

File No. 201282 Committee Item No. 1  
Board Item No. \_\_\_\_\_

**COMMITTEE/BOARD OF SUPERVISORS**  
AGENDA PACKET CONTENTS LIST

Committee: Land Use and Transportation Committee Date November 16, 2020  
Board of Supervisors Meeting Date \_\_\_\_\_

**Cmte Board**

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| <input type="checkbox"/>            | <input type="checkbox"/> | Motion                                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Resolution                                   |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Ordinance                                    |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Legislative Digest                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Budget and Legislative Analyst Report        |
| <input type="checkbox"/>            | <input type="checkbox"/> | Youth Commission Report                      |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Introduction Form                            |
| <input type="checkbox"/>            | <input type="checkbox"/> | Department/Agency Cover Letter and/or Report |
| <input type="checkbox"/>            | <input type="checkbox"/> | MOU  |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Information Form                       |
| <input type="checkbox"/>            | <input type="checkbox"/> | Grant Budget                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Subcontract Budget                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Contract/Agreement                           |
| <input type="checkbox"/>            | <input type="checkbox"/> | Form 126 – Ethics Commission                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Award Letter                                 |
| <input type="checkbox"/>            | <input type="checkbox"/> | Application                                  |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | Public Correspondence                        |

**OTHER (Use back side if additional space is needed)**

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| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Gov Exec Ord N-28-20 031620</u>           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>MYR Proclamation 4th Suppl 031820</u>     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>MYR Proclamation 8th Suppl 040120</u>     |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Gov Exec Ord N-71-20 063020</u>           |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>DPH Health Officer Ord C19-07i 091420</u> |
| <input checked="" type="checkbox"/> | <input type="checkbox"/> | <u>Referral FYI 092920</u>                   |
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Completed by: Erica Major Date November 5, 2020  
Completed by: Erica Major Date \_\_\_\_\_

1 [Administrative Code - Eviction of Commercial Tenants During COVID-19 Pandemic]

2

3 **Ordinance amending the Administrative Code to temporarily restrict landlords from**  
4 **evicting commercial tenants for non-payment of rent that was not paid due to the**  
5 **COVID-19 pandemic; and to allow certain tenants who are unable to pay rent to**  
6 **terminate their leases.**

7

8 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
9 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
10 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
11 **Board amendment additions** are in double-underlined Arial font.  
12 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
13 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
14 subsections or parts of tables.

12

13 Be it ordained by the People of the City and County of San Francisco:

14

15 Section 1. The Administrative Code is hereby amended by adding Chapter Section  
16 37C, consisting of Sections 37C.1 through 37C.5, to read as follows:

17

**CHAPTER 37C:**

18 **EVICTION PROTECTIONS FOR COMMERCIAL TENANTS DURING COVID-19 PANDEMIC**

19 **SEC. 37C.1. PURPOSE AND FINDINGS.**

20 (a) The City and County of San Francisco is facing an unprecedented public health and  
21 economic crisis due to the COVID-19 pandemic. The Mayor declared a state of emergency on  
22 February 25, 2020, and on March 16, 2020, the Governor issued Executive Order N-28-20 (E.O. N-  
23 28-20)(the “Executive Order”), which found that the COVID-19 pandemic is having severe impacts  
24 throughout the State, and which recognized that local jurisdictions must take measures based on their  
25 particular needs to prevent displacements and to protect public health and mitigate the economic

1 effects of the pandemic. Paragraph 2 of E.O. N-28-20 initially allowed local governments to  
2 enact measures to protect commercial tenants impacted by COVID-19 from being evicted due  
3 to non-payment through May 31, 2020. Through a series of follow-up orders (Executive  
4 Orders N-66-20, N-70-20, and most recently Executive Order N-80-20), the Governor has  
5 ordered that the protections of paragraph 2 of E.O. N-28-20. Accordingly, paragraph 2 of the  
6 Executive Order allows local governments to enact measures to protect commercial tenants  
7 impacted by COVID-19 from being evicted due to non-payment. Paragraph 2 of the Executive  
8 Order will-remains in effect until September 30 through March 31, 20212020, unless the Governor  
9 orders otherwise.

10 (b) On March 19, 2020, the Mayor issued a Fourth Supplement to the February 25  
11 emergency proclamation (and the Mayor later issued an Eighth Supplement to clarify the intent of the  
12 Fourth Supplement), and a Twenty-Eighth Supplement to extend its terms, to protect certain  
13 commercial businesses in the City from eviction, based on the severe financial impacts of the pandemic  
14 and the public health risks that may result from such impacts. These measures have protected many  
15 tenants from being evicted, but would allow some evictions to resume as soon as OctoberDecember 1,  
16 2020. As of that date, the City was not yet ready for commercial evictions to occur, and that  
17 remained true for some time thereafter. The City's economy is gradually reopening but the  
18 pandemic is continuing to cause severe and lasting economic effects, and the public health  
19 risks remain high.

20 (c) The Board of Supervisors hereby finds that the findings in the orders and directives  
21 referenced in subsections (a) and (b) remain valid and compelling, requiring the further extension of  
22 commercial eviction controls for certain commercial tenants who could not pay rent that came due  
23 under the Executive Orders. An extension is necessary to prevent businesses from displacement,  
24 mitigate broader economic harms, and address the public health risks that may otherwise result. As  
25 stated in the Governor's Executive Order N-66-20 (issued on May 29, 2020) and in Executive

1 Order N-71-20, many Californians (including San Francisco residents) are continuing to  
2 experience substantial losses of income, and evicting local businesses will hinder residents  
3 from keeping up with their rent so that they can stay safely in their homes, and there is an  
4 ongoing need to promote security and stability in order to reduce the spread of COVID-19.

5 (d) Mindful that restricting evictions for non-payment may burden landlords, the  
6 Board of Supervisors has endeavored to prioritize tenants and landlords most in need of  
7 protection. It is reasonable to prioritize tenants based on the number of employees, as a  
8 tenant with more employees will, generally speaking, be likely to have greater ability to pay  
9 rent and a greater ability to absorb financial losses as compared to a business with fewer  
10 employees. It is also reasonable to exclude for-profit tenants occupying office space; the City  
11 cannot afford to lose commercial tenants, but as more office employers transition to remote  
12 work, and given the resilience of the industries that have typically occupied office space in the  
13 City, this exclusion is appropriate. Likewise, it is reasonable to grant a hardship exception to  
14 smaller landlords, as larger landlords are relatively more likely to be able to withstand any  
15 financial impact that the pandemic and these eviction restrictions may impose on them.

16 (e) The protections of this Chapter 37C shall only apply to rent payments that came due  
17 between March 16, 2020 and ~~September 30, 2020~~ March 31, 2021, inclusive (or if the Governor  
18 extends the ~~September 30~~ effective period of paragraph 2 of E.O. N-28-20 past March 31,  
19 2021 date, through the date of extension). This Chapter shall not apply to rent payments that  
20 become due after the September 30 date (or, if the Governor extends that date, after the date  
21 of extension).

22  
23 **SEC. 37C.2. DEFINITIONS.**

24 “Covered Commercial Tenant” means a tenant (including subtenants) or subtenant  
25 registered to do business in San Francisco under Article 12 of the Business and Tax

1 Regulations Code with combined worldwide gross receipts for tax year 2019 for purposes of  
2 Article 12-A-1 of the Business and Tax Regulations Code equal to or below \$25 million, which  
3 amount shall be prorated in the case of businesses that were not open for the entire 2019 tax  
4 year. However, “Covered Commercial Tenant” shall not include a tenant or subtenant that  
5 occupies property that is zoned or approved for use as Office Use (as defined in Section 102  
6 of the Planning Code), unless such tenant or subtenant has established and maintains valid  
7 nonprofit status under Section 501(c)(3) of the United States Internal Revenue Code.  
8 “Covered Commercial Tenant” also shall not include a tenant or subtenant leasing property  
9 from the City and County of San Francisco.

10 “Effective Date” means the effective date of the ordinance in Board File No. 201282  
11 enacting this Chapter 37C.

12 “Financial Impact Related To COVID-19” means a substantial decrease in a Covered  
13 Commercial Tenant’s business income or substantial increase in its business expenses that  
14 arose due to illness or other disruption, reduced open hours, or reduced consumer demand,  
15 related to COVID-19. An example (without limitation) of financial impact would be if the  
16 tenant’s profit and loss statement showed that net income decreased by 25% or more in a  
17 given month as compared to the same month in 2019. A financial impact is related to COVID-  
18 19 if it was caused by the COVID-19 pandemic, or by any local, state, or federal government  
19 response to the COVID-19 pandemic, and is documented.

20 “Forbearance Period” means the time period by which a Covered Commercial Tenant  
21 that was unable to pay rent due to a Financial Impact Related to COVID-19 must pay the rent,  
22 as set forth in Section 37C.3(a)(1)-(4).

23 “Moratorium Period” means the period from March 16, 2020 until the expiration of  
24 paragraph 2 of E.O. N-28-20, as extended by Executive Orders N-66-20, N-70-20, and N-80-  
25 20, and as may be further extended by the Governor.

1 “Tier 1 Commercial Tenant” means a Covered Commercial Tenant that employs fewer  
2 than 10 full-time equivalent (“FTE”) employees as of the Effective Date.

3 “Tier 2 Commercial Tenant” means a Covered Commercial Tenant that employs  
4 between 10 and 24 FTE employees, inclusive, as of the Effective Date.

5 “Tier 3 Commercial Tenant” means a Covered Commercial Tenant that employs  
6 between 25 and 49 FTE employees, inclusive, as of the Effective Date.

7 “Tier 4 Commercial Tenant” means a Covered Commercial Tenant that employs 50 or  
8 more FTE employees as of the Effective Date.

9  
10 **SEC. 37C.237C.3. TEMPORARY EVICTION PROTECTIONS.**

11 ~~—(a) This Section 37C.2 shall apply only to commercial tenants registered to do~~  
12 ~~business in San Francisco under Article 12 of the Business and Tax Regulations Code with~~  
13 ~~combined worldwide gross receipts for tax year 2019 for purposes of Article 12-A-1 of the~~  
14 ~~Business and Tax Regulations Code equal to or below \$25 million. This figure shall be~~  
15 ~~prorated in the case of businesses that were not operating for the entire 2019 tax year.~~

16 ~~(a)(b) If a covered commercial tenant~~Covered Commercial Tenant (1) fails to make a  
17 rent payment that originally fell due during the ~~time period when paragraph 2 of the Governor's~~  
18 ~~Executive Order N-28-20 is or was in effect (including as said time period may be extended by~~  
19 ~~the Governor from time to time)~~Moratorium Period, and (2) was unable to pay the rent due to a  
20 Financial Impact Related financial impacts related to COVID-19, then the landlord may not  
21 recover possession of the unit due to the missed or delayed payment unless the rent remains unpaid  
22 after the end of the applicable Forbearance Period, which shall be:

23 (1) For Tier 1 Covered Commercial Tenants, 24 months after expiration of  
24 the Moratorium Period;

1                     (2)    For Tier 2 Covered Commercial Tenants, 18 months after the expiration  
2 of the Moratorium Period;

3                     (3)    For Tier 3 Covered Commercial Tenants, 12 months after the expiration  
4 of the Moratorium Period;

5                     (4)    For Tier 4 Covered Commercial Tenants, upon expiration of the  
6 Moratorium Period.

7             (b) A Covered Commercial Tenant may pay rent deferred under the conditions  
8 stated in subsection (a) in installments or in a lump sum prior to the expiration of the  
9 applicable Forbearance Period; provided, however, that any payments made prior to the  
10 Forbearance Period by Covered Commercial Tenants in Tiers 1-3 shall first be applied to  
11 rents that come due during the Forbearance Period, and then to unpaid rents that originally  
12 came due during the Moratorium Period. Landlords and tenants are encouraged to negotiate  
13 agreements for repayment plans in good faith. An agreement for repayment must be in  
14 writing and may provide for a longer or shorter Forbearance Period than as set forth in  
15 subsection (a), subject to the mutual agreement of the parties, in which case the agreement  
16 rather than this Chapter 37C shall govern the timing of the tenant's obligation to pay the  
17 deferred rent.

18             (c) If a Tier 1 Covered Commercial Tenant that is unable to pay the rent due to a  
19 Financial Impact Related to COVID-19 and its landlord fail to reach a mutually satisfactory  
20 agreement for repayment, the Tier 1 Covered Commercial Tenant shall also have the option  
21 to terminate its lease upon thirty (30) days' written notice to the landlord, notwithstanding any  
22 lease term to the contrary. ~~elects to terminate its lease during the Moratorium Period, the~~  
23 Termination shall not affect whether the tenant is responsible for any unpaid rent that  
24 originally came due prior to the effective date of termination. ~~however~~In addition, if the tenant  
25 has terminated during the Moratorium Period, then the tenant shall not be liable for any rent

1 ~~payments that come due following the effective date of the termination or~~ any penalties arising  
2 out of the termination, notwithstanding any lease term to the contrary.

3 ~~January 1, 2022, or six months after the time period covered by paragraph 2 of the~~  
4 ~~Executive Order (as said time period may be extended by the Governor from time to time) has~~  
5 ~~ended, whichever is later (the “Forbearance Period”).~~

6 ~~\_(d) However~~Notwithstanding subsections (a) and (b), if the landlord owns less than  
7 25,000 square feet of Gross Floor Area (as defined in Section 102 of the Planning Code) in the  
8 Cityrentable square feet in the building, then the eviction for non-payment may proceed before the  
9 applicable Forbearance Period ends, if the landlord can demonstrate that being unable to evict would  
10 create a significant financial hardship (for example, default on debt or similar enforceable obligation)  
11 for the landlord. The Office of Economic and Workforce Development (“OEWD”) shall have  
12 authority to grant waivers to landlords pursuant to this subsection (d). OEWD may also adopt  
13 regulations and develop and publish guidelines consistent with this Chapter 37C, including  
14 forms and recommendations of the types of documentation that tenants may use to show  
15 Financial Impact Related to COVID-19 or that landlords may use to show significant financial  
16 hardship.

17 ~~\_(e) No landlord shall assess interest or other charges on a Covered Commercial~~  
18 ~~Tenant based on unpaid rents that fell due during the Moratorium Period. If rents remain~~  
19 ~~unpaid at the end of the applicable Forbearance Period, interest and penalties may be~~  
20 ~~imposed prospectively, to the extent authorized under the lease.~~

21 ~~\_(f) A Covered Commercial Tenant’s failure to provide their landlord notice and/or~~  
22 ~~documentation regarding their inability to pay at the time of the missed rental payment shall~~  
23 ~~not affect the tenant’s ability to claim the protections of this Chapter 37C as an affirmative~~  
24 ~~defense in the event the landlord sues to recover possession.~~

1 (g)(e) Subdivision (b) This Section 37C.3 shall also apply in its entirety to attempts to  
2 recover possession of a commercial unit from a ~~tenant~~Covered Commercial Tenant that is  
3 occupying the unit on a month-to-month periodic tenancy, holdover basis, or similar arrangement, and  
4 including where the landlord has the right to terminate or not renew the agreement at the landlord’s  
5 discretion. In such situations, if a ~~tenant~~Covered Commercial Tenant misses a rent payment due to  
6 COVID-19, the prohibition in subsection (b) against recovering possession due to non-payment shall  
7 apply, unless the landlord qualifies for the “significant financial hardship” exception stated in  
8 subsection (b)(d), or can demonstrate an alternative, non-pretextual reason (unrelated to the commercial  
9 tenant’s failure to make a rental payment) for recovering possession of the unit (for example, turning  
10 the unit over to a new tenant under a previously executed agreement; planned renovations; or a  
11 previous agreement to turn over the unit vacant to a new owner).

12 (h)(e) The provisions of this ordinanceChapter 37C, being necessary for the welfare of the  
13 City and County of San Francisco, its residents, and the health of its economy, shall be liberally  
14 construed to effectuate its purpose, which is to protect ~~commercial tenants~~Covered Commercial  
15 Tenants from being evicted for missing rent payments due to the COVID-19 pandemic.

16 (i)(f) Nothing in this ordinanceChapter 37C shall relieve a ~~commercial tenant~~Covered  
17 Commercial Tenant of the obligation to pay rent, nor restrict a landlord’s ability to recover rent due.  
18 In addition, nothing in this ordinance shall affect any legal or equitable defenses that a tenant  
19 may have with respect to claims arising out of the unpaid rent.

20  
21 **SEC. 37C.337C.4. SEVERABILITY.**

22 If any section, subsection, sentence, clause, phrase, or word of this Chapter 37C, or any  
23 application thereof to any person or circumstance, is held to be invalid or unconstitutional by a  
24 decision of a court of competent jurisdiction, such decision shall not affect the validity of the remaining  
25 portions or applications of the Chapter. The Board of Supervisors hereby declares that it would have

1 passed this Chapter 37C and each and every section, subsection, sentence, clause, phrase, and word  
2 not declared invalid or unconstitutional without regard to whether any other portion of this Chapter or  
3 application thereof would be subsequently declared invalid or unconstitutional.

4  
5 **SEC. 37C.437C.5. SUNSET PROVISION.**

6 This Chapter 37C shall expire by operation of law after the Tier 1 Forbearance Period has  
7 ended. Upon expiration, the City Attorney shall cause this Chapter 37C to be removed from the  
8 Administrative Code.

9  
10 Section 2. Deadline to Enact; Effective Date. This ordinance shall take effect only if it  
11 is enacted before paragraph 2 of the Governor’s Executive Order N-28-20 expires. If this  
12 ordinance is enacted on or after the expiration of said paragraph of said Executive Order, it  
13 shall be null and void. If this ordinance is enacted before such date, then it shall become  
14 effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance,  
15 the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of  
16 receiving it, or the Board of Supervisors overrides the Mayor’s veto of the ordinance.

17  
18 APPROVED AS TO FORM:  
19 DENNIS J. HERRERA, City Attorney

20 By: /s/  
21 MANU PRADHAN  
22 Deputy City Attorney  
23 n:\legana\as2020\2100108\01492412.docx

**REVISED LEGISLATIVE DIGEST**  
*(Amended in Committee – November 9, 2020)*

[Administrative Code - Eviction of Commercial Tenants During COVID-19 Pandemic]

**Ordinance amending the Administrative Code to temporarily restrict landlords from evicting commercial tenants for non-payment of rent that was not paid due to the COVID-19 pandemic; and to allow certain tenants who are unable to pay rent to terminate their leases.**

Existing Law

On March 16, 2020, the Governor issued Executive Order N-28-20, paragraph 2 of which allows local governments to enact measures to protect commercial tenants from being evicted due to their inability to pay rent due to COVID-19. Paragraph 2 of the Executive Order is currently set to expire on March 31, 2021.

On March 19, 2020, the Mayor issued an Emergency Order to restrict landlords from evicting commercial tenants (other than those engaged in formula retail uses) that are registered to do business in San Francisco and that have worldwide gross receipts for tax year 2019 equal to or below \$25 million (“covered commercial tenants”). The Order applies to rent owed by covered commercial tenants from March 19 through the end of November 2020 (unless the November 2020 date is extended). Under the Order, a landlord may not evict a covered commercial tenant for non-payment of rent that fell due during the time period it covers until March 31, 2021, unless the landlord can demonstrate that the eviction is necessary to avoid a significant financial hardship to the landlord.

Amendments to Current Law

The proposed ordinance would clarify that the term “covered commercial tenant” includes subtenants, and would broaden that term further by deleting the exclusion for formula retail. It would narrow the definition by excluding for-profit tenants and subtenants who are occupying space zoned or approved for Office Use as defined under the Planning Code. The proposed ordinance also clarifies that it does not apply to commercial tenants or subtenants of the City.

The proposed ordinance would prohibit landlords from evicting covered commercial tenants who had missed rent payments that fell due while paragraph 2 of the Executive Order was in effect (from March 16, 2020 until March 31, 2021, unless the Governor extends the expiration date further; hereafter, the “Moratorium Period”), based on the number of employees that the tenant employs. Covered commercial tenants with 9 employees or fewer (“tier 1 tenants”) would have 24 months after the end of the Moratorium Period to make up for any missed rent payments before they could be evicted for non-payment. Those with 10-24 employees (“tier 2 tenants”) would have 18 months after the end of the Moratorium Period. Those with 25-49 employees (“tier 3 tenants”) would have until 12 months after the end of the Moratorium

Period. Those with 50 employees or more (“tier 4 tenants”) would have until the end of the Moratorium Period. Interest could not begin to accrue until after the applicable payment deadline.

Landlords and tenants would be allowed to enter into written repayment plans to modify these deadlines. In addition, a landlord could proceed with an eviction for non-payment before the applicable deadline if the landlord owns less than 25,000 square feet of Gross Floor Area (as defined in the Planning Code) in the City, and can demonstrate that being unable to evict would create a significant financial hardship for the landlord.

Finally, if a tier 1 tenant covered commercial tenant was unable to pay rent due to COVID-19 and was unable to agree to a repayment plan, the tenant would have the option to terminate their lease. If the tier 1 tenant terminated during the Moratorium Period, the landlord could not impose financial penalties based on the termination, even if the lease purported to authorize them. Termination would not affect the tenant’s obligation to pay back rent.

#### Amendments to Current Law

On November 9, 2020, the Board proposed amendments to Board of Supervisors File No. 201056, to specify that rent payments must be allocated to rent as it comes due rather than to prior rent for which the forbearance period has not yet expired; delete language authorizing OEWD to process waiver requests; clarify that the ordinance is not intended to affect any legal or equitable defenses that a tenant may have with respect to the unpaid rent; clarify that the ordinance applies to tenants as well as subtenants; and correct a clerical error concerning the expiration date of paragraph 2 of the Executive Order. After making those amendments, the Board of Supervisors duplicated the file and proposed a further amendment, regarding the ability of a tier 1 covered commercial tenant to terminate their lease on written notice to the landlord.

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	2019	% of Total	+/- over last 2018	% Change from 2018	2018*	% of Total	+/- over last 2017	% Change from 2017	2017	% of Total
<b>Total active business registrations</b>	<b>100,197</b>	100%	(4,305)	-4%	<b>104,502</b>	100.00%	(32,371)	-24%	<b>136,873</b>	100.00%
<b>Exempt</b>	<b>2,566</b>	2.56%	221	9%	<b>2,345</b>	2.24%	(864)	-27%	<b>3,209</b>	2.34%
<b>Total non-exempt</b>	<b>97,631</b>	97.44%	(4,526)	-4%	<b>102,157</b>	97.76%	(31,507)	-24%	<b>133,664</b>	97.66%
<b>Total Small Biz**</b>	<b>93,899</b>	93.71%	(5,535)	-6%	<b>99,434</b>	95.15%	(31,200)	-24%	<b>130,634</b>	95.44%
<b>Sole Proprietors</b>	<b>44,172</b>	44.10%	(3,522)	-7%	<b>47,694</b>	45.64%	(25,362)	-35%	<b>73,056</b>	53.38%
<b>Total Biz with 1 or more employees</b>	<b>53,459</b>	53.35%	(1,004)	-2%	<b>54,463</b>	52.1%	(6,145)	-10%	<b>60,608</b>	44.28%
<i>Businesses with more than 100 employees</i>	<b>3,732</b>	3.7%	1,009	37%	<b>2,723</b>	2.60%	(307)	-10%	<b>3,030</b>	2.20%
<i>Businesses with 100 or fewer employees</i>	<b>49,727</b>	49.60%	(2,013)	-4%	<b>51,740</b>	49.50%	(5,838)	-10%	<b>57,578</b>	42.10%
<i>Businesses with 10 or fewer employees</i>	<b>41,187</b>	41.10%	(2,383)	-5%	<b>43,570</b>	41.70%	(4,916)	-10%	<b>48,486</b>	35.40%
<i>% of biz have 100 or fewer employees to total biz with employees</i>	93%				95%				95%	
<i>% of Biz have 10 or fewer employees to total biz with employees</i>	77%				80%				80%	
<i>% of Biz have 10 or fewer employees of total small biz with 100 or fewer employer</i>	83%				84%				84%	
<b>Persons employed by small businesses***</b>	<b>TBD</b>				<b>359,337</b>		4,906	1%	<b>354,431</b>	

\* 2018: Sole Proprietor registration dropped - TNC and Taxi drivers no longer required to register

\*\* Businesses with 100 fewer employees + Sole Proprietors

\*\*\* CA EDD Data

EXECUTIVE DEPARTMENT  
STATE OF CALIFORNIA

EXECUTIVE ORDER N-28-20

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** despite sustained efforts, the virus remains a threat, and further efforts to control the spread of the virus to reduce and minimize the risk of infection and otherwise mitigate the effects of COVID-19 are needed; and

**WHEREAS** the economic impacts of COVID-19 have been significant, and could threaten to undermine Californians' housing security and the stability of California businesses; and

**WHEREAS** many Californians are experiencing substantial losses of income as a result of business closures, the loss of hours or wages, or layoffs related to COVID-19, hindering their ability to keep up with their rents, mortgages, and utility bills; and

**WHEREAS** Californians who are most vulnerable to COVID-19, those 65 years and older, and those with underlying health issues, are advised to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** because homelessness can exacerbate vulnerability to COVID-19, California must take measures to preserve and increase housing security for Californians to protect public health; and

**WHEREAS** local jurisdictions, based on their particular needs, may therefore determine that additional measures to promote housing security and stability are necessary to protect public health or to mitigate the economic impacts of COVID-19; and

**WHEREAS** local jurisdictions may also determine, based on their particular needs, that promoting stability amongst commercial tenancies is also conducive to public health, such as by allowing commercial establishments to decide whether and how to remain open based on public health concerns rather than economic pressures, or to mitigate the economic impacts of COVID-19; and

**WHEREAS** in addition to these public health benefits, state and local policies to promote social distancing, self-quarantine, and self-isolation require that people be able to access basic utilities—including water, gas, electricity, and telecommunications—at their homes, so that Californians can work from home, receive public health information, and otherwise adhere to policies of social distancing, self-quarantine, and self-isolation, if needed; and

**WHEREAS** many utility providers, public and private, covering electricity, gas, water, and sewer, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19; and

**WHEREAS** many telecommunication companies, including internet and cell phone providers, have voluntarily announced moratoriums on service disconnections and late fees for non-payment in response to COVID-19;

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567 and 8571, do hereby issue the following order to become effective immediately:

**IT IS HEREBY ORDERED THAT:**

- 1) The time limitation set forth in Penal Code section 396, subdivision (f), concerning protections against residential eviction, is hereby waived. Those protections shall be in effect through May 31, 2020.
- 2) Any provision of state law that would preempt or otherwise restrict a local government's exercise of its police power to impose substantive limitations on residential or commercial evictions as described in subparagraphs (i) and (ii) below—including, but not limited to, any such provision of Civil Code sections 1940 et seq. or 1954.25 et seq.—is hereby suspended to the extent that it would preempt or otherwise restrict such exercise. This paragraph 2 shall only apply to the imposition of limitations on evictions when:
  - (i) The basis for the eviction is nonpayment of rent, or a foreclosure, arising out of a substantial decrease in household or business income (including, but not limited to, a substantial decrease in household income caused by layoffs or a reduction in the number of compensable hours of work, or a substantial decrease in business income caused by a reduction in opening hours or consumer demand), or substantial out-of-pocket medical expenses; and
  - (ii) The decrease in household or business income or the out-of-pocket medical expenses described in subparagraph (i) was caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19, and is documented.

The statutory cause of action for judicial foreclosure, Code of Civil Procedure section 725a et seq.; the statutory cause of action for unlawful detainer, Code of Civil Procedure section 1161 et seq., and any other statutory cause of action that could be used to evict or otherwise eject a residential or commercial tenant or occupant of residential real property after foreclosure is suspended only as applied to any tenancy, or residential real property and any

occupation thereof, to which a local government has imposed a limitation on eviction pursuant to this paragraph 2, and only to the extent of the limitation imposed by the local government.

Nothing in this Order shall relieve a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover rent due.

The protections in this paragraph 2 shall be in effect through May 31, 2020, unless extended.

- 3) All public housing authorities are requested to extend deadlines for housing assistance recipients or applicants to deliver records or documents related to their eligibility for programs, to the extent that those deadlines are within the discretion of the housing authority.
- 4) The Department of Business Oversight, in consultation with the Business, Consumer Services, and Housing Agency, shall engage with financial institutions to identify tools to be used to afford Californians relief from the threat of residential foreclosure and displacement, and to otherwise promote housing security and stability during this state of emergency, in furtherance of the objectives of this Order.
- 5) Financial institutions holding home or commercial mortgages, including banks, credit unions, government-sponsored enterprises, and institutional investors, are requested to implement an immediate moratorium on foreclosures and related evictions when the foreclosure or foreclosure-related eviction arises out of a substantial decrease in household or business income, or substantial out-of-pocket medical expenses, which were caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.
- 6) The California Public Utilities Commission is requested to monitor measures undertaken by public and private utility providers to implement customer service protections for critical utilities, including but not limited to electric, gas, water, internet, landline telephone, and cell phone service, in response to COVID-19, and on a weekly basis publicly report these measures.

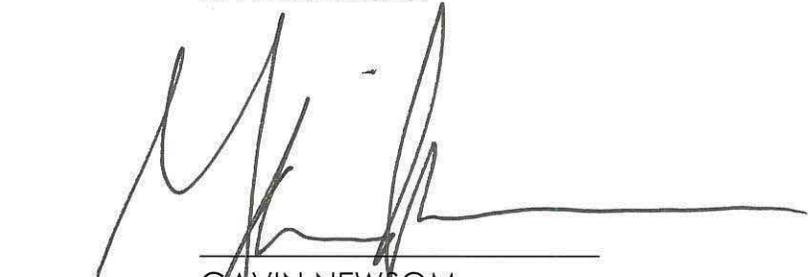
Nothing in this Order shall be construed to invalidate any limitation on eviction enacted by a local jurisdiction between March 4, 2020 and this date.

Nothing in this Order shall in any way restrict state or local authority to order any quarantine, isolation, or other public health measure that may compel an individual to remain physically present in a particular residential real property.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**I FURTHER DIRECT** that as soon as hereafter possible, this proclamation be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 16th day of March 2020.



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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State



LONDON N. BREED

MAYOR  
RECEIVED  
BOARD OF SUPERVISORS  
SAN FRANCISCO

2020 MAR 18 PM 5:00

A handwritten signature in black ink, appearing to be "L. Breed", written over the date stamp.

**FOURTH 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, and March 17, 2020, the Mayor issued supplements to the Proclamation, ordering additional measures to respond to the emergency; and



**WHEREAS**, On March 16, 2020, the Local Health Officer issued an order requiring most people to remain at home 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

**WHEREAS**, On March 16, 2020, the Governor issued Executive Order N-28-20, finding that it is necessary to promote stability among commercial tenancies to further public health and mitigate the economic pressures of the emergency, and waiving certain provisions of state law so that local jurisdictions may achieve these purposes; and

**WHEREAS**, There are currently 51 confirmed cases of COVID-19 within the City, more than 850 confirmed cases in California, and there have been 15 COVID-19-related deaths in California; and

**WHEREAS**, COVID-19 is causing and is expected to continue to cause abrupt serious negative impacts on the local economy and abrupt serious negative financial impacts to local businesses, including, but not limited to, reductions in income due to lower customer demand or forced closures; and

**WHEREAS**, These abrupt serious negative impacts will irreparably harm local businesses and the residents they employ, and will jeopardize public health; and

**WHEREAS**, It is in the public interest to take immediate steps to ensure that local businesses can continue to operate, either as essential businesses now under the shelter in place order or after the restrictions in the shelter in place order are lifted; and

**WHEREAS**, The Mayor proclaims that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,

**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, in the March 11, 2020 Supplement to the Proclamation, the March 13, 2020 Second Supplement to the**



**Proclamation, and the March 17, 2020 Third Supplement to the Proclamation, it is further ordered that:**

A temporary moratorium on eviction for non-payment of rent by commercial tenants directly impacted by the COVID-19 crisis is imposed as follows:

(a) This Order applies only to commercial tenants registered to do business in San Francisco under Article 12 of the Business and Tax Regulations Code with 2019 combined worldwide gross receipts for tax year 2019 for purposes of Article 12-A-1 of the Business and Taxation Code equal to or below \$25 million. This figure shall be prorated in the case of businesses that were not operating for the entire 2019 tax year.

(b) If a covered commercial tenant fails to make a rent payment that was due on or after March 17, 2020, then the landlord may not recover possession of the unit due to the missed or delayed payment, without first providing the tenant written notice of the violation and an opportunity to cure the violation, as set forth in subsection (c).

(c) The written notice from the landlord required under subsection (b) shall specify a cure period of at least one month from the date the tenant receives the notice, but landlords are encouraged to offer a longer period. Upon receipt of the notice, the tenant shall have the full cure period to either (1) pay the rent, or (2) provide documentation to the landlord showing that the tenant is unable to pay the rent due to a financial impact related to COVID-19. For purposes of this Order, the term "financial impact" means a substantial decrease in business income due to illness or other disruption, reduced open hours or reduced consumer demand, or temporary closure of the business, including temporary closure required to comply with restrictions or in response to restrictions under the shelter in place or other orders of the Health Officer. A financial impact is "related to COVID-19" if caused by the COVID-19 pandemic, or by any local, state, or federal government response to COVID-19.

(d) If the tenant provides the landlord documentation of the tenant's inability to pay rent due to a financial impact related to COVID-19, then the cure period shall be extended by one month, so that the landlord and tenant can discuss the matter in good faith and attempt to develop a payment plan for the tenant to pay the missed rent. If the landlord and tenant cannot agree to a payment plan, then the tenant shall, on or before the new date that the cure period will expire, at the one-month mark, either (1) pay the rent, or (2) provide additional documentation of its continuing inability to pay due to a



financial impact related to COVID-19, in which case the cure period shall extend by one more month. Thereafter, the tenant may obtain additional monthly extensions of the cure period by providing updated documentation each month, but under no circumstances shall the landlord be prohibited from evicting for non-payment for more than six months after the date the rent was originally due. If the tenant has not paid all outstanding rent at the end of the applicable cure period, then the landlord may proceed with the eviction for non-payment.

(e) Nothing in this Order relieves a tenant of the obligation to pay rent, nor restrict a landlord's ability to recover the rent due through means other than an eviction for non-payment.

(f) This Order will last for a period of 30 days, until the Proclamation of Local Emergency is terminated, or upon further Order from the Mayor, whichever occurs sooner. The cure period requirements of subsections (c) and (d) shall survive the expiration or termination of this Order for any missed rent payment that occurred prior to the expiration or termination of the Order. The Mayor may extend this Order by an additional period of 30 days if emergency conditions at that time warrant extension. The Mayor shall provide notice of the extension through an Executive Order posted on the Mayor's website and delivered to the Clerk of the Board of Supervisors.

(g) The Office of Economic and Workforce Development ("OEWD") is delegated authority to adopt regulations and to develop and publish guidelines consistent with this Order, including forms and recommendations of the types of documentation that may show financial impacts related to COVID-19. OEWD shall also have the authority to grant waivers from this Order to landlords who can demonstrate that being unable to evict would cause them a significant financial hardship (for example, default on debt or similar enforceable obligation).

DATED: March 18, 2020

A handwritten signature in black ink that reads "London Breed".

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London N. Breed  
Mayor of San Francisco



**EIGHTH 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 434 confirmed cases of COVID-19 within the City and there have been 7 COVID-19-related deaths in the City; there are more than 9,500 confirmed cases in California, and there have been 204 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**, On March 17, 2020, the Mayor issued the Third Supplement to the Emergency Proclamation, which contained an order prohibiting meetings of City boards, commissions, and advisory bodies, other than the Board of Supervisors, through April 7, 2020, unless authorized by the Mayor or the Board of Supervisors; given the extension of the Stay Safe At Home Order through May 3, 2020, it is necessary to continue the restrictions on meetings of these bodies through May 3, 2020; and

**WHEREAS**, On March 18, 2020, the Mayor issued the Fourth Supplement to the Emergency Proclamation, imposing a temporary moratorium on eviction for non-payment of rent by commercial tenants directly impacted by the COVID-19 crisis, and it is necessary to clarify how the moratorium is intended to apply; and

**WHEREAS**, The Mayor proclaims that the conditions of extreme peril exist and continue to warrant and necessitate the existence of a local emergency,



**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, and March 31, 2020, it is further ordered that:**

(1) Section 5 of the Third Supplement to the Emergency Proclamation dated March 17, 2020, is revised and replaced as follows: From March 18, 2020 through May 3, 2020, City policy and advisory bodies shall not hold public meetings, unless the Board of Supervisors, acting by written motion, or the Mayor or the Mayor's designee directs otherwise, based on a determination that a policy body has an urgent need to take action to ensure public health, safety, or essential government operations. This order applies to all City commissions, boards, and advisory bodies other than the Board of Supervisors and its committees.

(2) The Fourth Supplement to the Emergency Proclamation dated March 18, 2020 (the "Fourth Supplement"), imposing a temporary moratorium on eviction for non-payment of rent by commercial tenants directly impacted by the COVID-19 crisis, is amended as follows:

(a) Notwithstanding the word "eviction" in subsection (d) of the Fourth Supplement, the moratorium applies to all attempts to recover possession of a unit due to non-payment, including situations where the tenant is occupying the unit on a month-to-month periodic tenancy, holdover basis, or similar arrangement, and including where the landlord has the right to terminate or not renew the agreement at the landlord's discretion. In such situations, if a tenant misses a payment due to COVID-19, the moratorium against recovering possession due to non-payment shall apply, unless the landlord can demonstrate an alternative, non-pretextual reason for recovering possession of the unit (e.g., turning the unit over to a new tenant under a previously executed agreement, planned renovations, or previous agreement to turn over the unit vacant to a new owner).

(b) The moratorium is also intended to cover security deposits. The moratorium does not prohibit a landlord from drawing from an existing security deposit, in the event



the tenant has missed a rent payment and the agreement allows the landlord to deduct rent from the security deposit. However, a landlord may not require a tenant described in subdivision (a) of the Fourth Supplement to increase the security deposit. If an existing agreement contains a provision requiring a tenant to replenish a security deposit that the landlord has drawn from, the landlord shall not attempt to recover possession of the unit due to the tenant's inability to replenish the security deposit, if the tenant was unable to do so because of the financial impacts of COVID-19. In such event, the landlord and tenant shall follow the notice and cure requirements set forth in subdivisions (c) and (d) of the Fourth Supplement with regard to replenishment of the security deposit. Any failure to replenish a security deposit as set forth in an existing agreement shall not be a basis to recover possession of the unit until six months after the moratorium expires. Notwithstanding the foregoing, landlords are discouraged from using tenants' security deposits to cover missed rent payments during the moratorium.

(c) The foregoing provisions are incorporated into the Fourth Supplement as though set forth directly therein, and shall expire at the same time that the Fourth Supplement expires. If the Fourth Supplement is renewed, the foregoing provisions shall also renew.

DATED: April 1, 2020

A handwritten signature in blue ink, reading "London Breed".

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London N. Breed  
Mayor of San Francisco

## **EXECUTIVE ORDER N-71-20**

**WHEREAS** on March 4, 2020, I proclaimed a State of Emergency to exist in California as a result of the threat of COVID-19; and

**WHEREAS** the COVID-19 pandemic, as well as physical distancing and other public health measures undertaken in response to it, continue to affect individuals, businesses, schools, and governmental agencies alike, with associated impacts on adherence to certain statutory and regulatory deadlines and requirements; and

**WHEREAS** minimizing evictions during this period is critical to reducing the spread of COVID-19 in vulnerable populations by allowing those most vulnerable to COVID-19 to self-quarantine, self-isolate, or otherwise remain in their homes to reduce the transmission of COVID-19; and

**WHEREAS** under the provisions of Government Code section 8571, I find that strict compliance with various statutes and regulations specified in this Order would continue to prevent, hinder, or delay appropriate actions to prevent and mitigate the effects of the COVID-19 pandemic.

**NOW, THEREFORE, I, GAVIN NEWSOM**, Governor of the State of California, in accordance with the authority vested in me by the State Constitution and statutes of the State of California, and in particular, Government Code sections 8567, 8571, and 8627, do hereby issue the following Order to become effective immediately:

### **IT IS HEREBY ORDERED THAT:**

- 1) Paragraph 4 of Executive Order N-26-20 is withdrawn and superseded by the following text:

For LEAs that initiate a school closure between March 13, 2020 and June 30, 2020 to address COVID-19, the closure shall qualify as a condition that prevents the maintenance of the LEA's schools during a fiscal year for at least 175 days pursuant to Education Code section 41422. Additionally, for such LEAs, the requirement in Education Code section 41422 to submit affidavits of the members of the governing board of the school district, the governing board of the county office of education, or the governing board or body of the charter school and of the county superintendent of schools are hereby suspended on the condition that the superintendent of the school district, the county superintendent of schools, or the charter school leader certifies in writing to the Superintendent of Public Instruction that the closure occurred to address COVID-19.

- 2) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 1, extended via Executive Order N-66-20, Paragraph 20, is hereby extended through September 30, 2020.

3) The timeframe for the protections set forth in Executive Order N-28-20, Paragraph 2, extended via Executive Order N-66-20, Paragraph 21, is hereby extended through September 30, 2020.

4) Paragraph 1 of Executive Order N-29-20 is withdrawn and superseded by the following text:

As to individuals currently eligible for benefits under Medi-Cal, and to the extent necessary to allow such individuals to maintain eligibility for such benefits, any state law, including, but not limited, to California Code of Regulations, Title 22, section 50189(a), that would require redetermination of such benefits is suspended. This Order shall be construed to be consistent with applicable federal laws, including, but not limited, to Code of Federal Regulations, Title 42, section 435.912, subdivision (e), as interpreted by the Centers for Medicare and Medicaid Services (in guidance issued on January 30, 2018) to permit the extension of otherwise-applicable Medicaid time limits in emergency situations.

5) Paragraph 3 of Executive Order N-65-20 is withdrawn and superseded by the following text:

The deadline specified in Government Code section 1774(c), related to the Senate's confirmation of an individual appointed or reappointed by the Governor to an office, is extended for a period of 90 days. Additionally, the deadlines specified in Government Code section 1774(a), related to the Governor's reappointment of an incumbent to an office, and Government Code section 1774(b), related to transmittal of the required information about reappointment of an incumbent to the Secretary of the Senate, and which were extended via Executive Order N-35-20, are further extended for a period of 60 days.

6) Paragraph 10 of Executive Order N-65-20 is withdrawn and superseded by the following text:

The timeframes set forth in Executive Order N-35-20, Paragraph 11, are extended by an additional 60 days.

7) The timeframe set forth in Executive Order N-35-20, Paragraph 12, as extended via Executive Order N-65-20, paragraph 11, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

8) The timeframe set forth in Executive Order N-39-20, Paragraph 8, as extended via Executive Order N-69-20, Paragraph 2, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

9) Paragraph 11 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 1, is extended by an additional 60 days.

- 10) Paragraph 12 of Executive Order N-66-20 is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 2, is extended by an additional 60 days.

- 11) The timeframe set forth in Executive Order N-40-20, Paragraph 7, as extended via Executive Order N-66-20, Paragraph 13, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 12) The timeframe set forth in Executive Order N-40-20, Paragraph 9, as extended via Executive Order N-66-20, Paragraph 14, is hereby extended through August 27, 2020.

- 13) Paragraph 10 of Executive Order N-40-20, as extended via Executive Order N-66-20, Paragraph 15, is hereby withdrawn and superseded by the following text:

The deadlines to pay annual fees, including any installment payments, currently due or that will become due during the proclaimed emergency, as specified in Business and Professions Code sections 19942, 19951, 19954, 19955, and any accompanying regulations; the expiration dates of all licensees, work permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19876, 19877, 19912(a)(1)(B), and any accompanying regulations; the deadlines for submission and processing of any renewal application or related fee, as specified in Business and Professions Code sections 19868, 19876, 19877, 19942, and any accompanying regulations; the deadline for completing the annual financial reports and audited reports, as specified in section 12313 of Title 4 of the California Code of Regulations; and the deadlines for satisfying any outstanding requirements, including conditions or restrictions on licenses, work permits, findings of suitability, or other approvals, as specified in Business and Professions Code sections 19824, 19870, and 19912, are extended for an additional 60 days for any card room or third-party provider of proposition player service that suspended operations due to the proclaimed emergency.

- 14) Paragraph 16 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 12, is extended for an additional 60 days.

- 15) Paragraph 13 of Executive Order N-40-20, as extended via Executive Order N-66-20, Paragraph 17, is withdrawn and superseded by the following text:

In order to limit the need for in-person transactions at Department of Motor Vehicle offices and thereby facilitate adherence to physical distancing guidelines, the prohibition in Vehicle Code section 12814.5(e) against renewals by mail of driver's licenses and the

requirements in Vehicle Code section 13002.1(b) for in-person renewals of identification cards, and any accompanying regulations, are waived. This waiver shall be in effect until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 16) Paragraph 18 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 15, is hereby extended by 30 days.

- 17) Paragraph 19 of Executive Order N-66-20, is withdrawn and superseded by the following text:

The timeframe set forth in Executive Order N-40-20, Paragraph 16, is hereby extended for 30 days.

- 18) Paragraph 1 of Executive Order N-47-20, as extended via Executive Order N-68-20, Paragraph 10, is, effective August 4, 2020, withdrawn and superseded by the following text:

The provisions of Welfare and Institutions Code sections 12301.1, 12301.2, and 12309 are suspended to the extent necessary to permit in-home initial assessments of IHSS applicants who have known exposure to, present symptoms of, or test positive for COVID-19 to be conducted by video-conferencing, to the extent permitted under federal law.

- 19) The timeframe set forth in Executive Order N-52-20, Paragraph 1, as extended via Executive Order N-69-20, Paragraph 3, is hereby extended until December 31, 2020.

- 20) The timeframe set forth in Executive Order N-52-20, Paragraph 2 as extended via Executive Order N-69-20, Paragraph 4, is hereby extended until December 31, 2020.

- 21) The timeframe set forth in Executive Order N-52-20, Paragraph 3 as extended via Executive Order N-69-20, Paragraph 5, is hereby extended until December 31, 2020.

- 22) Paragraph 9 of Executive Order N-52-20 is withdrawn and superseded by the following text:

Consistent with the Federal Motor Carrier Safety Administration's Waiver in Response to the COVID-19 National Emergency – For States, CDL Holders, and Interstate Drivers Operating Commercial Motor Vehicles, which was issued on March 24, 2020, and which waives certain federal regulations concerning the validity of commercial driver licenses and permits and the status of medical certifications held by the holders of commercial driver licenses and permits, the timeframes set forth in Vehicle Code section 12804.9(c), and accompanying regulations, pertaining to possessing a valid medical certificate in order to maintain a valid commercial driver license or certificate, are waived. This waiver shall apply to holders of current

commercial driver's licenses or certificates, whose required medical certificate has or will expire on or after March 4, 2020, and shall remain in effect for the duration of the Federal Motor Carrier Safety Administration Waiver in Response to the COVID-19 National Emergency and any subsequently issued Federal Motor Carrier Safety Administration waiver granting the same relief.

- 23) Paragraph 1 of Executive Order N-53-20, as extended via Executive Order N-68-20, Paragraph 11, is withdrawn and superseded by the following text:

To facilitate the continued provision of care and supervision during the COVID-19 pandemic, the Department of Social Services may, to the extent necessary, temporarily waive, in whole or in part, Resource Family Approval Program standards set forth in the Resource Family Approval Program pursuant to Article 2 of Chapter 5 of Part 4 of Division 9 of the Welfare and Institutions Code and any accompanying regulations, written directives, or other related policies or procedures, including but not limited to standards regarding inactive status, home environment, caregiver training, complaint investigation protocols, and face-to-face interview requirements.

- 24) Paragraph 8 of Executive Order N-69-20, which modified and replaced Paragraph 8 of Executive Order N-53-20, is withdrawn and superseded by the following text:

State extended foster care eligibility for all youth entering or reentering extended foster care requiring any physical, in-person, face-to-face application, meetings, visits, and signature requirements, as required by Welfare and Institutions Code sections 388, 388.1, 11400, and 11403 and accompanying rules or regulations, are suspended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner. In addition, to ensure effective transitions for nonminor dependents, the maximum age criteria for state foster care eligibility for nonminor dependents who turn 21 on or after April 17, 2020, as required by Welfare and Institutions Code sections 11400 and 11403 and accompanying rules or regulations, is suspended through June 30, 2020.

- 25) Paragraph 10 of Executive Order N-53-20, as extended via Executive Order N-69-20, Paragraph 9, is withdrawn and superseded by the following text:

Physical, in-person, face-to-face visitation requirements contained in Section 11405 of the Welfare and Institutions Code and accompanying rules or regulations are suspended.

- 26) The timeframe set forth in Executive Order N-53-20, Paragraph 11, as extended via Executive Order N-68-20, Paragraph 15, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 27) The timeframe set forth in Executive Order N-53-20, Paragraph 12, as extended via Executive Order N-69-20, Paragraph 10, is hereby

extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

- 28) The timeframe set forth in Executive Order N-53-20, Paragraph 13, as extended via Executive Order N-69-20, Paragraph 11, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 29) The provisions of Executive Order N-58-20 are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 30) The timeframe set forth in Executive Order N-59-20, Paragraph 1, as extended via Executive Order N-69-20, Paragraph 13, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 31) The timeframe set forth in Executive Order N-59-20, Paragraph 2, as extended via Executive Order N-69-20, Paragraph 14, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 32) The timeframe set forth in Executive Order N-59-20, Paragraph 3, as extended via Executive Order N-69-20, Paragraph 15, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 33) The timeframe set forth in Executive Order N-59-20, Paragraph 4, as extended via Executive Order N-69-20, Paragraph 16, is hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 34) The timeframe set forth in Executive Order N-63-20, Paragraph 6, is extended by 120 days.
- 35) The timeframe set forth in Executive Order N-65-20, Paragraph 5, is extended by an additional 60 days.
- 36) The provisions of Executive Order N-63-20, Paragraph 15, are hereby extended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.
- 37) Executive Order N-63-20, Paragraphs 8(g) (as modified by Executive Order N-68-30, paragraph 3), 8(h), 8(i), and 8(j), shall become inoperative on August 29, 2020.
- 38) Executive Order N-68-20, Paragraphs 4(i) and 4(ii), shall become inoperative on August 29, 2020.
- 39) The deadlines specified in, or that apply to, the statutes and regulations identified in Paragraphs 9(a), 9(c), and 9(d) of Executive Order N-63-20, including as previously extended, are hereby suspended until this Order is modified or rescinded, or until the State of Emergency is terminated, whichever occurs sooner.

40)The timeframe set forth in Executive Order N-63-20, Paragraph 8(a), is modified so that the deadlines extend for up to 120 days.

41)The deadlines specified in, or that apply to, the statutes and regulations identified in Paragraphs 9(b) and 9(e) of Executive Order N-63-20, and which were not previously extended, shall be extended for a period of 15 days.

**IT IS FURTHER ORDERED** that, as soon as hereafter possible, this Order be filed in the Office of the Secretary of State and that widespread publicity and notice be given of this Order.

This Order is not intended to, and does not, create any rights or benefits, substantive or procedural, enforceable at law or in equity, against the State of California, its agencies, departments, entities, officers, employees, or any other person.

**IN WITNESS WHEREOF** I have hereunto set my hand and caused the Great Seal of the State of California to be affixed this 30th day of June 2020.

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GAVIN NEWSOM  
Governor of California

**ATTEST:**

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ALEX PADILLA  
Secretary of State



**ORDER OF THE HEALTH OFFICER No. C19-07i**

**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 14, 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.



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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.



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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 color coded, four-tiered framework to guide reopening statewide. Counties can be more restrictive than this State framework. Beginning on August 31, 2020, the County has been designated to be in the red tier (the second most restrictive tier). Most of the surrounding Bay Area counties have been designated the purple tier (the most restrictive tier). The County would have also been designated purple 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 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



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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;
- 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;



ORDER OF THE HEALTH OFFICER No. C19-07i

- 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.

Table of Contents:

1. Purpose and Findings..... 6
2. Health Gating and Risk Criteria Framework for Reopening. .... 8
3. General Requirements for Individuals. .... 10
4. General Requirements for Businesses and Business Activities. .... 13
5. Schools, Childcare, Youth Programs, Adult Education..... 14
6. Public Transit. .... 16
7. Mandatory Reporting by Businesses and Government Entities When Three or More Personnel Contract COVID-19 Within Two Weeks. .... 16
8. Definitions..... 16
Allowed Businesses and Business Activities..... 16
Allowed Activities. .... 20
Allowed Travel. .... 21
Governmental Functions..... 22



ORDER OF THE HEALTH OFFICER No. C19-07i

Table listing sections: Residences and Households (23), Social Distancing (23), 9. Incorporation of State and Local Emergency Proclamations and State Health Orders (23), 10. Obligation to Follow Stricter Requirements of Orders (24), 11. Obligation to Follow Health Officer Directives and Mandatory State Guidance (24), 12. Enforcement (25), 13. Effective Date (25), 14. Relation to Other Orders of the San Francisco Health Officer (25), 15. Copies (25), 16. Severability (26)

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 1, 2020 Order of the Health Officer, No. C19-07h, (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 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.



**ORDER OF THE HEALTH OFFICER No. C19-07i**

- 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 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



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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 11, 2020, there were 10,302 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 91 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 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 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.



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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;
- 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



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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;
- 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



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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



**ORDER OF THE HEALTH OFFICER No. C19-07i**

- 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.sfdcp.org/communicable-disease/diseases-a-z/covid19whatsnew](http://www.sfdcp.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 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](http://www.sfdph.org/directives).



**ORDER OF THE HEALTH OFFICER No. C19-07i**

**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.

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.



**ORDER OF THE HEALTH OFFICER No. C19-07i**

- 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](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.
- 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) 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.
    - 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>.



**ORDER OF THE HEALTH OFFICER No. C19-07i**

- 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](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/>.

For clarity, this subsection a 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.
- 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



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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](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.sfcdep.org/covid19-positive-workplace](http://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,



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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;
- 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;



**ORDER OF THE HEALTH OFFICER No. C19-07i**

- 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 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);**
- 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;**



**ORDER OF THE HEALTH OFFICER No. C19-07i**

- 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.**
- 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**



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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.

**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;**



**ORDER OF THE HEALTH OFFICER No. C19-07i**

- 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:
    - 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;



**ORDER OF THE HEALTH OFFICER No. C19-07i**

- 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;
- 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



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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, 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



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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 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](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



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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.

**13. Effective Date.**

This Order becomes effective at 9:00 a.m. on September 14, 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 C19-07h, issued September 1, 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](http://www.sfdph.org/healthorders)); (2) by posting at City Hall, located at 1 Dr. Carlton B. Goodlett Pl., San Francisco, CA



**ORDER OF THE HEALTH OFFICER No. C19-07i**

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

**IT IS SO ORDERED:**

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

Dated: September 14, 2020

Attachments:

- Appendix A – Social Distancing Protocol for Businesses (revised September 14, 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 14, 2020)
- Appendix C-2 – Additional Activities (revised September 14, 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 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 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](http://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.sfcddcp.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.sfcddcp.org/screening-handout](http://www.sfcddcp.org/screening-handout). 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](http://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 insulation and quarantine is available online at [www.sfcdcp.org/i&q](http://www.sfcdcp.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.sfcdcp.org/covid19](http://www.sfcdcp.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](http://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/ga-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 14, 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/screening-handout](http://www.sfgcdcp.org/screening-handout) 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/screeningvisitors](http://www.sfgcdcp.org/screeningvisitors). 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<sup>†</sup>?
  - † “Close Contact” means you had any of the following types of contact with the person with COVID-19 while they were contagious<sup>†</sup>:
    - 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, and 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 new or not explained by another condition?
  - 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](http://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/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 results at home and follow the instructions at [www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines](http://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 14, 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.

Go to [www.sfgcdcp.org/businesses](http://www.sfgcdcp.org/businesses) for more information or a copy of this form.

Screening forms for personnel can be found at [www.sfgcdcp.org/screening-handout](http://www.sfgcdcp.org/screening-handout).

### **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<sup>†</sup>?
  - † “Close Contact” means you had any of the following types of contact with the person with COVID-19 while they were contagious<sup>‡</sup>:
    - 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, and gloves
  - ‡ 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 new or not explained by another condition?
  - 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 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.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines](http://www.sfgcdcp.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.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines](http://www.sfgcdcp.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/citytestsf>).
    - Follow the instructions in [www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines](http://www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines) to determine next steps depending on your test result.

**ORDER OF THE HEALTH OFFICER No. C19-07i**  
**Appendix B-1**

**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.

**ORDER OF THE HEALTH OFFICER No. C19-07i**  
**Appendix B-1**

- 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

**ORDER OF THE HEALTH OFFICER No. C19-07i**  
**Appendix B-1**

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.

**ORDER OF THE HEALTH OFFICER No. C19-07i**  
**Appendix B-1**

- 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.

**ORDER OF THE HEALTH OFFICER No. C19-07i**  
**Appendix B-1**

- 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. C19-07i**  
**Appendix B-2**

**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:

## ORDER OF THE HEALTH OFFICER No. C19-07i

### Appendix B-2

- 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-foot 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.

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

- 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.

## ORDER OF THE HEALTH OFFICER No. C19-07i

### Appendix B-2

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

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

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

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

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.

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

**[Revised September 14, 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, 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.

**B. List of Additional Businesses**

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

- (1) Retail Stores for Goods ..... 2
- (2) Manufacturing, Warehousing and Logistical Support ..... 5
- (3) Childcare and Youth Programs for All Children ..... 6

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

**[Revised September 14, 2020]**

(4) Curbside Pickup and Drop-Off for Low Contact Retail Services.....	8
(5) Outdoor Activity Equipment Rental Businesses.....	9
(6) Professional Sports Teams: Practices, Games, and Tournaments without In-Person Spectators with an Approved Plan.....	11
(7) Entertainment Venues: Live Streaming or Broadcasting Events without In-Person Audiences with an Approved Plan.....	12
(8) Outdoor Dining.....	13
(9) Outdoor Fitness Classes.....	14
(10) Indoor Household Services.....	16
(11) Offices for Non-Essential Businesses: Individuals Necessary for Operations Where Telecommuting is not Feasible—SUSPENDED IN PART.....	18
(12) Outdoor Zoos with an Approved Plan.....	19
(13) Open Air Boat Operators.....	20
(14) Institutions of Higher Education and Adult Education.....	21
(15) Personal Service Providers.....	24
(16) Gyms and Fitness Centers.....	25
(17) Indoor Museums, Aquariums, and Zoos.....	26
(18) Outdoor Family Entertainment Centers.....	29
(19) Open-Air Tour Bus Operators.....	30
(20) Lodging Facilities for Tourism.....	32

**(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 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;

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

**[Revised September 14, 2020]**

- 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;
  - 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 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](mailto:HealthPlan@sfcityatty.org). Subject to the advance written approval of the Health Officer or the Health Officer's designee,

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

**[Revised September 14, 2020]**

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 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. 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 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. 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;

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

**[Revised September 14, 2020]**

- 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; and
- h. whether the Indoor 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 Indoor 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, with minor update on August 14, 2020; Subsection reinstated with amendments on September 1, 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:
    - i. The business must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements; and

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

**[Revised September 14, 2020]**

- 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 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.

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

**[Revised September 14, 2020]**

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 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:

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

**[Revised September 14, 2020]**

- 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.
- 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

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

**[Revised September 14, 2020]**

- 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](mailto: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 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;

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

**[Revised September 14, 2020]**

- 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.
    - 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.

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

**[Revised September 14, 2020]**

- 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 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.

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

**[Revised September 14, 2020]**

(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

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

**[Revised September 14, 2020]**

proposal for interval testing (without using City resources) of those individuals. Proposed plans must be submitted to [HealthPlan@sfcityatty.org](mailto:HealthPlan@sfcityatty.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) 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;
  - 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;

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

**[Revised September 14, 2020]**

- 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;
  - 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;

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

**[Revised September 14, 2020]**

- 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. C19-12c, 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

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

**[Revised September 14, 2020]**

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 Heath 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)

### **(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

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

**[Revised September 14, 2020]**

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. C19-12c, 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)

**[Revised September 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 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)

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

[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 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@sfcityatty.org](mailto:HealthPlan@sfcityatty.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.

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

**[Revised September 14, 2020]**

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; 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;

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

**[Revised September 14, 2020]**

- 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.
- 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

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

**[Revised September 14, 2020]**

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”) (IHEs and Adult Education Programs are collectively referred to below as “Higher Educational Programs”)—may operate, subject to the following limitations and conditions:
- i. Higher Educational 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 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;
  - iii. 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) trains students to provide essential functions or services relating to the protection of public health or safety (“Core Essential Services”) or Essential Governmental Functions, and
    - (3) is offered in a specialized indoor settings whose design imposes substantial physical distancing on participants.Higher Education Programs that wish to resume indoor classes that meet these criteria may submit to the Health Officer a proposed plan detailing:
    - the in-person classes the program proposes to offer indoors and why those classes cannot be performed remotely or outdoors under the criteria set forth above;
    - how the classes will prepare students to serve a Core Essential Service;
    - the sanitation, social distancing, face covering, health screening, ventilation, room and building capacity and other safety precautions and procedures that will be implemented to minimize the risk of transmission; and
    - a proposal for PCR COVID-19 testing of students and staff who will be present in the facility, or an explanation of why no testing is necessary in the specific circumstances.
    - The plan must also include a statement that the operator of the Higher Education Program recognizes the risks inherent in holding indoor classes and

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

**[Revised September 14, 2020]**

will be responsible for taking all necessary precautions to mitigate the risk of transmission to the greatest extent possible.

Plans must be submitted to [schoolschildcaresites@sfdph.org](mailto:schoolschildcaresites@sfdph.org). Subject to the advance written approval of the Health Officer or the Health Officer's designee, the classes may begin consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer's designee.

- iv. 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@sfcityattorney.org](mailto:healthplan@sfcityattorney.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.
- v. Subject to applicable land use laws and regulations, housing controlled or operated by IHEs or restricted for the use of students attending an IHE 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.
- vi. 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-specific Health Officer directives.

(Added August 14, 2020; Revised September 1, 2020)

**[Revised September 14, 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 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 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,

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

**[Revised September 14, 2020]**

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)

**(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.
    - 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

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

**[Revised September 14, 2020]**

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; and
  - vi. 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)

**(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:

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

**[Revised September 14, 2020]**

- 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, including, for example, Directive Nos. 2020-05 and 2020-16b (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;

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

**[Revised September 14, 2020]**

- 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](http://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](mailto: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.

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.

(Added September 21, 2020)

**[Revised September 14, 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 County’s current tier (red), 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 County current tier (red), which are: kart racing; mini-golf; and batting cages. 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 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:

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

**[Revised September 14, 2020]**

- 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.

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.

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, including: outdoor amusement park-type rides, such as Ferris wheels, carousels, miniature rideable trains, and mini rollercoasters (the operation of which is also prohibited by the State of California – see <https://files.covid19.ca.gov/pdf/guidance-family-entertainment--en.pdf>); and outdoor playgrounds.

(Added September 14, 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;

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

**[Revised September 14, 2020]**

- 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;
- 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)

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

**[Revised 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, 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; and
  - 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 2020-16b (if food is prepared and sold on-site for take-away or outdoor dining), and Directive No. 2020-17 (if there is a gift-shop or other retail on-site).

(Added September 14, 2020)

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

**[Revised September 14, 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.

**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 Special Gatherings.....	5
(5) Libraries for Curbside Pickup and Return .....	6
(6) Outdoor Recreation: Other Outdoor Recreation and Athletic Activities.....	6
(7) Outdoor Recreation: Outdoor Swimming Pools .....	7
(8) Drive-In Gatherings .....	8
(9) Religious Activities.....	8
(10) Political Activity .....	10

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

[Revised September 14, 2020]

### (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 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>);

## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

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 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

## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

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;
  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

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

[Revised September 14, 2020]

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.
  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.sfcdep.org/communicable-disease/diseases-a-z/covid19whatsnew](http://www.sfcdep.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,

## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

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)

### **(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;

## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

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;
  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)

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

[Revised September 14, 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)

### **(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: Members of the public may enter a house of worship, subject to the following conditions:

## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

- i. Only one individual member of the public may enter the house of worship at a time. If the person is a parent or guardian of minor children, the person may bring their children with them but not other adults from the same household. If the person is an adult who needs assistance, the person may bring a caregiver.
  - ii. The member of the public must maintain at least six feet of physical distance from any Personnel present in the facility;
  - iii. All individuals in the facility must wear a Face Covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children);
  - iv. Doors and windows must left open to the extent possible, or mechanical ventilation systems must be run, to increase ventilation;
  - v. The house of worship must establish protocols for frequent cleaning and disinfection of commonly used surfaces and high traffic areas such as lobbies, hallways, and chapels;
  - vi. Signage must be posted at each public entrance to inform all individuals that they must: avoid entering the house of worship 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 house of worship 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. 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. No more than 50 individuals may participate in the gathering and simultaneous gatherings in the same location or vicinity are prohibited;
  - 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;

## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

- 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. 2020-19b regarding outdoor gatherings; and
- viii. All participants must comply with any requirements—including permitting requirements and conditions—imposed by applicable public authorities.

(Added September 14, 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 left open to the extent possible, or mechanical ventilation systems must be run, to increase ventilation;
    - 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

## **Order No. C19-07i – Appendix C-2: Allowed Additional Activities**

**[Revised September 14, 2020]**

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. No more than 50 individuals may participate in the gathering and simultaneous gatherings in the same location or vicinity are prohibited;
  - 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. 2020-19b regarding outdoor gatherings; and
  - viii. All participants must comply with any requirements—including permitting requirements and conditions—imposed by applicable public authorities.

(Added September 14, 2020)

BOARD of SUPERVISORS



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## MEMORANDUM

TO: Robert Collins, Rent Board

FROM: Erica Major, Assistant Clerk, Land Use and Transportation Committee

DATE: September 29, 2020

SUBJECT: LEGISLATION INTRODUCED

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The Board of Supervisors' Land Use and Transportation Committee has received the following proposed legislation, introduced by Supervisor Peskin on September 22, 2020:

**File No. 201056**

**Ordinance amending the Administrative Code to temporarily restrict landlords from evicting commercial tenants for non-payment of rent that was not paid due to the COVID-19 pandemic.**

If you have comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102 or by email at: [erica.major@sfgov.org](mailto:erica.major@sfgov.org).

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [BOS-Supervisors](#)  
**Cc:** [Major, Erica \(BOS\)](#)  
**Subject:** FW: Japantown (File No. 201056)  
**Date:** Friday, November 6, 2020 1:13:58 PM

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**From:** Brooke Babcock <babcock.brooke@gmail.com>  
**Sent:** Friday, November 6, 2020 12:21 PM  
**To:** Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>  
**Subject:** Japantown

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Gentlemen:

I'm writing to urge you to protect all the small Japanese businesses in Japantown. As a senior resident of The Sequoias a block from Japantown, my life is enriched by the variety of Japanese restaurants and shops there. Please don't let the landlords evict them!

Sincerely,  
Brooke S. Babcock

--

Brooke Babcock  
(415) 334-3455  
1400 Geary Blvd., Apt. 6-B  
San Francisco, CA 94109

## ASIAN PACIFIC ISLANDER LEGAL OUTREACH

November 7, 2020

Honorable Aaron Peskin  
Member  
SF Board of Supervisors  
1 Dr. Carlton B. Goodlett Place  
San Francisco, CA 94102

Re: Ordinance to Save our Small Businesses in San Francisco

Dear Supervisor Peskin:

Congratulations on your re-election to the SF Board of Supervisors. We are very fortunate to have you as one of our City leaders to protect, preserve and defend our interests on the Board.

This letter is to specifically thank you for all of your leadership to save our small businesses, particularly those renting space from the Japan Center Malls in Japantown.

As you are aware, the two landlords who own the Japan Center Malls have not been willing to illustrate any good faith effort to negotiate a reasonable rent repayment plan with their tenants. Instead, they have either ignored any correspondence sent to them or have sent monthly invoices highlighting the monies owed and the interest due. Needless to say, this has added an enormous level of additional stress and created an environment of constant pessimism and worry with the tenants.

Over the past few months, the tenants have shared their stories with me as to what they are doing to keep their businesses alive. Many of them have tapped into whatever savings they have, and a constant stream of tears flow when they talk about the dramatic drop in daily sales. It is not an exaggeration to say that many tenants they have lost over 70-80% in sales with some making as little as \$60/day. I realize that this dire state of affairs is not limited to Japantown. However, because of the built structure of our commercial corridor, **if we lose these tenants, we will lose almost the entire business district within our community.**

There has been a Japantown in San Francisco since the late 1800's. The community was a 40 block self-contained, self-sufficient business and residential district until World War II. Then, the US Government used its powers to order all persons of Japanese ancestry to immediately vacate the Western United States and placed them, (over 120,000 individuals), into concentration camps located in the most desolate parts of the country. Their "crime" for their incarceration was solely based on them being of Japanese ancestry.

When they returned home to San Francisco, they were not welcomed or treated as citizens with equal rights under the law. Yet, they re-established their businesses, schools, temples, churches and organizations once again only to be faced with another government action a few years later known as Redevelopment.

The result of Redevelopment took away just as much as the incarceration. Instead of physically removing residents, their plan removed and demolished the homes and businesses of Japanese Americans without offering any type of realistic compensation or alternative affordable housing.

Today, Japantown is being threatened by two privately owned corporations. It is clear from their actions and inactions that they have no desire or interest to see that their tenants have any chance of surviving during and after this major pandemic nor appreciate or understand the larger implications of what their unwillingness will do to the Japanese American community.

You and your office understand what will happen if no reasonable negotiations take place. You have therefore utilized your authority as a representative of the City and County of San Francisco to intervene on behalf of your constituents who need a voice to support and protect their interests.

This is one of the few occasions in our history as a community in San Francisco that we see leadership in government working on our behalf rather than advocating for the voice of wealthy developers, powerful special interests and corporate and absent landlords. To that, **we are extremely grateful for your clear understanding and appreciation that our community is and will remain an important and vital district within our City.**

As a fourth generation Japanese American who was born and raised in this City and now reside in Japantown, it is personally important for me to see that this community, my community, be able to share the story, culture, traditions and history of Japanese Americans residing in this City for generations to come. That can only happen with essential social service organizations and businesses to provide that historical and cultural context.

Thank you for your leadership. Thank you for your respect of our community.  
Thank you for being willing to serve as OUR LEADER in this fight.

Sincerely,

Diane Matsuda  
Staff Attorney  
Asian Pacific Islander Legal Outreach

November 6, 2020

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VIA E-MAIL [AARON.PESKIN@SFGOV.ORG](mailto:AARON.PESKIN@SFGOV.ORG)

Supervisor Aaron Peskin  
San Francisco Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: Proposed Commercial Eviction Moratorium Ordinance

Dear Supervisor Peskin:

This letter is in support of the proposed Commercial Eviction Moratorium Ordinance and to provide data for need of the proposed ordinance.

#### National Data

The number of working business owners in the United States dropped from 15 million in February 2020 to 11.7 million in April 2020 because of COVID-19.<sup>1</sup> This represents a 22% loss of business owners in the US, for the period from February to April 2020 alone.

We also know that gender, race and immigration status have been determinants of the business outcomes and survivability of small businesses. The National Bureau of Economic Research reports the disparate impact to small business along racial and gender lines. Female businesses were especially hard hit by COVID-19; the number of female business owners dropped from 5.4 million to 4 million between February and April 2020. This represents an unprecedented one-fourth (25%) decline of female business owners.

The number of African-American business owners dropped 41% from February 2020 to April 2020, from 1.1 million to 640,000 businesses. Latinx business owners dropped 32%, Asian business owners dropped 26%, and white business owners dropped 17% during this same time period. Finally, immigrant business owners experienced a whopping 36% loss, while non-immigrant business owners experienced an 18% loss.

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<sup>1</sup> NBER Working Paper Series, "The Impact of COVID-19 on Small Business Owners: Evidence of Early-Stage Losses from the April 2020 Current Population Survey," Robert Fairlie, June 2020.

Unlike professional services or other businesses that operate in an office environment, many small businesses generally entail high-contact work that does not translate to online work or services. Restaurants are one such example; dining and food services clearly does not translate to any “work from home” capacity.

### San Francisco Chinatown

The national numbers reflect a similar story playing out in the small business communities of San Francisco. A survey of Chinatown restaurants revealed that its small businesses generally employ between 1 to 10 employees, and these small businesses suffered major economic losses that led to the termination of its workforce. The majority of these businesses have not received any form of government aid or loans; only 37% of these businesses have applied and received any funding. Chinatown restaurants have lost on average 70% of revenue, with the majority of those surveyed sustaining losses between 65 to 80%. As a result of the pandemic, nearly 60% of restaurant jobs in Chinatown have been eliminated and less than 25% of restaurants surveyed believe they can maintain their business.<sup>2</sup>

The financial stressors of the pandemic have been exacerbated by high fixed costs that have contributed to the losses of small businesses, namely, rents for commercial storefronts that remain empty or closed during this pandemic. 75% of Chinatown restaurant owners felt that high rent is the primary cause of vacant storefronts. The commercial vacancy rate in July had jumped from a low of 0% and high of 30%, to about 15% to 80% depending on the specific block of Chinatown. As of August 2020, the majority of blocks had between a 30% - 60% vacancy rate, with certain blocks with a 100% vacancy rate.<sup>3</sup>

### San Francisco Japantown

The statistics of Japantown’s small businesses reflect a worsening economic situation and the very real threat of the displacement of one of the three remaining Japantowns in the United States.

Our firm represents approximately 40 Japan Center tenants in in the East and West Malls and in the Kinokuniya Center. All are small businesses and employ less than ten employees. Each have suffered devastating financial losses caused by the COVID-19 pandemic.

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<sup>2</sup> Chinatown Economic Survey, Chinatown Community Development Center

<sup>3</sup> Pandemic Chinatown Street Level January to August 2020, Malcolm Collier, August 2020

The schedules below demonstrate the average monthly losses sustained by the tenants and the range of losses incurred by restaurant versus retail tenants.

	Monthly Loss	Average Monthly Loss
<b>All Establishments</b>	\$793.60 - \$29,451.27	\$ (6,861.97)
<b>Retail Establishments</b>	\$838.20 - \$13,114.90	\$ (4,306.75)
<b>Restaurant Establishments</b>	\$793.60 - \$29,451.27	\$ (10,899.65)

	Percentage of Total Establishments	Percentage of Total Retail Establishments	Percentage of Total Restaurant Establishments
<b>Losses between 0-\$5,000 per month</b>	46.15%	42.86%	50.00%
<b>Losses between \$5,000-\$10,000 per month</b>	38.46%	57.14%	25.00%
<b>Losses between \$10,000-\$20,000 per month</b>	7.69%	0.00%	0.00%
<b>Losses greater than \$20,000 per month</b>	7.69%	0.00%	25.00%
<b>Total</b>	100.00%	100.00%	100.00%

The COVID-19 crisis has impacted all residents and businesses of San Francisco, but the negative impact of the pandemic has been most acutely felt by the small businesses of San Francisco, particularly communities of color. These small businesses do not have the resources to survive this prolonged economic crisis.

The commercial eviction moratorium ordinance is a lifeline to these merchants and would give small businesses an opportunity to survive. These small businesses are an essential part of the fabric of our communities of color and their survival is crucial to continued economic opportunities, sustained employment, and essential services to residents. At this point, legislative action is the only route for preservation of the small business community that is the heart and soul of San Francisco.

Supervisor Aaron Peskin  
Support for Commercial Eviction Moratorium  
November 6, 2020  
Page 4

The proposed Commercial Eviction Moratorium Ordinance is vital to the survival of small businesses, and particularly small businesses in communities of color in San Francisco, and I urge you to approve it.

Very Truly Yours,



Anne Li

Enclosures:

- Exhibit 1 - NBER Working Paper Series, "The Impact of COVID-19 on Small Business Owners: Evidence of Early-Stage Losses from the April 2020 Current Population Survey," Robert Fairlie, June 2020
- Exhibit 2 - Chinatown Economic Survey, Chinatown Community Development Center
- Exhibit 3 - Pandemic Chinatown Street Level January to August 2020, Malcolm Collier, August 2020
- Exhibit 4 Selected Articles

cc: Supervisor Dean Preston  
(via email [dean.preston@sfgov.org](mailto:dean.preston@sfgov.org))

Supervisor Ahsha Safai  
(via email [ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org))

Diane Matsuda, Esq.  
API Legal Outreach  
(via email [dmatsuda@apilegaloutreach.org](mailto:dmatsuda@apilegaloutreach.org))

Supervisor Aaron Peskin  
Support for Commercial Eviction Moratorium  
November 6, 2020  
Page 5

**Exhibit 1**

**NBER Working Papers**

[Attached]

NBER WORKING PAPER SERIES

THE IMPACT OF COVID-19 ON SMALL BUSINESS OWNERS:  
EVIDENCE OF EARLY-STAGE LOSSES FROM THE APRIL 2020 CURRENT POPULATION SURVEY

Robert W. Fairlie

Working Paper 27309  
<http://www.nber.org/papers/w27309>

NATIONAL BUREAU OF ECONOMIC RESEARCH  
1050 Massachusetts Avenue  
Cambridge, MA 02138  
June 2020

I have no disclosures to report. The research did not receive funding from external sources. The views expressed herein are those of the author and do not necessarily reflect the views of the National Bureau of Economic Research.

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The Impact of Covid-19 on Small Business Owners: Evidence of Early-Stage Losses from the April 2020 Current Population Survey

Robert W. Fairlie

NBER Working Paper No. 27309

June 2020

JEL No. J15,J16,L26

### **ABSTRACT**

Social distancing restrictions and demand shifts from COVID-19 are expected to shutter many small businesses, but there is very little early evidence on impacts. This paper provides the first analysis of impacts of the pandemic on the number of active small businesses in the United States using nationally representative data from the April 2020 CPS – the first month fully capturing early effects from the pandemic. The number of active business owners in the United States plummeted by 3.3 million or 22 percent over the crucial two-month window from February to April 2020. The drop in business owners was the largest on record, and losses were felt across nearly all industries and even for incorporated businesses. African-American businesses were hit especially hard experiencing a 41 percent drop. Latinx business owners fell by 32 percent, and Asian business owners dropped by 26 percent. Simulations indicate that industry compositions partly placed these groups at a higher risk of losses. Immigrant business owners experienced substantial losses of 36 percent. Female-owned businesses were also disproportionately hit by 25 percent. These findings of early-stage losses to small businesses have important policy implications and may portend longer-term ramifications for job losses and economic inequality.

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# 1. Introduction

The widespread closing of stores and businesses in the United States and around the world due to the coronavirus is unprecedented. Stores, factories and many other businesses have closed by policy mandate or downward demand shifts. Many of these closures may be permanent because of the inability to pay ongoing expenses and survive the shutdown. The impact on small businesses around the world is likely to be severe.

Although the effects of COVID-19 on the economy showed up quickly in the stock market, the real estate market and unemployment claims, the effects on small business are not well known because of the lack of timely business-level data released by the government. This paper addresses this limitation by creating estimates of the number of business owners from monthly Current Population Survey (CPS) microdata files. Using these timely data, I examine how COVID-19 impacted small business owners in mid-April 2020 – the first month to capture the wide-spread shelter-in-place restrictions in the United States. The CPS data are used by the Bureau of Labor Statistics (BLS) to track unemployment rates, and have been used in previous research to study determinants of business ownership (e.g. recently, Levine and Rubenstein 2017, Wang 2019, Fairlie and Fossen 2019). The data allow for an analysis of recent trends in the number of business owners by business characteristics such as corporation status and industry, and demographic characteristics such as gender, race, and immigrant status.

This study provides the first estimates of the early-stage effects of COVID-19 on small business owners from April 2020 CPS microdata. I find that the number of working business owners plummeted from 15.0 million in February 2020 to 11.7 million in April 2020 because of COVID-19 mandates and demand shifts. The loss of 3.3 million business owners (or 22 percent) was the largest drop on record. When conditioning on working roughly two days per week or four days a week, the losses are even larger (28 percent and 31 percent, respectively). Although incorporated businesses are more growth-oriented and stable, they experienced a drop of 20 percent from February to April 2020.

Patterns across gender, race and immigrant status reveal interesting findings. African-Americans experienced the largest losses, eliminating 41 percent of business owners. Latinx also experienced major losses with 32 percent of business owners disappearing between February and April 2020. Immigrant business owners suffered a large drop of 36 percent, and female business owners suffered a disproportionate drop of 25 percent.

Most major industries faced large drops in the number of business owners with the only exception being agriculture. Construction, restaurants, hotels and transportation all faced large declines in the number of business owners due to COVID-19. Simulations reveal that the concentrations of female, black, Latinx and Asian businesses in industries hit hard by the pandemic contributed to why losses were higher for these groups than the national average loss. Overall, these first estimates of impacts of COVID-19 on small businesses from the April 2020 CPS indicate that losses were spread across demographic groups and types of business – no group was immune to negative impacts of social distancing policy mandates and demand shifts.

These results build on the findings from a few previous studies of the early effects of the coronavirus on small businesses. Employer business applications as measured by the U.S. Census weekly Business Formation Statistics fell in the five weeks from mid-March to mid-April by over 27 percent relative to the previous year (Wilmoth 2020). Estimates from the U.S. Census Small Business Pulse Survey indicate that roughly 50 percent of businesses report having a large negative effect from the COVID-19 pandemic and that only 15-20 percent of businesses have enough cash on hand to cover 3 months of operations (U.S. Census Bureau 2020; Bohn, Mejia and Lafortune 2020). Bartik et al. (2020) conducted a survey in late March of nearly 6,000 small businesses that were members of the Alignable business network. They find that 43 percent of businesses are temporarily closed, large reductions in employees, and the majority of businesses have less than one month of cash on hand. The Stanford Latino Entrepreneurship Initiative (2020) surveyed 224 high-revenue Latinx-owned businesses and found that 86% of respondents reported immediate negative effects such as delayed projects and closure from the pandemic. This paper is the first to use CPS data covering the early effects of COVID-19 mandates and demand shifts on small businesses, and the first to explore differential effects for female, minority and immigrant business owners, which is potentially important for targeting government aid to preserve small businesses and the jobs they create.<sup>1</sup>

## 2. Data

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<sup>1</sup> Large literatures explore the causes and consequences of disparities in ownership and success of minority-, female-, and immigrant-owned businesses. For broader discussions and reviews of these literature, see, for example, Davila and Mora (2013); Fairlie and Robb (2008); Jennings and Brush (2013); Kerr and Kerr. (2020); Parker (2018).

## **2.1 Current Population Survey (CPS)**

Although research on small businesses and entrepreneurship is growing rapidly, there are very few national datasets that provide information on ownership with additional information on demographic characteristics of the owners. Using microdata from the Current Population Surveys (CPS), I measure self-employed business ownership at the individual owner level. The underlying datasets are the basic monthly files to the Current Population Survey (CPS). These surveys, conducted monthly by the U.S. Bureau of the Census and the U.S. Bureau of Labor Statistics, are representative of the entire U.S. population and contain observations for more than 130,000 people.

Measures of the number and rate of business ownership are available from only a handful of other large, nationally representative government datasets, such as the Survey of Business Owners (SBO), Census PUMS files, and the American Community Survey (ACS). Measures of business ownership based on these cross-sectional data, however, cannot capture recent patterns because there is often a 1 to 2 year delay in release. The CPS is ideal in that it release microdata within a month of the survey week.

The measure of business ownership in the CPS captures all business owners including those who own incorporated or unincorporated businesses, and those who are employers or non-employers. Although some business owners own large businesses the predominate form are small businesses. I interpret the data as predominately covering small business owners.

To estimate business ownership in the CPS data, I identify all individuals who own a business as their main job in the survey month (based on the class of worker question and monthly labor force recode). The business ownership rate is thus defined as the percentage of the labor force that owns and is actively employed in a business. The main job is defined as the one with the most hours worked during the survey week. Thus, individuals who start side businesses will not be counted if they are working more hours on a wage and salary job. In addition to providing information on business ownership, the CPS data include information on detailed demographic information including gender, race, and immigrant status of the owner. The data also include information on the industry and incorporation status of the business.

*Survey Timing and Shelter-in-Place Restrictions*

The CPS survey reference period is generally the calendar week that contains the 12th day of the month. For April, the week was Sunday, April 12th through Saturday, April 18<sup>th</sup>. The March survey reference week was March 8th through March 14th. Given that shelter-in-place restrictions started after this reference week, the April 2020 is the first CPS survey fully covering the early-stage impacts of COVID-19. On March 16, 2020 San Francisco Bay Area imposed shelter-in-place restrictions followed by the State of California on March 19. New York State followed the next day. By early April all state imposed social distancing restrictions. The analysis below mostly relies on comparisons between February 2020 (prior to social distancing policy mandates) and April 2020 (the first month after policy mandates).<sup>2</sup>

### **3. Results**

#### **3.1 Number of Business Owners**

I first examine small business ownership patterns over time to determine the impacts of COVID-19. Long-term trends in the number of business owners are displayed in Figure 1 (and recent months in Table 1). The number of business owners working any amount and working at least 15 hours in the survey week are reported. The choice of 15 hours is made to approximate two days a week and accommodate lumpy hours reporting (i.e. often 10, 15, 20, etc...). Over the past two decades, the number of business owners in the United States has shown relatively smooth patterns over time with a slight upward trend. What is clear, however, is the dramatic drop in the number of business owners in April 2020. The number of working business owners dropped from 15.0 million in February 2020 to 11.7 million in April 2020 because of COVID-19. March 2020 only shows a small drop in business owners because of the limited effect from shelter-in-place restrictions.

The loss of 3.3 million business owners (or 22 percent) from February to April 2020 was the largest drop on record. When conditioning on working roughly two days per week, the losses are even larger. There were 13.6 million business owners working 15+ hours in February 2020 and only 9.8 million in April 2020. The drop of 3.8 million business owners or 28 percent was

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<sup>2</sup> In most analyses March 2020 is not included because of partial effects. On March 11, the World Health Organization (WHO) declared COVID-19 a pandemic which might have resulted in early demand shifts over health concerns predating shelter-in-place restriction policies.

unprecedented. Conditioning on 30 or more hours worked results in losses of 3.4 million or 31 percent (see Table 1).

Separating the number of business owners into unincorporated and incorporated status indicates large drops for both groups (see Table 1). Incorporated businesses are viewed as more growth- oriented, committed, pro-cyclical and entrepreneurial (e.g. Fairlie, Miranda and Zolas 2020; Levine and Rubinstein 2016, 2018). The number of unincorporated business owners dropped precipitously from 7.8 million to 5.1 million (34 percent). But, incorporated business owners were not immune to the COVID-19 impacts. The number of incorporated business owners in the United States dropped from 5.8 million to 4.7 million (20 percent).

### *Demographic Patterns*

The CPS data provide detailed information on gender, race and immigrant status. Figure 3 (Table 2) displays the number of female and male business owners in February and April 2020. Female businesses were especially hit hard by COVID-19. The number of female business owners dropped from 5.4 million to 4.0 million in the crucial two-month window. The decline of one-fourth of female business owners is unprecedented. Male business owners also suffered major losses with a reduction of 2 million representing 20 percent of previous levels.

Turning to racial patterns, Figure 4 (Table 2) displays business ownership by major racial groups. The findings are alarming. The number of African-American business owners plummeted from 1.1 million in February 2020 to 640,000 in April. The loss of 440,000 black business owners representing 41 percent of the previous level is disconcerting.

Latinx business owners also suffered major losses. The number of Latinx business owners dropped from 2.1 million to 1.4 million (32 percent) from February to March. Asian business owners suffered losses of 230,000 representing 26 percent of February levels. The losses for whites were also large at 1.8 million business owners, but smaller as a percentage of starting levels (17 percent).

Focusing on immigrants, the number of business owners dropped from 3.1 million to 2.0 million (Figure 5 and Table 2). The loss of over 1 million immigrant business owners is alarming. It represents a drop of 36 percent from February levels. For U.S. born, the number of business owners dropped by 2.2 million representing 18 percent of February levels.

Comparing back to April 2019 levels, the conclusions do not differ. For all of the demographic groups, the number of business owners dropped precipitously from April 2019 to April 2020. In general, the number of self-employed business owners for each group does not change substantially over time especially during stable economic conditions, and thus February 2020 accurately captures previous levels. April 2020 is clearly an unprecedented shock to business owners that hit all groups hard throwing business totals off relatively stable longer-term levels.

### *Industry Patterns*

Table 3 reports estimates by major industry groupings. Almost every industry experienced sizeable drops in the number of business owners. The only exception was Agriculture where the number of business owners increased since February 2020. Construction which in some cases is considered essential experienced a major decline of nearly 670,000 business owners in the United States. Although construction businesses experience a lot of swings in demand, it is not clear how many of these business owners will be able to come back.

Store fronts across the country have been closed due to COVID-19 mandated restrictions. Retail trade showed a decline of 108,000 business owners representing 10 percent of February 2020 levels. Restaurants experienced a decline of 22 percent even though many of those remaining open turned to take-out or delivery services. The broad sector of arts, leisure and accommodations was hit especially hard losing 35 percent of business owners.

Both high-skilled and less-skilled services were hit hard by COVID-19. Transportation services which includes taxi and some uber drivers dropped by 22 percent. Higher-skilled services such as financial activities and professional and business services lost 12 percent and 18 percent, respectively. Even health services experienced a drop of 16 percent.

Although there is some variation across industries COVID-19 had large impacts on all of them with the exception of agriculture.

It is also possible to categorize industries into essential vs non-essential according to state or local government guidelines, although there is a lot of variation across these guidelines in terms of specific industries. Delaware State provides the most detailed and comprehensive list of essential businesses at the 4-digit industry level and follows the same 4-digit industry codes as

the CPS (North American Industry Classification System, NAICS).<sup>3</sup> The classification is likely to be imperfect, however, because definitions, enforcement, business owner compliance and consumer reactions vary across the country. Using this categorization, “essential” industries comprise 76 percent of business owners. Losses in the number of business owners are lower for essential industries at 17 percent compared with 38 percent among non-essential industries (as expected).

### *Importance of Industry Distributions*

Did the industry distribution of businesses owned by different demographic groups place them at a higher or lower risk of COVID related shutdowns? To explore this question I simulate the total number of business owners for each demographic group by switching their industry distribution for the U.S. national industry distribution. The industry distributions are both measured in February 2020. Table 2 reports estimates from the simulations.

The number of female business owners declined by 25 percent from February to March 2020. The industry distribution of female business owners was partly responsible for relatively high business losses from February to April. When switching to the U.S. national industry distribution the decline in business owners is lower at 19 percent. Thus, the female industry distribution was “unfavorable” in terms of placing them at risk of business losses in April 2020. The opposite is true for male business owners. Their industry distribution partly protected them from larger losses due to COVID-19. Switching industry distributions to the national distribution results in a higher predicted drop in business owners of 23 percent. For both female and male business owners the differences between actual and predicted declines due to COVID-19 are not that different, however.

The industry distribution of black business owners placed them at a higher risk of losses due to COVID-19. The percent change in black business owners becomes considerably smaller when simulations are run with the national industry distribution. The change is from a loss of 41 percent to a loss of 35 percent.

A similar pattern is found for Latinx although to a lesser extent. When switching the Latinx industry distribution to the U.S. national industry distribution the predicted number of

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<sup>3</sup> Delaware’s list can be accessed at “List of Delaware Business Categories that are Essential and Non-Essential (March 22, 2020)”, <https://coronavirus.delaware.gov/resources-for-businesses/>.

Latinx business owners drops from 32 percent to 28 percent. Latinx business owners had an “unfavorable” industry distribution partly placing them at higher risk of business losses. Asian business owners show a similar pattern. I also find that they were more concentrated in industries placing them at a higher risk of losses. White business owners experienced the same level of losses when switching to the national industry distribution as expected given their large representation of the total.

Interestingly, the large loss in the number of immigrant business owners is not due to a less favorable industry distribution. The loss of 1.1 million immigrant business owners (or 36 percent) remains essentially unchanged when switching to the national industry distribution. U.S. born (“native”) business owners also have an industry distribution that is similar to the national distribution consistent with the size of the group.

Another way to estimate industry impacts is to examine the percentage of each demographic group that is in “essential” industries. As noted above the classification is not perfect and other factors such as differences in customer demand, enforcement and compliance by businesses also influence whether they are open. The percentage of black business owners in essential industries is 66 percent which is lower than the national percentage of 76 percent, and consistent with the less “favorable” industry distribution placing them at higher risk of losses due to COVID-19. Similarly, female-owned businesses are less concentrated in essential businesses at 61 percent. On the other hand, using the Delaware codes, Latinx and immigrant business owners are slightly more likely to be concentrated in essential industries (79-80 percent), and Asian business owners have the same concentration in essential industries as the national average (76 percent). The classification is likely to be imperfect and does not line up entirely well with patterns of group-specific losses.

## **4. Conclusions**

The first estimates of the effects of COVID-19 on the number of business owners from nationally representative April 2020 CPS data indicate dramatic early-stage reductions in small business activity. The number of active business owners in the United States plunged from 15.0 million to 11.7 million over the crucial two-month window from February to April 2020. No other one-, two- or even 12-month window of time has ever shown such a large change in business activity. For comparison, from the start to end of the Great Recession the number of

business owners decreased by 730,000 representing only a 5 percent reduction. In general, business ownership is relatively steady over the business cycle (Fairlie 2013; Parker 2018). The loss of 3.3 million business owners (or 22 percent) was comprised of large drops in important subgroups such as owners working roughly two days per week (28 percent), owners working four days a week (31 percent), and incorporated businesses (20 percent).

African-American businesses were hit the hardest by COVID-19. The first estimates from April 2020 for black business owners in the United States indicate a massive drop of 41 percent. Simulations indicate that the industry distribution of blacks was partly responsible placing black business owners at greater risk of losses due to the pandemic. Latinx businesses were also hit hard by COVID-19 losing 32 percent of business owners. Asian business owners experienced a 26 percent decline over the critical two-month window. Simulation estimates also point to unfavorable industry distributions for these two groups. Immigrant businesses were also devastated with losses of 36 percent. The negative early-stage impacts on minority- and immigrant-owned businesses, if prolonged, may be problematic for broader racial inequality because of the importance of minority businesses for local job creation (disproportionately for other minorities), economic advancement, and longer-term wealth inequality (Boston 1999, 2006; Bradford 2003, 2014; Fairlie and Robb 2008).

The first estimates of early stage impacts on female-owned businesses are also worrisome. Female business ownership is substantially lower than male business ownership and female-owned businesses have lower revenues, employees and profits on average (U.S. Census Bureau 2016). The disproportionate losses in April 2020 to the number of female business owners will only further increase gender inequality in business ownership and perhaps broader economic inequality.

The next important question is whether the shutdowns of small businesses are temporary or longer term. The government has been responding to concerns over longer-term effects on small businesses through several programs. The largest directed program is the Paycheck Protection Program (PPP) which has thus far provided \$669 billion to small businesses (although with some controversy when businesses such as Ruth's Chris Steak House, Potbelly Sandwich Shops, and the Lakers received approval for funds). Another program that is less directed but also could be important are stimulus checks already totaling \$200 billion. Foundations are also starting to contribute to relief efforts with a notable recent example being a \$100 million

commitment to minority- and female-owned businesses left out of the PPP program by Magic Johnson Enterprises. Can these programs help small businesses survive the setbacks and shutdowns due to the coronavirus pandemic, or will more assistance be needed? More permanent mass closures of small businesses in the United States are likely to have a dramatic effect on employee job losses, further income inequality, and contributing to a prolonged recession.

## References

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Table 1: Number of Business Owners in the United States before and after COVID-19

	Worked in Survey Week	Worked 15+ Hours	Worked 30+ Hours	Unincorporated	Incorporated
April 2020	11,710,360	9,821,255	7,684,501	5,140,050	4,681,205
March 2020	14,475,704	12,803,107	10,392,909	7,297,898	5,505,209
February 2020	15,012,692	13,582,876	11,086,054	7,765,488	5,817,387
January 2020	14,832,717	13,293,991	11,093,877	7,519,945	5,774,046
April 2019	14,662,821	13,279,008	11,171,800	7,775,450	5,503,559
Changes					
Feb 2020 to Apr 2020	-3302331	-3761621	-3401554	-2625439	-1136182
Apr 2019 to Apr 2020	-2952461	-3457754	-3487299	-2635400	-822354
Change (Percent)					
Feb 2020 to Apr 2020	-22%	-28%	-31%	-34%	-20%
Apr 2019 to Apr 2020	-20%	-26%	-31%	-34%	-15%

Notes: Estimates from CPS Microdata. Monthly sample sizes are roughly 55,000 for the labor force and 5,000 for business owners.

Table 2: Demographic Group Losses and Simulations of Business Losses from Switching Industry Distributions

Group	Business Losses (Feb. to April 2020)				Predicted using U.S. Industry Distribution	
	Feb. 2020 Number	Apr 2020 Number	Actual Losses		Number	% Change
			Number	% Change		
Total	15,012,692	11,710,360	-3,302,331	-22%	-3,302,331	-22%
Female	5,389,399	4,048,205	-1,341,194	-25%	-1,029,305	-19%
Male	9,623,293	7,662,156	-1,961,137	-20%	-2,184,231	-23%
Black	1,079,116	637,769	-441,347	-41%	-379,452	-35%
Latinx	2,070,896	1,412,925	-657,971	-32%	-583,009	-28%
Asian	888,528	657,896	-230,632	-26%	-195,041	-22%
White	10,553,415	8,761,531	-1,791,884	-17%	-1,928,907	-18%
Immigrant	3,120,275	2,009,597	-1,110,677	-36%	-1,095,536	-35%
Native	11,892,417	9,700,763	-2,191,654	-18%	-2,256,417	-19%

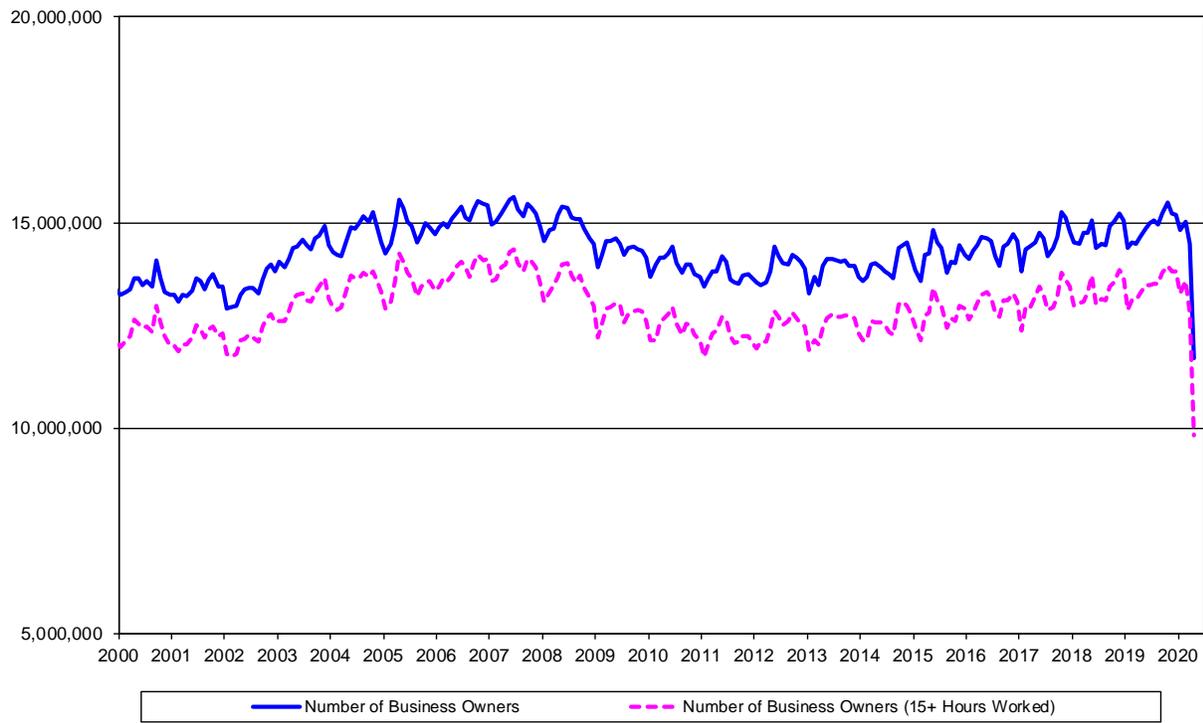
Notes: Estimates are from CPS microdata. Predicted changes switch the group's industry distribution for the U.S. industry distribution but continue to use the group's rate of change from February to April 2020.

Table 3: Business Losses by Selected Industries from COVID-19

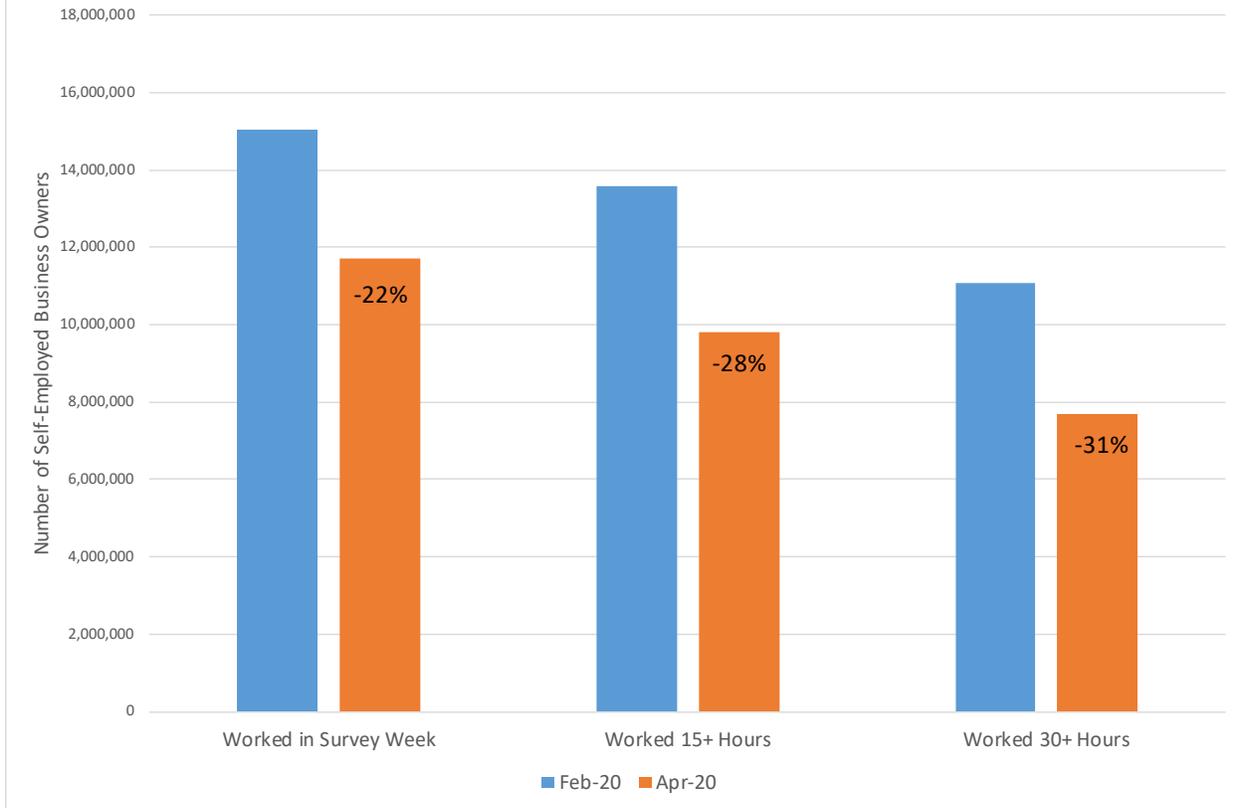
Industry	April 2020	Change from Feb. 2020	Percent Change	February 2020	Percent in Feb. 2020
Agriculture	928,156	58494	7%	869,661	6%
Construction	1,768,875	-667182	-27%	2,436,057	16%
Manufacturing	506,019	-60174	-11%	566,192	4%
Retail Trade	960,872	-107612	-10%	1,068,484	7%
Transportation	624,498	-173827	-22%	798,325	5%
Financial activities	1,149,105	-152665	-12%	1,301,769	9%
Professional and bus.	2,695,136	-600739	-18%	3,295,875	22%
Health services	1,034,240	-204094	-16%	1,238,335	8%
Arts, leisure, hotels	442,964	-242045	-35%	685,009	5%
Restaurants	319,194	-90411	-22%	409,605	3%
Repair and maintenance	385,400	-127003	-25%	512,403	3%
All other industries	895,901	-935074	-51%	1,830,976	12%
"Nonessential" industry	2,292,949	-1382990	-38%	3,675,939	24%
"Essential" Industry	9,417,411	-1919342	-17%	11,336,752	76%

Notes: Estimates from CPS microdata. Essential industries are defined using the classification provided by Delaware State for essential and nonessential businesses.

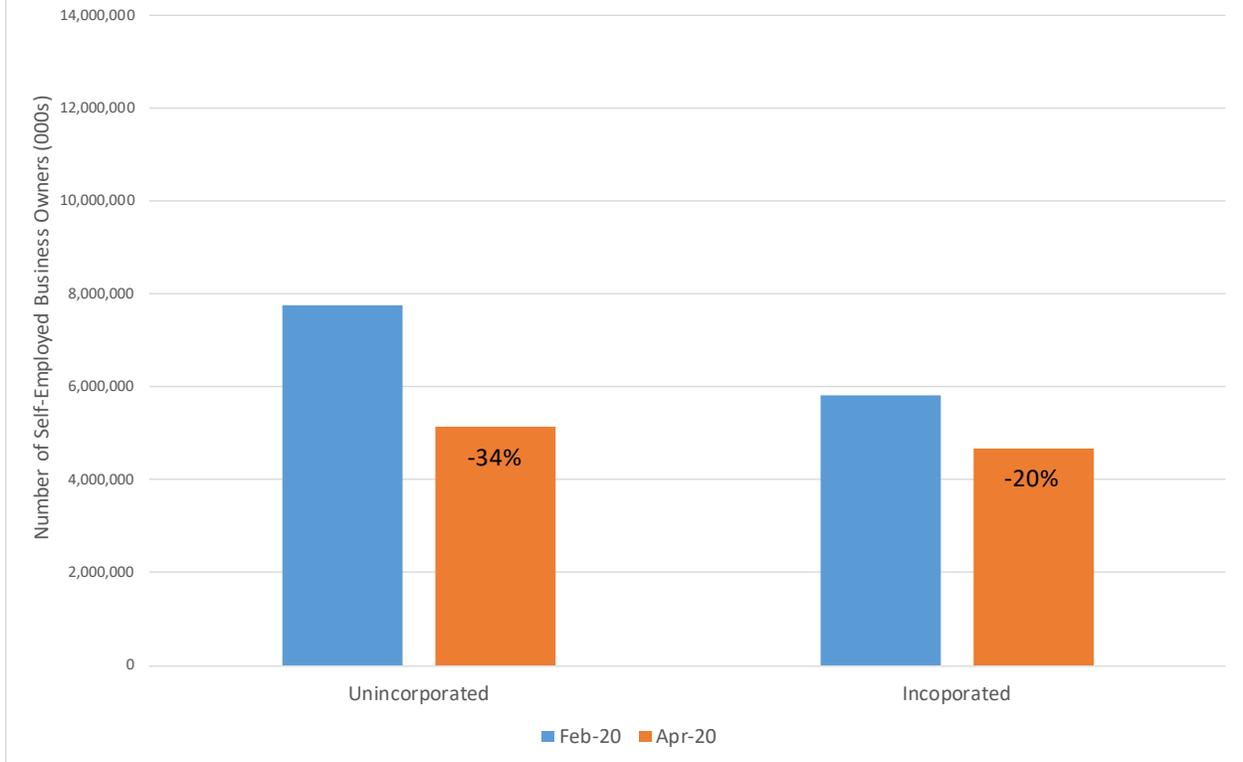
**Figure 1**  
**Number of Business Owners in the United States (January 2000 - April 2020)**



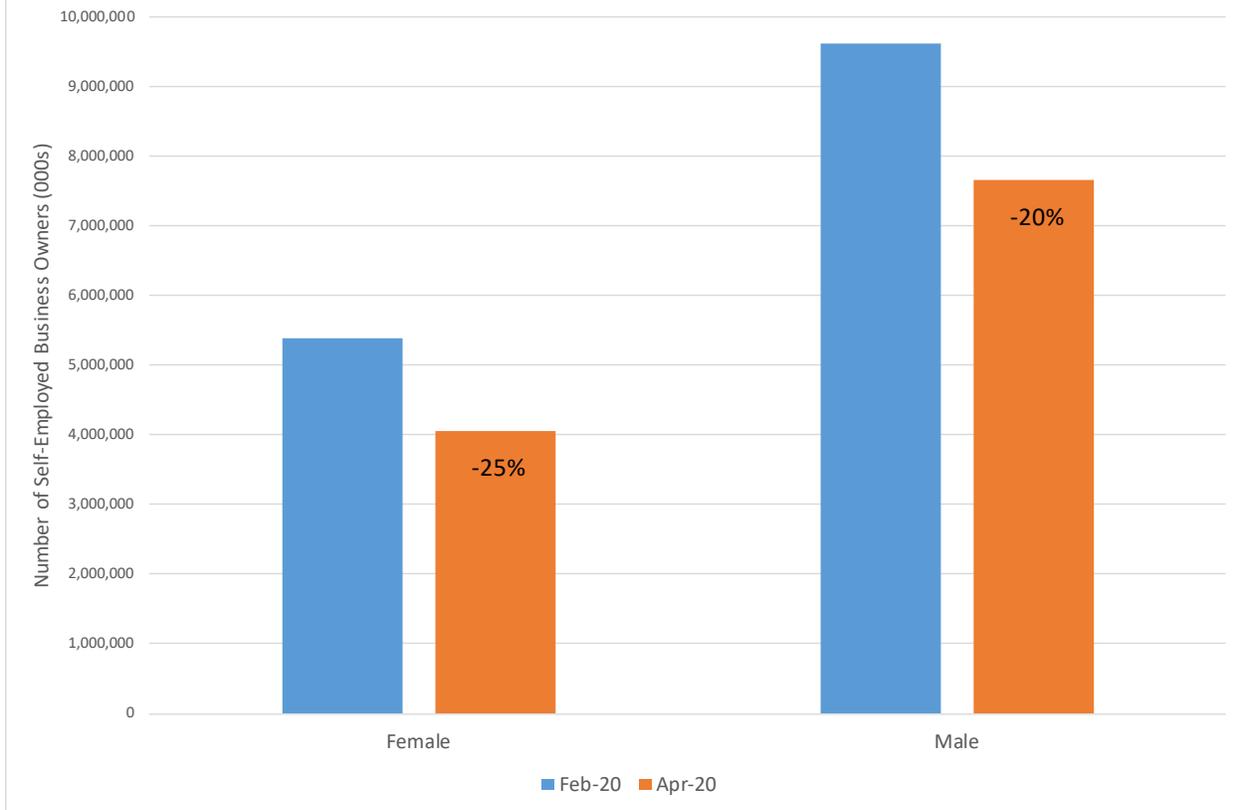
**Figure 2: Number of Self-Employed Business Owners before and after COVID-19**



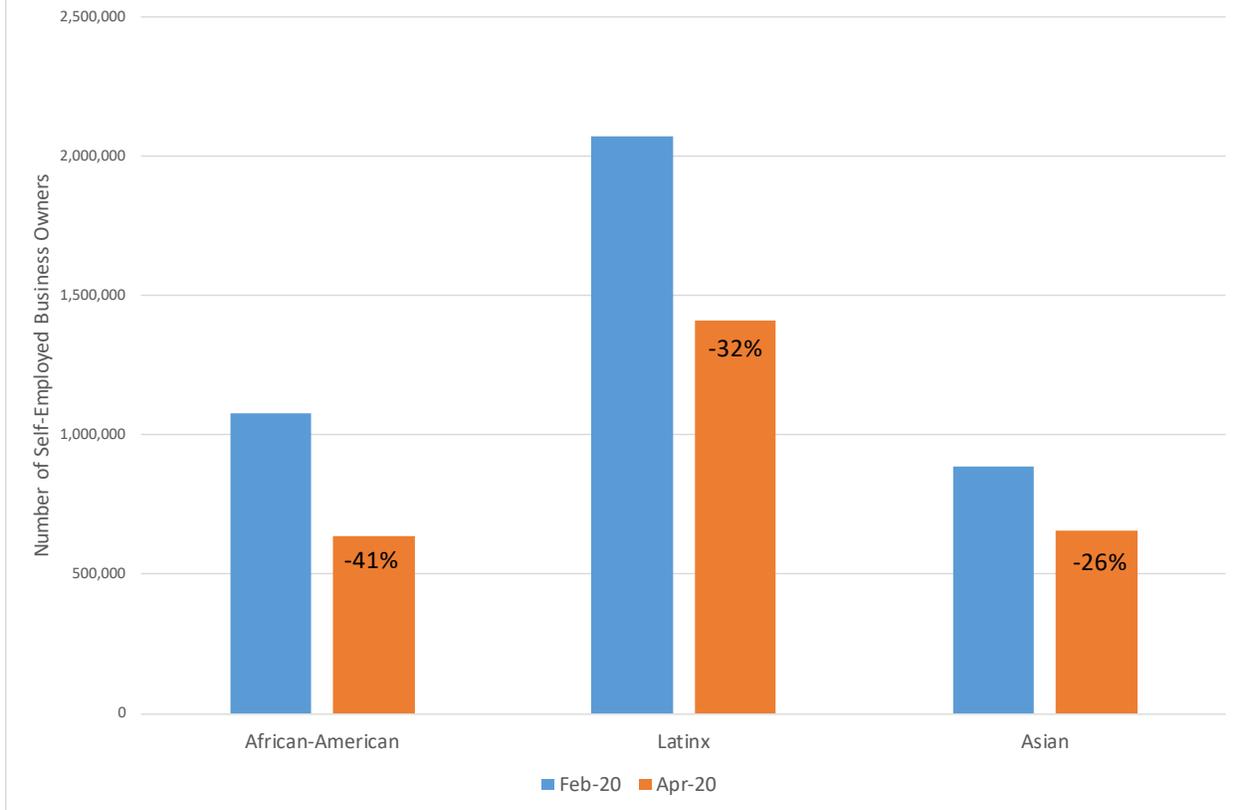
**Figure 3: Number of Self-Employed Business Owners before and after COVID-19 (Corporation Status)**



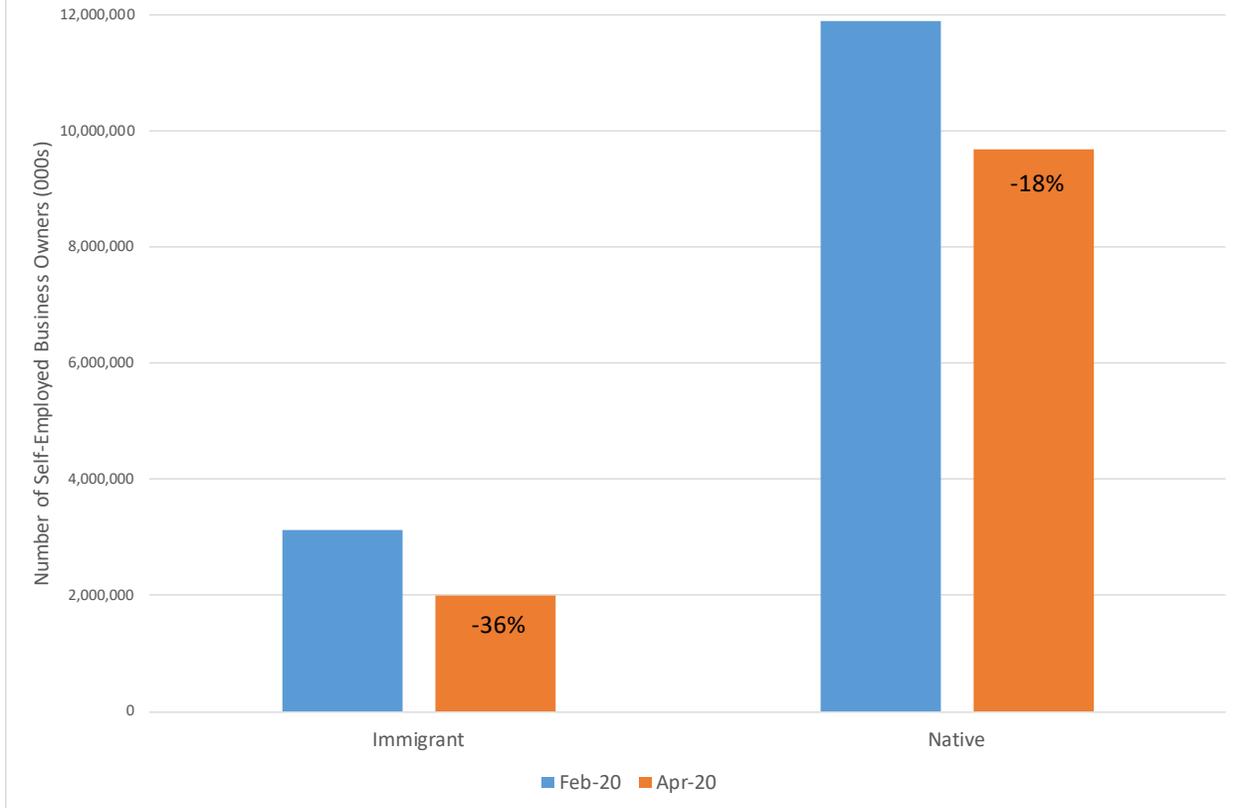
**Figure 4: Number of Self-Employed Business Owners before and after COVID-19 (Gender)**



**Figure 5: Number of Self-Employed Business Owners before and after COVID-19 (Racial Minority Groups)**



**Figure 6: Number of Self-Employed Business Owners before and after COVID-19 (Immigrant Status)**



Supervisor Aaron Peskin  
Support for Commercial Eviction Moratorium  
November 6, 2020  
Page 6

**Exhibit 2**

**Chinatown Economic Survey**

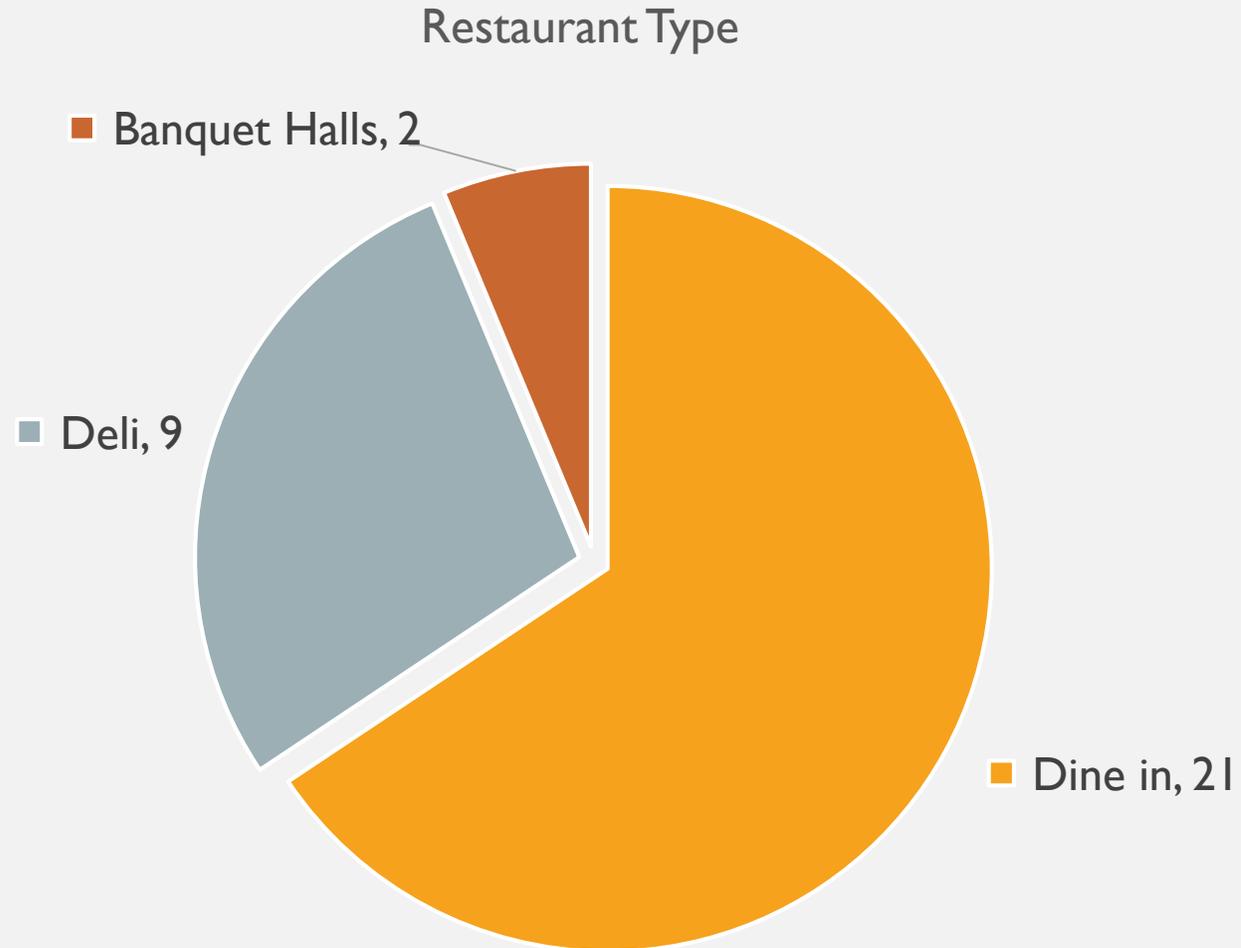
[Attached]

# CHINATOWN ECONOMIC SURVEY

**Survey questions for 32 Chinatown restaurants owned  
primarily by limited English proficiency Chinese  
families/individuals**

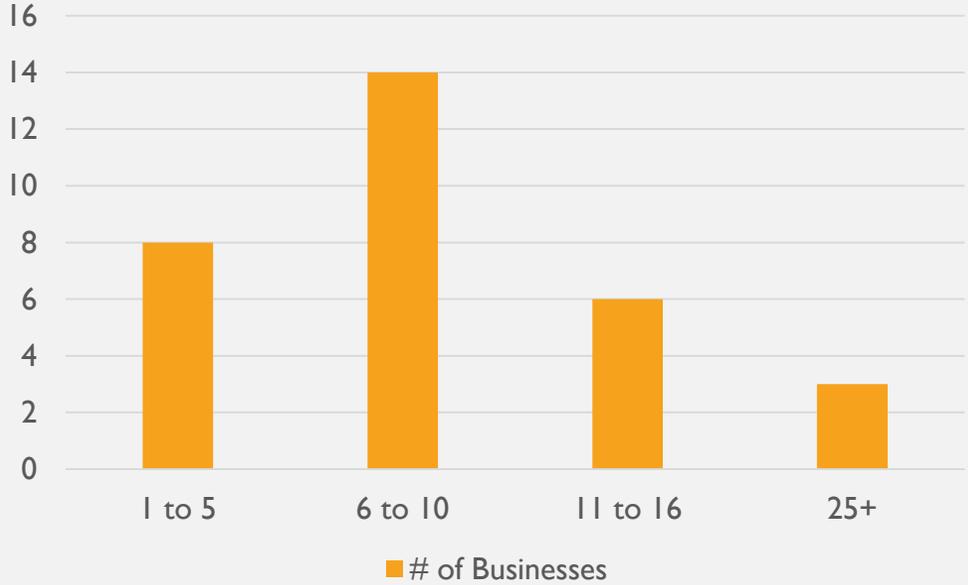
# INTRODUCTORY QUESTIONS

# WHAT KIND OF RESTAURANT DO YOU RUN OR OWN?

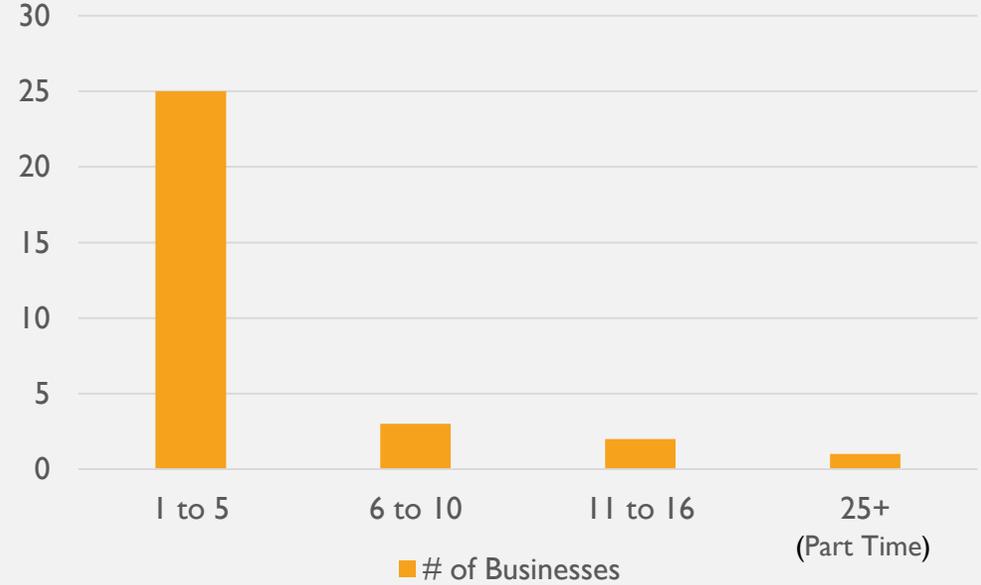


# HOW MANY EMPLOYEES DID YOU HAVE BEFORE AND AFTER THE SHELTER IN PLACE ORDER?

Employee Count by Business Before March 2020

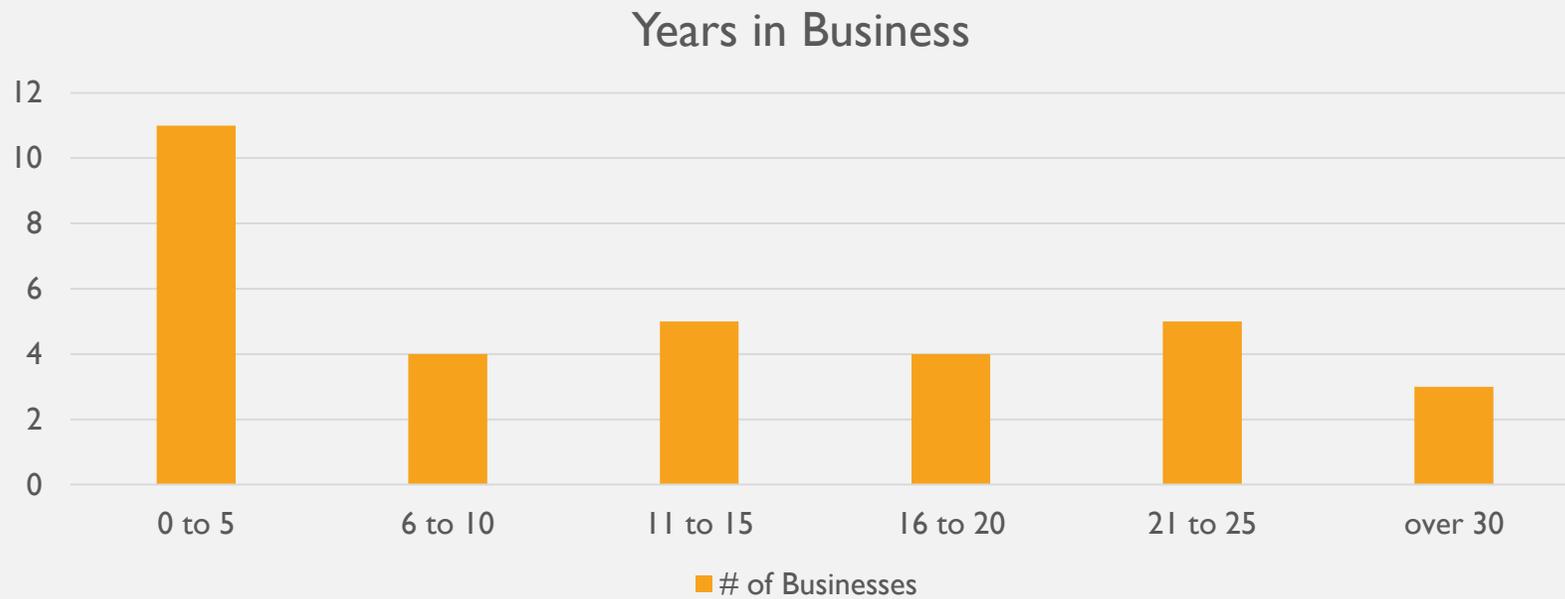


Employee Count by Business After March 2020



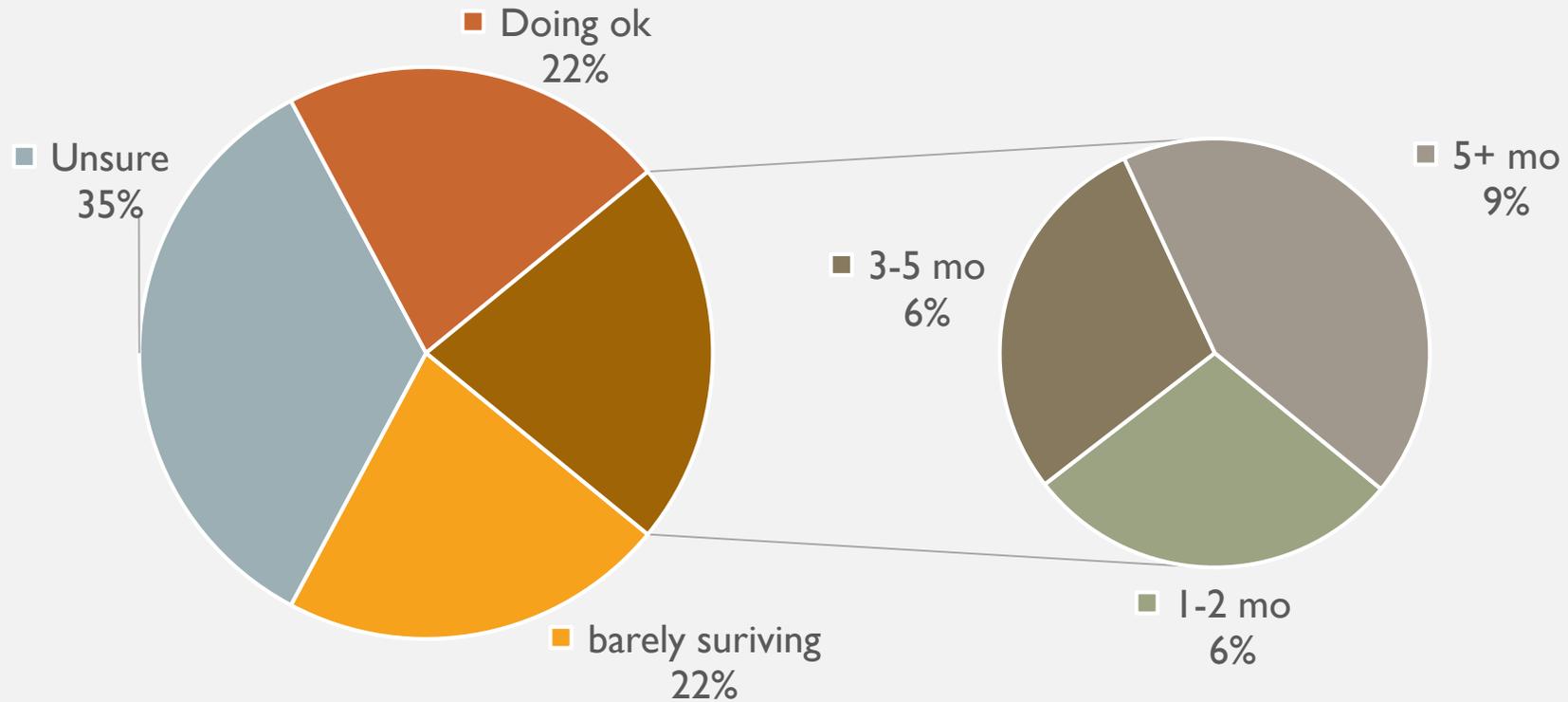
**\*195 Jobs were lost equating to a 58.38% reduction**

# HOW LONG HAVE YOU BEEN IN BUSINESS?



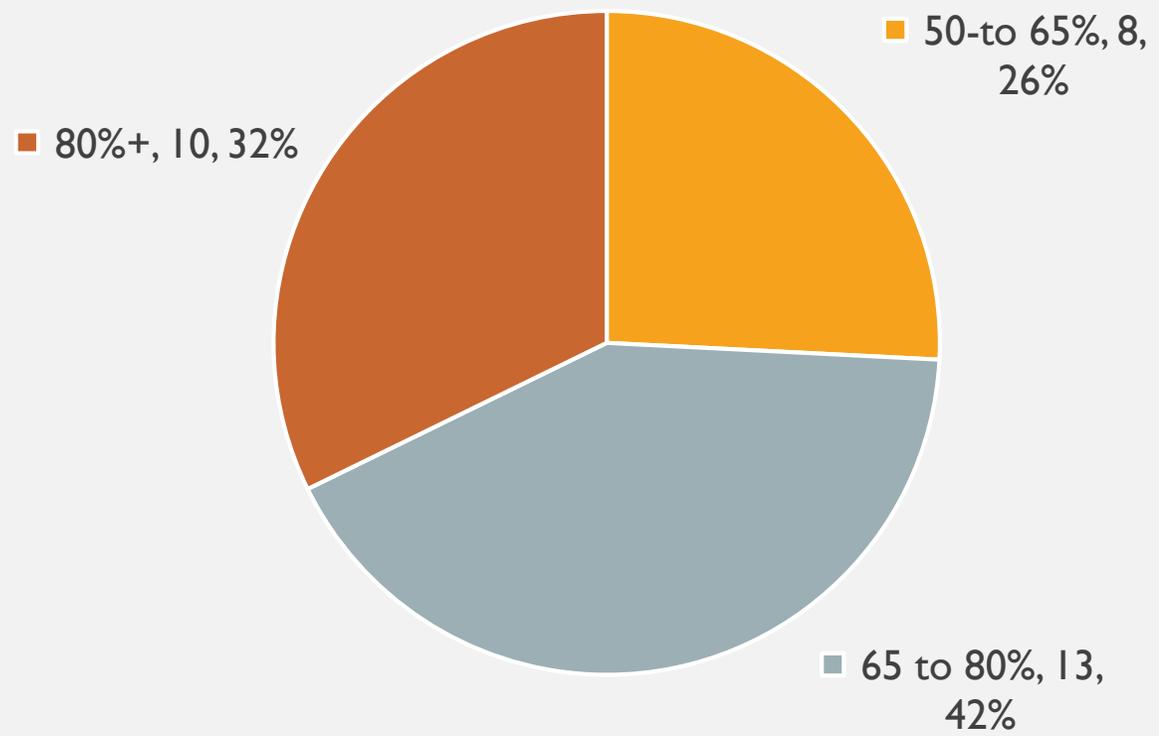
# FINANCIALS

# HOW LONG COULD YOUR BUSINESS STAY AFLOAT FINANCIALLY UNDER CURRENT CONDITIONS?



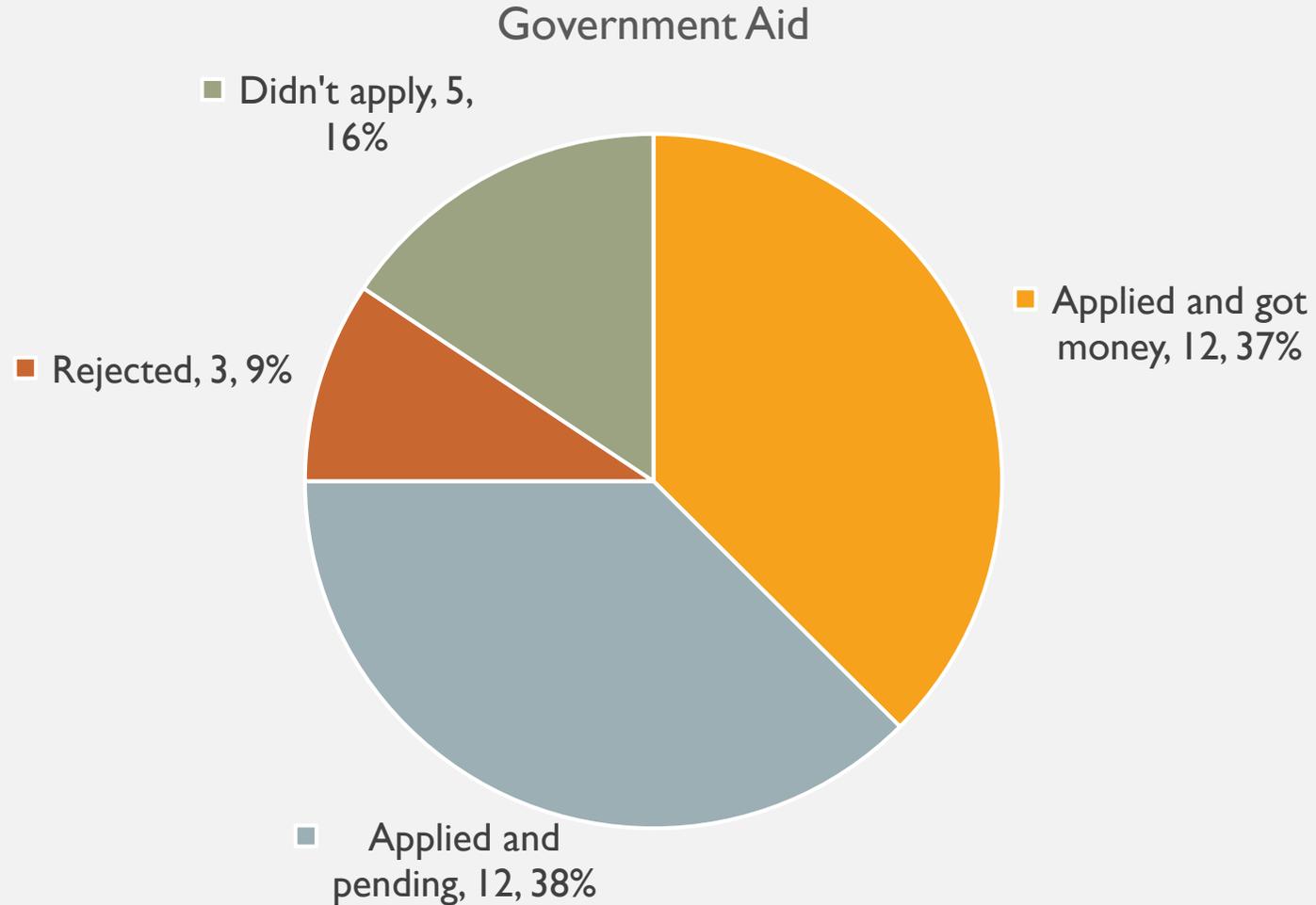
# HOW MUCH REVENUE HAVE YOU LOST SINCE THE START OF THE HEALTH EMERGENCY?

Revenue Lost



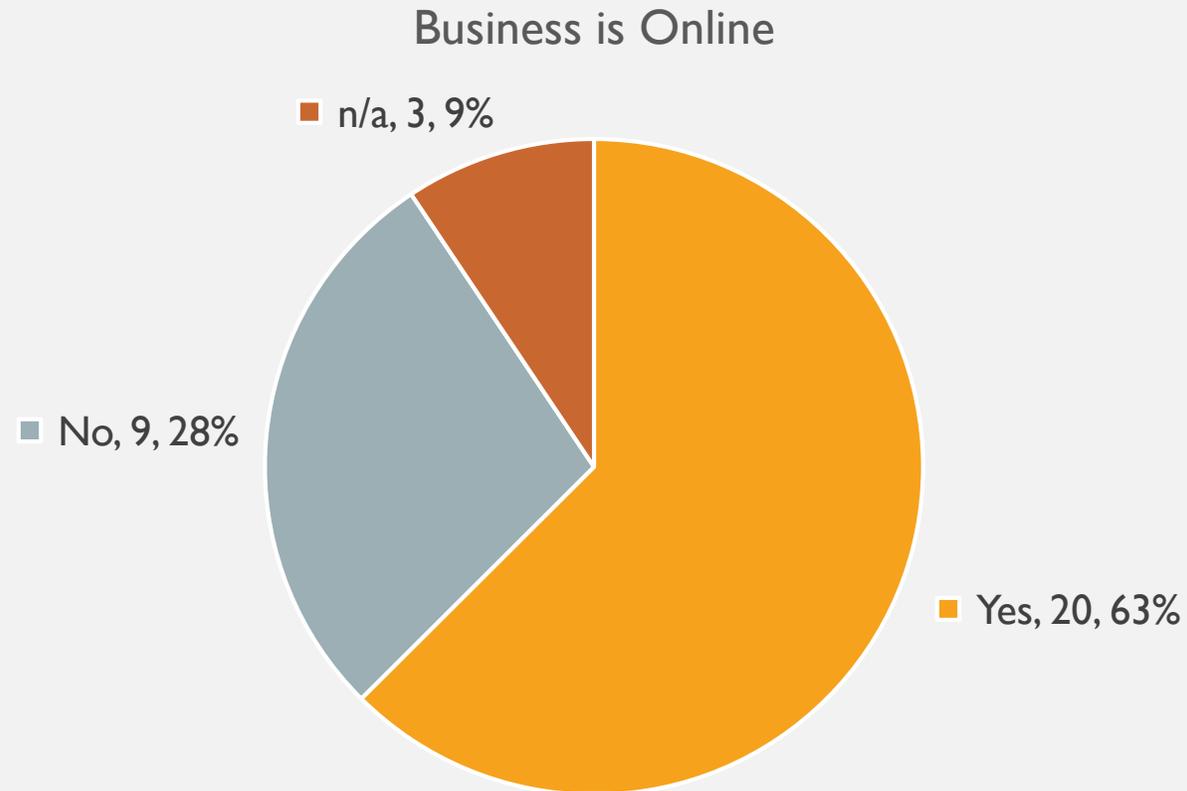
Average Revenue Loss: 70%

# DID YOU APPLY FOR GRANTS OR LOANS FROM THE GOVERNMENT?



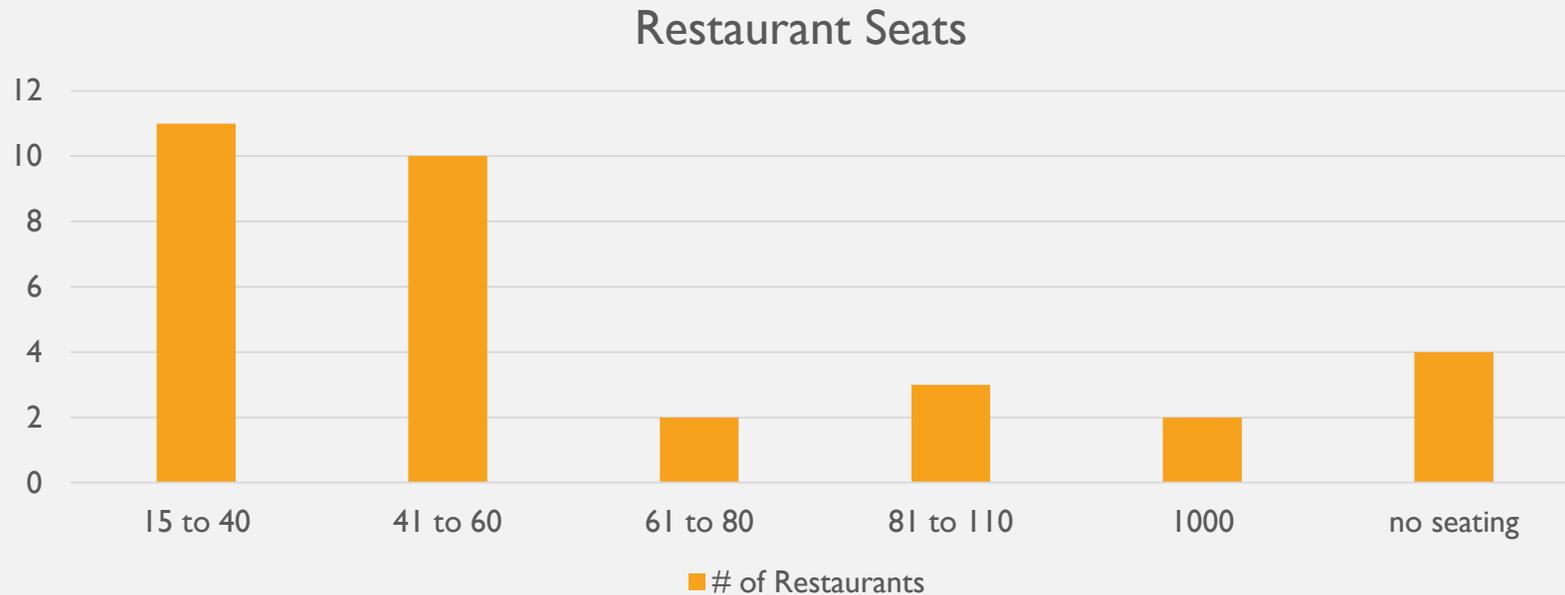
**ONLINE BUSINESS**

CAN YOU ADAPT TO ONLINE SERVICES, SUCH AS HAVING CUSTOMERS ORDER ONLINE OR PAYING ONLINE?



# RESTAURANT CAPACITY

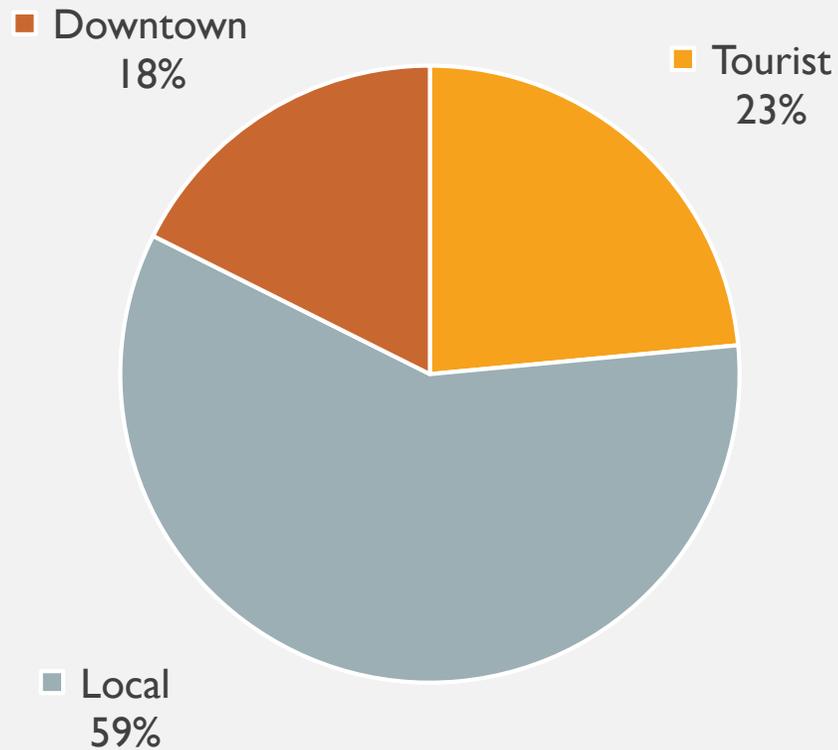
# WHAT IS YOUR NORMAL SIT DOWN CAPACITY?



# WHO ARE YOUR CUSTOMERS?

## Averages of all Businesses

Customer Type



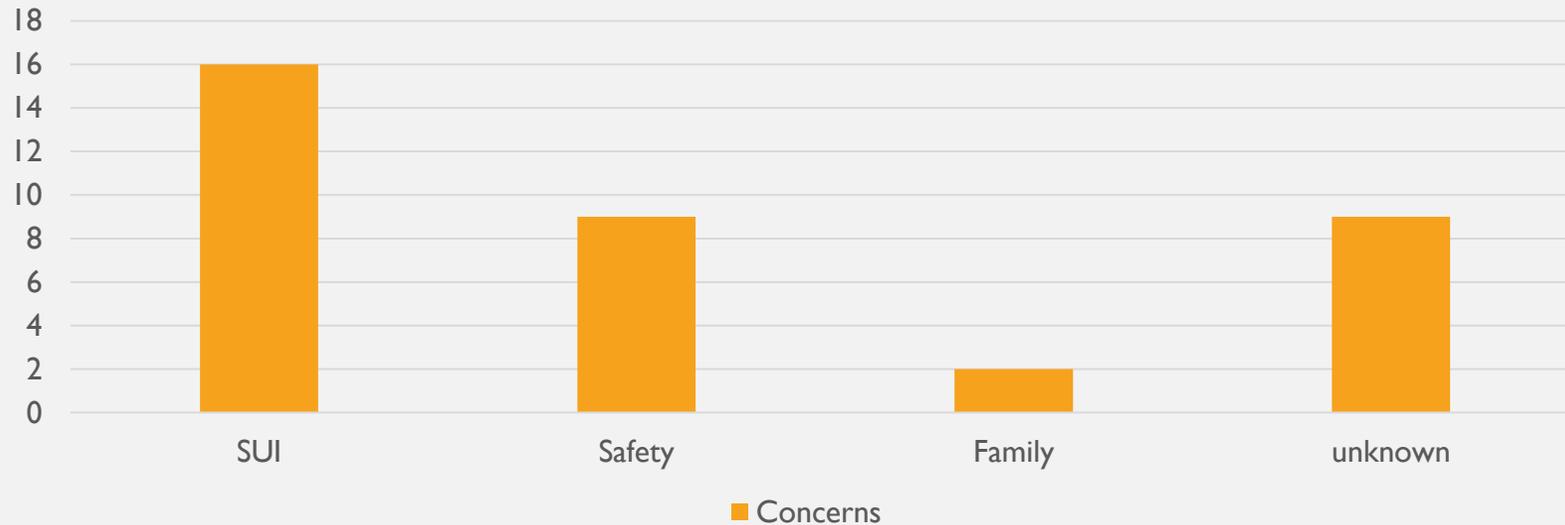
# WHAT COUNTRIES WERE YOUR TOURIST CUSTOMERS FROM?



**EMPLOYEES**

# WHAT WOULD KEEP YOUR EMPLOYEES FROM RETURNING TO WORK?

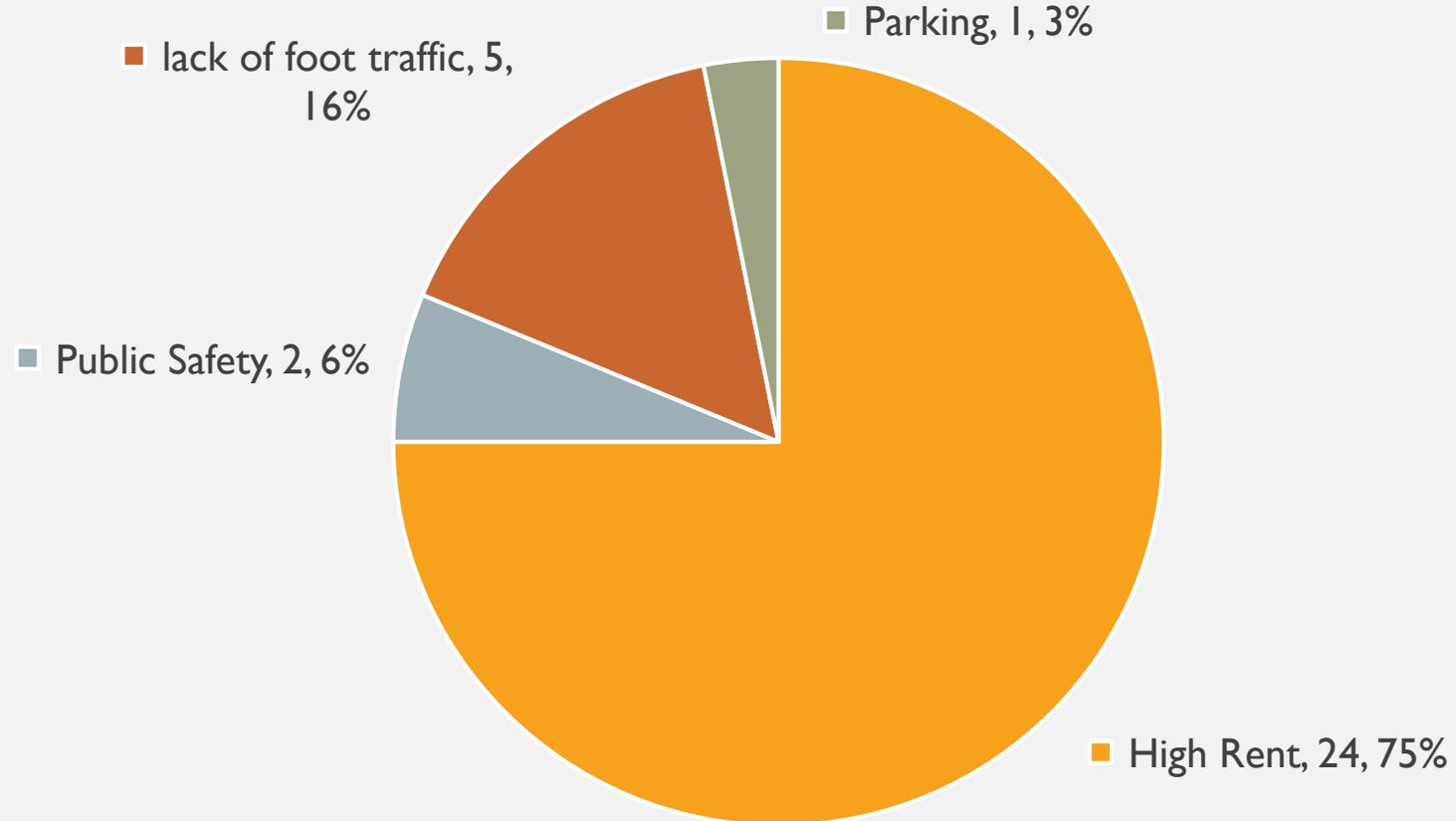
Reasons for not Returning to Work



IDEAS/PROPOSALS

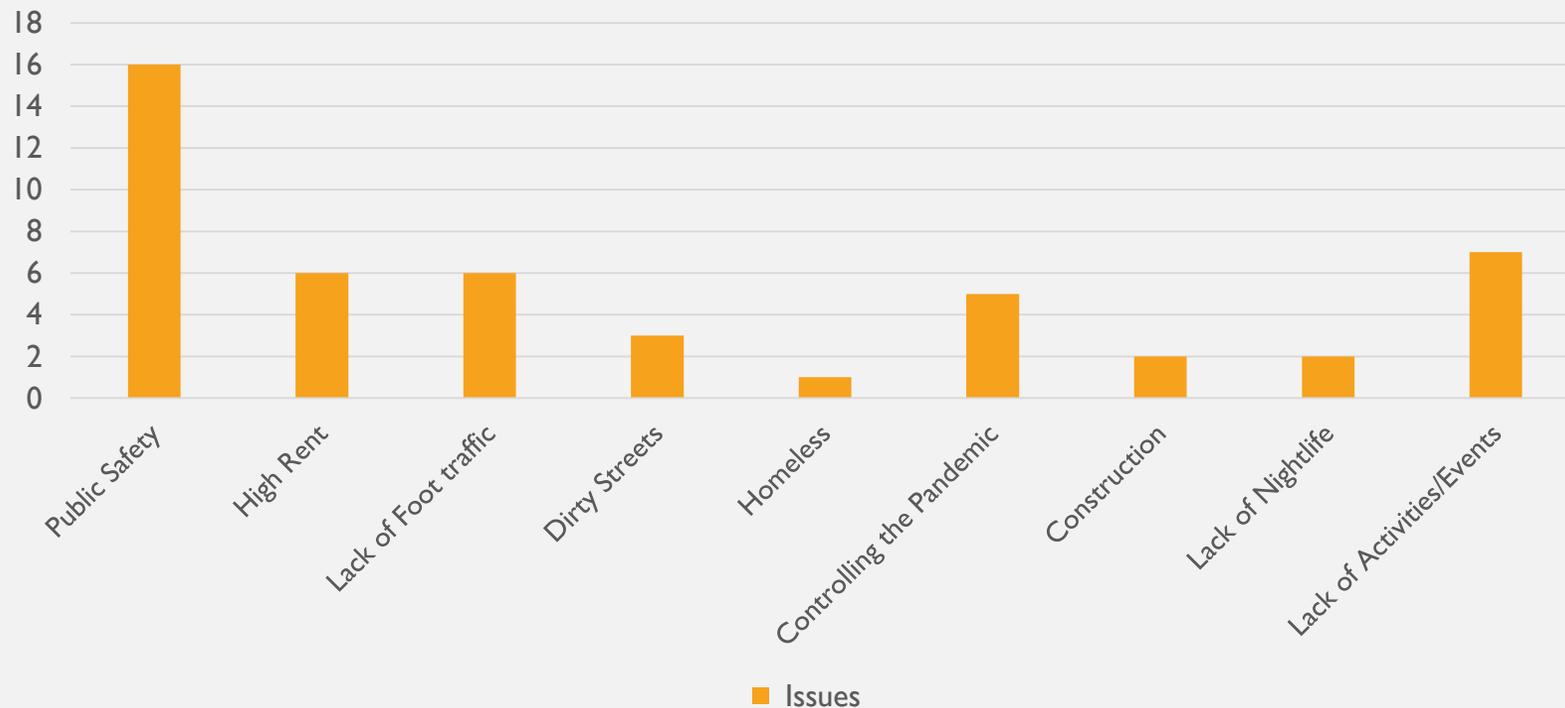
# WHY ARE THERE VACANT STOREFRONTS?

Vacant Storefronts



# WHAT NEEDS TO BE ADDRESSED TO MAKE CHINATOWN THRIVE AGAIN?

Chinatown Issues that Need to be Addressed



Supervisor Aaron Peskin  
Support for Commercial Eviction Moratorium  
November 6, 2020  
Page 7

**Exhibit 3**

**Pandemic Street Level**

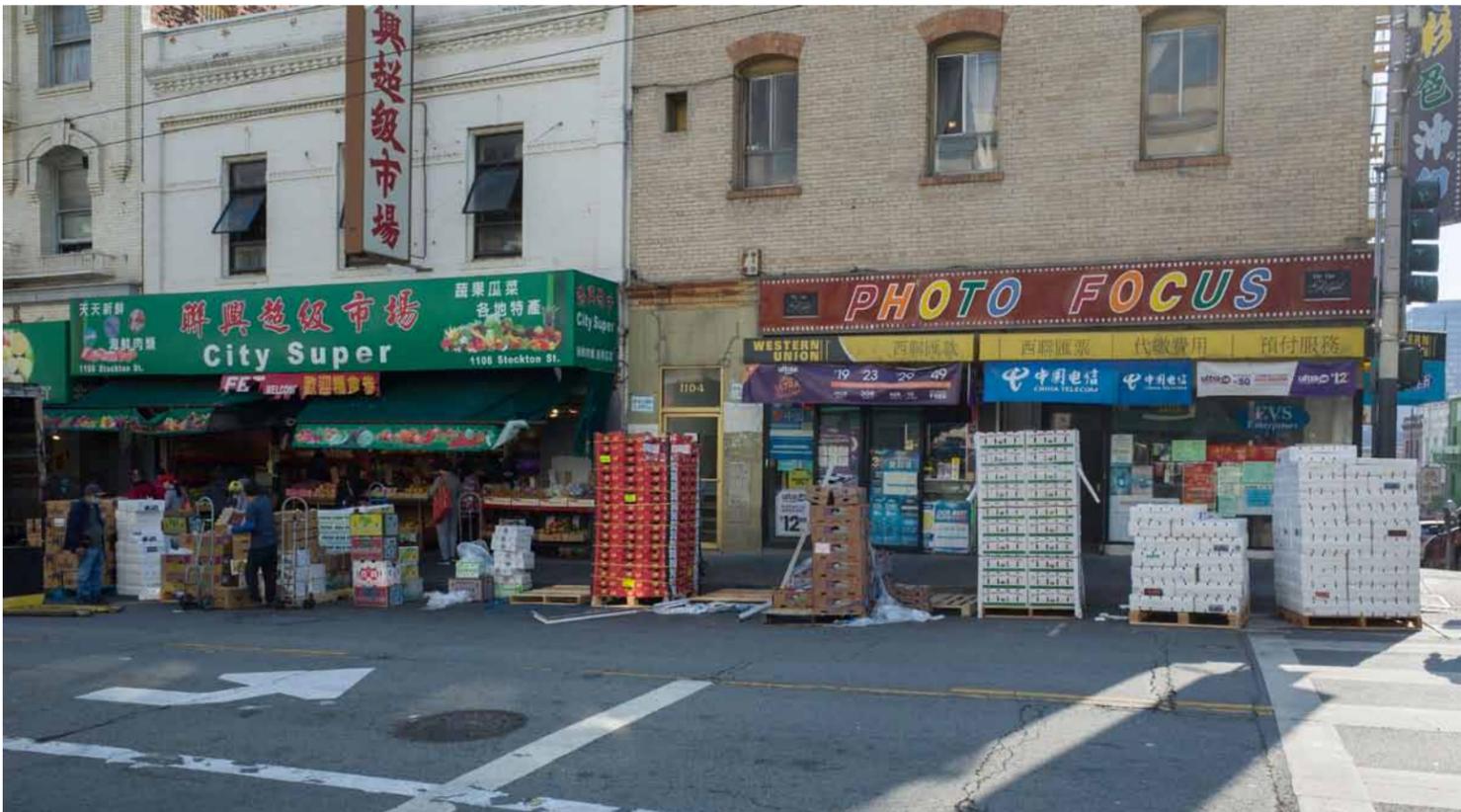
[Attached]



# Pandemic Chinatown Street Level January to August 2020

Photographs, analysis, and text  
by Malcolm Collier

© 2020



## Pandemic Chinatown to August 2020

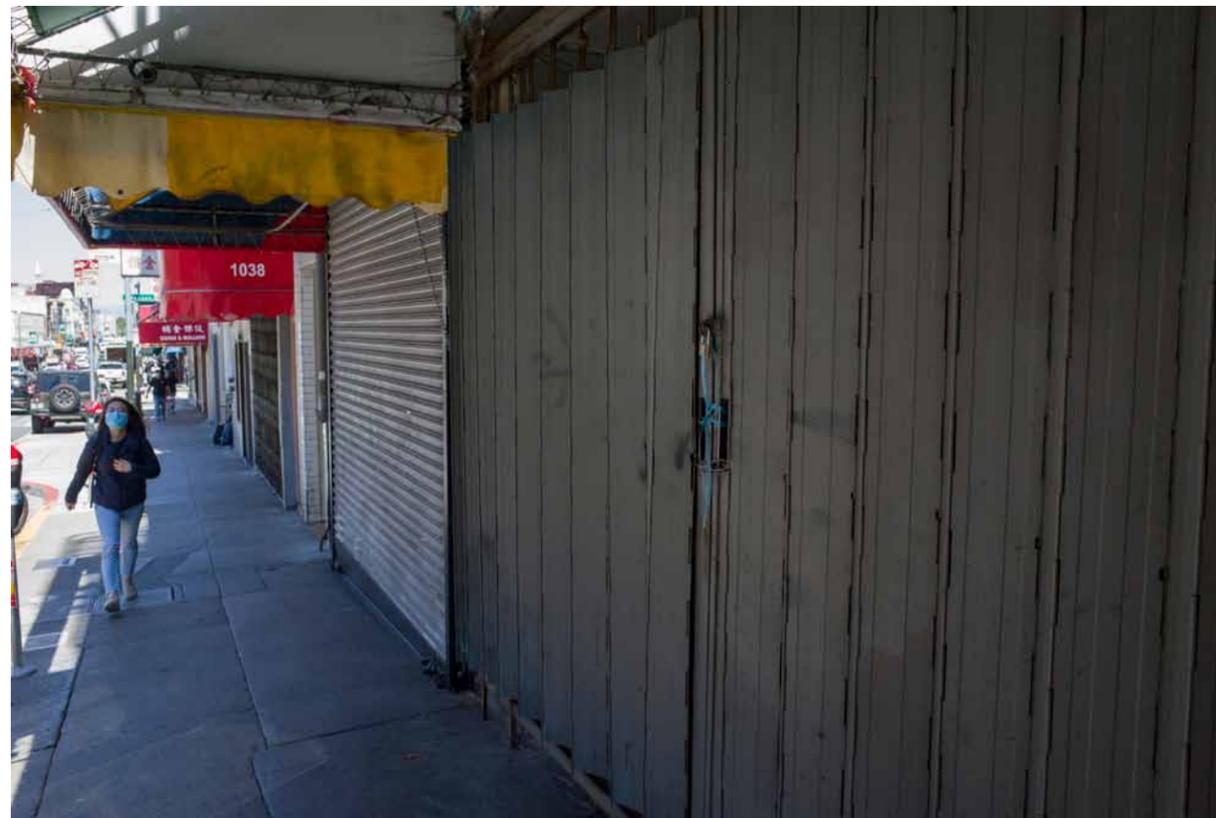
This report is a summary of what I found looking at vacancy/closures of street level activity and commercial spaces in Chinatown from before pandemic closures, through partial re-openings in June, through to August 2020. With further re-opening of hair salons and other such businesses anticipated for September 14, 2020, it may be useful to look at the impact of the first five months of the pandemic on Chinatown.

The summary is based on analysis of photographic mapping of Stockton Street and Grant Avenue on Feb. 21, May 5, and July 31, 2020, and on photographic surveys of the east/west cross streets on August 11, 2020. Additional photographs were made on other dates during 2020 as well. The photographic data was supplemented by study of other records, including Google Street views from 2019 and early 2020.

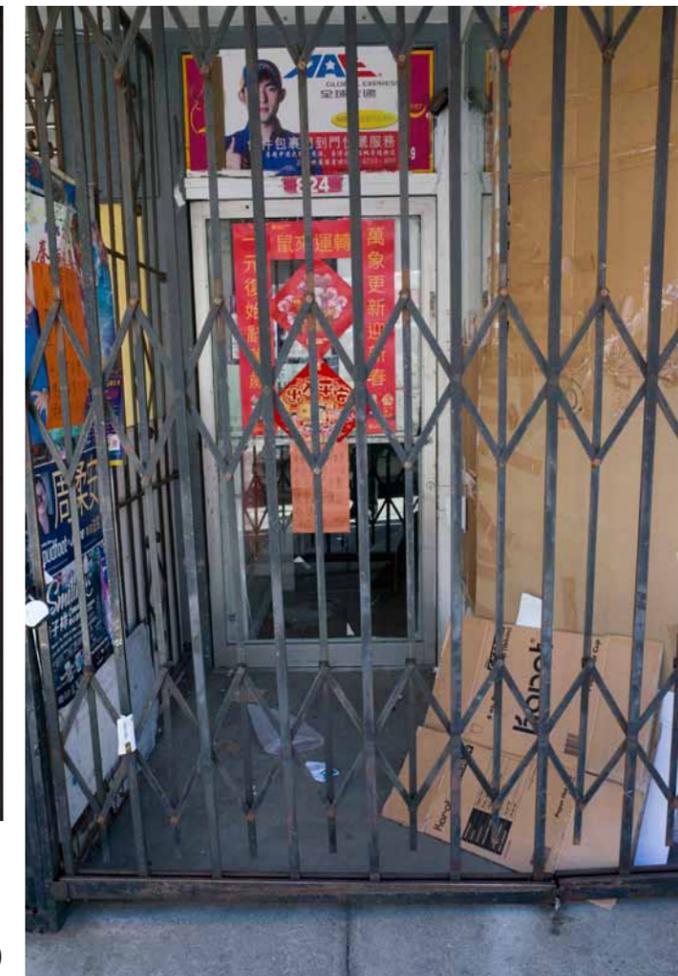
In my analysis I have defined "vacant" as meaning the space is closed and empty. I counted as "closed" any business that appeared to be occupied but was closed with no indication that it was open at other hours than the time I made the survey. I counted as open any restaurant, even if closed, that had signs indicating they were doing take out. I counted all banks as open, since most were and it is not always possible to determine from the photos whether or not a bank is open or closed. I counted as open several businesses that, from personal knowledge, I knew to be open at other times than when the images were made.

There is a margin of error, so these findings should be seen as well informed estimates. It is possible that the figures generated may slightly over-estimate closures but the trends should be reasonably accurate. Closure rates will drop a bit if hair salons and related businesses re-open after September 14, 2020.

This summary does not include coverage of Powell Street, Waverly, or any of the smaller alleys nor can it really tell how well open businesses are actually doing.



May 5, 2020



May 5, 2020

July 31, 2020

August 20, 2020





People social distancing, Stockton Street, 12:36 PM May 5.



More casual about it, 11:56 AM July 31.

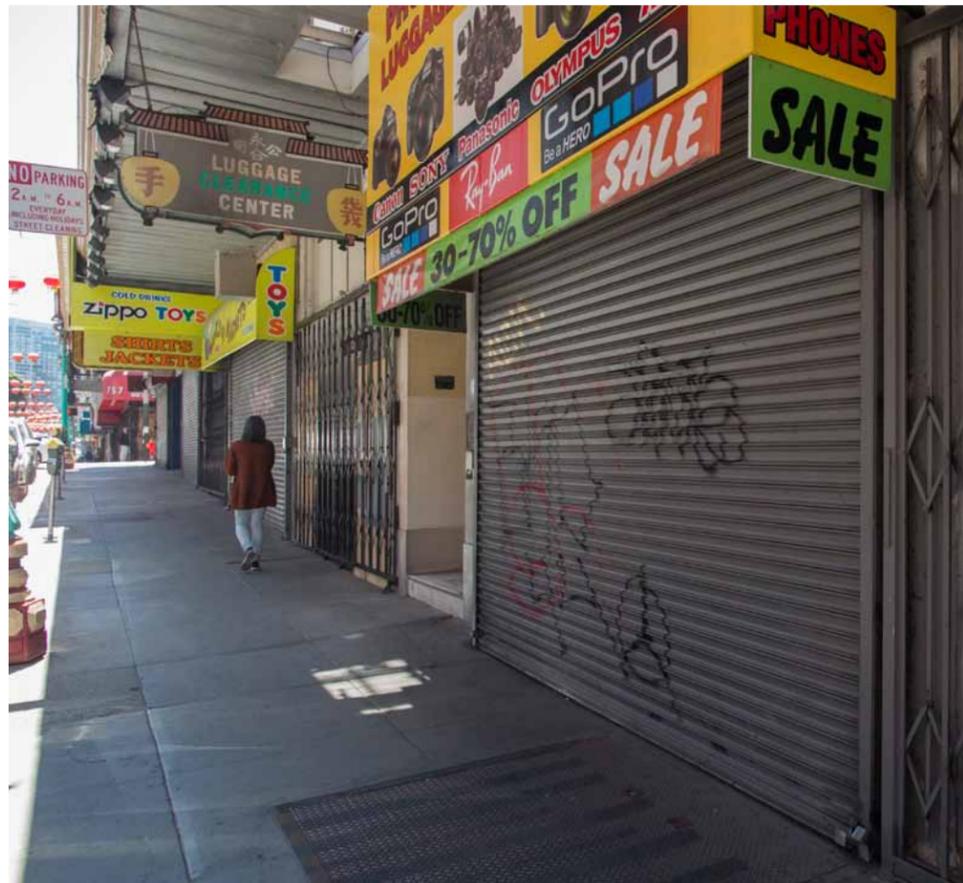


In any case, hard to social distance with narrow sidewalks on Stockton, July 31, 2020.

### Social distance in Chinatown

Chinatown residents have been very good about wearing masks in public, almost 100%, but circumstances can make social distancing more of a challenge.

May 5, 2020: Social distancing is easy on Grant Avenue.



Generally, people are good about social distancing when it is possible - here a line on Powell for a give away. The line stretched from Trenton, up Pacific, along Powell, and down Clay. August 19, 2020.



**Vacancies and business closures on Stockton Street and Grant Avenue Feb. 21, May 5, and July 31, 2020**

By fortunate accident, I made photo mappings of Stockton Street and Grant Avenue on February 21, 2020, with plans to make additional records in other parts of Chinatown in March. The original intent was to make a comparison to the business situation on those and other streets in Chinatown in 2020 with that which was found previously in 2016. Events have over taken those plans. Instead I made photo mappings of the two streets on May 5th and a photo survey on July 31st. All photographs were made on weekdays between 11:30 am and 4:30 p.m., with a focus on storefronts rather than people. These records were used to examine vacancies and closures on those dates. An statistical overview of the two streets is presented here, with more detailed information and additional images on following screens/pages.

**Stockton Street - Overview**

Here are the summary figures for commercial vacancies and closures on February 21, May 5, and July 31 for Stockton Street between Sacramento and Columbus. The first figures are the raw number of commercial vacancies or closures identified and the second figures are those numbers as a percentages of the total number of commercial spaces identified, both open and closed.

	Feb. 21	May 5	July 31
Vacant or closed	10 7%	65 48%	43 32%

**Grant Avenue - Overview**

Below are summary figures for commercial vacancies and closures along Grant Avenue on the three dates in 2020. I did not make records of the blocks between Bush and California on May 5, so no data is available for that section for May 5. However, given the nature of the business activity in that section of Grant, it is likely that almost all the businesses were closed on May 5th.

	Feb. 21	May 5	July 31
Vacant or closed between California and Broadway	25 20%	108 86%	98 52%
Vacant or closed between Bush and California	3 7%	no data	33 75%



Peak of closures, May 5, 2020. Above: Stockton Street, with many food stores, still had at least some foot traffic in May. Below: Tourist dependent Grant, with 86% of businesses closed, had almost none.



## Stockton Street - details and photos

Stockton Street, unlike Grant, serves a primarily local and regional clientele, with an emphasis on retail food sales. In 2016, the commercial vacancy rate was just under 3%, in February 2020 it had increased to 7%, still significantly lower than other parts of Chinatown. This pre-pandemic increase derives from closures for soft story retrofitting on the west side of Stockton north of Broadway and a gradual business contraction due to the displacement of the Chinese American population north and west of the Chinatown.

Because many of the businesses on Stockton Street are categorized as “essential”, the impact of pandemic closures was and is less dramatic than along Grant Avenue. Food related business, which are concentrated on the west side from Washington to Broadway and on the east side from Jackson to Vallejo, have largely remained open. Other businesses have suffered, as can be seen in the higher figures for blocks south of Washington and north of Vallejo. Some of these figures are likely to improve with re-opening of hair salons and other such businesses in mid September, 2020.

### Vacancies/closures on Stockton Street Feb. 21 and July 21, 2020

Street/ block	Total store fronts	Feb 2020 vacant/closed	Feb 2020 vacant/closed as percent	July 2020 vacant/closed	July 2020 vacant/closed as percent
<b>Sacramento</b>					
800 EAST	16	0	0.0%	11	68.8%
800 WEST	5	0	0.0%	1	20.0%
<b>Clay</b>					
900 EAST	10	0	0.0%	5	50.0%
900 WEST	4	0	0.0%	3	75.0%
<b>Washington</b>					
1000 EAST	14	0	0.0%	5	35.7%
1000WEST	13	0	0.0%	1	7.7%
<b>Jackson</b>					
1100 EAST	3	0	0.0%	0	0.0%
1100 WEST	11	0	0.0%	0	0.0%
<b>Pacific</b>					
1200 EAST	10	1	10.0%	1	10.0%
1200 WEST	14	1	7.1%	3	21.4%
<b>Broadway</b>					
1300 EAST	8	0	0.0%	0	0.0%
1300WEST	12	7	58.3%	7	58.3%
<b>Vallejo</b>					
1400 EAST	6	1	16.7%	2	33.3%
1400 WEST	10	0	0.0%	4	40.0%
<b>Columbus</b>					
<b>Total</b>	<b>136</b>	<b>10</b>	<b>7.4%</b>	<b>43</b>	<b>31.6%</b>



May 5 on east side between Washington and Jackson, no closures Feb. 21, in July 36% remained closed.

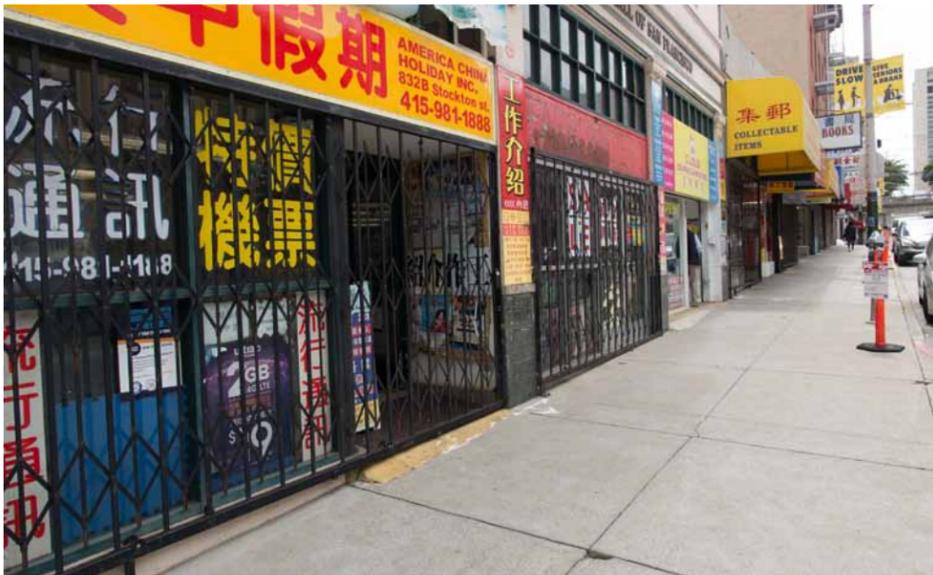
Almost everything open on west side between Washington and Jackson, July 31, 2020





Food store draw crowds at Stockton and Pacific on Aug. 1, but other businesses remain closed as between Clay and Sacramento, July 31, 2020.

All stores open and many people between Jackson and Pacific, July 31, 2020.



**Stockton Street contrasts**

Small retail, open Feb. 6 (below, left) then closed in May and remaining closed (below) July 31, 2020.

Small retail, was closed in May, open again July 31.



## Grant Avenue

Businesses on Grant Avenue have been suffering for quite some time. In 2016, the commercial vacancy rate on Grant was approximately 8~9%, considerably higher than in the past, although still lower than many other parts of the city. By Feb. 21, 2020 it had increased to 20% in the core Chinatown area from California to Broadway and 17% overall. Prior to the pandemic, the Chinatown core had been doing worse than the downtown blocks between California and Bush but the situation is now reversed following pandemic closures and partial re-openings in June. In the core area, 52% of businesses remain vacant or closed while in the downtown section the figure is 75%. The core Chinatown blocks have a little more local clientele than the downtown blocks but both areas are heavily tourist dependent, had very little foot traffic in July and August, and unlikely to have major recovery until there are more visitors to San Francisco.

### Vacancies/closures on Grant Feb. 21 and July 21, 2020

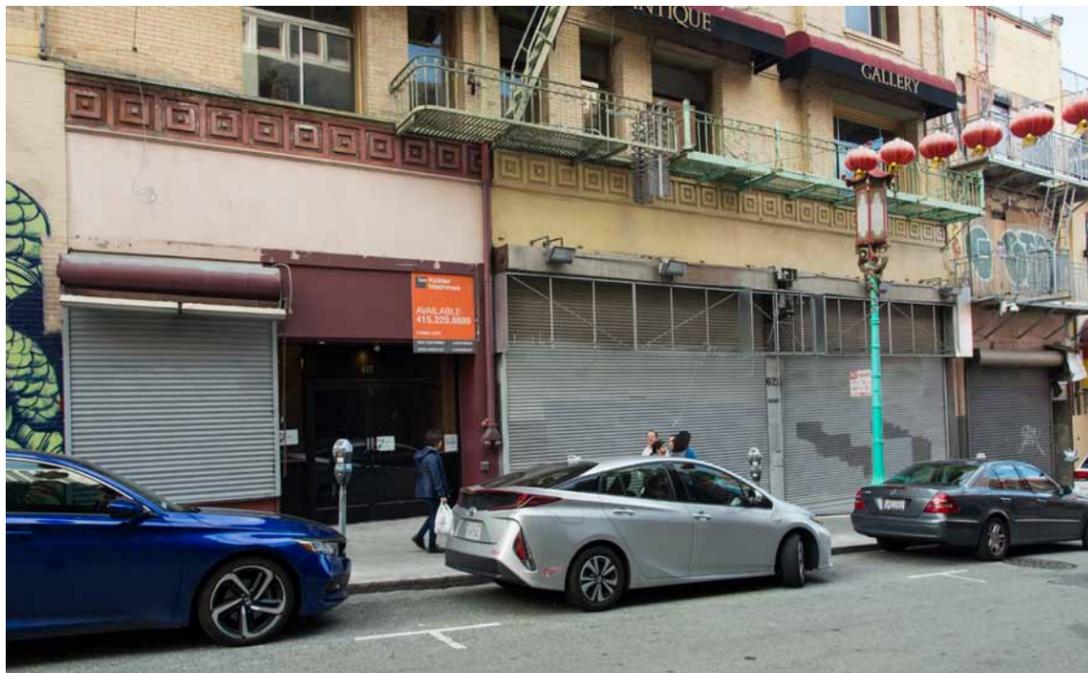
Street/ block	Total store fronts	Feb 2020 vacant/closed	Feb 2020 vacant/closed as percent	July 2020 vacant/closed	July 2020 vacant/closed as percent
<b>Bush</b>					
400 EAST	8	0	0.0%	5	62.5%
400 WEST	11	0	0.0%	8	72.7%
<b>Pine</b>					
500 EAST	12	2	16.7%	10	83.3%
500 WEST	13	1	7.7%	10	76.9%
<b>California</b>					
<b>Subtotal</b>	44	3	6.8%	33	75.0%
<b>California</b>					
600 EAST	5	0	0.0%	1	20.0%
600 WEST	10	6	60.0%	6	60.0%
<b>Sacramento</b>					
700 EAST	13	0	0.0%	7	53.8%
700 WEST	10	0	0.0%	4	40.0%
<b>Clay</b>					
800 EAST	9	4	44.4%	7	77.8%
800 WEST	13	2	15.4%	5	38.5%
<b>Washington</b>					
900 EAST	14	2	14.3%	11	78.6%
900 WEST	15	3	20.0%	6	40.0%
<b>Jackson</b>					
1000 EAST	7	0	0.0%	1	14.3%
1000 WEST	9	2	22.2%	6	66.7%
<b>Pacific</b>					
1100 EAST	11	3	27.3%	5	45.5%
1100 WEST	10	3	30.0%	6	60.0%
<b>Broadway</b>					
<b>Subtotal</b>	126	25	19.8%	65	51.59%
<b>Total</b>	170	28	16.5%	98	57.6%



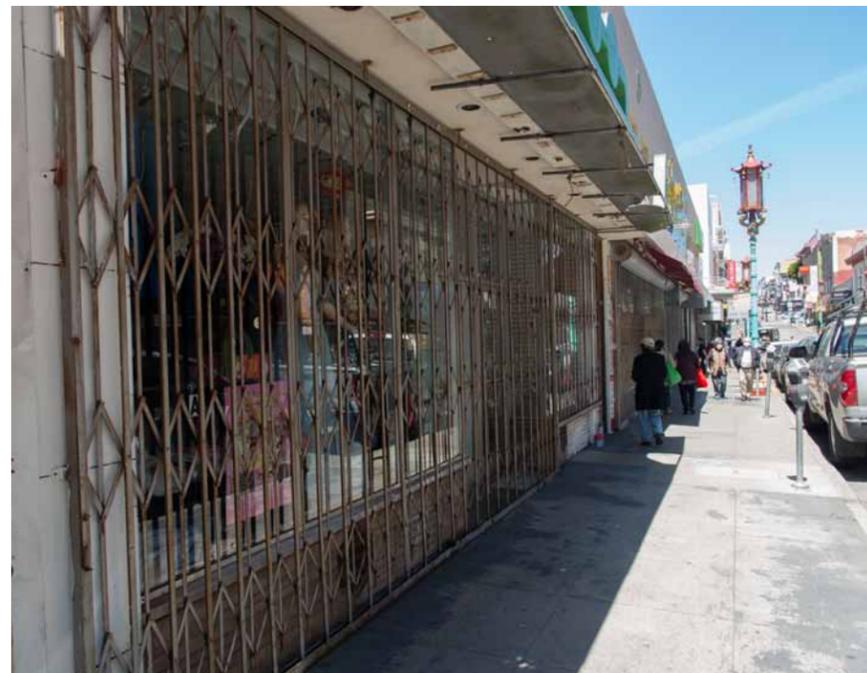
Above: Lunar New Year street fair January 19, 2020 between Washington and Jackson.

Below: Same block on August 11, 2020.

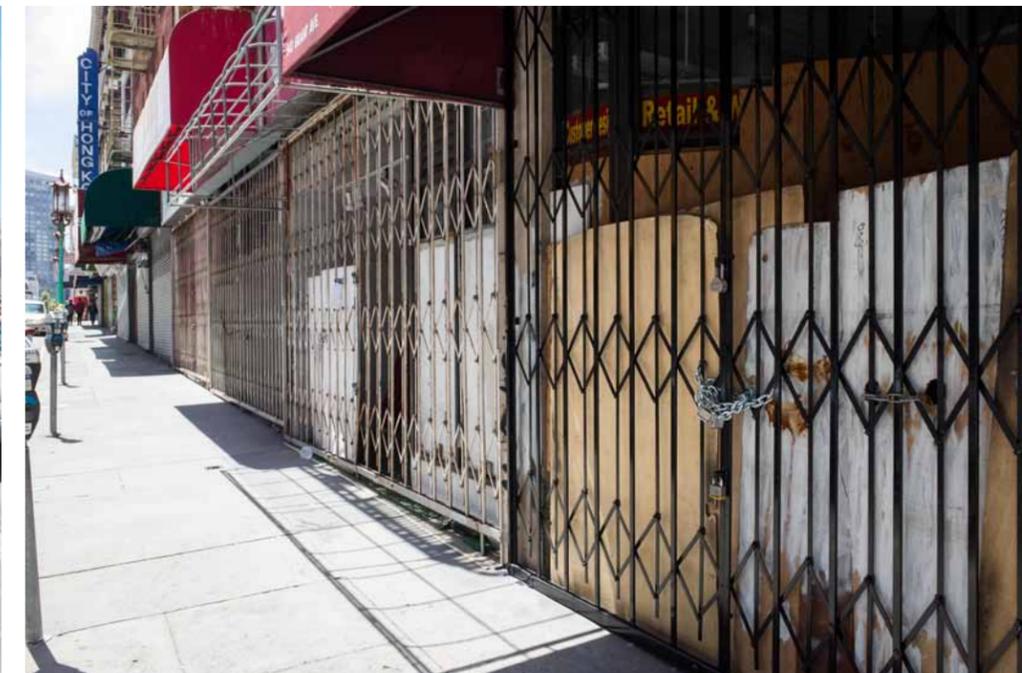




Vacancies were already at 20% before the pandemic, as reflected here between California and Sacramento on Feb. 21, 2020



These businesses between Jackson and Pacific were open in February, closed here in May. The larger building is for sale.



There was only one vacancy on this block between California and Pine in February but 10 out 13 were closed or vacant on July 31, 2020.

July 31, 2020. Some long time import/curio stores like Canton Bazaar re-opened after the initial closures but there appeared to be few customers.

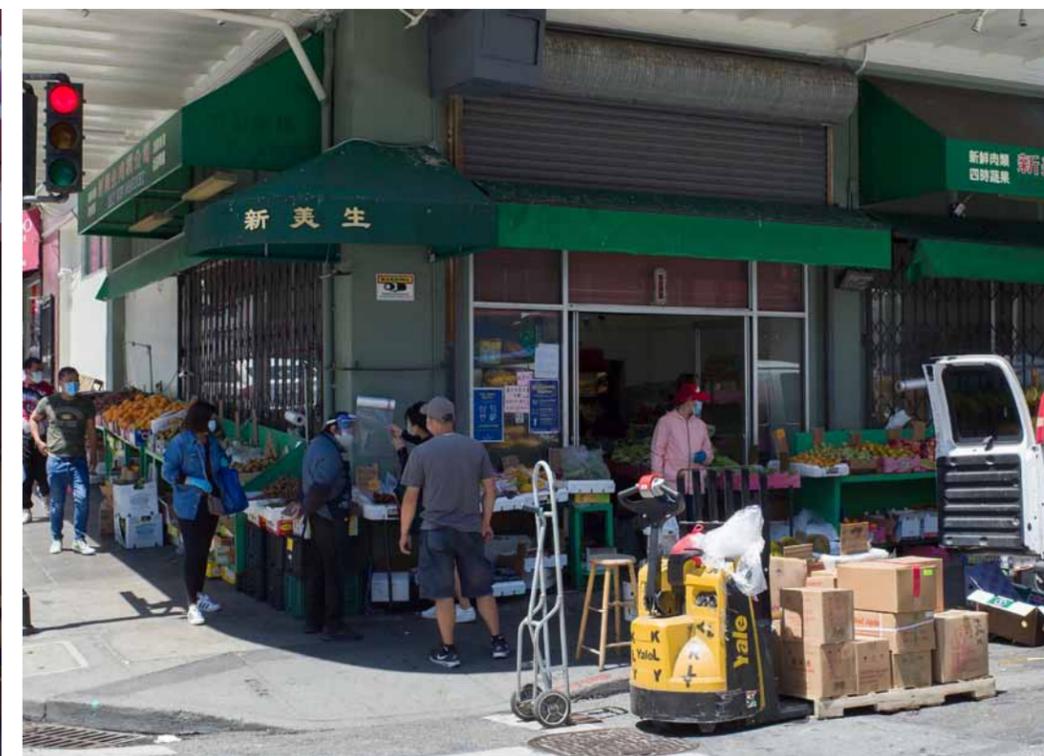
### Grant Avenue open and closed



Bow Hon trying out sidewalk dining. July 31, 2020.



This produce market at the corner of Pacific has been the last one on Grant for several years. It remained open throughout the pandemic, as have a number of other nearby businesses that serve a primarily local clientele. July 31, 2020.



# Chinatown East/West streets - Vacancies and Closures

This is a summary of what I found looking at August 2020 vacancy/closures on the East/West streets in Chinatown and comparing that information to the most recent pre-pandemic information I could obtain. The information for August 2020 is from a photographic survey made at mid day on August 11th, supplemented by additional images made shortly before and after that date. I tried to record every vacant or closed ground level storefront. The information for pre-pandemic vacancies/closures (mostly vacancies) are from notes and photographs I made in 2019 and early 2020 and from study of Google street views from several dates in 2019 and early 2020.

The statistical information obtained is summarized in the tables seen here and then each street is examined in turn, with photographs. Unless otherwise noted all photographs were made on August 11, 2020.



Multiple adjacent vacancies/closures on Jackson Street.

Broadway Grant to Powell	Total store fronts	January 2020 vacant/closed	Jan 2020 as percent	August 2020 vacant/closed	Aug 2020 as percent
600 north	12	5	41.7%	5	41.7%
600 south	10	0	0.0%	1	10.0%
700 north	13	4	30.8%	9	69.2%
700 south	6	2	33.3%	4	66.7%
total	41	11	26.8%	19	46.3%
percent		26.8%		46.3%	

Pacific Columbus to Powell	Total store fronts	January 2020 vacant/closed	Jan 2020 as percent	August 2020 vacant/closed	Aug 2020 as percent
600 north	9	2	22.2%	1	11.1%
600 south	1	1	100.0%	0	0.0%
700 north	8	2	25.0%	3	37.5%
700 south	0	0	0.0%	0	0.0%
800 north	3	0	0.0%	2	66.7%
800 south	4	1	25.0%	1	25.0%
total	25	6	24.0%	7	28.0%
percent		24.0%		28.0%	

Jackson Kearny to Powell	Total store fronts	April 2019 vacant/closed	April 2019 as percent	August 2020 vacant/closed	Aug 2020 as percent
600 north	13	1	7.7%	8	61.5%
600 south	18	2	11.1%	6	33.3%
700 north	12	1	8.3%	8	66.7%
700 south	18	3	16.7%	6	33.3%
800 north	11	4	36.4%	7	63.6%
800 south	nd	nd	nd	nd	nd
total	72	11	15.3%	35	48.6%
percent		15.3%		48.6%	

Washington Kearny to Stockton	Total store fronts	May 2019 vacant/closed	May 2019 as percent	August 2020 vacant/closed	Aug 2020 as percent
700 north	6	0	0.0%	2	33.3%
700 south	4	1	25.0%	1	25.0%
800 north	18	6	33.3%	8	44.4%
800 south	13	1	7.7%	6	46.2%
total	41	8	19.5%	17	41.5%
percent		19.5%		41.5%	

Clay Kearny to Stockton	Total store fronts	May 2019 vacant/closed	May 2019 as percent	August 2020 vacant/closed	Aug 2020 as percent
700 north	5	2	40.0%	3	60.0%
700 south	17	1	5.9%	10	58.8%
800 north	12	1	8.3%	8	66.7%
800 south	10	1	10.0%	8	80.0%
total	44	5	11.4%	29	65.9%
percent		11.4%		65.9%	

Sacramento Kearny to Stockton	Total store fronts	January 2020 vacant/closed	Jan 2020 as percent	August 2020 vacant/closed	Aug 2020 as percent
700 north	17	2	11.8%	9	52.9%
700 south	5	0	0.0%	4	80.0%
800 north	4	2	50.0%	4	100.0%
800 south	6	3	50.0%	4	66.7%
total	32	7	21.9%	21	65.6%
percent		22%		65.6%	

## Broadway between Grant and Powell



On the south side immediately below Stockton, the mainly food related businesses have fared better. Further toward Grant business are not doing as well, although only one was closed on August 11.

Overall, the pandemic has increased vacancies and closures on Broadway from 27% to 46% between January and August 2020.

The south side of Broadway has been more stable, with no vacancies below Stockton in January 2020 and only one (out of ten businesses) closed on August 11, although several of the non-food related businesses were not doing well. Above Stockton, the North Ping Yuen and CCDC's Bayside Senior Housing dominate the south side so there are fewer commercial spaces. Two were vacant in January 2020 and four vacant or closed on August 11, 2020, giving a vacancy rate of 67%. The business locations closer to Powell have been struggling for several years and the pandemic has only made the situation worse.

Chinatown businesses on the north side of Broadway have been suffering for many years. This started above Stockton, with a vacancy rate of over 55% in some years between 2013 and 2016, as Chinatown serving businesses closed. The opening of a few new businesses, with a different focus, brought the vacancies down to 31% in January of 2020 but now the combined vacancies and closures total 69% on August 11, 2020. The north side of Broadway below Stockton, had been more stable but by January 2020 there had been major closures of Chinatown serving businesses there as well, including both a major market and a hardware store, with a vacancy rate of 42% before the pandemic. On the bright side, there have been no new closures following the pandemic.



Here customers are socially distancing while waiting to enter "Dim Sum Bistro". Sidewalks on Broadway are distinctly less crowded than on Stockton.

### Vacancies/closures on Broadway, January 2020 and August 11, 2020

Broadway Grant to Powell	Total store fronts	January 2020 vacant/closed	Jan 2020 as percent	August 2020 vacant/closed	Aug 2020 as percent
600 north	12	5	41.7%	5	41.7%
600 south	10	0	0.0%	1	10.0%
700 north	13	4	30.8%	9	69.2%
700 south	6	2	33.3%	4	66.7%
total	41	11	26.8%	19	46.3%
percent		26.8%		46.3%	

## Broadway between Grant and Powell



Ironically, surviving Chinatown related businesses, like the trading company and poultry store above, have fared better during the pandemic than the newer, more upscale ones that had begun to replace other Chinatown businesses prior to the pandemic.



The status of this more upscale clothing store is unclear.

These businesses on the north side above Stockton have been vacant for a long time.



On the north side below China Live, only one out of six businesses remain open. However, all these vacancies predate the pandemic.



## Pacific between Columbus and Powell

To some extent, Pacific appears to have been the least impacted by the pandemic of all the East/West streets in Chinatown, with an increase in vacancies/closures from 24% in January to 28% in August. Pacific at Stockton is one of the areas of greatest density of foot traffic in Chinatown, which may also help businesses in hard times. However, in making my analysis I had no before and after information on what has happened to businesses within the Miriwa Center, so the data is somewhat incomplete.

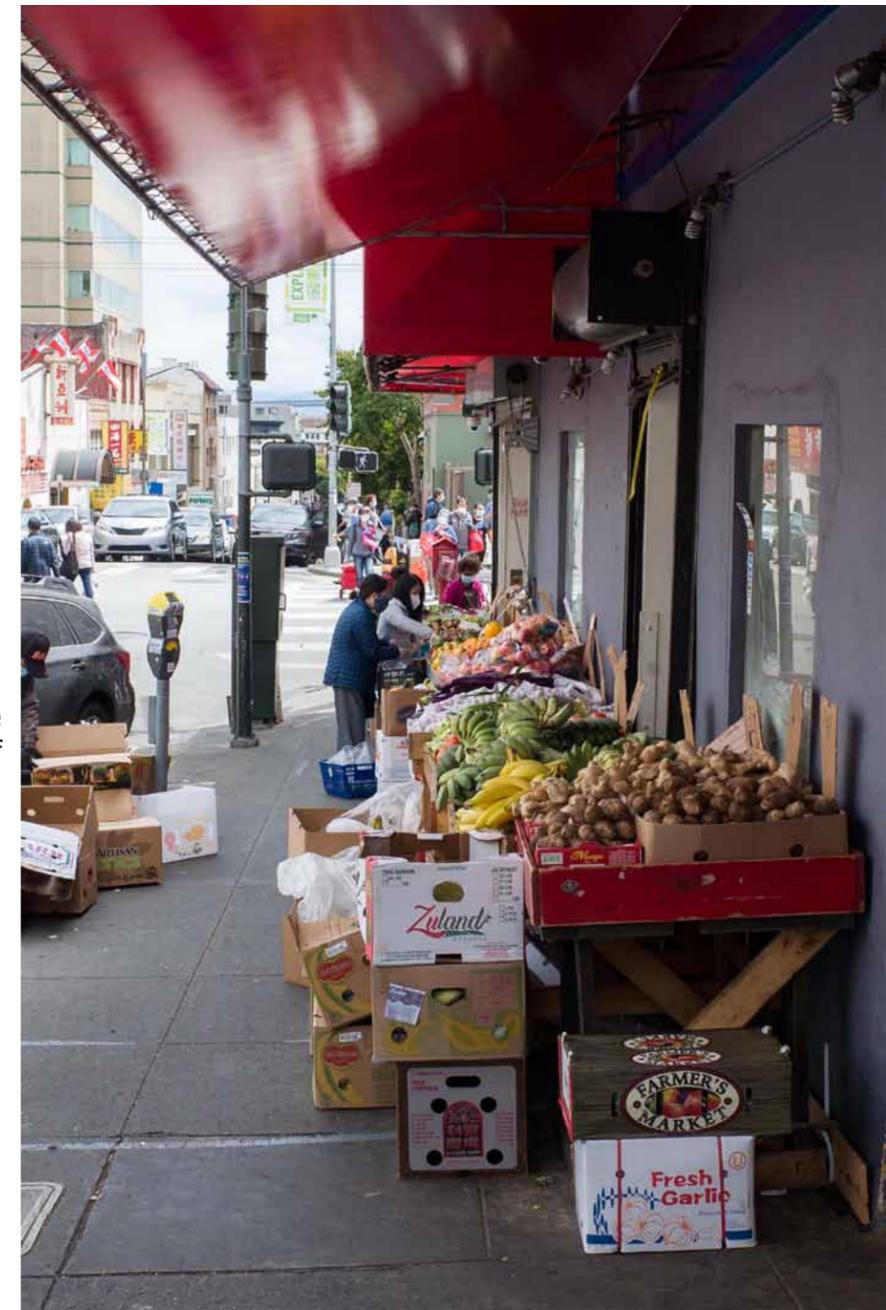
### Vacancies/closures on Pacific, January 2020 and August 11, 2020

Pacific Columbus to Powell	Total store fronts	January 2020 vacant/closed	Jan 2020 as percent	August 2020 vacant/closed	Aug 2020 as percent
600 north	9	2	22.2%	1	11.1%
600 south	1	1	100.0%	0	0.0%
700 north	8	2	25.0%	3	37.5%
700 south	0	0	0.0%	0	0.0%
800 north	3	0	0.0%	2	66.7%
800 south	4	1	25.0%	1	25.0%
total	25	6	24.0%	7	28.0%
percent			24.0%		28.0%



**Left** - Mid day scramble crossing at Pacific and Stockton. Ordinarily the most congested pedestrian area in Chinatown, density is distinctly less now than before pandemic. Photo June 26, 2020.

Conversely - **below** - even before the pandemic, foot traffic had declined further up Pacific at Powell, leaving this store the last one selling fresh produce on Powell or upper Pacific. The two business locations below it on Pacific were open in January but now remain closed.



**Right** - Food drives most commerce on Pacific and mitigates the impact of pandemic on vacancies and closures.



**Pacific between Columbus and Powell**



New Wing Lung is the only store market open above Stockton on the south side. The two buildings to its right house medical related offices and although closed to entry by the public are not counted as closed here because the agencies are still in operation. August 19, 2020.



Small retail food stores, cafes, restaurants, and community retail remain open below Grant but foot traffic is very light.

New Asia restaurant has converted into a retail food market for the time being.



This location was vacant in January, now is an electric bike rental, a example of general audience business moving into the Chinatown.



## Jackson between Kearny and Powell

The pandemic has hit commercial activity on Jackson Street hard. The vacancy/closed rate was about 15% in April 2019, more than on Stockton Street but less than Grant, Broadway, Pacific, Washington, and Sacramento. But in August 2020 almost half - 49% - of commercial spaces were vacant or closed. The north side of Jackson is particularly affected; with 62% vacant/closed between Kearny and Grant, 67% between Grant and Stockton, and 64% between Stockton and Powell. Many businesses that remain open are clearly struggling.

Jackson has many restaurants, those still open are take out only. The steep street, narrow side walks, and west winds are not conducive to setting up for out door service, although at least one restaurant appears to have tried it, briefly. I was not always able to tell whether restaurants were still in business but just closed at the time the survey photos were made, so I may be counting as closures a few restaurants actually open for take out only in evenings.

### Vacancies/closures on Jackson, April 2019 and August 11, 2020

Jackson Kearny to Powell	Total store fronts	April 2019 vacant/closed	April 2019 as percent	August 2020 vacant/closed	Aug 2020 as percent
600 north	13	1	7.7%	8	61.5%
600 south	18	2	11.1%	6	33.3%
700 north	12	1	8.3%	8	66.7%
700 south	18	3	16.7%	6	33.3%
800 north	11	4	36.4%	7	63.6%
800 south	nd	nd	nd	nd	nd
total	72	11	15.3%	35	48.6%
percent		15.3%		48.6%	



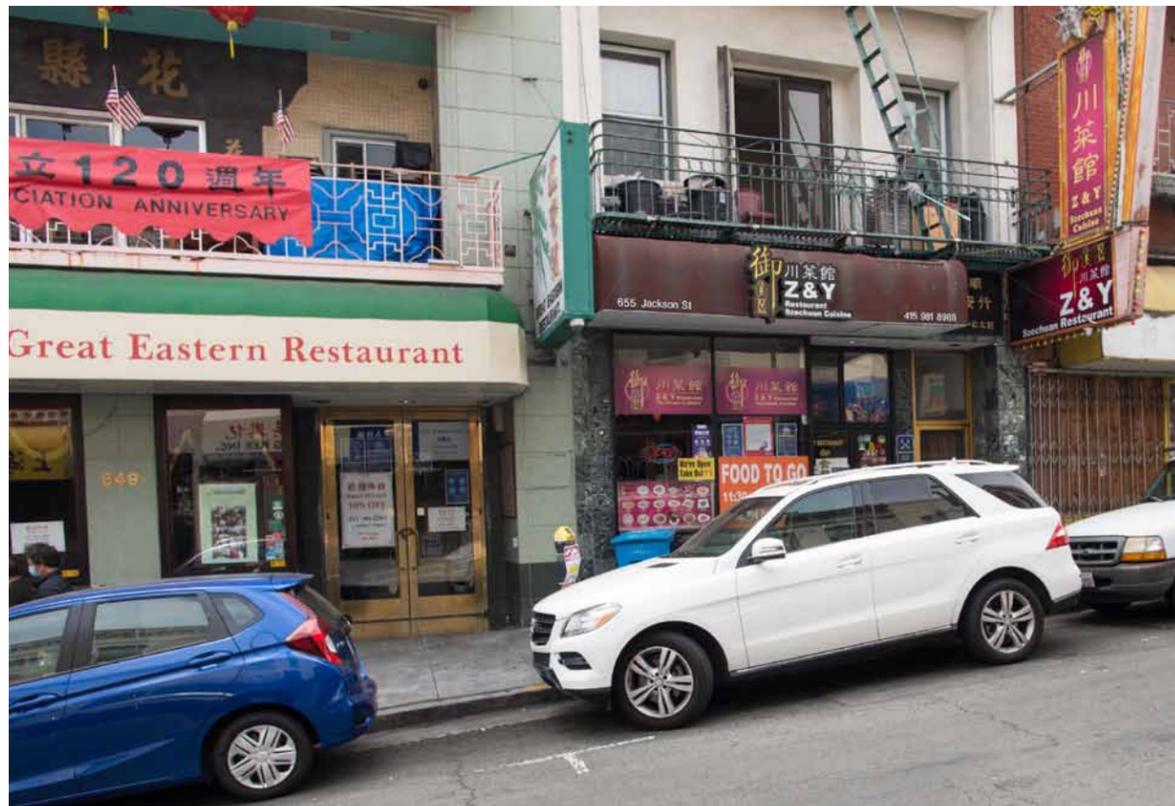
Above: Sadly typical view.

**Below, left:** In August, hair salons remain closed by health orders and many small retail and service related stores had not re-opened.

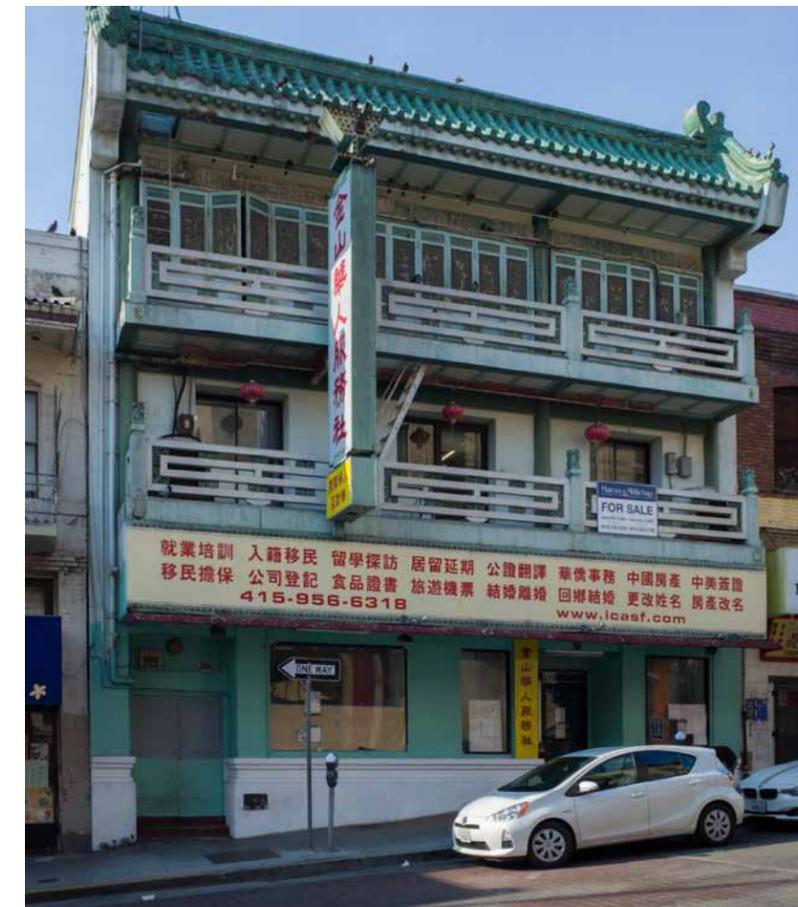
**Below:** This bookstore was semi open but five adjacent businesses were closed or vacant.

**Right:** at noon on July 31, 2020. Woey Loy Goey had tables out for side walk service, but no takers. When I returned at the same time on August 11, the tables were gone.





Many restaurants, cafes, bakery remain open for take out, which helps explain the lower closure rates for the south side of Jackson.



One of several buildings in Chinatown with "for sale" signs - a sign of the times?

Looking down Grant from Jackson at mid-day on August 11, empty of traffic and not many people.



In the midst of closures, someone was remodeling to open a new business in the right hand store front.



# Washington Street between Kearny and Stockton

## Vacancies/closures on Washington, May 2019 and August 11, 2020

Washington Kearny to Stockton	Total store fronts	May 2019 vacant/closed	May 2019 as percent	August 2020 vacant/closed	Aug 2020 as percent
700 north	6	0	0.0%	2	33.3%
700 south	4	1	25.0%	1	25.0%
800 north	18	6	33.3%	8	44.4%
800 south	13	1	7.7%	6	46.2%
total	41	8	19.5%	17	41.5%
percent		19.5%		41.5%	

Washington Street vacancies/closures have doubled to 42% in August, 2020. There are relatively fewer businesses below Grant and many are restaurants that have stayed open with take out and/or sidewalk dining service, contributing to fewer vacancies and closures. Above Grant are more small retail and service businesses that have been hard hit and remain closed or vacant. Pedestrian traffic is light.



As is true on other cross streets, hair salons remain closed by health orders while retail food businesses remain. As of September 11, 2020, they will be allowed to re-open on September 14.

Another sign of the times at entrance to residential floors at 858 Washington - "outsiders please do not enter."

Washington Bakery and Grant Place Restaurant next door were reasonably crowded with outside diners for lunch on August 11.



## Clay Street - Kearny to Stockton

Clay Street commercial activity has been decimated by the pandemic, going from a vacancy/closure rate of 11% in May 2019 to one of 66% in early August 2020. Even allowing for possible errors on my part in identifying closures, this is a bad situation. Some of the high closure rate is driven by closed personal services businesses like hair and nail salons that will be permitted to re-open on September 14, 2020.

### Vacancies/closures on Clay, May 2019 and August 11, 2020

Clay Kearny to Stockton	Total store fronts	May 2019 vacant/closed	May 2019 as percent	August 2020 vacant/closed	Aug 2020 as percent
700 north	5	2	40.0%	3	60.0%
700 south	17	1	5.9%	10	58.8%
800 north	12	1	8.3%	8	66.7%
800 south	10	1	10.0%	8	80.0%
total	44	5	11.4%	29	65.9%
percent		11.4%		65.9%	

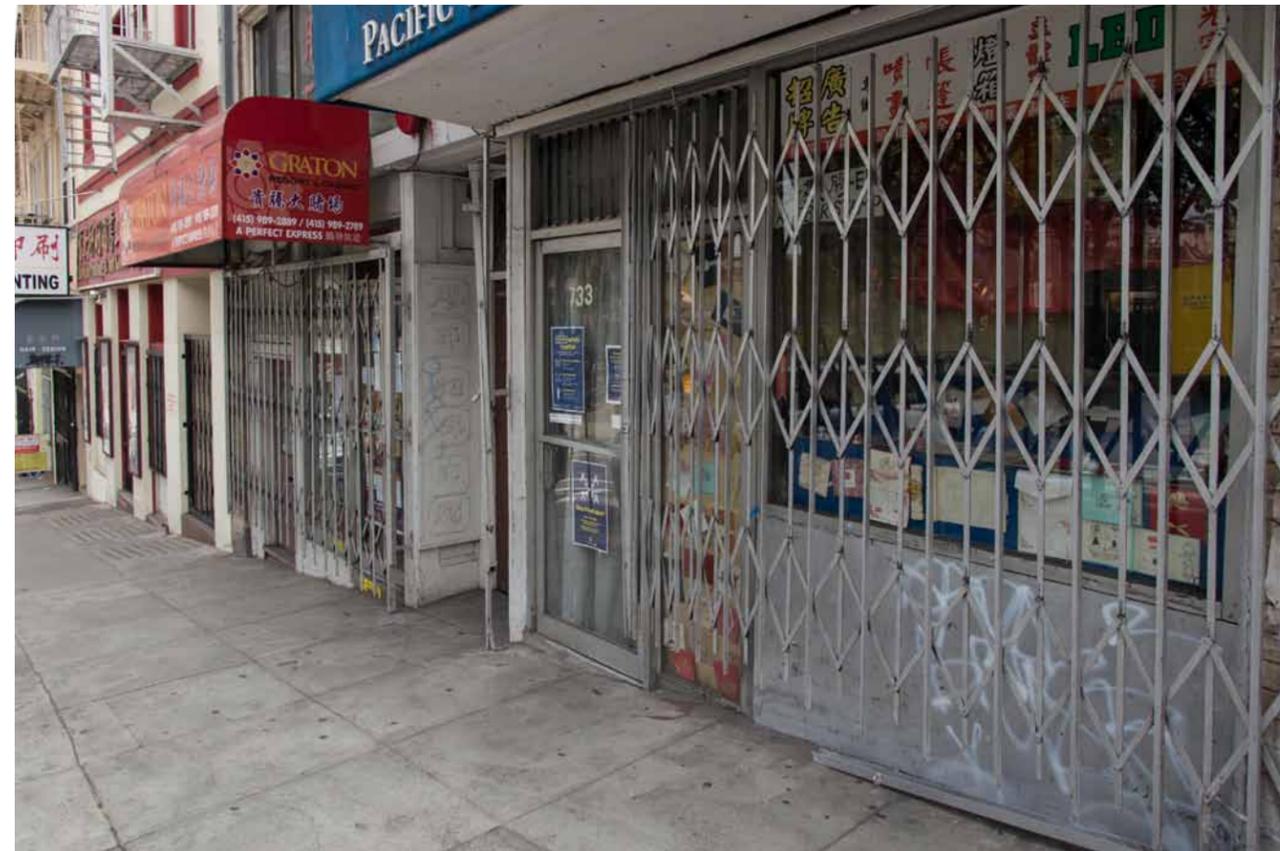


As elsewhere in Chinatown, food businesses have held on the best.



Travel agencies are closed throughout Chinatown.

Multiple adjacent closures below Grant.



Sign on windows of Dragon Seed bridal shop, which appears closed.



## Sacramento Street, Kearny to Stockton

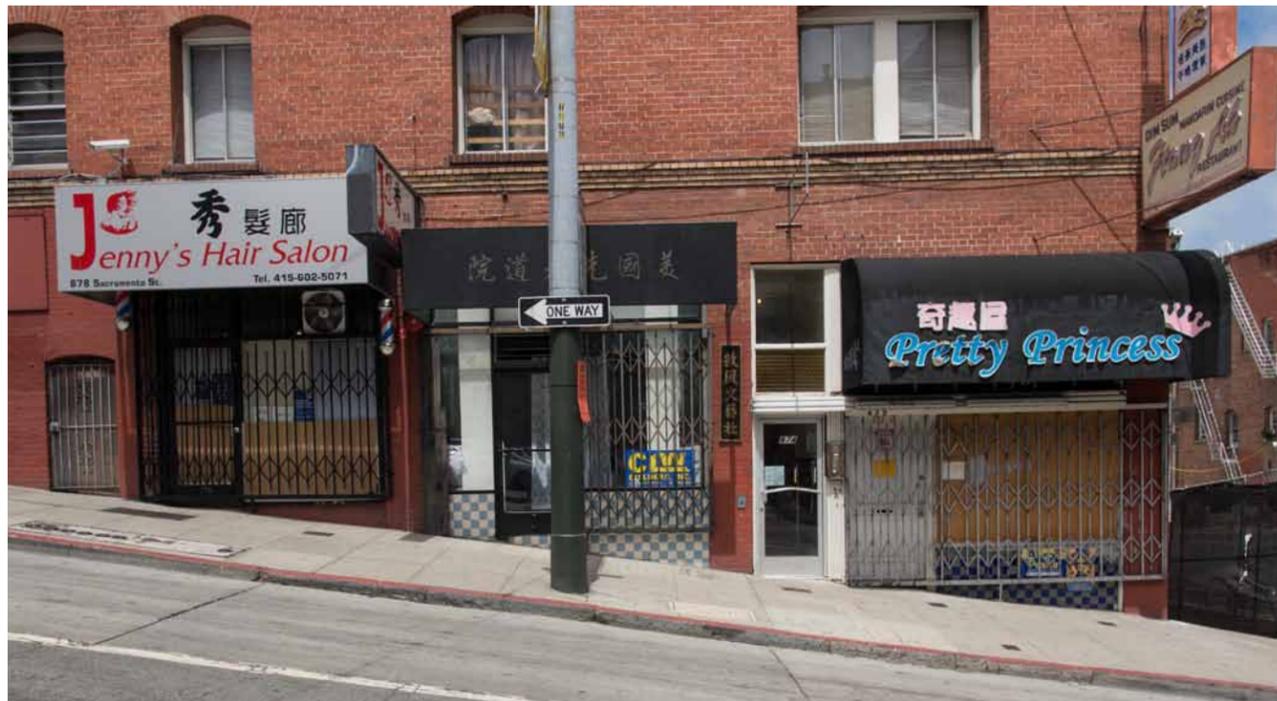
Sacramento Street does not have as much retail as other cross streets in Chinatown and has more personal and professional services and related businesses. It has had vacancy issues for many years above Grant but less so toward Kearny, although there have been reports of many vacancies in second floor office spaces, which are not addressed in these street surveys.

The pandemic has hit hard, with an August 11, 2020, vacancy/closure rate of 66%, up dramatically from 22% in January of 2020. In part this is driven by hair salon and massage parlour closures but many other businesses have been affected as well. Many of the "open" businesses were barely open.

### Vacancies/closures on Sacramento, January 2020 and August 11, 2020

Sacramento Kearny to Stockton	Total store fronts	January 2020 vacant/closed	Jan 2020 as percent	August 2020 vacant/closed	Aug 2020 as percent
700 north	17	2	11.8%	9	52.9%
700 south	5	0	0.0%	4	80.0%
800 north	4	2	50.0%	4	100.0%
800 south	6	3	50.0%	4	66.7%
total	32	7	21.9%	21	65.6%
percent		22%		65.6%	

Businesses on the north side between Grant and Stockton have struggled for years and all were closed or vacant on August 11.

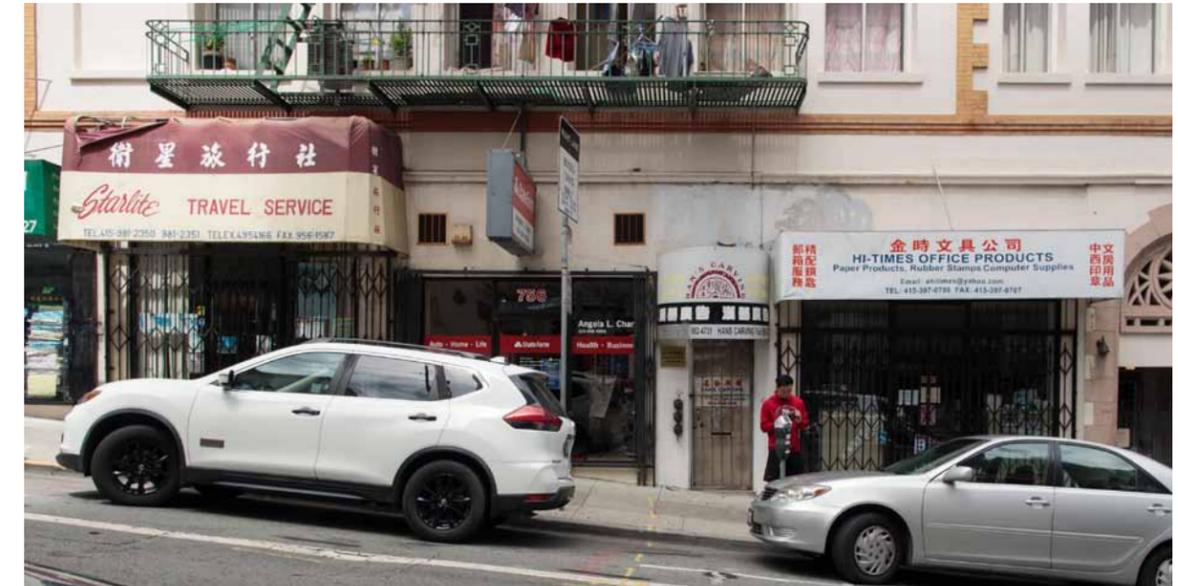


Work continues on Chinese Playground



Friends Indeed Art Gallery is open by appointment above Kearny. The larger building was listed for \$9~10 million in July.

Travel agency closed, office supplies closed, insurance agent appears open, gate open but lights are out - by appointment only?



Counted as open - a) optometrist's gate open but lights off; b) CPA office gate and door locked but sign says "open" and to ring bell for upper floor - maybe both only by appointment? The trading company store was one of only two businesses on the block that really "looked" open.





A new day begins, 9:10 AM  
August 20, 2020

**AN END, NOT THE END**

Supervisor Aaron Peskin  
Support for Commercial Eviction Moratorium  
November 6, 2020  
Page 8

**Exhibit 4**

**Selected Articles**

[Attached]

Business

# A new gentrification crisis

The coronavirus recession could wipe out minority-owned businesses, fueling displacement from historic ethnic neighborhoods

Los Angeles business owners fear coronavirus shutdowns will hasten the gentrification that has encroached on Latino, Black and Asian communities in Boyle Heights, South L.A. and Chinatown since the Great Recession.

By **Tracy Jan**

Photos by Philip Cheung for The Washington Post

JULY 31, 2020



**W**hen the newly retired firefighter opened South L.A. Cafe in November,

he was the latest in a string of Black entrepreneurs hoping to contain the spread of gentrification in South Los Angeles.

Facing the development of luxury condos, hotels and upscale restaurants that many residents cannot afford, Joe Ward-Wallace opened a coffee shop and market where neighbors can linger and buy fresh food. Sales increased by 10 percent each month, he said, part of a renaissance of Black-owned cafes and other businesses in the historically African American community.

“It was a tactic for cultural preservation,” Ward-Wallace said. “We were on an upward swing right before covid to reclaim our community.”

Then the [coronavirus pandemic](#) ground the nation’s economy to a halt. Overnight, business at South L.A. Cafe dropped 70 percent. Ward-Wallace furloughed nine of his 10 employees.

The recession threatens to devastate Black commercial districts and other [ethnic enclaves](#) that fuel the vibrancy,

economies and identities of American cities. In many cases, these neighborhoods were the products of earlier generations of discrimination, including racial segregation and [redlining](#). Now, entrepreneurs of color are being pushed out.

In Los Angeles, business owners, community leaders and economists predict that months of shutdowns will hasten the gentrification that has encroached on Black, Asian and Latino communities in [South L.A.](#) (formerly known as [South Central](#)), [Chinatown](#) and [Boyle Heights](#) since the Great Recession.

With a renewed surge of the novel [coronavirus](#) in California, many [small businesses](#) are not expected to survive a recession that has hammered the restaurant, retail and personal services industries in which many entrepreneurs of color are concentrated. Black, Latino and Asian workers, overrepresented in the leisure and hospitality sectors, are [more likely to be unemployed](#) as a result of the pandemic, which has also

disproportionately infected and killed Black and Hispanic Americans.

“Sorry, we’re closed” signs adorn the doors of hair salons and nail shops in South L.A., where some shuttered businesses have launched crowdfunding campaigns to pay rent. Restaurants in Chinatown are surviving on takeout orders and contracts to deliver food to homebound seniors. Sidewalks in some parts of Boyle Heights have largely emptied of street vendors selling tamales and tacos.



A view of downtown Los Angeles from the Latino community of Boyle Heights. Local businesses have struggled to stay open since the coronavirus pandemic spread across the city, and with it, fears of further gentrification.

**Minority-owned small businesses** tend to be undercapitalized mom-and-pop operations, with lower sales and a small financial cushion, economists say — potentially making it easier for outside investors to snap up their properties at low rates after the crisis. Black and Hispanic families **lost a larger percentage** of their wealth than White families during the **last recession**.

“The covid-19 recession is disproportionately hurting these minority businesses, making their communities more vulnerable to gentrification pressures than they already were before,” said Paul Ong, a UCLA economist and urban planner whose research focuses on minority and immigrant enclaves. “The expectation is that minorities will lag behind in the recovery, putting them in a weaker position to hang onto their businesses. That will make these areas much more attractive to outside investors in terms of profits because the prices will be lower.”

Businesses located in minority communities were less likely to receive government assistance under the \$660 billion [Paycheck Protection Program \(PPP\)](#), according to a Washington Post analysis of data recently released by the Small Business Administration. Nationally, about three-quarters of [PPP loans](#) of more than \$150,000 went to businesses in census tracts where a majority of residents are White.

The loans, which are [forgivable](#) if largely used to maintain payrolls at precrisis levels, are designed to keep small businesses afloat during the coronavirus shutdown. But an SBA [inspector general's report](#) found that the agency failed to follow congressional guidelines to prioritize minority-owned businesses and other underserved borrowers.

Ong's analysis of the PPP loans showed that businesses in the ethnic neighborhoods of Leimert Park in South L.A., Chinatown and Boyle Heights received disproportionately less federal support than businesses in

three neighborhoods with more Whites.

Many are not even applying because of linguistic or other barriers, said Ong, the director of UCLA's Center for Neighborhood Knowledge. Minority-owned businesses are less likely to have relationships with the big banks that more easily allow them to tap into the government assistance or other safe credit options. "They are not in a great position to start with," he said, "and they seem to be falling further behind by not getting support to weather the storm."



Nicole Young, 44, owner of Q Stuff, checks on her shuttered jewelry store in Chinatown. She is in the process of moving her business online because stores in the shopping plaza have been closed since mid-March.

**T**he first sign of trouble arrived in downtown L.A.'s Chinatown in February, seven weeks before California Gov. Gavin Newsom (D) issued a statewide stay-at-home order to combat the coronavirus.

Instead of the usual hordes of tourists who descend upon the one-square-mile neighborhood for the annual Lunar New Year parade, Nicole Young noticed lots of space on the streets and sidewalks surrounding the Dynasty

Center, where she owns a small store called Q Stuff that specializes in custom-made beaded jewelry. The nearby plaza, with red lanterns strung between pagoda-style buildings, remained half-empty.

Fear as well as racist associations with a virus that had its first epicenter in Wuhan, China, were keeping people away from Chinese restaurants and other Asian-owned businesses — just as in other [Chinatowns](#) across the country amid a flare in [anti-Asian sentiment](#).

TOP: One of the first areas to feel the economic impact of the coronavirus, Chinatown has been empty of tourists since February. BOTTOM LEFT: Young makes custom beaded jewelry. But since tourism to Chinatown stalled, she fears she may have to close her store for good. BOTTOM RIGHT: Ducks hang in Hop Woo BBQ & Seafood Restaurant. At least five Chinatown restaurants have permanently closed since the coronavirus pandemic began.

“I could sense that people really didn’t want to come to shop and eat in Chinatown,” said Young, who began wearing a mask in January but removed it when she sensed customers were uncomfortable. “I didn’t want people to think I was sick.”

By mid-March, the [indoor flea market](#) housing her store and dozens of other stalls selling traditional Chinese dresses, suitcases and tchotchkes closed, in line with government orders. Four months later, stores remain shuttered. Young, who had plans to expand before the pandemic, now fears she may never reopen.

“Why would I stay here and pay rent when there is no business?”

Instead, she’s brushing up on her photography and written English skills and learning how to build a website so she can move her business online. She worries something will be lost with e-commerce — her ability to explain Chinese culture to tourists. And with it, something greater.

“I see Starbucks and American franchise stores close to Chinatown’s entrance,” Young said. “The coronavirus may force Chinatown to disappear faster. All the businesses will look no different from the shopping malls in the rest of America.”

Young said she started to apply for a PPP loan in May. But after neighboring business owners told her it was a waste of time because they did not receive any money, she never bothered completing the application.

For other businesses, it’s already too late. At least five Chinatown restaurants have [closed for good](#) despite Congress having passed the

\$2.2 trillion Cares Act at the end of March, said Peter Ng, chief executive of L.A.'s Chinatown Service Center.

To help some survive, Ng's nonprofit contracted with restaurants to prepare and deliver meals to 1,300 senior housing residents who no longer had safe access to grocery stores and communal kitchens.



Judy Cen and her husband, Yening "Lupe" Liang, the owners of Hop Woo BBQ & Seafood Restaurant, lost half their daily business because of the coronavirus shutdown. They are staying afloat with a federal loan, takeout orders and a contract to deliver meals to homebound seniors.

The senior meals program helped  
Yening "Lupe" Liang, owner of Hop

Woo BBQ & Seafood Restaurant, stay afloat. Liang, who worked in Tijuana before opening his Mexican-influenced Cantonese-style restaurant in Chinatown in 1993, lost more than half his daily business as a result of the pandemic and had to cut his staff of two dozen down to just a handful of family members. His wife runs the front of the house. Their two daughters take orders over the phone, pack food and collect money. He is the chef, preparing 300 boxed lunches a week of rice, eggplant and tofu for seniors at \$6 apiece.

His landlord has granted a rent deferral, but Liang said delayed payments are due in full by 2021. For now, he said, Hop Woo is able to survive on takeout orders, as well as a PPP loan of \$52,000. “Otherwise, we would have had to close permanently,” said Liang, whose cooking has been featured on local Chinese- and Spanish-language TV.

He is not optimistic about Chinatown’s future, even if customers are eventually allowed to dine inside again. “People have already lost so

much. In Chinatown, a lot of restaurants and stores will be closed forever. They don't have a choice."



Nico Avina, 46, owns Espacio 1839, which has been shuttered since mid-March. It sold apparel and books representing Latino cultures in Boyle Heights and hosted a gallery and community radio.

Less than three miles away, across the Los Angeles River in the Latino community of Boyle Heights, Nico Avina remains haunted by what happened to his business and neighborhood after the 2008 recession.

Avina, an artist, owns [Espacio 1839](#), a bookstore, gallery and community

space. It is the second incarnation of a concept his wife, Myra Vasquez, had launched in 2004, before the economy crashed and their store closed in 2009. Theirs was hardly the only casualty.

All across town, local businesses disappeared. [Large galleries](#) spilled across the river from the neighboring Arts District, and developers tried rebranding Boyle Heights as “BoHe” and “East Bank L.A.” A real estate agent promoted a bike tour of Avina’s working-class community in 2014, distributing fliers in the Arts District that said, “Why rent downtown when you could own in Boyle Heights?”

“Articles quoted gallery owners saying this was nothing before they got here, completely dismissive of the existing community and the fact that this was the Chicano mural capital of the world,” Avina said.

The community staged intense protests against gentrification, and at least six galleries have [closed or moved out](#) of Boyle Heights in recent years. But more luxury high-rise

apartments are slated for construction. Warner Music Group [relocated its headquarters](#) from Burbank to a former Ford factory just across the river in 2019. Spotify also moved its regional headquarters to the Arts District. Avina and other activists predict that a slew of upscale businesses will move into Boyle Heights to cater to the newest neighbors.

“I can just imagine what’s going to happen this time around, especially since the Arts District is fully developed now,” Avina said. “It’s going to completely change the character of a community. It will be artificial — like replacing the natural flavors of cane sugar with corn syrup. It might be sweet, but in the end, it will kill you.”

In 2012, Avina and Vasquez revived their concept for a community creative space with the opening of Espacio 1839, leasing a storefront steps from Mariachi Plaza, where musicians rehearse and Avina had been selling T-shirts. The landlord, it turned out, had owned the apartment

building where Avina grew up, and recognized him from his Mexican immigrant parents' food stand as "the taco man's son." He offered to rent the space to Avina instead of putting it on the market.

TOP: Musicians rehearse and book gigs from Mariachi Plaza. BOTTOM LEFT: Leonardo Acosta, a single father of three daughters, has been a hot-dog vendor for 15 years. He used to make about \$400 a

week, but he has not worked for five months because of the pandemic. “The entire community is suffering,” he said. **BOTTOM RIGHT:** A man prepares flowers to sell in Boyle Heights, a Latino neighborhood that has been gentrifying since large galleries spilled across the river from the neighboring Arts District after the Great Recession.

Avina, Vasquez and their two sons live just blocks from their store. Until they shut Espacio 1839 in mid-March, it hosted an [Internet radio station](#) and community podcasts, sold T-shirts that Avina designed, held poetry and book readings, showcased the work of local artists, and offered free writing, photography and printmaking workshops. One wall of the store depicts a seven-foot-tall Virgen de Guadalupe staring down at an eviction notice, a painting Avina titled “Lupita Was Displaced.”

Now his family is surviving on savings, and making rent with a newly created store website that sells T-shirts and homemade masks. Vasquez runs a side business selling [gelatinas](#) from their home. The couple had initially planned on reopening the store during weekends in July — or by appointment only. But they scrapped that idea after coronavirus infections in L.A. skyrocketed again.

“We’re just trying to survive. Out of the four months we’ve been closed, two of those months have been assisted by others,” Avina said.

L.A. poet Yesika Salgado, who held readings at the store, donated one month’s rent. A national fundraiser for small businesses, featuring musicians including local band Chicano Batman, covered another month’s rent. Avina doesn’t think Espacio 1839 can survive much beyond six months of closure.

“One of our biggest fears is this is going to speed up the gentrification process,” he said. “It’s not just a threat. It’s real. If we look at history and what happened in 2008, there were sharks waiting to take their vacant spots.”

He doesn’t want to let his community down by closing again for good and giving outsiders an opportunity to take over. Proceeds from local businesses are reinvested back into the neighborhood — into small grocers and food vendors so they could feed their families too, he said.

Avina laments what will be lost with thousands in his community out of work, and local entrepreneurs getting priced out: daily rhythms like the cinnamon-chocolatey smell of champurrado in the morning, replaced by vendors selling jicama and pineapples in the afternoon and tacos al pastor in the evening as norteñas and cumbias blare from open windows. How long, he wonders, will the sound of guitars and trumpets continue wafting from Mariachi Plaza?

“With something unforeseen like coronavirus, it’s a left hook to a community out of nowhere,” he said. “In the fight against gentrification, we have to occupy space. That’s what we’re trying to do with Espacio.”



Joe and Celia Ward-Wallace, owners of South L.A. Cafe, opened their coffee shop near Leimert Park in November. Joe, a retired firefighter, was the latest in a string of Black entrepreneurs hoping to stop the spread of gentrification in South Los Angeles.

That's what Black entrepreneurs were trying to do around Leimert Park, the cultural center of the African American community in South L.A., hoping to halt a 25 percent drop in the Black population since the Great Recession.

At least five Black-owned coffee shops have opened in recent years. They welcomed lower-income residents to plug in their computers and stay all

day. They featured vegan menus and hosted political panels, after-school cooking classes and talks on gentrification. But some community leaders fear that the only businesses that will survive the coronavirus recession will be the fast-food chains ubiquitous in this food desert.

Joe and Celia Ward-Wallace, owners of the new South L.A. Cafe, had spent decades fighting for food justice and racial economic equality in South Central before opening their own coffee shop. They decided halfway through construction last year to lease a second neighboring space where they would sell affordable, fresh food.

As the coronavirus outbreak worsened in China in January and February, just months after opening, the couple discussed whether they should close their business. Instead they stayed open, selling \$35 grocery boxes with essential provisions: beans, rice, pasta, vegetable broth, almond milk, fruits and vegetables, toilet paper and medical masks. Nonprofits, corporations and individuals sponsored hundreds of boxes each

week for them to hand out to financially struggling customers.

They launched an online ordering app for curbside pickup, expanding to grocery and meal delivery. They've asked the community for recurring \$10 monthly donations; more than 500 people have signed up.

Pop stars Ariana Grande and Beyoncé promoted [South L.A. Cafe](#) along with other [Black-owned businesses](#) during the [national protests](#) over police brutality and systemic racism.

“People are elevating us because of the civil unrest happening right now around racial justice,” Ward-Wallace said. “But given what’s happening with covid, it’s such a frightening projection so we don’t know what that will mean for business moving forward. I think the majority of Black and Brown businesses are going to really struggle to reopen because they are falling deeper and deeper into a hole.”

The Ward-Wallaces say they have dipped into their personal savings to

keep the business afloat and still owe  
thousands of dollars in back rent.

TOP: Customers wait for their cars to be washed in Leimert Park, the cultural center of the African American community in South L.A. The Black population has dropped by 25 percent in the neighborhood since the Great Recession. BOTTOM LEFT: Bronwyn “Ms. Bronnie” Hardy, 70, owner of Vergess Palace De Bella Donna hair salon in South L.A., has a long-standing policy of styling hair at no charge if someone in the neighborhood has a job interview and can’t afford to pay. “Economically, the coronavirus has broke us,” she said. BOTTOM RIGHT: Meals prepared by local restaurants, including

Dulan's on Crenshaw Soul Food Kitchen, are distributed to those in need at the Good News Missionary Baptist in South L.A.

The Black Lives Matter movement has made people recognize that Black-owned businesses are especially vulnerable because of the pandemic, said Greg Dulan, owner of the famed Dulan's on Crenshaw Soul Food Kitchen. Anonymous donors have paid him to feed coronavirus first responders for six weeks.

Corporations he never heard from in the past are reaching out to discuss future catering and promotional opportunities. But he wonders how long that surge in support will last.

“If we're going to have a strong African American business community which helps to uplift African American neighborhoods, then some of these things that are happening have to continue long-term,” Dulan said.

Dulan, whose cafeteria-style restaurant opened weeks after the 1992 Rodney King uprising, is planning for the future. He is in the process of buying an adjoining property that he plans to turn into a

parking lot and also use for his catering headquarters.

A Howard University graduate, Dulan said he took a cue from [Ben's Chili Bowl](#), a Washington, D.C., institution that survived U Street's gentrification in part by buying the adjoining property and opening the more upscale [Ben's Next Door](#) in 2008.

Dulan, too, wants to control his real estate — and his fate — in the face of gentrification. Despite his decreased profits due to the recession, he made the calculation to buy the property now, before he's priced out.

“The only way African American businesses are going to survive is we have to own our own stuff,” Dulan said. “I’m determined for there to be soul food in the Crenshaw district for as long as I’m able to do it. This is Black Los Angeles. That’s who I serve every day.”



Greg Dulan, owner of Dulan's on Crenshaw Soul Food Kitchen, said he has never seen such a surge in support for Black-owned businesses in his more than 30 years in the restaurant industry.

*Andrew Ba Tran contributed to this report. Design by Clare Ramirez. Photo editing by Annaliese Nurnberg.*

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YuBalance gym owner Rory Cox, right, and trainer Joshua Reeves work out in the gym's newly reopened Church Street location in Noe Valley. The gym, which has several locations, has struggled to make rent payments due to the pandemic. (Kevin N. Hume/S.F. Examiner)

## Small businesses in limbo as end of eviction moratorium nears

Many commercial tenants 'teetering on the edge,' unable to pay rent



New Harmony Cafe owner Ben Angel, right, greets a food delivery person. The cafe, which opened just before the pandemic, has survived in part through revenues from the Great Plates Delivered SF program, which delivers free meals to older adults. (Kevin N. Hume/S.F. Examiner)

While Mayor London Breed has extended The City's commercial eviction moratorium to Sept. 30 from Sept. 14, she said that The City's ability to extend the moratorium beyond the end of the month depends on the state. An executive order from Gov. Gavin Newsom that allows local governments to suspend commercial evictions is set to expire at the end of the month.

The Board of Supervisors is expected to unanimously adopt a resolution on Sept. 22 to urge the governor to extend eviction protections for small businesses.

"We know that people are anxious, especially those that have just had the opportunity to reopen," Breed said at a news conference on Tuesday. "They want certainty about the future. We want to give you that certainty, and we want to give you that flexibility. We are doing everything we can with the governor's office to make sure that we're able to extend that [moratorium]."

In Japantown, tenants in the Kinokuniya Building at Japan Center mall sent a request for rent relief to landlord Kinokuniya Bookstores of America in April, according to Anne Matsuno, a co-owner of the cafe Kissako Tea since July

2019. While some tenants accepted an offer from the landlord to defer rent payment in May, others like Matsuno and her husband, who is the co-owner of the business, declined, because paying a month of deferred rent later would be too burdensome for the business.

“The community has been very supportive of our business and we’ve just been doing the best we can to support each other — our fellow tenants and the community — [and] getting the word out that there are people here and that we’re still open,” Matsuno said.

Meanwhile, Low and Diane Matsuda, a staff attorney with the nonprofit organization Asian Pacific Islander Legal Outreach, are representing 44 tenants at the Japan Center mall including some in the Kinokuniya Building in negotiations for rent relief with landlords Kinokuniya Bookstores of America and 3D Investments, which own separate parts of the mall (Kissako Tea is not involved). Low said the two landlords have not offered rent relief options since June, although 3D Investments expressed interest on Wednesday in exploring options.



A group of 44 tenants at Japan Center is seeking to negotiate rent relief. (

Yubalance Neighborhood Fitness Club lost the majority of its gym members within a few days after the shelter-in-place order took effect in March, costing it 80 percent of revenues across its three studios. Only 150 members remain, down from 600 before the pandemic.

“I have literally spun around the ocean with no compass and I have no idea what direction we’re going,” said Rory Cox, co-owner of Yubalance.

While the business paid rent for its studios in the Sunset and Richmond districts until May, it has since ceased payments. Whether the landlords have forgiven or deferred the unpaid rents remains unknown, Cox said. Neither does he know whether he must begin paying full rent when The City’s commercial eviction moratorium expires on Sept. 30.

Yubalance’s story is a dime a dozen right now in San Francisco, where the coronavirus pandemic has left business owners struggling to stay afloat. Many fear the looming expiration date of the moratorium may trigger an “avalanche” of evictions for commercial tenants, according to Allan Low, a real estate attorney who is working pro bono to help small businesses in The City’s Asian cultural districts.

“Unless we rely on the generosity of landlords, there’s a real threat there’s going to be just a wave of litigation [from] landlords trying to collect rent,” Low said.

“The practical question there is: You sue and evict tenants, but who’s going to come in and take over the space?”

“There’s just not enough money in the real estate ecosystem to make anything work right now,” he continued. “Most tenants’ sales are down 70 to 80 percent and [they] just don’t have enough money to pay rent. If landlords aren’t collecting rent, they can’t pay their mortgage.”

The landlord of Yubalance’s studio in Noe Valley has forgone rent during the pandemic, Cox said, and is discussing the structure of rent payments after The City’s commercial rent moratorium is set to expire.

Yubalance is beginning to recoup some of its financial losses, as city officials have allowed fitness studios to begin indoor operations on Monday, but the future of its studios is still hanging in the balance.

“We’re excited to be open,” Cox said. “But there’s an incredible amount of uncertainty because we don’t know what the landlords are going to say. Come the first of October, we aren’t going to be able to pay full rent.”

“It’s really important for the governor to extend that moratorium,” said state Sen. Scott Wiener, D-San Francisco, who introduced legislation earlier this year seeking to temporarily prohibit eviction of commercial tenants. The legislation, which was opposed by commercial property owners, died in committee during a short and chaotic legislative session.

“So many small businesses and nonprofits are teetering on the edge,” Wiener said. “We need to get businesses and nonprofits up and moving.”

Some businesses have been able to negotiate feasible agreements with their landlords. Before the pandemic, Ben Angel, owner of New Harmony Cafe, had signed a lease with the landlord for temporarily reduced rent so the business, which started in January, could get on its feet. When the shelter-in-place order came into effect, the business was severely impacted and the landlord agreed to extend the reduced rent until after The City allows for indoor dining to resume.

Now, the Mission District cafe is relying on revenues from the Great Plates Delivered SF program, a program delivering free meals to older adults during the pandemic.

“That has saved our business,” Angel said. “[It] provided a huge foundation of stability for us to pay bills [and] navigate our way through this crisis.”

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**NEWS**

# What's Lost in Bay Area Asian Culture When SF Eviction Moratorium Ends?

By [Cecilia Lei](#)  Sep 11

Tilly Tsang (L) and her daughter Chelsea Hung (R), owners of Washington Bakery and Restaurant in San Francisco's Chinatown on Sept. 2, 2020. (Beth LaBerge/KQED)

*This report contains a clarification.*

*Updated 6:25 p.m., Tuesday: Mayor London Breed has extended the commercial eviction moratorium to September 30, 2020. During a press conference on Tuesday, Breed said she is*

*working with the governor's office to seek an extension beyond the end of the month.*

Before the pandemic, Tilly Tsang, owner of Washington Bakery and Restaurant in San Francisco's Chinatown, says breakfast was always the busiest. Each morning, a rotation of regular customers would enter the restaurant, order their usual – sometimes a bun or a pastry from the bakery counter – and sit down to survey who else from the neighborhood was around.

“A lot of people, mostly older people, come every day to sit down and just have a cup of coffee, or a cup of *lai chai*,” Tsang said. “They just want to see if they know anybody so they can chat, chat, chat.”

*Lai chai*, or milk tea, is one of the many Hong Kong staples that Tsang has offered at her restaurant, a local favorite, for over two decades, along with their beloved baked pork chop rice plates and salt and pepper chicken wings. Her loyal customers include Chinatown residents who live in single-room occupancy hotels (SROs). They treat Tsang's restaurant, and other immigrant and family-owned businesses, as an essential place to catch up and socialize with one another because many of their cramped buildings lack common areas.

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But since the COVID-19 pandemic, small business owners like Tsang are facing the devastating reality that many will not survive. Tens of thousands have already permanently closed in the United States, and it is uncertain when another round of federal government assistance will arrive. Aid from the federal Paycheck Protection Program has largely run out for those who could get it.

Eviction moratoriums have prevented more San Francisco businesses from folding, but the city's **commercial eviction moratorium** ends on Sept. 14. That means commercial tenants will have until Monday to pay back missed rent payments – which for many add up to six months rent – or else landlords can start evicting them as early as October. Locals fear that once commercial evictions begin, those who depend on the businesses for jobs, culture and community will be displaced, and the cultural landscape of San Francisco will be irreparably harmed.

Real estate attorney **Allan Low** is working pro bono to assist small business owners in the city's Asian cultural districts. He says without immediate steps on both the federal and local level to address the threat of permanent closures, "We're going to be faced with a tidal wave of evictions, bankruptcies and retail landscapes that are just going to be completely obliterated."

He says that could mean devastation to neighborhoods that have largely defined San Francisco's unique culture, including Chinatown, Japantown and the city's newest cultural district, SOMA Pilipinas.

The ripple effects will hit the larger Bay Area Asian Pacific Islander American population that depend on these hubs for a sense of belonging, essential services and cultural empowerment – especially in a region that has already faced rapid gentrification and demographic shifts.

## **In Chinatown: Holding Space for One Another**

Unlike its more affluent neighbors in Russian Hill and North Beach, Chinatown has been able to stave off years of housing and development pressures thanks to its strong community, tenant organizing and zoning restrictions.

District 3 Supervisor Aaron Peskin says the neighborhood has benefited from its "incredibly rich fabric of community-based organizations" such as the **Chinatown Community Development Center (CCDC)**. The nonprofit housing organization quickly leapt into action at the start of the pandemic with its short-term **Feed + Fuel Chinatown program**. The program immediately mobilized Chinatown restaurants to feed vulnerable SRO residents and the elderly. It allowed restaurant owners to hire back laid off employees and pay rents, but it ended in mid-July.



Chelsea Hung works to package meals for a Chinatown Community Development Center program that provides meal delivery for for seniors and residents in local SROs or public housing during COVID-19, at the Washington Bakery and Restaurant in San Francisco's Chinatown on Sept. 2, 2020. *(Beth LaBerge/KQED)*

Some restaurants, like Tsang's, are still participating in a similar effort through the city's **Great Plates program**, but most say they are only generating about 25% of their regular revenue, a CCDC restaurant survey revealed. Nearly 60% of restaurant jobs have been eliminated and less than a quarter of the Chinatown restaurants surveyed say they can maintain their businesses; the rest are either unsure, barely surviving or have only months left to stay open.

Even though shelter-in-place orders were announced in mid-March, the painful drop in business started in January for Frank Chui, co-owner of the Hang Ah Tea Room.

“It was a fall-off-the-cliff kind of decline,” he said. “It wasn’t slow. It was immediately – boom, within a week, 70% to 90% drop, like no business.”

Bay Area APIA businesses, not just in Chinatown, were hit first – as early as December 2019 – because of rising xenophobia and anti-Asian discrimination, which motivated **politicians to encourage patronage of Chinatown businesses** before San Francisco issued its shelter-in-place orders.

## **'It becomes this domino effect ... It's not just the loss of a business, it's the loss of a whole community.'**

—**Chelsea Hung, Washington Bakery & Restaurant**

Chui says the closure of Hang Ah Tea Room, which was established in 1920, would mean the permanent loss of an important piece of San Francisco Chinatown and American history: “It’s the first dim sum house in America.” Chui acquired the restaurant in 2014 and had hopes of celebrating its 100th anniversary this year.

Owning the restaurant was an opportunity for Chui to help protect part of Chinatown’s legacy; the restaurant has generations of customers that make visiting Hang Ah Tea Room an annual tradition. But the challenges of COVID-19 has forced him to cut more than half of his staff – all recent immigrants who live in Chinatown. Chui says they have all been able to collect unemployment benefits after the layoffs.

At Tsang’s [Washington Bakery and Restaurant](#), some employees have stayed on for decades. Keeping the restaurant in the family is a priority for Tsang and her daughter Chelsea Hung. Hung moved back from New York in 2018 after working in tech to help out with the restaurant because she couldn’t bear the thought of letting the business go when her mother contemplated retiring a couple years ago.

“I think it's up to our generation to pay it forward and continue the community we grew up in,” Hung said. “It's more than the restaurant, but also for the community.”

She explains that the businesses are intricately linked to a unique commercial ecosystem that helps make Chinatown a complete neighborhood: “We use a lot of local vendors, and if we had to shut down those vendors would be affected, too,” Hung said. “It becomes this domino effect. ... It’s not just the loss of a business, it’s the loss of a whole community.”



As part of the 'Shared Spaces' program, sections of Grant Avenue in San Francisco's Chinatown are temporarily closed to traffic on Aug. 30, 2020. The street closure, every Saturday and Sunday from 8 a.m. to 9 p.m., allows pedestrians more space and restaurants to open for outdoor dining.

The city is trying to help struggling Chinatown businesses by encouraging restaurants to participate in outdoor dining. While the city's **Shared Spaces program** had already shut down a stretch of Grant Street – the corridor of Chinatown most known for its tourist souvenir shops – for outdoor dining, it has primarily been utilized by outside visitors and tourists who have slowly begun to return to Chinatown. Hoping to loop in more restaurants, especially ones that serve locals, CCDC and the Chinese Chamber of Commerce started providing grants and technical assistance to merchants, such as securing barricades to partition an outdoor dining area.

Hung says the program has helped Washington Cafe and Restaurant, and the effort has slowly welcomed back their usual regulars who have happily found an outdoor alternative for the morning *lai chai*. “They’re happy about that but they’re also facing their own challenges of how to social distance, but also be active and still live their life,” she explained.

Though Hung says their landlord, who also owns a business in Chinatown, has accommodated delayed rent payments for now, she still has to pay several months’ in full, and it’s an anxiety-

inducing reality that is sinking in for businesses across the city as the eviction moratorium is scheduled to end on Sept. 14.



Jade Zhu takes orders at outdoor tables at the Washington Bakery and Restaurant in San Francisco's Chinatown on Sept. 2, 2020.

## In Japantown: Two Landlords Determine the Fate of Dozens

While the threat of commercial evictions in Chinatown is imminent, it may be blunted by the fact that building ownership in the neighborhood is more diversified compared to others. Supervisor Peskin says that because many of its buildings are owned by family associations, for example, that are not “entirely motivated by money and rent,” he believes businesses in other neighborhoods face a graver risk of permanently closing.

One such neighborhood is Japantown where the fate of dozens of small businesses in the East and West sides of the Japan Center mall – the cultural district’s main commercial center – is in the hands of just two landlords.



The Japantown Peace Plaza on Sept. 2, 2020. (Beth LaBerge/KQED)

Since the start of the pandemic, the closure of the two-building indoor mall has severely impacted the more than 50 businesses inside, which are a mix of mom-and-pop shops and restaurants.

In addition to the rent, businesses must pay the common area maintenance fees that have more than doubled for some tenants since a turnover in property management in 2018. Adding to tenants' woes has been the total lack of response to requests for future rent relief structure on the part of one particular landlord, Kinokuniya Bookstores of America, which makes negotiating a deal impossible, says Diane Matsuda, a staff attorney with [Asian Pacific Islander Legal Outreach \(APILO\)](#), a nonprofit organization.

“The biggest challenge here is that you have two really big mega landlords and those mega landlords control a lot of the cultural and economic hub of Japantown,” Matsuda says. “Should they not want to negotiate or have any kind of rent abatement ... you’re really talking about us losing literally a whole ethnic community that has been here since the start of the 19th century.

Matsuda and Low, who is also fighting for Chinatown business owners, have been representing nearly 40 Japan Center tenants in total, many of whom are native Japanese speakers with limited English proficiency.

“They don't have to just be the quiet Americans that I think the property manager wants them to be,” Matsuda said.



The Japan Center East Mall on Sept. 2, 2020. (Beth LaBerge/KQED)

One such tenant is Ryan Kimura, who owns Pika Pika on the Kinokuniya side of the mall. Since 2006, **Pika Pika** has been a specialty store that features *purikura*, or Japanese sticker photo booths, which is often frequented by young teens and families. The photos are a popular Japanese phenomenon that Kimura wanted to bring to the U.S. after living in Japan for several years. It's an in-person and unique social experience that has made it impossible for the business to reopen during the pandemic. Despite no revenue, Pika Pika continues to receive monthly invoices for rent and services, according to Kimura, who says he and his family are now leaning towards closing up the 14-year-old shop for good.

Many of the businesses, like Pika Pika, highlight unique aspects of Japanese culture, from gardening knowledge to selling products that would otherwise only be found in Japan. For the

tenants, the business of sharing Japanese culture and traditions is a deeply personal passion – one that now stands to be lost if rent negotiations do not take place.

Before the pandemic, a coalition of Japantown mall tenants expressed their concerns over high common-area maintenance charges that dramatically increased since Davis Property Management took over management of the Kinokuniya Building in 2018. Kimura and Matsuda say some of the tenants have seen over a 100% increase in the fees and that some are paying more in these charges than in rent itself.

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**'You're really talking about us losing literally a whole ethnic community that has been here since the start of the 19th century.'**

—Diane Matsuda, Asian Pacific Islander Legal Outreach

“This has caused a lot of friction within our mall and a lot of tenants are upset about it and the lack of transparency,” says Kimura. “We send multiple emails, letters to our property managers and landlords and have heard nothing back.”

Attempts to reach Kinokuniya’s attorneys for this story were unsuccessful, but Kirsten Fletcher, the building’s property manager wrote that “it is difficult all around,” and cites that the building owner also owns over 50 stores in the Americas alone. “Rent is contracted and due by the tenants, no one is making money,” Fletcher replied in an email.

Fletcher also notes that one month of deferred rent was offered to Kinokuniya tenants earlier in the pandemic.

Establishing and securing the commercial and retail district of Japantown is an effort that dates back more than a century, starting from when Japanese immigrants settled into the area after the 1906 earthquake. It grew into a thriving community that spanned about 40 blocks during its heyday until Executive Order 9066 during World War II swept Japanese citizens and Japanese Americans into internment camps.

Since then, through years of economic development, buildings have been razed and the neighborhood has been reduced into only a commercial district. It’s why protecting the mom-and-pop shops in Japantown is an effort to preserve the cultural heart of the wider Bay Area Japanese American community, many of whom come into San Francisco to convene and continue important traditions. Japantown is less residential than Chinatown but it serves as a focal point for key community events and festivals, including local basketball league games, the annual Cherry Blossom and Obon Festivals and gatherings at the Japanese Buddhist church in the neighborhood.



Xiao Feng brings out an order at the Matcha Cafe Maiko at the Japan Center West Mall on Sept. 2, 2020. (Beth LaBerge/KQED)

Kristy Wang, a community planning policy director with the **San Francisco Bay Area Planning and Urban Research Association (SPUR)** adds that keeping businesses alive in these neighborhoods is essential in preserving a cultural home base for communities, even if they move away.

She cites the exodus of San Francisco's Black population as an example: "So many people have had to move out or decided to move out. And if you lose those businesses, then you lose a place to go back to even."

Low says attempts to reach out to Kinokuniya's property manager and attorneys have gone unanswered, and he's afraid that once the commercial eviction moratorium is lifted on Monday, many of these businesses won't make it.

"Our existing commercial eviction moratorium was based on the assumption that this pandemic would only last six months ... it was a very short-term reaction," Low said. "I think we relied too much on the good faith that landlords and tenants can work out their own problems and what we're rapidly realizing is this is not the case."

As it stands now, the **commercial eviction moratorium** states that if commercial tenants have not paid all outstanding rent after six months, landlords are able to evict them for non-payment.

Low has drafted an ordinance – and is in talks with Supervisor Peskin, as well as District 5 Supervisor Dean Preston, whose jurisdiction includes Japantown – that would extend the existing moratorium as well as add more weight to its enforcement.

Though the timeline of when this may happen is still unclear, Peskin says he hopes to arrive at a solution that will be “legally sound.”

Low adds, however, that an extension of the moratorium still won't be enough. “The moratorium is fine just for stalling the evictions,” he says. “You have to get to the underlying problem, which is not only stopping the evictions or addressing evictions, but somehow addressing the money.”

## **In SOMA Pilipinas: Incubating Survival Strategies**

Another population in San Francisco that is acutely familiar with being forced to relocate is the Filipino American population.

**SOMA Pilipinas** was formed in 2016 in part to encourage entrepreneurship among Filipino Americans in a Filipino-dedicated business corridor and reclaim space in a city that has repeatedly displaced them.



A mural on the Bayanihan Community Center in the SOMA Pilipinas neighborhood in San Francisco on Sept. 2, 2020. (Beth LaBerge/KQED)

There had been a 10-block radius neighborhood dubbed “Manilatown” on Kearny Street in the 1920s established by Filipino migrant farmworkers. But as urban renewal and development sought to grow the city’s Financial District, Filipinos were slowly pushed out of the area. **The tension came to a head in 1977**, when the International Hotel, or I-Hotel, a residential building for Filipino immigrants, faced eviction threats, which led to large protests and coalition building with other groups, including Chinese and Japanese American activists.

Eventually, I-Hotel evictions took place and shifted Filipino immigrants to the SOMA district, where they opened up businesses and established storefronts. But they then faced additional mass displacement during the development of Yerba Buena and Moscone centers.

“SOMA Pilipinas is kind of a great hope of ‘we can finally write the narratives that we always wanted,’ ” said Desi Danganan, executive director of **Kultivate Labs**, a nonprofit arts and economic development organization, who helped spearhead the district.

“All of these past struggles led up to this momentous opportunity to develop our community in one of the most wealthiest progressive cities in the world,” said Danganan. Since its establishment and before the pandemic, SOMA Pilipinas had 18 businesses in the

neighborhood – its main corridor is on Mission Street between Fifth and Seventh streets – and many of its owners are younger Filipino entrepreneurs and artists. The district has since lost four businesses due to the economic challenges of the coronavirus.



A person rides a bike by a mural on Bindlestiff, a Filipinx black box theater on 6th Street in the SOMA Pilipinas neighborhood in San Francisco on Sept. 2, 2020. (Beth LaBerge/KQED)

In a survey conducted a few months ago, more than half of the food and retail businesses in SOMA Pilipinas have lost more than 90% of their revenue, largely attributed to the lack of foot traffic from employees in nearby office buildings, including the Twitter headquarters. Nearly 70% of the businesses say they only had a handful of months left to stay afloat.

The impact on SOMA Pilipinas may mean a serious hurdle for new Filipino entrepreneurs who saw the new business district as a source of cultural empowerment. With a background in entrepreneurship and business marketing, Danganan says he realized early on that establishing an economic footprint would be critical in creating a cultural space for the Filipino community.

“Access to capital and mentorship was the biggest barrier to entry into doing business in the south of market, or SOMA Pilipinas,” he said. Through Kultivate Labs, Danganan and his team

function as an incubator to help kickstart Filipino businesses.

One such business owner is Hü Gamit, a 27-year-old San Francisco native who followed in the footsteps of his late grandfather, Papay, who once owned The Gamit Barbershop on 6th Street. He grew up in his grandfather's shop, which he says was a safe space for Filipino immigrants, and watched him bond with the local community. He established his own barber shop, **Yoü by Hü**, on Sixth Street in August 2019 and says it provided an opportunity to continue a family and cultural legacy – he frequently runs into SOMA community members who remember his grandfather fondly – and empower himself to contribute something new for the larger SOMA community.

“The one thing I'm most proud of is I've turned myself into a business. Like, I am the business,” Gamit said. “My space on Sixth Street, that's my place, that's like my home court.” He says it's especially meaningful as someone who was born and raised in the city who has witnessed the power shifts and dynamics of gentrification.

But dreams of entrepreneurs like Gamit have been thwarted by the coronavirus, which has kept him from opening his shop since March.

Some food businesses in the neighborhood have been able to survive by **feeding front-line Filipino health workers**, an initiative designed by Kultivate Labs. But Reina Montenegro, owner of **Nick's on Mission**, a Filipino vegan restaurant, feels the urgency to pivot in order to survive.

A former caterer, Montenegro has turned to building her online presence, hosting cooking classes and preparing meal prep packages, to adapt during the uncertainty. While her landlord has accommodated late payments, she says the stack of unpaid bills, rent and other costs is growing to a point where she may have to rethink her entire business structure, and not return to the brick-and-mortar model at all.



Rita's Catering & Eatery serving Filipino cuisine from a food truck in the SOMA Pilipinas neighborhood in San Francisco on Sept. 2, 2020.

Through grants and support from city politicians, Danganan said San Francisco has been largely supportive of SOMA Pilipinas and hopes that the city continues to incorporate equity in every decision.

While he continues to triage support for the SOMA Pilipinas businesses that continue to face devastating uncertainty, Danganan says he's always willing to place a bet on culture, especially in San Francisco: "It's like hardware and software. Hardware is just like any kind of city infrastructure and software is the culture. And that's what we have here."

He recognizes, though, that the survival of cultural neighborhoods will boil down to each community's ability to take care of itself. Danganan holds the incredible political savvy of Chinatown, cultivated by decades of activism and organizing by community leaders and activists, as an example.

"We're heavily supported by our city government, as they should, but at some point, our community's going to have to come together and support ourselves. It's the only way to push us forward."

SPONSORED

*Sept. 15: Davis Property Management, the property management company for the Kinokuniya tenants of Japan Center, offered one month of deferred rent earlier in the pandemic. The story has been edited to include this response.*

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# Self-Help for the Elderly

安老自助處

[www.selfhelpelderly.org](http://www.selfhelpelderly.org)

731 Sansome Street, Suite 100 | San Francisco, CA 94111-1725  
t: (415) 677-7600 | f: (415) 296-0313 | e: [info@selfhelpelderly.org](mailto:info@selfhelpelderly.org)  
*Providing strength, hope and empowerment to seniors since 1966*

October 29, 2020

VIA EMAIL [aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)

Supervisor Aaron Peskin  
San Francisco Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: Proposed Commercial Eviction Moratorium Ordinance

Dear Supervisor Peskin:

This letter is in support of the proposed Commercial Eviction Moratorium Ordinance.

Small businesses are vital to Chinatown and to our senior residents. Many of our senior residents in the community rely on Chinatown small businesses to eat, shop and obtain essential services. COVID-19 has already caused many closures of Chinatown businesses and the community cannot afford to lose these small businesses. Any rent relief to give Chinatown small businesses a chance to survive is crucial to the vibrancy of Chinatown.

We support the proposed Commercial Eviction Moratorium Ordinance and urge you to approve it.

Very Truly Yours,

Anni Chung  
President and CEO

cc: Supervisor Dean Preston  
(via email [dean.preston@sfgov.org](mailto:dean.preston@sfgov.org))

Supervisor Ahsha Safai  
(via email [ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org))

Allan E. Low, Esq.  
Perkins Coie, LLP  
(via email [alow@perkinscoie.com](mailto:alow@perkinscoie.com))

Diane Matsuda, Esq.  
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(via email [dmatsuda@apilegaloutreach.org](mailto:dmatsuda@apilegaloutreach.org))

**San Francisco**  
415.677.7500  
601 Jackson Street  
San Francisco, CA 94133

**San Mateo**  
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50 East Fifth Avenue  
San Mateo, CA 94401

**South Bay**  
408.733.1883  
550 East Remington Drive  
Sunnyvale, CA 94087

**Alameda**  
510.336.0144  
2400 MacArthur Boulevard  
Oakland, CA 94602

October 29, 2020

VIA EMAIL [aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)

Supervisor Aaron Peskin  
San Francisco Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: Proposed Commercial Eviction Moratorium Ordinance

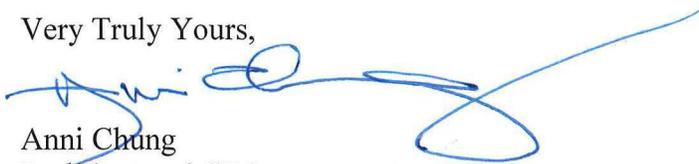
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We support the proposed Commercial Eviction Moratorium Ordinance and urge you to approve it.

Very Truly Yours,



Anni Chung  
President and CEO

cc: Supervisor Dean Preston  
(via email [dean.preston@sfgov.org](mailto:dean.preston@sfgov.org))

Supervisor Ahsha Safai  
(via email [ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org))

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(via email [alow@perkinscoie.com](mailto:alow@perkinscoie.com))

Diane Matsuda, Esq.  
API Legal Outreach  
(via email [dmatsuda@apilegaloutreach.org](mailto:dmatsuda@apilegaloutreach.org))



## CHINESE CHAMBER OF COMMERCE

730 Sacramento Street, San Francisco, CA 94108

(415) 982-3000  
Fax: (415) 982-4720

October 30, 2020

VIA EMAIL [aaron.peskin@sfgov.org](mailto:aaron.peskin@sfgov.org)

Supervisor Aaron Peskin  
San Francisco Board of Supervisors  
City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco, CA 94102

Re: Proposed Commercial Eviction Moratorium Ordinance

Dear Supervisor Peskin:

This letter is in support of the proposed Commercial Eviction Moratorium Ordinance.

The Chinese Chamber of Commerce supports economic activity and business development in Chinatown. Many of our members are small businesses that are the lifeblood of Chinatown. Small businesses are the economic backbone of Chinatown and they keep Chinatown as a gateway for many residents and new immigrants. An overwhelming number of small businesses are suffering irreparable economic harm due to the Coronavirus. Rent relief is crucial for these small businesses to be given a chance to survive, and to keep Chinatown a place to shop, eat and visit.

We support the proposed Commercial Eviction Moratorium Ordinance and urge you to approve it.

Very Truly Yours,

Eddie Au, President  
Chinese Chamber of Commerce

cc: Supervisor Dean Preston  
(via email [dean.preston@sfgov.org](mailto:dean.preston@sfgov.org))  
Supervisor Ahsha Safai  
(via email [ahsha.safai@sfgov.org](mailto:ahsha.safai@sfgov.org))  
Allan E. Low, Esq.  
Perkins Coie, LLP  
(via email [alow@perkinscoie.com](mailto:alow@perkinscoie.com))  
Diane Matsuda, Esq.  
API Legal Outreach  
(via email [dmatsuda@apilegaloutreach.org](mailto:dmatsuda@apilegaloutreach.org))

**From:** [Board of Supervisors, \(BOS\)](#)  
**To:** [Major, Erica \(BOS\)](#)  
**Subject:** FW: SUPPORTING Land Use and Transportation Committee Agenda Item #1 Administrative Code - Eviction of Commercial Tenants During COVID-19 Pandemic File #201056  
**Date:** Monday, November 2, 2020 8:51:32 AM

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**From:** aeboken <aeboken@gmail.com>  
**Sent:** Saturday, October 31, 2020 7:14 PM  
**To:** BOS-Supervisors <bos-supervisors@sfgov.org>; BOS-Legislative Aides <bos-legislative\_aides@sfgov.org>  
**Subject:** SUPPORTING Land Use and Transportation Committee Agenda Item #1 Administrative Code - Eviction of Commercial Tenants During COVID-19 Pandemic File #201056

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

**TO:** Board of Supervisors members

I am strongly supporting the commercial eviction moratorium during the COVID-19 pandemic.

Eileen Boken  
Coalition for San Francisco Neighborhoods\*

\*For identification purposes only.

Sent from my Verizon, Samsung Galaxy smartphone

**From:** [Lori](#)  
**To:** [Major, Erica \(BOS\)](#)  
**Cc:** [Peskin, Aaron \(BOS\)](#); [Preston, Dean \(BOS\)](#); [asha.safai@sfgov.org](mailto:asha.safai@sfgov.org); [Stefani, Catherine \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)  
**Subject:** PUBLIC COMMENT - Land Use Committee - Item #1 (Business Eviction) - IN SUPPORT  
**Date:** Monday, November 2, 2020 1:56:27 PM  
**Attachments:** [PUBLIC COMMENT - Land Use Committee November 2 2020 Item 1 Small Business Evictions.docx](#)

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November 2, 2020

Land Use Committee – **PUBLIC COMMENT - IN SUPPORT**

**Item #1. 201056** [Administrative Code - Eviction of Commercial Tenants During COVID-19 Pandemic]

Sponsors: Peskin; Preston, Mar and Walton

Ordinance amending the Administrative Code to temporarily restrict landlords from evicting commercial tenants for non-payment of rent that was not paid due to the COVID-19 pandemic.

**To Supervisor Peskin, Supervisor Preston and Supervisor Safai:**

Thank you for allowing me to **voice my SUPPORT for the ordinance to halt the eviction of small businesses (tenants).**

My name is Lori Matoba, and I am a native San Franciscan who lives in and has grown up in Japantown.

I have seen this pandemic devastate small businesses in Japantown and others throughout the city. They have had every challenge thrown at them over the past eight months, and most are barely hanging on to survive. Our many cultural districts in San Francisco are what make our City unique – and the small family-owned restaurants and stores are what bring people to our neighborhoods.

I urge the Land Use Committee to recommend that the Board of Supervisors **APPROVE** this ordinance to give small businesses in San Francisco a fighting chance to get back on their feet.

**Small businesses are what make San Francisco so vibrant! Please SAVE THEM before they close their doors permanently!**

Thank you!

**Lori Matoba-Wun**

1839 Steiner Street  
San Francisco, CA 94115  
(415) 606-7481

November 2, 2020

Land Use Committee – **PUBLIC COMMENT - IN SUPPORT**

**Item #1. 201056** [Administrative Code - Eviction of Commercial Tenants During COVID-19 Pandemic]

Sponsors: Peskin; Preston, Mar and Walton

Ordinance amending the Administrative Code to temporarily restrict landlords from evicting commercial tenants for non-payment of rent that was not paid due to the COVID-19 pandemic.

**To Supervisor Peskin, Supervisor Preston and Supervisor Safai:**

Thank you for allowing me to **voice my SUPPORT for the ordinance to halt the eviction of small businesses (tenants).**

My name is Lori Matoba, and I am a native San Franciscan who lives in and has grown up in Japantown.

I have seen this pandemic devastate small businesses in Japantown and others throughout the city. They have had every challenge thrown at them over the past eight months, and most are barely hanging on to survive. Our many cultural districts in San Francisco are what make our City unique – and the small family-owned restaurants and stores are what bring people to our neighborhoods.

I urge the Land Use Committee to recommend that the Board of Supervisors **APPROVE** this ordinance to give small businesses in San Francisco a fighting chance to get back on their feet.

**Small businesses are what make San Francisco so vibrant! Please SAVE THEM before they close their doors permanently!**

Thank you!

**Lori Matoba-Wun**

1839 Steiner Street

San Francisco, CA 94115

(415) 606-7481

Member, Board of Supervisors  
District 3



City and County of San Francisco

**AARON PESKIN**

---

DATE: November 12, 2020

TO: Angela Calvillo  
Clerk of the Board of Supervisors

FROM: Supervisor Aaron Peskin, Chair, Land Use and Transportation  
Committee

RE: Land Use and Transportation Committee  
COMMITTEE REPORT

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Pursuant to Board Rule 4.20, as Chair of the Land Use and Transportation Committee, I have deemed the following matter is of an urgent nature and request it be considered by the full Board on Tuesday, November 17, 2020, as a Committee Report:

**201282      Administrative Code - Eviction of Commercial Tenants During  
COVID-19 Pandemic**

**Ordinance amending the Administrative Code to temporarily restrict landlords from evicting commercial tenants for non-payment of rent that was not paid due to the COVID-19 pandemic; and to allow certain tenants who are unable to pay rent to terminate their leases.**

This matter will be heard in the Land Use and Transportation Committee at a Regular Meeting on Monday, November 16, 2020, at 1:30 p.m.

*/s/ Aaron Peskin*

# Introduction Form

By a Member of the Board of Supervisors or Mayor

Time stamp  
or meeting date

I hereby submit the following item for introduction (select only one):

- 1. For reference to Committee. (An Ordinance, Resolution, Motion or Charter Amendment).
- 2. Request for next printed agenda Without Reference to Committee.
- 3. Request for hearing on a subject matter at Committee.
- 4. Request for letter beginning : "Supervisor  inquiries"
- 5. City Attorney Request.
- 6. Call File No.  from Committee.
- 7. Budget Analyst request (attached written motion).
- 8. Substitute Legislation File No.
- 9. Reactivate File No.
- 10. Topic submitted for Mayoral Appearance before the BOS on

Please check the appropriate boxes. The proposed legislation should be forwarded to the following:

- Small Business Commission
- Youth Commission
- Ethics Commission
- Planning Commission
- Building Inspection Commission

**Note: For the Imperative Agenda (a resolution not on the printed agenda), use the Imperative Form.**

Sponsor(s):

Subject:

The text is listed:

Signature of Sponsoring Supervisor:

For Clerk's Use Only