1. Only outdoor spaces may be open to the public, except for restrooms as provided below.
 2. Face Coverings must be worn by all staff and visitors, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), including as that order is amended in the future;
 3. Physical distancing of at least six-feet must be maintained at all times other than between members of the same Household;
 4. Other than picnic tables, which may be available for use with signs instructing patrons to clean them before and after use, common high-touch equipment and fixtures must be off-limits, with signage and with physical barriers as appropriate;
 5. Public restrooms, if any, must
 - a. be routinely disinfected frequently throughout the day,
 - b. have open doors to prevent touching of door handles or knobs,
 - c. have soap and paper towels, and
 - d. have signs promoting handwashing;
 6. The museum, outdoor historical site, or outdoor public garden must provide for contactless payment systems or, if not feasible, sanitize any payment systems, including touch screens, payment portals, pens, and styluses, after each customer use. Under San Francisco’s Legal Tender Law, customers must be allowed to pay with

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cash but to further limit person-to-person contact, Personnel should encourage customers to use credit, debit, or gift cards for payment;

7. Signage must be posted at each public entrance to inform all personnel and customers that they must: avoid entering the facility or location if they have a cough or fever, maintain a minimum six-foot distance from one another while in the facility or location, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>);
8. Any on-site retail stores (e.g., gift shops) may operate for curbside/outdoor pickup only, and must do so in compliance with Appendix C-1 of this Order and Health Officer Directive 2020-10b (available at <https://www.sfdph.org/directives>);
9. Before resuming operations, outdoor museums, outdoor historical sites, and outdoor public gardens must prepare, post, implement, and distribute to their Personnel a Social Distancing Protocol checklist as required by Appendix A of the Order and a written health and safety plan that addresses all best practices listed in Section 1.b of this Appendix.

For clarity, this section does not apply to outdoor zoos, which are covered under Section 12 of Appendix C-1.

(Added May 17, 2020; revised June 1, 2020; Non-substantive revisions on July 13, 2020)

(2) Outdoor Recreation: Golf and Tennis

- a. Basis for Addition. Non-contact outdoor sports like tennis and golf involve a low number of contacts and a high proximity of contact, as long as the groups engaged in play together are small, maintain required physical distance, and do not share equipment among different Households. Also, interactions and activities that occur outdoors carry a lower risk of transmission than most indoor interactions and activities. And the risk of transmission can be further mitigated by sanitation and hygiene practices. Finally, because outdoor recreation is already allowed under the Order, resumption of this activity is expected to result in only a relatively modest increase in mobility and may decrease congestion in other outdoor locations like public parks and beaches.
- b. Description and Conditions. Individuals may play tennis and golf outdoors, and outdoor tennis and golf facilities/clubs may open, subject to the following conditions:
 1. Face Coverings must be worn by all golf and tennis facility/club Personnel, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), including as that order is amended in the future;
 2. All golf and tennis players must wear a Face Covering while in facility/club parking lots, when entering and exiting facilities/clubs, and while waiting to play—Face

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Coverings may be removed during play if nobody from a different Household is within 30 feet of the player;

3. For golf, groups must be limited to a maximum of four players per group, unless all players within the group are part of a single Household. Groups of players from different Households must comply with the State of California under its Stay-Safer-At Home Order;
4. No more than two Households may play tennis together at any one time, and members of separate Households cannot have contact with each other and must remain at least six feet apart at all times; and
5. Before resuming operations, each golf or tennis facility/club must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive No. 2020-15 regarding required best practices for tennis and golf.

(Added June 1, 2020; Non-substantive revisions July 13, 2020; Revised September 1, 2020)

(3) Outdoor Recreation: Dog Parks

- a. Basis for Addition. Although taking a dog to a dog park may involve mixing of Households, individuals can wear Face Coverings at all times and maintain at least six feet of physical distance from members of other Households except for short interactions. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.
- b. Description and Conditions. Individuals may take their dogs to dog parks (both enclosed and unenclosed), and all dog parks may open, subject to the following conditions:
 1. Face Coverings must be worn by all people in the dog park, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), including as that order is amended in the future;
 2. The Centers for Disease Control and Prevention (CDC) has advised that “[u]ntil we learn more about how this virus affects animals,” owners should “treat pets as you would other human family members to protect them from a possible infection.” Specifically, the CDC recommends that pet owners: “Do not let pets interact with people or other animals outside the household,” “Walk dogs on a leash, maintaining at least 6 feet (2 meters) from other people and animals,” and “Avoid dog parks or public places where a large number of people and dogs gather.” Accordingly, pet owners are urged to use on-leash dog parks or keep their dogs on a leash, particularly if the dog is not under voice control—pet owners who choose to let their dogs be off leash in an off-leash dog park should prevent their dog from interacting with other people or animals to the greatest extent feasible;

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3. People in the dog park should maintain at least six feet of physical distance from people or animals other than those in their same Household;
4. People must bring their own water for themselves and their pets, and must not use common touch water facilities in the park;
5. People must use their sleeve or a disposable cloth to touch high-touch surfaces like gates;
6. People should bring their own bags for picking up and disposing of pet waste;
7. Signage must be posted at each dog park to inform people that they must: avoid entering the location if they have a cough or fever, maintain a minimum six-foot distance from one another, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>); and
8. People must follow any other rules and regulations adopted by the operator of the dog park.

(Added June 1, 2020; Non-substantive revisions July 13, 2020)

(4) Small Outdoor Gatherings

- a. Basis for Addition. As provided in Section 4.f of the Order, gatherings among different Households are strongly discouraged to help prevent the spread of COVID-19, and larger gatherings pose higher risks. Although small outdoor gatherings involve mixing of Households, individuals can wear Face Coverings at all times, except when eating and drinking, and maintain at least six feet of physical distance from others outside their Household at all times. Inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) can be—and are strongly urged to be—minimized to the greatest extent possible. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.
- b. Description and Conditions. As further provided in Section 3.a of the Order, all people are strongly encouraged to continue staying safe at home and minimizing unnecessary interactions with others to the maximum extent possible. But individuals may participate in small outdoor gatherings—including for ceremonies, religious services, and other special purposes—subject to the following conditions:
 1. No more than six people may participate in a gathering that involves eating or drinking within six feet of each other, unless all are members of the same Household;
 2. No more than 12 people may participate in any other outdoor gathering under this section, unless all are members of the same Household.

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3. Unless eating or drinking in a group of six people or fewer, participants outside of the same Household must remain at least six feet apart from each other. Participants must otherwise follow all Social Distancing Requirements (Section 8.o of the Order), and wear Face Coverings unless eating, drinking, or exempted from wearing a Face Covering under Health Officer Order No. C19-12c (the Face Covering Order); and
4. Participants and hosts of small outdoor gatherings must comply with Health Officer Directive No. 2020-19b regarding required best practices for small outdoor gatherings and with the health guidelines for safer interactions set forth in the Tip Sheet for Safer Interactions During COVID-19 Pandemic, posted at: www.sfgdcp.org/communicable-disease/diseases-a-z/covid19whatsnew.
5. A host can hold simultaneous small outdoor gatherings up to the capacity limit for each kind of gathering, including at a single location, if the space allows for adequate physical distancing, so long as the host ensures that the gatherings remain separate, such as by placing physical barriers between the gatherings so that each separate gathering is at least six feet from each other. If the host is unable to use a physical barrier because of safety or other logistical considerations, each outdoor gathering must be kept at least 12 feet apart from the nearest simultaneous gathering.

For clarity, this section does not allow contact sports (e.g., football or boxing) or games with shared equipment (e.g. Frisbee, baseball, or playing catch) to resume among members of different Households. This section does not apply to outdoor religious or political protest gatherings, which are covered by Sections 9 and 10, below. This section also does not apply to organized outdoor fitness classes, which are covered by Section 9 of Appendix C-1.

(Added June 11, 2020; Non-substantive revisions July 13, 2020 and September 14, 2020)

(5) Libraries for Curbside Pickup and Return

- a. Basis for Addition. Personnel and patrons can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while picking up items). Patrons interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. In addition, interactions can occur outdoors, which further decreases risk.
- b. Description and Conditions to Operate. Libraries may open for curbside/outside pickup and drop off of items, and approved by the City Administrator. All Personnel and patrons must comply with Social Distancing Requirements—including the requirement to maintain at least six feet of physical distance—and wear a Face Covering at all times, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), as that order may be amended from time to time.

(Added July 20, 2020)

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[Revised September 30, 2020]

(6) Outdoor Recreation: Other Outdoor Recreation and Athletic Activities

- a. Basis for Addition. Non-contact recreational and athletic activities such as pickleball, lawn bowling, bocce ball and frisbee have low-to-moderate levels of transmission risk. Participants can wear Face Coverings and maintain at least six feet of physical distance at all times, and outdoor activities are safer than indoor interactions.
- b. Description and Conditions. Beginning at 9:00 a.m. on September 1, 2020, non-contact recreational and athletic activities with members of other Households may occur, subject to the following conditions:
 1. No more than two Households may engage in these recreational and athletic activities together at any one time;
 2. No equipment (except balls, frisbees, or other similar recreational projectiles) may be shared between Households;
 3. All recreational and athletic activities with members of another Household must occur entirely outdoors;
 4. Members of separate Households cannot have contact with each other and must remain at least six feet apart at all times;
 5. Pickleball is allowed under this section, provided that operators of facilities and players must follow the same guidelines that apply to Tennis Facilities under Health Officer Directive No. 2020-15b; and
 6. Face Coverings must be worn at all times, subject to the limited exceptions in Health Officer Order No. C19-12c, issued on July 22, 2020 (e.g., for young children).

(Added September 1, 2020)

(7) Outdoor Recreation: Outdoor Swimming Pools

- a. Basis for Addition. Outdoor swimming pools have few high-touch surfaces and do not require shared equipment. Risks associated with outdoor swimming pools can be substantially mitigated with limitations to ensure adequate social distancing and limit intermixing between Households.
- b. Description and Conditions. Beginning at 9:00 a.m. on September 1, 2020, individuals may use outdoor swimming pools, and outdoor swimming pools may open and operate, subject to the following conditions:
 1. Lap swimming must be limited to one swimmer per lane, except that members of the same Household may occupy a single lane;
 2. Use of shared swimming areas must be limited to no more than two swimmers from different Households per 300 square feet of shared pool space;

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3. Except for members of the same Household, swimmers must remain at least six feet apart at all times;
4. Locker rooms must be closed to the public, except for use as a restroom;
5. All gatherings are prohibited outside the pool, such as on pool decks, except (1) as expressly provided in Section 7, below, or Section 9 of Appendix C-1; and (2) members of a Household may observe a child or other person swimming to ensure safety and supervision; and
6. Before resuming operations, each outdoor swimming pool must create, post and implement a Social Distancing Protocol and comply with the relevant provisions of Health Officer Directive No. 2020-24.

(Added September 1, 2020)

(8) Drive-In Gatherings

- a. **Basis for Addition.** Drive-In Gatherings, such as drive-in movies, where all individuals remain in vehicles with members of their Household involve low contact intensity and frequency. Inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) can and are strongly urged to be minimized to the greatest extent possible. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.
- b. **Description and Conditions.** Drive-in gatherings, where participants stay in their vehicles, are permitted subject to the following conditions:
 1. All Drive-In Gatherings must be provided entirely outdoors in an area large enough to accommodate all distancing requirements of this Directive;
 2. Each Drive-In Gathering is limited to a maximum of 100 vehicles;
 3. Participants must remain within the bounds of the four wheels of their vehicle at all times except to use the restroom or during an emergency;
 4. Face Coverings must be worn at all times a participant is outside the bounds of their vehicle or inside or sitting on the vehicle unless the participant is inside the vehicle and all windows are closed, in accordance with Health Officer Order C19-12c issued July 22, 2020 and as it may be amended (the “Face Covering Order”); and
 5. Before hosting a Drive-In Gathering, the Host must create, post and implement a Social Distancing Protocol and comply with the relevant provisions of Health Officer Directive No. 2020-28.

(Added September 14, 2020)

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[Revised September 30, 2020]

(9) Religious Activities

- a. Basis for Addition. In an effort to balance core First Amendment interests with public health, the Health Officer is creating special provisions for faith-based services and ceremonies. Even with adherence to physical distancing and face covering requirements, bringing members of different households together to engage in in-person religious gatherings carries a higher risk of widespread transmission of COVID-19. Such gatherings may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. Therefore, even though in-person religious gatherings are allowed by this provision, with safety limitations, it is strongly recommended that individuals use alternative means to practice their faith for the time being, such as the many online and broadcasting platforms available in the digital age, in place of in-person gatherings.
- b. Description and Conditions to Operate.
 1. Individual indoor prayer in houses of worship: [Section Superseded]
 2. Outdoor Religious Gatherings: Houses of worship and operators of other facilities or groups may hold outdoor gatherings for the practice of religion, including religious services and religious ceremonies, subject to the following conditions:
 - i. Prior to being placed in the Orange Tier by the State, no more than 100 individuals may participate in the gathering and simultaneous gatherings in the same location or vicinity are prohibited. Now that the County has been placed in the Orange Tier, this maximum limit is increased to 200 individuals per gathering. If the County is later returned to a more restrictive tier by the State or other local conditions change in a manner that puts the public health at risk, the Health Officer may reduce the limit on the number of people or impose other safety restrictions. Also, for any gathering allowed under this section, the limit must be reduced below 100 people (or 200 people, if applicable) if required due to the size of the outdoor space and participants' ability to follow Social Distancing Requirements at all times;
 - ii. Participants must maintain at least six feet of distance from members of different households;
 - iii. All participants must wear a face covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children); and
 - iv. No food or beverages may be served or sold;
 - v. One individual at a time may sing, chant, or shout, provided: (1) the person singing, chanting, or shouting is at least 12-feet from any other person; and (2) the person singing, chanting, or shouting is wearing a Face Covering at all times;
 - vi. No sharing or common use of objects or equipment is permitted unless those objects or equipment are sanitized with cleaning products effective against COVID-19 in between uses by members of different households;

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- vii. The gathering must comply with all of the relevant requirements set forth in Health Officer Directive No. 2020-19c regarding outdoor gatherings; and
 - viii. All participants must comply with any requirements—including permitting requirements and conditions—imposed by applicable public authorities.
3. **Gatherings for Indoor Religious Services and Cultural Ceremonies:** Houses of worship and operators of other facilities or groups may hold indoor gatherings for the practice of religion, including religious services and religious and cultural ceremonies, such as weddings and funerals, subject to the following conditions:
- i. Prior to being placed in the Orange Tier by the State, the facility must limit the number of people, including Personnel, clergy, volunteers, visitors, and participants, who are present in the space to the **lesser** of: (1) 25% of the facility's normal maximum occupancy or (2) 50 people. Now that the County has been placed in the Orange Tier, this maximum limit is increased to the **lesser** of 25% of the facility's normal maximum occupancy or 100 people. If the County is later returned to a more restrictive tier by the State or other local conditions change in a manner that puts the public health at risk, the Health Officer may reduce this limit or impose other safety restrictions. Also, for any gathering allowed under this section, the limit must be reduced below 50 people (or 100 people, if applicable) if required due to the size of the indoor space and participants' ability to follow Social Distancing Requirements at all times. These capacity limits also apply to any individual room within the facility where people can gather;
 - ii. The facility must comply with all of the requirements set forth in Health Officer Directive No. 2020-34, issued September 30, 2020, including as that directive is amended or updated in the future, with such requirements including, but not limited to, ensuring physical distancing between members of different Households, posting signage to remind people to adhere to best practices, ensuring adequate ventilation in accordance with updated DPH guidance, and various cleaning and sanitation requirements;
 - iii. The facility must screen all patrons and other visitors on a daily basis using the standard screening questions attached to the Order as Appendix A and Attachment A-2 (the "Screening Handout"). Screening must occur before people are allowed to enter to prevent the inadvertent spread of the SARS-CoV-2 virus. A copy of the Screening Handout must be provided to anyone on request, although a poster or other large-format version of the Screening Handout may be used to review the questions with people verbally. Any person who answers "yes" to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering or being seated in the facility, and should be referred for appropriate support as outlined on the Screening Handout. The facility can use the guidance available online at www.sfdph.org/screen for determining how best to conduct screening. People who are feeling ill, have exhibited symptoms of COVID-19 within 24 hours of

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arriving at the facility or answer “yes” to any screening must be kept from entry;

- iv. All participants must wear a Face Covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children). A Face Covering is not required: when eating or drinking; or if a faith leader determines it is essential to a ritual or ceremony that Face Coverings be removed, subject to limitations listed in the directive; and
- v. The facility must comply with the Social Distancing Requirements set forth in Section 15.k of this Order—and create, post, and implement a Social Distancing Protocol (Appendix A of this Order).

(Added September 14, 2020; Revised September 30, 2020)

(10) Political Activity

- a. Basis for Addition. In an effort to balance core First Amendment interests with public health, the Health Officer is creating special provisions for political activities. Even with adherence to physical distancing and face covering requirements, bringing members of different households together to engage in in-person protests carries a higher risk of widespread transmission of COVID-19. Such gatherings may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. In particular, activities like chanting, shouting, singing, and group recitation negate the risk-reduction achieved through six feet of physical distancing and face covering. Therefore, even though in-person political protests are allowed by this provision, with safety limitations, it is strongly recommended that individuals use alternative means of expression for the time being, such as the many online and broadcasting platforms available in the digital age, in place of in-person gatherings.
- b. Description and Conditions to Operate.
 - 1. Individual indoor political offices: A single individual may be inside a campaign office or other political office, subject to the following conditions:
 - i. Only one person may be in the office or facility at a time except as outlined in this section b.1.
 - ii. One other individual at a time may temporarily come into the office or facility, such as for a brief meeting or to pick up or drop off materials.
 - iii. All individuals in the facility must wear a Face Covering as required by Health Officer Order No. C19-12c, subject to the limited exceptions in that order;.
 - iv. Doors and windows must be left open to the extent possible, or mechanical ventilation systems must be run, to increase ventilation;

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[Revised September 30, 2020]

- v. The facility must establish protocols for frequent cleaning and disinfection of commonly used surfaces and high traffic areas such as lobbies, hallways, and offices;
 - vi. Signage must be posted at each public entrance to inform all individuals that they must: avoid entering the location if they have a cough or fever, maintain a minimum six-foot distance from one another while in the facility or location, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>); and
 - vii. The facility or office must comply with the Social Distancing Requirements set forth in Section 15.k of this Order—and create, post and implement a Social Distancing Protocol (Appendix A of this Order).
2. Political Protest Gatherings: Facilities and groups may hold outdoor gatherings for in-person political protests, subject to the following conditions, subject to the following conditions:
- i. Prior to being placed in the Orange Tier by the State, no more than 100 individuals may participate in the gathering and simultaneous gatherings in the same location or vicinity are prohibited. Now that the County has been placed in the Orange Tier, this maximum limit is increased to 200 individuals per gathering. If the County is later returned to a more restrictive tier by the State or other local conditions change in a manner that puts the public health at risk, the Health Officer may reduce the limit on the number of people or impose other safety restrictions. Also, for any gathering allowed under this section, the limit must be reduced below 100 people (or 200 people, if applicable) if required due to the size of the outdoor space and participants' ability to follow Social Distancing Requirements at all times;
 - ii. Participants must maintain at least six feet of distance from members of different households;
 - iii. All participants must wear a Face Covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children); and
 - iv. No food or beverages may be served or sold;
 - v. One individual at a time may sing, chant, or shout, provided: (1) the person singing, chanting, or shouting is at least 12-feet from any other person; and (2) the person singing, chanting, or shouting is wearing a Face Covering at all times;
 - vi. No sharing or common use of objects or equipment is permitted unless those objects or equipment are sanitized with cleaning products effective against COVID-19 in between uses by members of different households;
 - vii. The gathering must comply with all of the relevant requirements set forth in Health Officer Directive No. 2020-19c regarding outdoor gatherings; and

Order No. C19-07j – Appendix C-2: Allowed Additional Activities

[Revised September 30, 2020]

- viii. All participants must comply with any requirements—including permitting requirements and conditions—imposed by applicable public authorities.

(Added September 14, 2020; Revised September 30, 2020)

(11) Outdoor Playgrounds

- a. Note. In relation to the September 14, 2020 version of the Order, the Health Officer committed to work with the City’s Recreation and Park Department and others to analyze whether outdoor playgrounds could be opened in a safer manner. On September 25, 2020 the State issued written clarification that outdoor playgrounds (as well as indoor playgrounds) must remain closed under the Red Tier and Orange Tier, putting those plans on pause. On September 28, 2020, following input from the City, the State changed its guidance to allow outdoor (but not indoor) children’s playgrounds operated by government agencies to open, subject to a number of safety requirements and recommendations. The State’s guidance is available online at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Outdoor%20Playgrounds%20and%20other%20Outdoor%20Recreational%20Facilities.aspx>.

As a result, consistent with the recently revised State guidance and in cooperation with the Recreation and Park Department, the Health Officer will issue a new directive, Health Officer Directive No. 2020-36, as soon as reasonably possible and in any event by October 14, 2020, setting forth best practices for outdoor public playgrounds. Those playgrounds may open once the government operators implement the safety requirements in the expected new directive.

(Added September 30, 2020)

ATTORNEY OR PARTY WITHOUT ATTORNEY (Name, bar number, and address):
 Robert Nelson (SBN 132797); Fabricio ...ent (SBN 160780); Jacob Polin (SBN 311203)
 LIEFF CABRASER HEIMANN & BERNSTEIN, LLP
 275 Battery Street, 29th Floor, San Francisco, CA 94111-3339

TELEPHONE NO.: (415)956-1000

FAX NO. (Optional):

ATTORNEY FOR (Name): Land and Sea Restaurants, LLC, dba EPIC Steakhouse & Waterbar

FOR COURT USE ONLY

FILED

San Francisco County Superior Court

NOV 16 2020

CLERK OF THE COURT

BY:  Deputy Clerk**SUPERIOR COURT OF CALIFORNIA, COUNTY OF SAN FRANCISCO**

STREET ADDRESS: 400 McAllister St., San Francisco, CA 94102

MAILING ADDRESS:

CITY AND ZIP CODE: San Francisco, CA 94102

BRANCH NAME: Civic Center Courthouse

CASE NAME:

Land and Sea Restaurants, LLC v. Farmers Group Inc., et al.

CIVIL CASE COVER SHEET

☒ **Unlimited** (Amount demanded exceeds \$25,000) ☐ **Limited** (Amount demanded is \$25,000)

Complex Case Designation

☐ Counter ☐ Joinder
 Filed with first appearance by defendant (Cal. Rules of Court, rule 3.402)

CASE NUMBER:

CGC-20-587729

JUDGE:

DEPT.:

Items 1-6 below must be completed (see instructions on page 2).

1. Check one box below for the case type that best describes this case:

Auto Tort☐ Auto (22)☐ Uninsured motorist (46)**Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort**☐ Asbestos (04)☐ Product liability (24)☐ Medical malpractice (45)☐ Other PI/PD/WD (23)**Non-PI/PD/WD (Other) Tort**☐ Business tort/unfair business practice (07)☐ Civil rights (08)☐ Defamation (13)☐ Fraud (16)☐ Intellectual property (19)☐ Professional negligence (25)☐ Other non-PI/PD/WD tort (35)**Employment**☐ Wrongful termination (36)☐ Other employment (15)**Contract**☐ Breach of contract/warranty (06)☐ Rule 3.740 collections (09)☐ Other collections (09)☒ Insurance coverage (18)☐ Other contract (37)**Real Property**☐ Eminent domain/Inverse condemnation (14)☐ Wrongful eviction (33)☐ Other real property (26)**Unlawful Detainer**☐ Commercial (31)☐ Residential (32)☐ Drugs (38)**Judicial Review**☐ Asset forfeiture (05)☐ Petition re: arbitration award (11)☐ Writ of mandate (02)☐ Other judicial review (39)**Provisionally Complex Civil Litigation (Cal. Rules of Court, rules 3.400-3.403)**☐ Antitrust/Trade regulation (03)☐ Construction defect (10)☐ Mass tort (40)☐ Securities litigation (28)☐ Environmental/Toxic tort (30)☐ Insurance coverage claims arising from the above listed provisionally complex case types (41)**Enforcement of Judgment**☐ Enforcement of judgment (20)**Miscellaneous Civil Complaint**☐ RICO (27)☐ Other complaint (not specified above) (42)**Miscellaneous Civil Petition**☐ Partnership and corporate governance (21)☐ Other petition (not specified above) (43)2. This case ☒ is ☐ is not complex under rule 3.400 of the California Rules of Court. If the case is complex, mark the factors requiring exceptional judicial management:a. ☐ Large number of separately represented partiesd. ☐ Large number of witnessesb. ☒ Extensive motion practice raising difficult or novel issues that will be time-consuming to resolvee. ☒ Coordination with related actions pending in one or more courts in other counties, states, or countries, or in a federal courtc. ☐ Substantial amount of documentary evidencef. ☐ Substantial postjudgment judicial supervision3. Remedies sought (check all that apply): a. ☒ monetary b. ☒ nonmonetary; declaratory or injunctive relief c. ☒ punitive

4. Number of causes of action (specify):


5. This case ☐ is ☒ is not a class action suit.

6. If there are any known related cases, file and serve a notice of related case. (You may use form CM-015.)

Date: October 20, 2020

Robert J. Nelson

(TYPE OR PRINT NAME)



(SIGNATURE OF PARTY OR ATTORNEY FOR PARTY)

NOTICE

- Plaintiff must file this cover sheet with the first paper filed in the action or proceeding (except small claims cases or cases filed under the Probate Code, Family Code, or Welfare and Institutions Code). (Cal. Rules of Court, rule 3.220.) Failure to file may result in sanctions.
- File this cover sheet in addition to any cover sheet required by local court rule.
- If this case is complex under rule 3.400 et seq. of the California Rules of Court, you must serve a copy of this cover sheet on all other parties to the action or proceeding.
- Unless this is a collections case under rule 3.740 or a complex case, this cover sheet will be used for statistical purposes only.

Page 1 of 2

FILE VIA FAX

To Plaintiffs and Others Filing First Papers. If you are filing a first paper (for example, a complaint) in a civil case, you **must** complete and file, along with your first paper, the Civil Case Cover Sheet contained on page 1. This information will be used to compile statistics about the types and numbers of cases filed. You must complete items 1 through 6 on the sheet. In item 1, you must check **one** box for the case type that best describes the case. If the case fits both a general and a more specific type of case listed in item 1, check the more specific one. If the case has multiple causes of action, check the box that best indicates the **primary** cause of action. To assist you in completing the sheet, examples of the cases that belong under each case type in item 1 are provided below. A cover sheet must be filed only with your initial paper. Failure to file a cover sheet with the first paper filed in a civil case may subject a party, its counsel, or both to sanctions under rules 2.30 and 3.220 of the California Rules of Court.

To Parties in Rule 3.740 Collections Cases. A "collections case" under rule 3.740 is defined as an action for recovery of money owed in a sum stated to be certain that is not more than \$25,000, exclusive of interest and attorney's fees, arising from a transaction in which property, services, or money was acquired on credit. A collections case does not include an action seeking the following: (1) tort damages, (2) punitive damages, (3) recovery of real property, (4) recovery of personal property, or (5) a prejudgment writ of attachment. The identification of a case as a rule 3.740 collections case on this form means that it will be exempt from the general time-for-service requirements and case management rules, unless a defendant files a responsive pleading. A rule 3.740 collections case will be subject to the requirements for service and obtaining a judgment in rule 3.740.

To Parties in Complex Cases. In complex cases only, parties must also use the Civil Case Cover Sheet to designate whether the case is complex. If a plaintiff believes the case is complex under rule 3.400 of the California Rules of Court, this must be indicated by completing the appropriate boxes in items 1 and 2. If a plaintiff designates a case as complex, the cover sheet must be served with the complaint on all parties to the action. A defendant may file and serve no later than the time of its first appearance a joinder in the plaintiff's designation, a counter-designation that the case is not complex, or, if the plaintiff has made no designation, a designation that the case is complex.

CASE TYPES AND EXAMPLES

Auto Tort

Auto (22)—Personal Injury/Property Damage/Wrongful Death
Uninsured Motorist (46) (*if the case involves an uninsured motorist claim subject to arbitration, check this item instead of Auto*)

Other PI/PD/WD (Personal Injury/Property Damage/Wrongful Death) Tort

Asbestos (04)
Asbestos Property Damage
Asbestos Personal Injury/Wrongful Death
Product Liability (*not asbestos or toxic/environmental*) (24)
Medical Malpractice (45)
Medical Malpractice—Physicians & Surgeons
Other Professional Health Care Malpractice
Other PI/PD/WD (23)
Premises Liability (e.g., slip and fall)
Intentional Bodily Injury/PD/WD (e.g., assault, vandalism)
Intentional Infliction of Emotional Distress
Negligent Infliction of Emotional Distress
Other PI/PD/WD

Non-PI/PD/WD (Other) Tort

Business Tort/Unfair Business Practice (07)
Civil Rights (e.g., discrimination, false arrest) (*not civil harassment*) (08)
Defamation (e.g., slander, libel) (13)
Fraud (16)
Intellectual Property (19)
Professional Negligence (25)
Legal Malpractice
Other Professional Malpractice (*not medical or legal*)
Other Non-PI/PD/WD Tort (35)

Employment

Wrongful Termination (36)
Other Employment (15)

Contract

Breach of Contract/Warranty (06)
Breach of Rental/Lease
Contract (*not unlawful detainer or wrongful eviction*)
Contract/Warranty Breach—Seller Plaintiff (*not fraud or negligence*)
Negligent Breach of Contract/Warranty
Other Breach of Contract/Warranty
Collections (e.g., money owed, open book accounts) (09)
Collection Case—Seller Plaintiff
Other Promissory Note/Collections Case
Insurance Coverage (*not provisionally complex*) (18)
Auto Subrogation
Other Coverage
Other Contract (37)
Contractual Fraud
Other Contract Dispute

Real Property

Eminent Domain/Inverse Condemnation (14)
Wrongful Eviction (33)
Other Real Property (e.g., quiet title) (26)
Writ of Possession of Real Property
Mortgage Foreclosure
Quiet Title
Other Real Property (*not eminent domain, landlord/tenant, or foreclosure*)

Unlawful Detainer

Commercial (31)
Residential (32)
Drugs (38) (*if the case involves illegal drugs, check this item; otherwise, report as Commercial or Residential*)

Judicial Review

Asset Forfeiture (05)
Petition Re: Arbitration Award (11)
Writ of Mandate (02)
Writ—Administrative Mandamus
Writ—Mandamus on Limited Court Case Matter
Writ—Other Limited Court Case Review
Other Judicial Review (39)
Review of Health Officer Order
Notice of Appeal—Labor Commissioner Appeals

Provisionally Complex Civil Litigation (Cal. Rules of Court Rules 3.400–3.403)

Antitrust/Trade Regulation (03)
Construction Defect (10)
Claims Involving Mass Tort (40)
Securities Litigation (28)
Environmental/Toxic Tort (30)
Insurance Coverage Claims (*arising from provisionally complex case type listed above*) (41)

Enforcement of Judgment

Enforcement of Judgment (20)
Abstract of Judgment (Out of County)
Confession of Judgment (*non-domestic relations*)
Sister State Judgment
Administrative Agency Award (*not unpaid taxes*)
Petition/Certification of Entry of Judgment on Unpaid Taxes
Other Enforcement of Judgment Case

Miscellaneous Civil Complaint

RICO (27)
Other Complaint (*not specified above*) (42)
Declaratory Relief Only
Injunctive Relief Only (*non-harassment*)
Mechanics Lien
Other Commercial Complaint Case (*non-tort/non-complex*)
Other Civil Complaint (*non-tort/non-complex*)

Miscellaneous Civil Petition

Partnership and Corporate Governance (21)
Other Petition (*not specified above*) (43)
Civil Harassment
Workplace Violence
Elder/Dependent Adult Abuse
Election Contest
Petition for Name Change
Petition for Relief From Late Claim
Other Civil Petition