

FILE NO. 201235

Petitions and Communications received from October 22, 2020, through October 29, 2020, for reference by the President to Committee considering related matters, or to be ordered filed by the Clerk on November 3, 2020.

Personal information that is provided in communications to the Board of Supervisors is subject to disclosure under the California Public Records Act and the San Francisco Sunshine Ordinance. Personal information will not be redacted.

From the Office of the Mayor, submitting the Thirty-First, Supplement to the Mayoral Proclamation Declaring the Existence of a Local Emergency, dated February 25, 2020. Copy: Each Supervisor (1)

From the Department of Public Health, submitting Order of the Health Officer 19-07I; and Health Directives 2020-15c, 2020-18b, 2020-21c, 2020-21d, 2020-21e, 2020-22d, 2020-23b, 2020-30b, and 2020-31b; and Tips and FAQs for reopening. Copy: Each Supervisor. (2)

From the Office of the Mayor, pursuant to Administrative Code, Section 5.240, making the following (re)nominations to the City Hall Preservation Advisory Commission: Copy: Each Supervisor. (3)

- Robert Vergara - term ending January 13, 2024 (Nomination)
- Ellen Schumer - term ending January 13, 2022 (Renomination)
- James Haas - term ending January 13, 2024 (Renomination)
- Patrick Carney - term ending January 13, 2024 (Renomination)
- Mae Woo - term ending January 13, 2022 (Renomination)

From the Public Utilities Commission, pursuant Ordinance No. 199-19, submitting the Annual Report to the Board of Supervisors (dated October 19, 2020) on the Low Carbon Fuel Standard (LCFS) Credit Sales. File No. 190656. Copy: Each Supervisor. (4)

From the Department of Elections, submitting updates on voting for the November 3, 2020, Consolidated General Election. Copy: Each Supervisor. (5)

From the Office of the Controller's City Services Auditor, submitting the report, entitled "The Office of the Chief Medical Examiner Must Improve Inventory Management to More Effectively Safeguard and Track Its Drug Evidence." Copy: Each Supervisor. (6)

From the San Francisco International Airport, regarding the proposed Resolution Affirming the Board of Supervisors' Commitment to Advancement of Racial Equity in the City and County Programs, Policies and Services. File No. 181229. Copy: Each Supervisor. (7)

From the Public Utilities Commission, pursuant to Ordinance No. 101-20, submitting the Quarterly Green Infrastructure Grant Program Report, October 2020. File No. 200454. Copy: Each Supervisor. (8)

From the Department of Homelessness and Supportive Housing, pursuant to Administrative Code, Section 37.6(j), submitting the Annual Report on Evictions from Subsidized Housing for Fiscal Year 2019-20. Copy: Each Supervisor. (9)

From the California Fish and Game Commission, pursuant to Government Code, Section 11346.1(a)(1), submitting a Notice of Proposed Emergency Action to add Section 749.10, Title 14, California Code of Regulations Re: Take of Western Joshua Tree. Copy: Each Supervisor. (10)

From Eileen Boken, regarding the proposed Ordinance amending the Administrative Code - Workforce Education and Recovery Fund. File No. 200761. Copy: Each Supervisor. (11)

From Tim Chan, regarding the proposed Mayoral Appointment to the Treasure Island Development Authority Board of Directors - Julia Prochnik. File No. 201038. Copy: Each Supervisor. (12)

From the San Francisco Bar Association, regarding the proposed Ordinance approving the Memorandum of Understanding and Settlement of Grievances - Police Officers Association. File No. 201050. Copy: Each Supervisor. (13)

From concerned citizens, regarding the proposed Ordinance amending the Administrative Code - Permanent Supportive Housing - Rent Contribution Standard. File No. 201185. 2 letters. Copy: Each Supervisor. (14)

From concerned citizens, regarding the proposed Resolution Condemning Ongoing Attacks in the Artsakh Republic and Urging the United States to Broker Cessation of Hostilities. File No. 201202. 4 letters. Copy: Each Supervisor. (15)

From Seyfarth Shaw LLP, regarding the proposed Ordinance amending the Administrative Code - Health Care Requirements for Certain Employers at San Francisco International Airport. File No. 201133. 2 letters. Copy: Each Supervisor. (16)

From Reuben, Junius & Rose, LLP, regarding the Hearing of Appeal of Statutory Exemption From Environmental Review - Proposed SFMTA's COVID-19 Muni Bus Service Adjustments and Associated Stop, Street and Parking Changes - August 22, 2020 Project; and the Hearing of Appeal of Statutory Exemption From Environmental Review - Proposed MTA's COVID-19 Muni Rail Service Adjustments and Associated Street and Parking Changes - August 22, 2020, and Fall 2020 Project. File Nos. 201112 & 201119. Copy: Each Supervisor. (17)

From Mary Miles, submitting a demand to cure and correct violations of the Brown Act. File Nos. 200883, 200903, 200987, 201000, and 201024. Copy: Each Supervisor. (18)

From Ahimsa Porter Sumchai MD, regarding the BayView op-ed from Dr. Balmes Apology to Dr. Sumchai. Copy: Each Supervisor. (19)

From Kris Uber, regarding the chronic theft from Walgreens at 300 Gough Street. 2 letters. Copy: Each Supervisor. (20)

From Cold Steel America, regarding the Department of Health's Directive No. 2020-30b. Copy: Each Supervisor. (21)

From concerned citizens, regarding the Observation Wheel in Golden Gate Park. 8 letters. Copy: Each Supervisor. (22)

From Aaron Goodman, regarding how to imagine change in larger communities. Copy: Each Supervisor. (23)

From the League of Women Voters of San Francisco, regarding Police District Community Meetings. Copy: Each Supervisor. (24)

From Chaz, regarding the permanent Shared Spaces program. Copy: Each Supervisor. (25)

From Denise Louie, regarding misleading Recreation and Park Department claims in the Hazards and Climate Resilience Plan. Copy: Each Supervisor. (26)

From concerned citizens, regarding proposed Ordinance amending the Administrative Code - Eviction of Commercial Tenants During COVID-19 Pandemic. File No. 201056. 27 letters. Copy: Each Supervisor. (27)

From Shawn Nguyen, regarding the Taxi Medallion program. 2 letters. Copy: Each Supervisor. (28)

From Mark O., regarding renaming schools, streets and other City properties. Copy: Each Supervisor. (29)

From Lizette E. Wanzer, regarding returning the 27 Muni line back into service. Copy: Each Supervisor. (30)

From Becky Evans, regarding the proposed Resolution approving the Real Property Lease - Twin Peaks Petroleum, Inc. - 598 Portola Drive - \$200,200 Per Year Base Rent. File No. 200965. Copy: Each Supervisor. (31)

From concerned citizens, regarding the San Francisco Police Department using private cameras to spy on Black-led protests against police violence. 3 letters. Copy: Each Supervisor. (32)

From concerned citizens, regarding proposed Ordinance amending the Police Code - Discriminatory Reports to Law Enforcement. File No. 200735. 2 letters. Copy: Each Supervisor. (33)

From Carmen Chu, regarding updates from the Economic Recovery Task Force. Copy: Each Supervisor. (34)

From: [Mchugh, Eileen \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS-Administrative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Laxamana, Junko \(BOS\)](#); [Ng, Wilson \(BOS\)](#); [PEARSON, ANNE \(CAT\)](#); [Kittler, Sophia \(MYR\)](#)
Subject: FW: 31st Supplement to Emergency Declaration
Date: Wednesday, October 28, 2020 1:02:00 PM
Attachments: [31st Supplement 10282020.pdf](#)

Hello Supervisors,

Please see the Thirty-First Supplement to the Mayoral Proclamation Declaring the Existence of a Local Emergency.

Thank you,

Eileen McHugh
Executive Assistant
Board of Supervisors

From: Power, Andres (MYR)
Sent: Wednesday, October 28, 2020 11:55 AM
To: Ponder, Steve (HRD) <steve.ponder@sfgov.org>; Isen, Carol (HRD) <carol.isen@sfgov.org>; Torres, Joaquin (ECN) <joaquin.torres@sfgov.org>
Cc: RUSSI, BRAD (CAT) <Brad.Russi@sfcityatty.org>; Geithman, Kyra (MYR) <kyra.geithman@sfgov.org>; Kittler, Sophia (MYR) <sophia.kittler@sfgov.org>; Arvanitidis, Laurel (ECN) <laurel.arvanitidis@sfgov.org>; Bruss, Andrea (MYR) <andrea.bruss@sfgov.org>
Subject: 31st Supplement to Emergency Declaration

This supplement extends the cap on delivery fees and amends COVID-related leave policies.

Andres Power

Policy Director | Office of Mayor London Breed

City and County of San Francisco



**THIRTY-FIRST 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 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 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safer 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; the Health Officer has amended the Stay Safer At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been over 12,200 confirmed cases of COVID-19 within the City and 145 COVID-19-related deaths in the City; there have been more than 915,000 confirmed cases in California and more than 17,400 COVID-19-related deaths in California; and



WHEREAS, To reduce the spread of the virus and protect the public health, the Stay Safer At Home Order prohibited restaurants in the City from serving patrons indoors prior to September 30, 2020, limiting restaurants to delivery, takeout, and outdoor dining. Many restaurants in the City were unable to offer outdoor dining due to locational and physical space limitations. On September 30, 2020, the Health Officer amended the Stay Safer At Home Order to allow restaurants to serve patrons indoors, but restaurants must limit the number of patrons inside the indoor space of the establishment to the lesser of (1) 25% of the maximum occupancy, or (2) 100 patrons. On October 20, 2020, the Mayor and the Director of Public Health announced that if the health indicators continue on the current trajectory, they anticipate that by November 3, restaurants will be permitted to allow patrons to dine inside at up to 50% of the establishment's maximum occupancy. Nonetheless, it may be economically infeasible for some restaurants to resume on-site dining given the continuing restrictions; and

WHEREAS, In the Ninth Supplement to the Proclamation of Local Emergency, dated April 10, 2020, the Mayor issued an order capping the fees that third-party applications and websites can charge restaurants per online order, and in the Nineteenth Supplement to the Proclamation of Local Emergency, the Mayor clarified the termination provision of that order. In the Twenty-Ninth Supplement to the Proclamation of Local Emergency, the Mayor revised the order to provide that it would terminate once restaurants are allowed to offer indoor dining at 50% capacity. Given the extreme financial pressures that the COVID-19 emergency has placed on restaurants, it is in the public interest to further revise the termination provision of the order to provide additional relief to restaurants that are attempting to continue operations consistent with the restrictions imposed by the Health Officer's orders. The success of these businesses has a direct impact on the health and safety of the many City workers employed by these establishments; supporting them will contribute to the health and housing stability of such workers; and

WHEREAS, For the reasons stated in the Ninth, Nineteenth, and Twenty-Ninth Supplements, it is in the public interest for the order capping fees that third-party applications and websites can charge restaurants per order to remain in place until restaurants are allowed to offer indoor dining at 100% of the establishment's maximum occupancy; and

WHEREAS, In the Third Supplement to the Emergency Proclamation dated March 17, 2020, recognizing that many City employees affected by the Stay Safer At Home Order



cannot perform their duties remotely and must stay home, and recognizing that it is in the public interest to support such employees with paid leave, the Mayor authorized a paid leave program to mitigate financial impacts of the emergency on City employees. The Mayor extended the program through October 30, 2020 through further orders. Due to the ongoing restrictions of the Stay Safer At Home Order, it is in the public interest to further extend this paid leave program; and

WHEREAS, In the Seventh Supplement to the Emergency Proclamation, dated March 31, 2020, recognizing that given the demands of their duties in connection with the emergency response City employees may be unable to use vacation time during the emergency, the Mayor authorized City employees to accrue an additional 80 hours of vacation time over the cap that would otherwise apply. The Mayor recently terminated this program, but upon further consideration and input from City employees, the strain on City employees persists, and it is in the public interest to restore and extend the program;

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 issued on various dates, it is further ordered that:

(1) The Twenty-Ninth Supplement to the Emergency Proclamation, dated September 30, 2020, is revised and replaced as follows:

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

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

“Covered establishment” means a restaurant that offers, in a single commercial transaction over the internet, whether directly or through a third-party food delivery service, the sale and same-day delivery of food to customers from one or more retail



locations within the City. Covered establishment shall not include any restaurant that meets the definition of a formula retail use under Section 303.1 of the Planning Code.

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

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

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

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

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

(c) This Order shall terminate at such time as the Health Officer amends or terminates the Stay Safer At Home Order or any subsequent order regulating restaurants so that restaurants may allow the number of patrons present in the indoor space of the dining establishment to be 100% of the establishment’s maximum occupancy, unless terminated earlier by the Mayor or the Board of Supervisors.

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



(2) The Human Resources Director is authorized, with the concurrence of the Controller, to extend the existing paid leave program for employees, first authorized on March 17, 2020 in Section 3 of the Mayor's Third Supplemental Proclamation, and extended in subsequent supplements, through December 31, 2020. The Director of Transportation is authorized, with the concurrence of the Controller, to extend the existing paid leave program for service critical employees of the San Francisco Municipal Transportation Authority, first authorized on March 17, 2020 in Section 3 of the Mayor's Third Supplemental Proclamation, and extended in subsequent supplements, through December 31, 2020. As described in the Third Supplemental Proclamation and subsequent supplements, the purpose of the paid leave program is to mitigate the financial impacts of the emergency on City employees who are available to work, including working from home, but for whom there is no work due to the Stay Safe at Home Order. The Mayor may further extend the programs continued by this Order beyond December 31, 2020, 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.

(3) The maximum accrual limits for City employee vacation leave is waived, as specified herein. Between April 1, 2020 and the termination of this Order, employees may accrue up to an additional 80 hours over the vacation maximum accrual limit. This Order shall terminate on June 30, 2021, or upon termination by the Mayor or the Board of Supervisors, whichever occurs first. Employees must use vacation and reduce their balance below the maximum accrual by December 31, 2021. Any provisions of the Charter, the Municipal Code, and City rules or regulations that would limit or prevent these additional accruals are waived, including but not limited to Charter Section A8.440 and Administrative Code Section 16.12. The Human Resources Director and Controller, or their designees, are authorized to implement this program and issue any necessary rules and guidance.

DATED: October 28, 2020

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

London N. Breed
Mayor of San Francisco



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: October 27, 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 continued to revise its roadmap and eventually replaced it with a new blueprint as described below. 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 that allowed the County more flexibility in its decision-making on the phases of reopening.

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,



ORDER OF THE HEALTH OFFICER No. C19-07I

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, we need to be vigilant and there remains a continuing risk of a surge that will overwhelm the capacity of our hospital system. We have come to learn that the virus can be transmitted in the air through aerosols and that the risk of such airborne transmission is generally higher indoors. Also, while the search continues, treatments for the disease are limited and a vaccine is not yet generally available. 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, adhering to social distancing requirements, and avoiding gatherings.

Indeed back in July 2020 the County and the region experienced a second 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. Over the next month, with the collective efforts of businesses and residents, the County was able again to reduce its virus transmission rate and resume re-opening some businesses and other activities.

On August 28, 2020 the State adopted a new four-tiered, color-coded framework based on the prevalence of virus transmission in each county to guide reopening statewide—the Blueprint for a Safer Economy. That framework can be found online at <https://covid19.ca.gov/safer-economy>. As before counties can be more restrictive than this State framework allows. Under the blueprint the State initially assigned the County to the second most restrictive tier, substantial (red). On September 30, with improving case rates, the County advanced a tier to moderate (orange). Beginning on October 20, 2020, based on the State's new health equity metric, the State designated the County's risk of COVID-19 community transmission to be in the minimal (yellow) tier, accelerating San Francisco to the least restrictive tier. Most of the surrounding Bay Area counties have been designated the red tier (the second most restrictive tier) or orange tier (the second least restrictive tier). The County is continuing its reopening process in a measured way, based on local health indicators, and will continue to consider 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 continue to reopen in-person schools as well as re-open and expand business and other activities and promote the recovery of our economy, 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, conducting activities outdoors rather than indoors where possible 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.



ORDER OF THE HEALTH OFFICER No. C19-071

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 plan for resuming business and other activity. This Order sets forth the local health data framework that along with the State's blueprint framework, and consistent with emerging scientific data, information, and evidence, 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 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.



ORDER OF THE HEALTH OFFICER No. C19-071

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;
- Requires businesses to post certain signage, including signage regarding ventilation systems;
- Urges businesses that operate indoors to implement ventilation guidelines;
- 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.



ORDER OF THE HEALTH OFFICER No. C19-07I

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ORDER OF THE HEALTH OFFICER No. C19-07I

**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 October 20, 2020 Order of the Health Officer, No. C19-07k, (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.**
- 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**



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interpret this Order; in the event of any inconsistency between the summary, headings or subheadings and the text of this Order below, the text will control. Certain initially capitalized used in this Order have the meanings given them in Section 8 below. The interpretation of this Order in relation to the health orders of the State is described in Section 10 below.

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



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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 consider 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 October 24, 2020, there were 12,152 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 140 deaths (up from a single death on March 17, 2020). This information, as well as information regarding hospitalizations and hospital capacity, is regularly updated on the San Francisco Department of Public Health's website at <https://data.sfgov.org/stories/s/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.

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>.



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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 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



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- 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
 - 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



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- living in encampments should, to the maximum extent feasible, abide by 12 foot by 12 foot distancing for the placement of tents, and government agencies should provide restroom and hand washing facilities for individuals in such encampments as set forth in Centers for Disease Control and Prevention Interim Guidance Responding to Coronavirus 2019 (COVID-19) Among People Experiencing Unsheltered Homelessness (<https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/unsheltered-homelessness.html>).
- d. **Older Adults and Individuals of Any Age with Underlying Medical Conditions.** Older adults and individuals with underlying medical conditions—including chronic kidney disease, chronic obstructive pulmonary disease, immunocompromised state from solid organ transplant, obesity, serious heart conditions (such as heart failure, coronary artery disease, or cardiomyopathies), sickle cell disease, and diabetes—are strongly urged to stay in their Residence except to access critical necessities such as food, and to seek or provide medical care or Essential Governmental Functions. Individuals with other medical conditions might be at increased risk for severe illness from COVID-19 and are encouraged to minimize activities and interactions with people outside their Household to the extent practicable, except as necessary to seek or provide medical care or Essential Governmental Functions. These conditions, and the most up to date information about who is at greatest risk of severe illness as more information and data emerge about COVID-19, can be found at <https://www.cdc.gov/coronavirus/2019-ncov/need-extra-precautions/people-at-increased-risk.html>.
- e. **Mandatory Risk Reduction Measures For Individuals Outside their Place of Residence.** When people leave their place of Residence, they must (1) strictly comply with the Social Distancing Requirements as defined in Section 8.0, 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



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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.sfc-dcp.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 the jurisdiction they are moving to and the United States Centers for Disease Control and Prevention and Health Officer Directive No. 2020-02c, available at www.sfdph.org/directives.

4. General Requirements for Businesses and Business Activities.

- a. Allowed Businesses.** Essential Businesses, Outdoor Businesses, and Additional Businesses, as defined in Sections 8.a, 8.b and 8.c, are allowed to operate in the County under this Order. All other Businesses are temporarily required to cease all activities at facilities located within the County except Minimum Basic Operations, as defined in Section 8.d. Except as otherwise provided in Appendix C-1, Businesses that include allowed operations alongside other operations that are not yet allowed must, to the extent feasible, scale down their operations to the allowed components only.
- b. Maximization of Telework.** All Businesses must continue to maximize the number of Personnel who work remotely from their place of Residence, subject to the conditions and limitations provided in Appendix C-1.
- c. Activities that Can Occur Outdoors.** All Businesses are strongly urged to move as many operations as possible outdoors, to the extent permitted by local law and permitting requirements, where there is generally less risk of COVID-19 transmission. Businesses that operate outdoors may, subject to any applicable



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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, available at <https://www.sfdph.org/dph/files/ig/Guidance-Shared-Outdoor-Spaces.pdf>.

- 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.

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



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measures and, as a general matter, remain inherently riskier than activities that are done outdoors. All businesses that are allowed to be open indoors for the public must conspicuously post signage, including at all primary public entrances, reminding people to adhere to physical distancing, hygiene, and Face Covering requirements and to stay home when they feel ill. They must also post a stand-alone sign bearing the message that: (1) COVID-19 is transmitted through the air, and the risk is generally higher indoors, and (2) seniors and those with health risks should avoid indoor settings with crowds. The County is making templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, and businesses are strongly urged to keep informed of those changes and update their signage accordingly.

- h. Signage For Employees To Report Unsafe Conditions Related To COVID-19.** Beginning on November 10, 2020, all businesses are required to post signs in employee break rooms or areas informing employees that they can report violations of COVID-19 health orders and directives by calling 311 or visiting www.sf.gov/report-health-order-violation. Signage should also state that the employee's identity will not be disclosed to the employer. Sample signage is available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.
- i. Ventilation Requirements.** All businesses that are allowed to be open indoors must review SFDPH's Guidance on "Ventilation for Non-Healthcare Organizations During the COVID-19 Pandemic," available online at <https://www.sfdcp.org/COVID-Ventilation> ("Ventilation Guidance"). Those businesses must: (1) implement as many improvements in the Ventilation Guidance document as feasible, and (2) keep a hand-annotated copy of the Ventilation Guidance showing which improvements were considered and implemented. Ventilation guidance from recognized authorities such as the CDC, ASHRAE, or the state of California can be used as an alternate to the DPH Ventilation Guidance with an annotated version of the alternate guidance kept on hand.

Beginning on November 3, 2020, businesses that offer indoor dining, indoor gyms and fitness centers, and indoor personal service providers that will be providing services requiring the removal of clients' face coverings must conspicuously post signage, including at all primary public entrances, indicating which of the following ventilation systems are used at the facility: open windows/doors; HVAC system that brings in outdoor air; HVAC system that recirculates filtered air with appropriate filter; air purifiers with appropriate filter; or none of the above. The County is making templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, and businesses are strongly urged to keep informed of those changes and update their signage accordingly.



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

- a. **Schools.** Transitional kindergarten (TK)-12 schools may open for in-person instruction subject to the following requirements and conditions.
- 1) All TK-12 schools must follow any applicable directives issued by the County Health Officer (www.sfdph.org/directives) and any applicable “COVID-19 Industry Guidance” issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>.
 - 2) Because San Francisco has been in the red tier or below for more than 14 consecutive days, 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 is available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.
 - 3) **Specialized Targeted Support Services.** Beginning on September 8, 2020, TK-12 schools may operate to provide in-person specialized and targeted support services to vulnerable children and youth. Schools providing specialized targeted support services do not need to obtain a waiver or advance written approval of the Health Officer, but must comply with the Health Officer Directive No. 2020-26b. Additional information about what qualifies as specialized targeted support services and which students may be served in these specialized programs is available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.

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. 2020-14e, 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



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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. 2020-21e, as it may be amended in the future.

- e. **Institutions of Higher Education** and Adult Education. Institutions of higher education (“IHEs”), such as colleges and universities, and other programs offering adult education—including, for example, programs offering job skills training and English as a second language classes to adults—may operate subject to, and to the extent permitted by, the health and safety requirements set forth in Section 14 of Appendix C-1, and any relevant industry-specific Health Officer directives.
- f. **Additional Information**. Additional information about the operational requirements and restrictions relating to COVID-19 for schools, childcare, and youth programs is available at <https://www.sfdph.org/dph/covid-19/schools-education.asp>.

6. Public Transit

- a. Transit agencies, people riding or waiting to ride on public transit, and people at or near a public transit stop or station must comply with Social Distancing Requirements, as defined in Section 8.o, except as provided in subsection (b) below. Personnel and passengers must wear Face Coverings as required by the Face Covering Order. Also, people riding or waiting to ride on public transit must follow any applicable directives issued by the County Health Officer (www.sfdph.org/directives) and any applicable “COVID-19 Industry Guidance” issued by the California Department of Public Health, available at <https://covid19.ca.gov/industry-guidance/>.
- b. Transit agencies that have submitted an acceptable health and safety plan to the Department of Public Health may relax the six-foot social distancing requirement between riders, provided that they encourage riders from different Households to maintain six feet social distance to the greatest extent feasible, and in no event shall the distance between riders from different Households be less than three feet. Transit agencies that have submitted an acceptable health plan must still ensure that there is at least six-feet social distance between transit operators and members of the public. The Department of Public Health has posted a template health and safety plan at www.sfdph.org/directives.

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



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Personnel at www.sfdcp.org/covid19-positive-workplace. If a Business or governmental entity has three or more Personnel who test positive for COVID-19 within a two-week period, then the Business or governmental entity is required to call the San Francisco Department of Public Health at 628-217-6100 immediately to report the cluster of cases. Businesses and governmental entities must also comply with all case investigation and contact tracing measures by the County, including providing any information requested.

8. Definitions.

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

Allowed Businesses and Business Activities.

a. *Essential Businesses.* “Essential Businesses” means:

- i. Healthcare Operations (as defined in subsection g below);**
- ii. Grocery stores, certified farmers’ markets, farm and produce stands, supermarkets, food banks, convenience stores, and other establishments engaged in the retail sale of unprepared food, canned food, dry goods, non-alcoholic beverages, fresh fruits and vegetables, pet supply, fresh meats, fish, and poultry, as well as hygienic products and household consumer products necessary for personal hygiene or the habitability, sanitation, or operation of Residences. The Businesses included in this subsection include establishments that sell multiple categories of products provided that they sell a significant amount of essential products identified in this subsection, such as liquor stores that also sell a significant amount of food;**
- iii. Food cultivation, including farming, livestock, and fishing;**
- iv. Businesses that provide food, shelter, and social services, and other necessities of life for economically disadvantaged or otherwise needy individuals;**
- v. Construction, but only as permitted under the State Shelter Order and only pursuant to the Construction Safety Protocols listed in Appendix B and incorporated into this Order by this reference. City public works projects shall also be subject to Appendix B, except if other protocols are specified by the Health Officer;**
- vi. Newspapers, television, radio, and other media services;**
- 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-**



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- repair services. This subsection (vii) does not restrict the on-line purchase of automobiles if they are delivered to a Residence or Essential Business;
- viii. **Bicycle repair and supply shops;**
 - ix. **Banks and related financial institutions;**
 - x. **Service providers that enable real estate transactions (including rentals, leases, and home sales), including, but not limited to, real estate agents, escrow agents, notaries, and title companies, provided that appointments and other residential real estate viewings must only occur virtually or, if a virtual viewing is not feasible, by appointment with no more than two visitors at a time residing within the same Household and one individual showing the unit (except that in person visits are not allowed when the occupant is present in the Residence);**
 - xi. **Hardware stores;**
 - xii. **Plumbers, electricians, exterminators, and other service providers who provide services that are necessary to maintaining the habitability, sanitation, or operation of Residences and Essential Businesses;**
 - xiii. **Businesses providing mailing and shipping services, including post office boxes;**
 - xiv. **Educational institutions—including public and private K-12 schools, colleges, and universities—for purposes of facilitating distance learning or performing essential functions, or as allowed under subsection (xxvi), provided that social distancing of six feet per person is maintained to the greatest extent possible;**
 - xv. **Laundromats, drycleaners, and laundry service providers;**
 - xvi. **Restaurants and other facilities that prepare and serve food, but only for delivery or carry out. Schools and other entities that typically provide free food services to students or members of the public may continue to do so under this Order on the condition that the food is provided to students or members of the public on a pick-up and take-away basis only. Schools and other entities that provide food services under this exemption shall not permit the food to be eaten at the site where it is provided, or at any other gathering site;**
 - xvii. **Funeral home providers, mortuaries, cemeteries, and crematoriums, to the extent necessary for the transport, preparation, or processing of bodies or remains, and for those same entities, as well as for houses of worship, to hold funerals for no more than 12 individuals (the number of individuals allowed to gather for social gatherings under [Appendix C-2](#)). In addition, those same entities, as well as houses of worship, may hold funerals subject to the capacity limits for people allowed either for outdoor religious gatherings under Section (9)b.2 of [Appendix C-2](#) (if the facility is fully compliant with Section (9)b.2 and also Health Officer Directive No. 2020-**



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19d) or for indoor religious services and cultural ceremonies under Section (9)b.3 of Appendix C-2 (if the facility is fully compliant with Section (9)b.3 and also Health Officer Directive No. 2020-34), but not for both indoor and outdoor concurrently for the funeral for the same individual;

- xviii. **Businesses that supply other Essential Businesses and Outdoor Businesses with the support or supplies necessary to operate, but only to the extent that they support or supply these Businesses. This exemption shall not be used as a basis for engaging in sales to the general public from retail storefronts;**
- xix. **Businesses that have the primary function of shipping or delivering groceries, food, or other goods directly to Residences or Businesses. This exemption shall not be used to allow for manufacturing or assembly of non-essential products or for other functions besides those necessary to the delivery operation;**
- xx. **Airlines, taxis, rental car companies, rideshare services (including shared bicycles and scooters), and other private transportation providers providing transportation services necessary for Essential Activities and other purposes expressly authorized in this Order;**
- xxi. **Home-based care for seniors, adults, children, and pets;**
- xxii. **Residential facilities and shelters for seniors, adults, and children;**
- xxiii. **Professional services, such as legal, notary, or accounting services, when necessary to assist in compliance with non-elective, legally required activities or in relation to death or incapacity;**
- xxiv. **Services to assist individuals in finding employment with Essential Businesses;**
- xxv. **Moving services that facilitate residential or commercial moves that are allowed under this Order;**
- xxvi. **Childcare establishments and other educational or recreational institutions or programs providing care or supervision for children (with the exception of summer camps, which are addressed separately in Appendix C-1, and schools, which are addressed separately in Section 6.b, above) that enable owners and Personnel of Essential Businesses and providers of Essential Governmental Functions to work as allowed under this Order;**
- xxvii. **Businesses that operate, maintain, or repair Essential Infrastructure.**

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:**



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1. **Businesses primarily operated outdoors, such as wholesale and retail plant nurseries, agricultural operations, and garden centers; and**
2. **Service providers that primarily provide outdoor services, such as landscaping and gardening services, and environmental site remediation services.**

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

Outdoor Businesses may conduct their operations under a tent, canopy, or other sun shelter as further provided in Section 4.c above.

- c. ***Additional Businesses.* “Additional Business” means any Business identified as an Additional Business in Appendix C-1, which will be updated as warranted based on the Health Officer’s ongoing evaluation of the COVID-19 Indicators and other data. In addition to the other requirements in this Order, operation of those Additional Businesses is subject to any conditions and health and safety requirements set forth in Appendix C-1 and in any industry-specific guidance issued by the Health Officer.**
- d. ***Minimum Basic Operations.* “Minimum Basic Operations” means the following activities for Businesses, provided that owners, Personnel, and contractors comply with Social Distancing Requirements as defined this Section, to the extent possible, while carrying out such operations:**
 - i. **The minimum necessary activities to maintain and protect the value of the Business’s inventory and facilities; ensure security, safety, and sanitation; process payroll and employee benefits; provide for the delivery of existing inventory directly to Residences or Businesses; and related functions. For clarity, this section does not permit Businesses to provide curbside pickup to customers; and**
 - ii. **The minimum necessary activities to facilitate owners, Personnel, and contractors of the Business being able to continue to work remotely from their Residences, and to ensure that the Business can deliver its service remotely.**
- e. ***Business.* A “Business” includes any for-profit, non-profit, or educational entity, whether a corporate entity, organization, partnership or sole proprietorship, and 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**



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sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the Business); independent contractors; vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Business. “Personnel” includes “gig workers” who perform work via the Business’s app or other online interface, if any.

- g. *Healthcare Operations.*** “Healthcare Operations” includes, without limitation, hospitals, clinics, COVID-19 testing locations, dentists, pharmacies, blood banks and blood drives, pharmaceutical and biotechnology companies, other healthcare facilities, healthcare suppliers, home healthcare services providers, mental health providers, or any related and/or ancillary healthcare services. “Healthcare Operations” also includes veterinary care and all healthcare services provided to animals. This exemption for Healthcare Operations must be construed broadly to avoid any interference with the delivery of healthcare, broadly defined. “Healthcare Operations” excludes fitness and exercise gyms and similar facilities.

Allowed Activities.

- h. *Essential Activities.*** “Essential Activities” means to:

- i. Engage in activities or perform tasks important to their health and safety, or to the health and safety of their family or Household members (including pets);**
- ii. Obtain necessary services or supplies for themselves and their family or Household members, or to deliver those services or supplies to others;**
- iii. Provide necessary care for a family member or pet in another Household who has no other source of care;**
- iv. Attend a funeral with no more than 12 individuals present (or, if higher, the number of individuals allowed to gather for social gatherings under Appendix C-2); and**
- v. Move Residences.**

- i. *Outdoor Activities.*** “Outdoor Activities” means:

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



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

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

- j. *Additional Activities.* “Additional Activities” means:
- i. To engage in outdoor recreation activities or other activities set forth in Appendix C-2, subject to any conditions and health and safety requirements set forth there.

Allowed Travel.

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



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

Governmental Functions.

- l. Essential Infrastructure.* “Essential Infrastructure,” including airports, utilities (including water, sewer, gas, and electrical), oil refining, roads and highways, public transportation, solid waste facilities (including collection, removal, disposal, recycling, and processing facilities), cemeteries, mortuaries, crematoriums, and telecommunications systems (including the provision of essential global, national, and local infrastructure for internet, computing services, Business infrastructure, communications, and web-based services).

- m. Essential Governmental Functions.* “Essential Governmental Functions” are determined by the governmental entity performing those functions in the County. Each governmental entity shall identify and designate appropriate Personnel, volunteers, or contractors to continue providing and carrying out any Essential Governmental Functions, including the hiring or retention of new personnel or contractors to perform such functions. Each governmental entity and its contractors must employ all necessary emergency protective measures to prevent, mitigate, respond to, and recover from the COVID-19 pandemic, and all Essential Governmental Functions must be performed in compliance with Social Distancing Requirements to the greatest extent feasible. All first responders, emergency management personnel, emergency dispatchers, court personnel, and law enforcement personnel, and others who need to perform essential services are categorically exempt from this Order to the extent they are performing those essential services.

The County may operate facilities as needed to address health emergencies related to weather conditions or acts of nature, such as excessive heat or smoke from wildfires, even if those facilities are not otherwise allowed to open for their intended purposes under this Order, provided that the operation of such facilities must be done in compliance with any COVID-19 related guidance that the Health Officer may issue. Those facilities include, but are not limited to, 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.



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Residences and Households.

n. “Residences” and “Households” are defined as set forth in Section 3.b, above.

Social Distancing.

o. *Social Distancing Requirements.* “Social Distancing Requirements” mean:

- i. Maintaining at least six-foot social distancing from individuals who are not part of the same Household;
- ii. Frequently washing hands with soap and water for at least 20 seconds, or using hand sanitizer that is recognized by the Centers for Disease Control and Prevention as effective in combatting COVID-19;
- iii. Covering coughs and sneezes with a tissue or fabric or, if not possible, into the sleeve or elbow (but not into hands);
- iv. Wearing a face covering when out in public, consistent with the orders or guidance of the Health Officer; and
- v. Avoiding all social interaction outside the Household when sick with a fever, cough, or other COVID-19 symptoms.

9. Incorporation of State and Local Emergency Proclamations and State Health Orders.

- a. **State and Local Emergency Proclamations.** This Order is issued in accordance with, and incorporates by reference, the March 4, 2020 Proclamation of a State of Emergency issued by Governor Gavin Newsom, the March 12, 2020 Executive Order (Executive Order N-25-20) issued by Governor Gavin Newsom, the February 25, 2020 Proclamation by the Mayor Declaring the Existence of a Local Emergency issued by Mayor London Breed, as supplemented on March 11, 2020, the March 6, 2020 Declaration of Local Health Emergency Regarding Novel Coronavirus 2019 (COVID-19) issued by the Health Officer, and guidance issued by the California Department of Public Health, as each of them have been and may be supplemented.
- b. **State Health Orders.** This Order is also issued in light of the March 19, 2020 Order of the State Public Health Officer (the “State Shelter Order”), which set baseline statewide restrictions on non-residential Business activities, effective until further notice, the Governor’s March 19, 2020 Executive Order N-33-20 directing California residents to follow the State Shelter Order, and the July 13, 2020 Order of the State Public Health Officer. The May 4, 2020 Executive Order issued by Governor Newsom and May 7, 2020 Order of the State Public Health Officer permit certain Businesses to reopen if a local health officer 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



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June 18, 2020 the State Department of Public Health issued guidance for the use of face coverings, requiring all people in the State to wear face coverings in certain high-risk situations, subject to limited exceptions.

10. Obligation to Follow Stricter Requirements of Orders.

This Order adopts certain health and safety restrictions that are more stringent than those contained in the State Shelter Order. Without this tailored set of restrictions that further reduces the number of interactions between persons, scientific evidence indicates that the public health crisis in the County will worsen to the point at which it may overtake available health care resources within the County and increase the death rate. Where a conflict exists between this Order and any state public health order related to the COVID-19 pandemic, the most restrictive provision (i.e., the more protective of public health) controls. Consistent with California Health and Safety Code section 131080 and the Health Officer Practice Guide for Communicable Disease Control in California, except where the State Health Officer may issue an order expressly directed at this Order and based on a finding that a provision of this Order constitutes a menace to public health, any more restrictive measures in this Order continue to apply and control in this County. Also, to the extent any federal guidelines allow activities that are not allowed by this Order, this Order controls and those activities are not allowed.

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

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

12. Enforcement.

Under Government Code sections 26602 and 41601 and Health and Safety Code section 101029, the Health Officer requests that the Sheriff and the Chief of Police in the County ensure compliance with and enforce this Order. The violation of any provision of this Order (including, without limitation, any Health Directives) constitutes an imminent threat and menace to public health, constitutes a public 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



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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 immediately upon its issuance 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 effective date and time in Section 13 above, this Order revises and replaces Order Number C19-07k, issued October 20, 2020. This Order also extends Order Nos. C19-04 (imposing cleaning standards for residential hotels) and C19-11 (placing Laguna Honda Hospital and Rehabilitation Center under protective quarantine) without any further need to amend those orders, with those listed orders otherwise remaining in effect until the specific listed order or this Order is extended, rescinded, superseded, or amended in writing by the Health Officer. This Order does not prohibit amendment of those orders separately. This Order also does not alter the end date of any other Health Officer order or directive having its own end date or which continues indefinitely.

15. Copies.

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

16. Severability.

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



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

IT IS SO ORDERED:

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

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

Dated: October 27, 2020

Attachments:

- Appendix A – Social Distancing Protocol for Businesses (revised September 30, 2020)
- Appendix B-1 – Small Construction Project Safety Protocol (revised July 13, 2020, and minor revisions on August 14, 2020)
- Appendix B-2 – Large Construction Project Safety Protocol (revised July 13, 2020, and minor revisions on August 14, 2020)
- Appendix C-1 – Additional Businesses (revised October 27, 2020)
- Appendix C-2 – Additional Activities (revised October 20, 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 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.sfgdcp.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.sfgdcp.org/screen. If the Personnel Screening Attachment is updated, provide an updated copy to all Personnel. Instead of sending out the attachment, Businesses may adopt the questions from the Personnel Screening Attachment and ask Personnel those questions through another format.
- 2.3.** Review the criteria listed in Part 1 of the Personnel Screening Attachment on a daily basis with all Personnel in the City who regularly work at the facility or location before each person enters work spaces or begins a shift. If such a review is not feasible because the business does not directly interact with some Personnel onsite daily, then that business must for those Personnel (1) instruct such Personnel to review the criteria before each shift in the City and (2) have such Personnel report to the business that they are okay to begin the shift such as through an app, website, or phone call.

Instruct any Personnel who answered yes to any question in Part 1 of the Personnel Screening Attachment to return home or not come to work and follow the directions on the Attachment.

- 2.4.** Instruct Personnel who stayed home or who went home based on the criteria listed on the Personnel Screening Attachment that they must follow the criteria as well as any applicable requirements from the quarantine and isolation directives (available at www.sfdph.org/healthorders) before returning to work. If they are required to self-quarantine or self-isolate, they may only return to work after they have completed self-quarantine or self-isolation. If they test negative for the virus (no virus found), they may only return to work after

waiting for the amount of time listed on the Attachment after their symptoms have resolved. Personnel are not required to provide a medical clearance letter to return to work as long as they have met the requirements outlined on the Personnel Screening Attachment. Additional information about isolation and quarantine is available online at www.sfgcdcp.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.sfgcdcp.org/covid19. If requirements are added, ensure that the business and all Personnel comply with testing requirements.
- 3.2.** If an aspect of the business is allowed to operate and is covered by a Health Officer directive, then the business must comply with all applicable directives as well as this Social Distancing Protocol. Copies of other directives are available online at www.sfdph.org/directives. For each directive that applies, review the Health and Safety Plan (HSP) requirements and post an additional HSP checklist for each one that applies. In the event that any directive changes the requirements of the Social Distancing Protocol, the more specific language of the directive controls, even if it is less restrictive.
- 3.3.** Instruct all Personnel and patrons to maintain at least a six-foot distance from others, including when in line and when shopping or collecting goods on behalf of patrons, except when momentarily necessary to facilitate or accept payment and hand off items or deliver goods. Note that if the business cannot ensure maintenance of a six-foot distance within the location or facility between Personnel or other people onsite, such as by moving work stations or spreading Personnel out, it must reduce the number of Personnel permitted in the location or facility accordingly.
- 3.4.** Provide Face Coverings for all Personnel, with instructions that they must wear Face Coverings at all times when at work, as further set forth in the Face Covering Order. A sample sign is available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. Allow Personnel to bring their own Face Covering if they bring one that has been cleaned before the shift. In general, people should have multiple Face Coverings (whether reusable or disposable) to ensure they use a clean one each day. The Face Covering Order permits certain exceptions, and the business should be aware of exceptions that allow a person not to wear a Face Covering (for example, children 12 years old or younger or based on a written medical excuse). When Personnel do not wear a Face Covering because of an exception, take steps to otherwise increase safety for all.
- 3.5.** If patrons wait in line outside or inside any facility or location operated by the business, require patrons to wear a Face Covering while waiting in line outside or inside the facility or

location. This includes taking steps to notify patrons they will not be served if they are in line without a Face Covering and refusing to serve a patron without a Face Covering, as further provided in the Face Covering Order. The business may provide a clean Face Covering to patrons while in line. For clarity, the transaction or service must be aborted if the patron is not wearing a Face Covering. But the business must permit a patron who is excused by the Face Covering Order from wearing a Face Covering to conduct their transaction or obtain service, including by taking steps that can otherwise increase safety for all.

- 3.6.** Provide a sink with soap, water, and paper towels for handwashing for all Personnel working onsite at the facility or location and for patrons if sinks and restrooms are open to patrons. Require that all Personnel wash hands at least at the start and end of each shift, after sneezing, coughing, eating, drinking, smoking (to the extent smoking is allowed by law and the business), or using the restroom, when changing tasks, and, when possible, frequently during each shift. Personnel who work off-site, such as driving or delivering goods, must be required to use hand sanitizer throughout their shift.
- 3.7.** Provide hand sanitizer effective against SARS-CoV-2, the virus that causes COVID-19, at appropriate locations for patrons and elsewhere at the facility or location for Personnel. Sanitizer must also be provided to Personnel who shop, deliver, or drive for use when they are shopping, delivering, or driving. If sanitizer cannot be obtained, a handwashing station with soap, water, and paper towels will suffice for Personnel who are on-site at the facility or location. But for Personnel who shop, deliver, or drive in relation to their work, the business must provide hand sanitizer effective against SARS-CoV-2 at all times; for any period during which the business does not provide sanitizer to such shopping, delivery, or driving Personnel, the business is not allowed for that aspect of its service to operate in the City. Information on hand sanitizer, including sanitizer effective against SARS-CoV-2 and how to obtain sanitizer, is available online from the Food and Drug Administration here: <https://www.fda.gov/drugs/information-drug-class/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

(October 19, 2020)

Any business or entity that is allowed to operate in San Francisco during the COVID-19 pandemic MUST screen Personnel with the questions below on a daily basis as part of its Social Distancing Protocol compliance and provide this information to Personnel. Go to www.sfgcdcp.org/screen for more information or a copy of this form. Do not use this form to screen customers, visitors, or guests. The screening form for Non-Personnel is available at www.sfgcdcp.org/screen. Health Officer orders or directives may provide additional screening requirements.

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

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

- | |
|--|
| 1. In the last 10 days, have you been diagnosed with COVID-19 or had a test confirming you have the virus? |
| 2. In the past 14 days, have you had “ Close Contact ” with someone who was diagnosed with COVID-19 or had a test confirming they have the virus while they were contagious [†] ?

† “Close Contact” means you had any of the following types of contact with the person with COVID-19 while they were contagious [†] : <ul style="list-style-type: none">• Lived or stayed overnight with them• Was their intimate sex partner• Took care of them or they took care of you• Stayed within 6 feet of them for more than 15 minutes• Exposed to direct contact with their body fluids or secretions (e.g., they coughed or sneezed on you) while you were not wearing a face mask, gown, <u>and</u> gloves ‡ Contagiousness: People with COVID-19 are considered contagious starting 48 hours before their symptoms began until 1) they haven’t had a fever for at least 24 hours, 2) their symptoms have improved, AND 3) at least 10 days have passed since their symptoms began. If the person with COVID-19 never had symptoms, then they are considered contagious starting 48 hours before their test that confirmed they have COVID-19 until 10 days after the date of that test. |
| 3. Have you had one or more of these symptoms today or within the past 24 hours which is <u>new or not explained by another condition</u> ? <ul style="list-style-type: none">• Fever (100.4°F/38.9°C or greater), chills, repeated shaking/shivering• Cough• Sore throat• Shortness of breath, difficulty breathing• Feeling unusually weak or fatigued• Loss of taste or smell• Muscle or body aches• Headache• Runny or congested nose• Diarrhea• Nausea or vomiting |

If you answer “YES” to ANY of these 3 questions, do not enter any business or facility and follow the steps listed in Part 2 below.

Part 2 –

- If you answered **YES to Question 1 or Question 2**. **DO NOT GO TO WORK**. And:
 - You **MUST** follow the rules **mandated** by the Health Officer Isolation/Quarantine Directive No 2020-03c/02c. **Follow Isolation/Quarantine Steps** at: www.sfgcdcp.org/Home-Isolation-Quarantine-Guidelines
 - Do not return to work until the Isolation or Quarantine Steps tell you it is safe to return!
- If you answered **YES to Question 3**: You may have COVID-19 and **must be tested for the virus** before returning to work. Without a test, the Business must treat you as being positive for COVID-19 and require you to stay out of work for at least **10** calendar days. To return to work sooner and protect others, **follow these steps**:
 1. **GET TESTED!** If you have insurance, contact your healthcare provider to get tested for COVID-19. If you do not have insurance, you can sign up for free testing at CityTestSF (<https://sf.gov/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 to determine next steps. Only return to work when those guidelines say it is safe.

Your health on the job is important! To report a violation of San Francisco COVID-19 health orders and directives (www.sfdph.org/healthorders), including requirements to screen and exclude sick personnel from work as well as social distancing and facial covering requirements, call: 311 or 415-701-2311 (English) or 415-701-2322 (Español, 中文, TTY). You can request for your identity to remain confidential.

ATTACHMENT A-2: San Francisco COVID-19 Health Screening Form

(September 30, 2020)

This handout is for use by anyone who is screening non-personnel individuals (such as clients, visitors, etc.) prior to entry into a location or business. **SFDPH discourages anyone from denying core essential services (such as food, medicine, shelter, or social services) to those who may answer “yes” to any of the questions below and encourages people to find alternative means to meet clients’ needs that would not require them to enter the location.** Health Officer Directives may provide additional requirements regarding screening in a specific context.

More information, a copy of this form, and a screening form for personnel can be found at www.sfcdcp.org/screen.

Part 1 – Please answer the following questions before entering this location.

1. In the last 10 days, have you been diagnosed with COVID-19 or had a test confirming you have the virus?

2. In the past 14 days, have you had “**Close Contact**” with someone who was diagnosed with COVID-19 or had a test confirming they have the virus while they were contagious[‡]?

† “Close Contact” means you had any of the following types of contact with the person with COVID-19 while they were contagious[‡]:

- 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

* Children and youth under 18 years old do not need to be screened for these symptoms since these symptoms are less common in youth with COVID-19.

If you answer “YES” to ANY of these 3 questions, do not enter the location and follow the steps listed in Part 2 below. If you are seeking core essential services (such as food, medicine, shelter, or social services), work with the organization to determine how you can receive services these services without entering the building.

Part 2 –

- If you answered **YES to Question 1 or Question 2:**
 - You **MUST** follow the rules **mandated** by the Health Officer Isolation/Quarantine Directive No 2020-03c/02c. **Follow Isolation/Quarantine Steps** at: www.sfcdcp.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.sfcdcp.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.sfcdcp.org/Home-Isolation-Quarantine-Guidelines to determine next steps depending on your test result.

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Small Construction Project Safety Protocol (revised August 14, 2020)

1. Any construction project meeting any of the following specifications is subject to this Small Construction Project Safety Protocol (“SCP Protocol”), including public works projects unless otherwise specified by the Health Officer:
 - a. For residential projects, any single-family, multi-family, senior, student, or other residential construction, renovation, or remodel project consisting of 10 units or fewer. This SCP Protocol does not apply to construction projects where a person is performing construction on their current residence either alone or solely with members of their own household.
 - b. For commercial projects, any construction, renovation, or tenant improvement project consisting of 20,000 square feet of floor area or less.
 - c. For mixed-use projects, any project that meets both of the specifications in subsections 1.a and 1.b.
 - d. All other construction projects not subject to the Large Construction Project Safety Protocol set forth in Appendix B-2.

2. The following restrictions and requirements must be in place at all construction job sites subject to this SCP Protocol:
 - a. Comply with all applicable and current laws and regulations including but not limited to OSHA and Cal-OSHA. If there is any conflict, difference, or discrepancy between or among applicable laws and regulations and/or this SCP Protocol, the stricter standard shall apply.
 - b. Designate a site-specific COVID-19 supervisor or supervisors to enforce this guidance. A designated COVID-19 supervisor must be present on the construction site at all times during construction activities. A COVID-19 supervisor may be an on-site worker who is designated to serve in this role.
 - c. The COVID-19 supervisor must review this SCP Protocol with all workers and visitors to the construction site.
 - d. Establish a daily screening protocol for arriving staff to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exits to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
 - e. Practice social distancing by maintaining a minimum six-foot distance between workers at all times, except as strictly necessary to carry out a task associated with the construction project.

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- f. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
- i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
 - ii. Decontaminate and sanitize all surfaces at each location at which the infected worker was present. Provide those performing the decontamination and sanitization work with medical-grade PPE, ensure the workers are trained in proper use of the PPE, require the workers to use the provided PPE, and prohibit any sharing of the PPE. Prohibit anyone from entering the possibly contaminated area, except those performing decontamination and sanitization work. Cease all work in these locations until decontamination and sanitization is complete.
 - iii. Each subcontractor, upon learning that one of its employees is infected, must notify the General Contractor immediately, if you have one, and provide all of the information specified below. The General Contractor or other appropriate supervisor must notify the County Public Health Department Communicable Disease Control (CD Control) at 628-217-6100 immediately of every project site worker found to have a confirmed case of COVID-19, and provide all the information specified below. Follow all directives and complete any additional requirements by County health officials, including full compliance with any tracing efforts by the County.
- Information to be reported to CD Control regarding the jobsite:
 - 1) Address of jobsite;
 - 2) Name of project, if any;
 - 3) Name of General Contractor; and
 - 4) General Contractor point of contact, role, phone number and email.
 - Information to be reported to CD Control regarding the COVID-19 case(s):
 - 5) First and last name;
 - 6) Date of birth;
 - 7) Phone;
 - 8) Date tested positive;
 - 9) Date last worked;
 - 10) City of residence; and
 - 11) If the case is an employee of a subcontractor, please provide the following information:
 - Subcontractor;
 - Subcontractor contact name;
 - Subcontractor contact phone; and
 - Subcontractor contact email.
 - Information to be reported to CD Control regarding Close Contacts. For each reported case(s) above, please provide the following information (if you are

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

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

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

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

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

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

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

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

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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:

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

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- xi. The notice in section 2.f.x must be translated as necessary to ensure that all non-English speaking workers are able to understand the notice.

- g. Implement cleaning and sanitization practices in accordance with the following:
 - i. Frequently clean and sanitize, in accordance with CDC guidelines, all high-traffic and high-touch areas including, at a minimum: meeting areas, jobsite lunch and break areas, entrances and exits to the jobsite, jobsite trailers, hand-washing areas, tools, equipment, jobsite restroom areas, stairs, elevators, and lifts.
 - ii. Establish a cleaning and decontamination protocol prior to entry and exit of the jobsite and post the protocol at entrances and exits of jobsite.
 - iii. Supply all personnel performing cleaning and sanitization with proper PPE to prevent them from contracting COVID-19. Employees must not share PPE.
 - iv. Establish adequate time in the workday to allow for proper cleaning and decontamination including prior to starting at or leaving the jobsite for the day.

- h. Implement a COVID-19 community spread reduction plan as part of the Site-Specific Health and Safety Plan that includes, at minimum, the following restrictions and requirements:
 - i. Prohibit all carpooling to and from the jobsite except by workers living within the same household unit, or as necessary for workers who have no alternative means of transportation.
 - ii. Cal-OSHA requires employers to provide water, which should be provided in single-serve containers. Prohibit any sharing of any food or beverage and if sharing is observed, the worker must be sent home for the day.
 - iii. Prohibit use of microwaves, water coolers, and other similar shared equipment except as allowed by the Social Distancing Protocol (Appendix A).

- i. Assign a COVID-19 Safety Compliance Officer (SCO) to the jobsite and ensure the SCO's name is posted on the Site-Specific Health and Safety Plan. The SCO must:
 - i. Ensure implementation of all recommended safety and sanitation requirements regarding the COVID-19 virus at the jobsite.
 - ii. Compile daily written verification that each jobsite is compliant with the components of this LCP Protocol. Each written verification form must be copied, stored, and made immediately available upon request by any County official.
 - iii. Establish a daily screening protocol for arriving staff, to ensure that potentially infected staff do not enter the construction site. If workers leave the jobsite and return the same day, establish a cleaning and decontamination protocol prior to entry and exit of the jobsite. Post the daily screening protocol at all entrances and exit to the jobsite. More information on screening can be found online at: <https://www.cdc.gov/coronavirus/2019-ncov/community/index.html>.
 - iv. Conduct daily briefings in person or by teleconference that must cover the following topics:
 - 1. New jobsite rules and pre-job site travel restrictions for the prevention of COVID-19 community spread.
 - 2. Review of sanitation and hygiene procedures.
 - 3. Solicitation of worker feedback on improving safety and sanitation.

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4. Coordination of construction site daily cleaning/sanitation requirements.
 5. Conveying updated information regarding COVID-19.
 6. Emergency protocols in the event of an exposure or suspected exposure to COVID-19.
- v. Develop and ensure implementation of a remediation plan to address any non-compliance with this LCP Protocol and post remediation plan at entrance and exit of jobsite during remediation period. The remediation plan must be translated as necessary to ensure that all non-English speaking workers are able to understand the document.
 - vi. The SCO must not permit any construction activity to continue without bringing such activity into compliance with these requirements.
 - vii. Report repeated non-compliance with this LCP Protocol to the appropriate jobsite supervisors and a designated County official.
- j. Assign a COVID-19 Third-Party Jobsite Safety Accountability Supervisor (JSAS) for the jobsite, who at a minimum holds an OSHA-30 certificate and first-aid training within the past two years, who must be trained in the protocols herein and verify compliance, including by visual inspection and random interviews with workers, with this LCP Protocol.
- i. Within seven calendar days of each jobsite visit, the JSAS must complete a written assessment identifying any failure to comply with this LCP Protocol. The written assessment must be copied, stored, and, upon request by the County, sent to a designated County official.
 - ii. If the JSAS discovers that a jobsite is not in compliance with this LCP Protocol, the JSAS must work with the SCO to develop and implement a remediation plan.
 - iii. The JSAS must coordinate with the SCO to prohibit continuation of any work activity not in compliance with rules stated herein until addressed and the continuing work is compliant.
 - iv. The remediation plan must be sent to a designated County official within five calendar days of the JSAS's discovery of the failure to comply.
- k. In the event of a confirmed case of COVID-19 at any jobsite, the following must take place:
- i. Immediately remove the infected individual from the jobsite with directions to seek medical care.
 - ii. Decontaminate and sanitize all surfaces at each location at which the infected worker was present. Provide those performing the decontamination and sanitization work with medical-grade PPE, ensure the workers are trained in proper use of the PPE, require the workers to use the provided PPE, and prohibit any sharing of the PPE. Prohibit anyone from entering the possibly contaminated area, except those performing decontamination and sanitization work. Cease all work in these locations until decontamination and sanitization is complete.
 - iii. Notify the County Public Health Department Communicable Disease Control (CD Control) immediately at 628-217-6100 and provide the information

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below. Follow all directives and complete any additional requirements by County health officials, including full compliance with any tracing efforts by the County.

- Information to be reported to CD Control regarding the jobsite:
 - 1) Address of jobsite;
 - 2) Name of project, if any;
 - 3) Name of General Contractor; and
 - 4) General Contractor point of contact, role, phone number and email.

- Information to be reported to CD Control regarding the COVID-19 case(s):
 - 5) First and last name;
 - 6) Date of birth;
 - 7) Phone;
 - 8) Date tested positive;
 - 9) Date last worked;
 - 10) City of residence; and
 - 11) If the case is an employee of a subcontractor, please provide the following information:
 - Subcontractor;
 - Subcontractor contact name;
 - Subcontractor contact phone; and
 - Subcontractor contact email.

- Information to be reported to CD Control regarding Close Contacts. For each reported case(s) above, please provide the following information (if you are reporting more than one positive case, please include the name of the positive case for each close contact):
 - 1) Close contact's first and last name;
 - 2) Phone;
 - 3) City of residence; and
 - 4) Positive case name.

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

- Stayed within 6 feet of the Person with COVID-19 for 10 minutes or more while they were not wearing a face mask; OR
- Had direct contact for any amount of time with the body fluids and/or secretions of the Person With COVID-19 (e.g., was coughed or sneezed

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on, shared utensils with, or was provided care or provided care for them without wearing a mask, gown, and gloves).

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

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

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

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

Order No. C19-071 – Appendix C-1: Additional Businesses Permitted to Operate

[Revised October 27, 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.

On August 28, 2020 the State adopted a new four-tiered, color-coded framework to guide reopening statewide. Basic information about the State’s tiered system is available online at <https://covid19.ca.gov/safer-economy/>. Counties can be more restrictive than this State framework. Beginning on October 20, 2020, the County’s risk of COVID-19 community transmission has been designated to be in the minimal (yellow) tier (the least restrictive tier, or the “Yellow Tier”). If the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend activities allowed under this Appendix.

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B. List of Additional Businesses

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

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(1) Retail Stores for Goods

- a. Basis for Addition. Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while paying for goods). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. While shopping customers interact only with a small number of individuals from other Households. Although Personnel are interacting with a moderate 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 8.0 of the Order) and other worker protection measures and

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decrease the risk of virus transmission. Consistent with Section 5.c of the Order and to the extent possible, retail stores are urged to conduct curbside/outdoor pickup to further decrease the risk.

b. Description and Conditions to Operate.

1. Curbside/Outdoor Pickup: Retail stores may operate for curbside/outside pickup of goods, subject to the following limitations:

- i. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements;
- ii. The store must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup—including the requirement to create a Health and Safety Plan;
- iii. If a store chooses to display merchandise for sale on tables or otherwise outside the store, it must comply with the following specific requirements:
 - The store must obtain any necessary permits from the County;
 - Customers must either use hand sanitizer before touching items or ask the vendor to hand items to them;
 - Only the number of customers who can maintain at least six feet of physical distancing may approach the table at a time;
 - Chalk demarcations must be placed on the ground to indicate where shoppers should stand behind others, while waiting to purchase items; and
 - The store must take measures to help ensure against congestion and blocking passage by pedestrians, including people with disabilities.

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

- iv. The store must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion; and
- v. Retail stores that are in an enclosed Indoor Shopping Center (defined as a large building or group of buildings where customer access to stores is possible only through indoor passage ways or indoor common areas, such as Stonestown Galleria, and Westfield San Francisco Centre) and that do not have direct access to adjacent sidewalk, street, parking lot or alley area, may only reopen for curbside/outdoor pickup at this time if the Indoor Shopping 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;

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

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

2. **In-Store Retail:** Beginning at 6:00 a.m. on June 15, 2020, retail stores may begin to operate for indoor shopping, subject to the following limitations and conditions:
 - i. The store must reduce maximum occupancy to limit the number of people (including both customers and Personnel) to the lesser of: (1) 50% the store's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the store at all times;
 - ii. Before opening for in-store shopping, the store must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-17, as that directive may be amended from time to time, regarding required best practices for retail businesses offering in-store shopping or services—including the requirement to create a Health and Safety Plan;
 - iii. If a store chooses to display merchandise for sale on tables or otherwise outside the store, it must comply with the following specific requirements:
 - The store must obtain any necessary permits from the County;
 - Customers must either use hand sanitizer before touching items or ask the vendor to hand items to them;
 - Only the number of customers who can maintain at least six feet physical distancing may approach the table at a time;
 - Chalk demarcations must be placed on the ground to indicate where shoppers should stand behind others, while waiting to purchase items; and
 - The store must take measures to help ensure against congestion and blocking passage by pedestrians, including people with disabilities.
- Stores may apply for a free temporary permit to use the sidewalk or parking lane for retail operations at <https://sf.gov/use-sidewalk-or-parking-lane-your-business>.
- iv. Retail stores that are in an enclosed Indoor Shopping Center (as defined in subsection 1.b.1.iv above) and that do not have direct access to adjacent sidewalk, street, parking lot or alley area, may only reopen for in-store retail as outlined in this subsection iv.

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Initially any enclosed Indoor Shopping Center was allowed to operate at no more than 25% capacity if the Indoor Shopping Center submits to the Health Officer a proposed plan for reopening and that plan is approved as provided below. Any Indoor Shopping Center with such an approved plan may continue to operate at that level (but may not allow a food court to operate under that plan).

Once the County was been placed in the Orange Tier by the State, an enclosed Indoor Shopping Center that submits to the Health Officer a new proposed plan for reopening (if none has already been submitted) and has that new plan approved or that submits a letter update to an existing approved plan as provided below is then allowed to (1) operate at no more than 50% capacity and (2) operate food courts inside the Indoor Shopping Center at up to 25% occupancy or 100 people, whichever is fewer, subject to the same minimum safety precautions that apply to indoor dining listed below in Section (8) including but not limited to the requirements to complete and post a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive No. 2020-16c (and complete and post a Health and Safety Plan) for indoor dining. If the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend the ability for Indoor Shopping Centers to operate.

The proposed plan must include:

- a. the number of stores and businesses that would be resuming operation;
- b. the number of Personnel associated with each store or business;
- c. the number of customers expected daily;
- d. confirmation that the Indoor Shopping Center will close all food courts for indoor dining and a description of how that closure will be effectuated;
- e. how the Indoor Shopping Center will regulate the number of people in the paths of travel of the shopping center and close any common gathering areas;
- f. how the Indoor Shopping Center will address HVAC/circulated air, use of elevators, use and cleaning of bathrooms;
- g. any special considerations for indoor parking garages and access points;
- h. whether the Indoor Shopping Center will permit curbside pickup;
- i. adoption of a Health and Safety Plan addressing the requirements of Appendix A to the Order;

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- j. if approval for operation of a food court is sought, a plan to cordon off or otherwise physically separate any food court area to limit entry; and
- k. if approval for operation of a food court is sought, inclusion in the Health and Safety Plan each of the following in relation to the food court operation: limiting entry by patrons to the food court area; screening for COVID-19 symptoms and close contacts before patrons enter; personnel who monitor compliance with the health and safety requirements including wearing Face Coverings except when eating and drinking; and signage that warns of the transmission risk at the entrance to the food court area.

A letter update to a previously-approved plan must outline what changes will be made to ensure safety of Personnel, customers, and other visitors at the higher occupancy level and/or all changes that will be made consistent with Section (8) below regarding indoor dining if food court operation is being proposed. If the facility believes no changes are required, that position must be explained. The Indoor Shopping Center may immediately begin operating at the new capacity limit and/or an indoor food court upon submission of a letter update but must work with the City and the Department of Public Health to resolve any issues or concerns regarding the letter once it has been reviewed.

Plans and letter updates must be submitted to HealthPlan@sfcityatty.org. Subject to the written advance approval of the Health Officer or the Health Officer's designee, the Indoor Shopping Center may then operate for in-store retail consistent with the approved plan or letter update.

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

(Added May 17, 2020; Revised June 1, 2020, June 11, 2020, and September 30, 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; Non-substantive revisions October 20, 2020)

(2) Manufacturing, Warehousing and Logistical Support

- a. Basis for Addition. Personnel can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Personnel will interact only with a consistent and moderately sized group of people (i.e., the business's other Personnel) as members of the public do not generally frequent these businesses. Finally, risks of virus

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transmission associated with this activity can be mitigated through Social Distancing Requirements (Order Section 8.o) and sanitation, and other worker safety protocols.

b. **Description and Conditions to Operate.**

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

(Added May 17, 2020; Revised June 1, 2020, and 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

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while based on available evidence, children do not appear to be at higher risk for COVID-19 than adults, medical knowledge about the possible health effects of COVID-19 on children is evolving. Accordingly, the decision about whether to enroll a child in a childcare or youth program is an individualized inquiry that should be made by parents/guardians with an understanding of the risks that such enrollment entails. Parents/guardians may discuss these risks and their concerns with their pediatrician. The Health Officer will continue to monitor the changing situation and may amend this section as necessary to protect the public health.

b. Description and Conditions to Operate.

1. Childcare Programs: Group care facilities for very young children who are not yet in elementary school—including, for example, licensed childcare centers, daycares, family daycares, and preschools (including cooperative preschools)—(collectively, “Childcare Programs”) may open and operate, subject to the following limitations and conditions:
 - i. Childcare Programs may not enroll children for fewer than three weeks;
 - ii. Childcare Programs must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with all of the requirements set forth in Health Officer Directive No. 2020-14c, including any limits on the number of children that can be in a group, and the requirements to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written health and safety plan to mitigate the risk of virus transmission to the greatest extent feasible.
2. Summer Camps: Summer camps and summer learning programs that operate exclusively outside of the academic school year (“Summer Camps”) may operate for all children over the age of six and school-aged children currently in grades transitional kindergarten (TK) and above who are under age six, subject to the following limitations and conditions:
 - i. Summer Camps must limit group size to 12 children (a “pod”) per room or space;
 - ii. Summer Camp sessions must last at least three weeks;
 - iii. Children must remain in the same pod for at least three weeks, and preferably for the entire time throughout the summer.
 - iv. Summer Camps may not begin to operate until they have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and complied with all of the requirements set forth in relevant industry-specific Health Officer directives (*see* Health Officer Directive No. 2020-13b) including the requirements to complete an online form with general information about the program and required certifications, to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written

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health and safety plan to mitigate the risk of virus transmission to the greatest extent feasible.

3. **Out of School Time Programs:** Educational or recreational institutions or programs that provide care or supervision for school-aged children and youth—including for example, learning hubs, other programs that support distance learning, school-aged childcare programs, youth sports programs, and afterschool programs (“Out of School Time Programs” or “OST Programs”) may open for all children, subject to the following limitations and conditions:
 - i. OST Program sessions must be at least three weeks long, and programs without set sessions may not enroll children for fewer than three weeks;
 - ii. OST Programs must create, post, and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with all of the requirements set forth in Health Officer Directive No. 2020-21, including any limits on the number of children that can be in a group, and also the requirements to complete an online form with general information about the program and required certifications, to have the parent(s) or guardian(s) of any child attending the program sign an acknowledgement of health risks, and to prepare and implement a written Health and Safety Plan to mitigate the risk of virus transmission to the greatest extent feasible.

For clarity, this Section does not apply to schools, which are addressed separately in Section 6.b of the Order; Childcare Programs, which are addressed separately in subsection b.1 of this Appendix above; or Summer Camps, which are addressed separately in subsection b.2 of this Appendix above. OST Programs are intended to supplement, rather than replace, school programming.

(Added May 22, 2020; Revised June 1, 2020, July 13, 2020, and August 14, 2020; Non-substantive revisions June 11, 2020)

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

- a. **Basis for Addition.** Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., in some instances where remote payment is not feasible, while paying for services). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Customers interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. The majority of interactions can occur outdoors, which further decreases risk—and consistent with Section 5.c of the Order, businesses are strongly urged to conduct interactions outdoors to the largest extent possible.

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- b. Description and Conditions to Operate. Services that do not generally require close customer contact (e.g., dog grooming and shoe or electronics repair) may operate, subject to the following limitations and conditions:
- i. To the extent feasible, all interactions and transactions between Personnel and customers should occur outdoors;
 - ii. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements (Section 8.o of the Order);
 - iii. The businesses must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup and drop-off;
 - iv. The stores must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion; and
 - v. Stores in an enclosed indoor shopping center that do not have direct access to adjacent sidewalk, street, parking lot or alley area may not reopen at this time unless they are located in an approved Indoor Shopping Center as described in 1.b above.

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

As discussed in Section 1.b above regarding retail stores and Indoor Shopping Centers, stores within enclosed shopping centers may operate only upon advance written approval by the Health Officer or the Health Officer's designee of a plan submitted by the Indoor Shopping Center operator. Plans must be submitted to HealthPlan@sfcityatty.org.

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

(5) Equipment Rental Businesses

- a. Basis for Addition. Personnel and customers can wear Face Coverings at all times and maintain at least six feet of physical distance except for brief interactions (e.g., while paying for services). No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Customers interact only with a small number of individuals from other Households, and although Personnel are interacting with a moderate number of people, the duration of those interactions are low and safety limitations can ensure adequate social distancing and decrease the risk of virus transmission. The majority of interactions can occur outdoors, which further decreases risk—and businesses are strongly urged to conduct interactions outdoors to the largest extent possible. Also, the risk of multiple individuals using shared equipment can be mitigated through sanitation

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measures. Finally, resumption of these businesses is expected to result in only a small increase in the number of people reentering the workforce and the overall volume of commercial activity.

- b. **Description and Conditions to Operate.** Businesses that rent equipment for permissible recreational activities (e.g., bicycles, kayaks, paddleboards, boats, horseback riding, climbing equipment, or fishing equipment) may operate, subject to the following limitations and conditions:
- i. To the extent feasible, all interactions and transactions between Personnel and customers should occur outdoors;
 - ii. The store must limit the number of Personnel in the facility so that Personnel can comply with Social Distancing Requirements (Section 8.o of the Order);
 - iii. The business must have created, posted and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and must comply with Health Officer Directive No. 2020-10b, as that directive may be amended from time to time, regarding required best practices for retail businesses with curbside pickup and drop-off;
 - iv. The business must have direct access to an immediately adjacent sidewalk, street, alley, or parking area for pickup by customers using any mode of travel, without blocking pedestrian access or causing pedestrian or vehicle congestion;
 - v. Businesses in an enclosed indoor shopping center that do not have direct access to adjacent sidewalk, street, parking lot or alley area may not reopen at this time unless they are in an approved Shopping Center as described in 1.b above; and
 - vi. All equipment must be thoroughly cleaned and disinfected between each use with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with the following guidelines, which may be modified by the Health Officer as new information becomes available:
 - For hard non-porous surfaces, clean with detergent or soap and water if the surfaces are visibly dirty, before applying disinfectant. For these purposes, appropriate disinfectants include:
 - Products listed on the Environmental Protection Agency’s list of Disinfectants for Use Against SARS-CoV-2 (COVID-19), which can be found online at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. Follow the manufacturer’s instructions for concentration, application method, and contact time for all cleaning and disinfection products.
 - Diluted household bleach solutions prepared according to the manufacturer’s label for disinfection, if appropriate for the surface. Follow manufacturer’s instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser.

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- Alcohol solutions with at least 70% alcohol.
- For soft or porous surfaces, remove any visible contamination, if present, and clean with appropriate cleaners indicated for use on these surfaces. After cleaning, use products that are EPA-approved as effective against SARS-CoV-2 (COVID-19) (see link above) and that are suitable for porous surfaces.
- For frequently touched electronic surfaces, remove visible dirt, then disinfect following the manufacturer’s instructions for all cleaning and disinfection products. If no manufacturer guidance is available, then consider the using alcohol-based wipes or sprays containing at least 70% alcohol to disinfect.
- Gloves and any other disposable PPE used for cleaning and disinfecting the vehicle must be removed and disposed of after cleaning; wash hands immediately after removing gloves and PPE with soap and water for at least 20 seconds, or use an alcohol-based hand sanitizer with at least 60% alcohol if soap and water are not available. If a disposable gown was not worn, work uniforms/clothes worn during cleaning and disinfecting should be laundered afterwards using the warmest appropriate water setting and dry items completely. Wash hands after handling laundry.

As discussed in Section 1.b above regarding retail stores and Indoor Shopping Centers, stores within Indoor Shopping Centers may operate only upon the advance written approval by the Health Officer or the Health Officer’s designee of a plan submitted by the Indoor Shopping Center operator. Proposed plans must be submitted to HealthPlan@sfcityatty.org.

(Added June 1, 2020; Revised June 11, 2020, and October 27, 2020; Non-substantive revisions July 13, 2020; Suspension note added July 20, 2020 and removed September 1, 2020)

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

- a. Basis for Addition. Although contact sports may present a significant risk of virus transmission, those risks can be mitigated by stringent social distancing, sanitation, and testing measures. Resuming such events—without a live audience and subject to strict health controls and mitigation measures—represents a first step toward the resumption of professional sports exhibitions that can be broadcast for the entertainment of the public and viewed by the public remotely in a safe manner.
- b. Description and Conditions to Operate. Professional sports teams that wish to resume practices, games, or tournaments and broadcasting of those events in San Francisco, without in-person spectators, may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among players, staff, media, broadcast crew, and any others who will be in the facility. The plan must include a proposal for interval testing (without using City resources) of all players and coaching staff who will be present in the facility. Plans must be submitted to HealthPlan@sfcityatty.org. Subject

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to the advance written approval of the Health Officer or the Health Officer’s designee, the team may then resume activities consistent with the approved plan, including any conditions to approval of the Health Officer or the Health Officer’s designee. Teams, games, exhibitions, and tournaments must also comply with any applicable Health Officer directives to the extent they are consistent with the approved plan; in the event of an inconsistency, the approved plan controls. Finally, crew, athletes, coaching staff and other workers should also abide by protocols agreed to by labor and management, to the extent they are at least as protective of health as the approved plan.

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

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

- a. Basis for Addition. Although some types of live entertainment and cultural events, such as music, dance and comedy performances, may present a risk of virus transmission, those risks can be mitigated by stringent social distancing, sanitation, and testing measures. Resuming such events—without a live audience and subject to strict health controls and mitigation measures—represents a first step toward the resumption of these entertainment and cultural activities that can be broadcast and watched by the public remotely in a safe manner.
- b. Description and Conditions to Operate.
 1. Operators of entertainment venues may film, stream, or otherwise broadcast small scale events so long as:
 - i. the venue remains closed to the public;
 - ii. the live stream is limited to the fewest number of Personnel needed (up to a maximum of 12 people in the facility, including, without limitation, media Personnel needed for the broadcast);
 - iii. doors and windows are left open to the extent possible, or mechanical ventilation systems are run, to increase ventilation;
 - iv. the venue complies with the Social Distancing Requirements set forth in Section 8.o of this Order; and
 - v. Because singing and playing wind or brass instruments can transmit particles farther in the air than breathing or speaking quietly, people must be in an isolation booth or in a separate room from others in the facility while singing or playing wind or brass instruments.

To further reduce the risk of transmission, it is strongly recommended that all events allowed under this section be conducted and filmed, streamed, or otherwise broadcast from outdoors. The same outdoors recommendation

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applies to all other operations that are allowed under the Order to be filmed, live streamed or otherwise broadcast indoors with health restrictions.

2. Operators of entertainment venues that wish to film, stream, or otherwise broadcast events that require more than 12 people to be on site at the facility at any one time may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among participants. If the event involves singing, playing wind or brass instruments, or physical contact, the plan must include a proposal for interval testing (without using City resources) of those individuals. Proposed plans must be submitted to HealthPlan@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) Dining

- a. Basis for Addition. Dining has been added in three phases, take-out, then outdoor, and then indoor, based on the relative risk levels. Any dining with small groups of people potentially involves mixing of Households and a moderate number of contacts. Accordingly, and because Face Coverings must be removed to eat and drink, the risk of virus transmission is slightly higher than in other allowable interactions. But outdoor interactions carry a significantly lower risk of transmission than most indoor interactions, and mitigation measures in outdoor dining establishments can significantly decrease the transmission risk. Indoor dining has an increased risk of transmission because of the transmission of the virus through aerosols. When coupled with strong mitigation measures, indoor dining, which is riskier than outdoor dining, can present manageable risks, although outdoor dining or take-away are safer options, especially for seniors and those who are vulnerable to complications from COVID-19.
- b. All Dining – General Conditions to Operate. All restaurants and bars that operate under this Section (8), whether for service outdoors, indoors, or both, must comply with all of the following limitations and conditions in relation to all such operations:
 - i. All patrons must be seated at a table to eat or drink—except briefly, standing or lingering between tables or in other areas of the restaurant's outdoor or indoor space is not allowed;
 - ii. Patrons must be seated to be served food or beverages;
 - iii. Patrons must wear Face Coverings any time they are not eating or drinking, including but not limited to: while they are waiting to be seated; while reviewing

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- the menu and ordering; while socializing at a table waiting for their food and drinks to be served or after courses or the meal is complete; and any time they leave the table, such as to use a restroom. Customers must also wear Face Coverings any time servers, bussers, or other Personnel approach their table;
- iv. Each dining establishment must use signs and verbal directions to notify patrons of the requirements for dining (whether indoor or outdoor), including, but not limited to, the requirements for when to wear a face covering;
 - v. No more than six patrons may be seated at a single table, unless all are members of the same household—it is strongly encouraged that only individuals in the same household sit together at a single table;
 - vi. No dining establishment is permitted to provide alcoholic beverage service without also providing real meal service in a bona fide manner. Bona fide meals must be prepared and served by the dining establishment or another person or business operating under an agreement with the dining establishment. The service of prepackaged food like sandwiches or salads, or simply heating frozen or prepared meals, is not deemed as compliant with this requirement;
 - vii. Each patron at a table must order a bona fide meal to receive alcoholic beverage service, and dining establishments must deliver alcoholic beverages to patrons only when they are seated;
 - viii. No patrons are allowed to eat or drink indoors in the dining establishment except when seated at an indoor table under the indoor dining rules below;
 - ix. No patrons are allowed to use self-serve items (such as buffets or self-serve continental breakfasts);
 - x. Areas that may lead to patrons gathering, congregating, or dancing must be closed;
 - xi. New tabletop signage must be used, and information about where to obtain signage will be found in Health Officer Directive No. 2020-16c, including as that directive is amended in the future;
 - xii. The dining establishment must screen all patrons and other visitors on a daily basis using the standard screening questions attached to the Order as Appendix A and Attachment A-2 (the “Screening Handout”). Screening must occur before people are seated at the dining establishment to prevent the inadvertent spread of the SARS-CoV-2 virus. A copy of the Screening Handout must be provided to anyone on request, although a poster or other large-format version of the Screening Handout may be used to review the questions with people verbally. Any person who answers “yes” to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering or being seated by the establishment, and should be referred for appropriate support as outlined on the Screening Handout. The establishment can use the guidance available online at www.sfcdec.org/screen for determining how best to conduct screening. Patrons who are feeling ill, have exhibited symptoms of COVID-19 within 24 hours of

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arriving at the establishment, or answer “yes” to any screening question must cancel or reschedule their reservation. In such cases, patrons must not be charged a cancellation fee or other financial penalty; and

- xiii. Each dining establishment must (1) comply with the sections that follow that are applicable to the type of dining being offered by the establishment regarding outdoor dining, indoor dining, or both, (2) have created, posted, and implemented a Social Distancing Protocol checklist (Appendix A to this Order), and (3) also comply with Health Officer Directive No. 2020-16c, as that directive may be amended from time to time, regarding required best practices for outdoor dining and/or indoor dining, as applicable.
- c. Outdoor Dining – Description and Conditions to Operate. Restaurants and bars that serve food may operate for outdoor dining (“outdoor dining establishments”) subject to the following limitations and conditions:
- i. The outdoor dining establishment must comply with all General Conditions to Operate listed in Section (8)b above; and
 - ii. Patrons must remain outside the outdoor dining establishment and may enter the establishment only (1) to access a bathroom, (2) to access an outdoor space that is only accessible by traveling through the restaurant, or (3) to order or pickup food at an indoor counter.

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

- d. Indoor Dining – Description and Conditions to Operate. Restaurants and bars that serve food may operate for indoor dining (“indoor dining establishments”) once the County was been placed in the Orange Tier by the State and after the requirements of this Order and the requirements of Health Officer Directive No. 2020-16c are met. If the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend the ability for indoor dining establishments to operate.

These rules for indoor dining establishments do not allow any of the following to occur, each of which is still prohibited by the Order: eating indoors at gyms, fitness centers, or museums, aquariums and zoos (although food items may be sold for consumption offsite or outdoors); indoor food-related gatherings at businesses, organizations, or houses of worship; the operation of bars, breweries, or distilleries that do not serve bona fide meals; and eating inside movie theatres (see Section (21) below for movie theatres). For restaurants and other foodservice entities that are part of an Indoor Shopping Center, such establishments may operate for indoor dining so long as both (1) they are located in an Indoor Shopping Center that is allowed to operate under Section (1)b.2 above and (2) they follow the requirements for indoor dining in Health Officer Directive No. 2020-16c.

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The operation of indoor dining establishments is subject to the following limitations and conditions:

- i. The indoor dining establishment must comply with all General Conditions to Operate listed in Section (8)b above;
- ii. The indoor dining establishment must limit the number of patrons who are present inside the indoor space of the dining establishment to the lesser of: (1) 25% of the maximum occupancy or (2) 100 patrons. Indoor dining establishments with indoor spaces consisting of more than one room must limit the occupancy in each room to 25% of the maximum occupancy for that room. The occupancy limit includes patrons in the interior dining space, but it excludes Personnel and patrons when seated outside. The number of Personnel allowed in the back of the house areas, like kitchens, must be determined based on the amount of space required to provide for physical distancing;
- iii. Patrons should be encouraged to use outdoor dining or take-out options based on the decreased risk of those activities, and facilities that offer indoor dining are strongly encouraged to continue offering outdoor dining whenever possible in order to give patrons a choice;
- iv. Patrons must remain outside the indoor dining establishment until they are ready to be seated indoors and may otherwise enter the establishment only (1) to access a bathroom, (2) to access an outdoor space that is only accessible by traveling through the restaurant, or (3) to order or pickup food at an indoor counter;
- v. Tables used to seat patrons indoors must be spaced to ensure that patrons are at least six feet apart from other patrons seated at different service tables, and although an impermeable physical barrier may be placed between tables, all patrons must be separated from other groups of patrons by at least six feet—the use of impermeable physical barriers is not a substitute for full physical distancing between groups indoors. Customers may not be seated at bars or food preparation areas or where six feet of distance from in use common-use work stations cannot be maintained;
- vi. Unless City zoning or other laws require an earlier closing, all indoor service of food and beverages must end at midnight. Indoor dining establishments that cease indoor food service at midnight may allow patrons to finish their meals for an additional 30 minutes. All indoor dining establishments must close to the public by 12:30 a.m.; and
- vii. The establishment must add all COVID-19 related signage to the establishment as required by Sections 4.g and 4.h of the Stay-Safer-At-Home Order. The County is making available templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.

(Added June 11, 2020; Revised July 13, 2020, September 30, 2020, and October 27, 2020; Non-substantive revisions October 20, 2020)

[Revised October 27, 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 25 people, including the instructor(s), may participate in an outdoor fitness class at the same time;
 - a.
 - ii. The business/instructor should ask participants to voluntarily provide their name and phone number for potential contact tracing purposes—the business/instructor should keep this information on file for at least three weeks;
 - iii. The business/instructor must ask each participant whether they have had any of the following symptoms within the prior 24 hours that are new and not explained by another reason:
 - Fever or chills
 - Cough
 - Sore throat
 - Shortness of breath or trouble breathing
 - Feeling unusually weak or fatigued
 - New loss of taste or smell
 - Muscle pain
 - Headache
 - Runny or congested nose
 - diarrhea

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

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

- iv. All participants must maintain a physical distance of at least six feet from each other, from the instructor(s), and from members of the public at all times;

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- v. The business/instructor must have permission of the property owner to use the space;
- vi. All participants and instructors must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time; and
- vii. Equipment (e.g., medicine balls, resistance bands, mats, weights, or yoga blocks) may not be shared by members of the class and must be thoroughly cleaned and disinfected between each use with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with the following guidelines, which may be modified by the Health Officer as new information becomes available:
 - For hard non-porous surfaces, clean with detergent or soap and water if the surfaces are visibly dirty, before applying disinfectant. For these purposes, appropriate disinfectants include:
 - Products listed on the Environmental Protection Agency’s list of Disinfectants for Use Against SARS-CoV-2 (COVID-19), which can be found online at <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. Follow the manufacturer’s instructions for concentration, application method, and contact time for all cleaning and disinfection products.
 - Diluted household bleach solutions prepared according to the manufacturer’s label for disinfection, if appropriate for the surface. Follow manufacturer’s instructions for application and proper ventilation. Check to ensure the product is not past its expiration date. Never mix household bleach with ammonia or any other cleanser.
 - Alcohol solutions with at least 70% alcohol.
 - For soft or porous surfaces, remove any visible contamination, if present, and clean with appropriate cleaners indicated for use on these surfaces. After 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

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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, and August 14, 2020; Revised September 30, 2020, and October 20, 2020)

(10) Indoor Household Services

- a. Basis for Addition. Household service providers and residents can wear Face Coverings and maintain at least six feet of physical distance at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Although indoor household services may involve mixing of Households (if the resident is at home) and occurs indoors, the number of contacts is low. Finally, risks of virus transmission can be mitigated through adherence to other Social Distancing Requirements and to sanitation, and other safety protocols.
- b. Description and Conditions to Operate. Providers of indoor household services that can be provided while maintaining social distancing (e.g., house cleaners and cooks) may operate, subject to the following limitations and conditions:
 - i. Residents may not have any household service provider come into their home if they have experienced any of the following symptoms within the prior 24 hours that are new and not explained by another reason:
 - Fever or chills
 - Cough
 - Sore throat
 - Shortness of breath or trouble breathing
 - Feeling unusually weak or fatigued
 - New loss of taste or smell
 - Muscle pain
 - Headache
 - 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

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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, and August 14, 2020)

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

- 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, subject to the following conditions:
 - i. All workers who are able to telecommute are strongly encouraged to continue to do so to the greatest extent feasible;
 - 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:

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- 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) 25% 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. 2020-18b, 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; Reinstated and revised October 27, 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, 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

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No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;

- Ticketing booths and payment systems;
- Personnel safety precautions;
- HVAC systems (e.g., quality and level of filtration, percentage of air exchange with outside air can HVAC be run at 100% capacity to increase ventilation);
- Compliance with applicable Health Officer directives (e.g. regarding Food and beverage concessions, and retail gift shops);
- Social distancing in elevators;
- Monitoring and limiting patrons to ensure physical distancing between members of different Households;
- Paths of travel through the establishment and wayfinding signage;
- Sanitation for restrooms;
- Tours and audio self-tour equipment;
- Coat/personal property check services;
- Sanitation for high-touch surfaces and areas; and
- Closing interactive exhibits or modifying those exhibits to prevent common touching.

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

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- 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 following requirements:
 - Each group of 12 must be kept at least 12 feet apart from each other,
 - The Open-Air Boat Operator must prohibit mingling among passengers in different groups, and
 - Passengers must have a clear path to the restroom and exit without being required to travel through the space occupied by another group.
- 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 frequently following EPA guidelines;
- vi. Passengers must stay in the open-air portion of the boat except for brief periods, such as to use the bathroom;
- vii. Open-Air Boat Operators should ask passengers to voluntarily provide their name and phone number for potential contact tracing purposes—the operator should keep this information on file for at least three weeks;
- viii. Open-Air Boat Operators must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order);
- ix. Open-Air Boat Operators must ensure daily COVID-19 symptom and exposure screening is completed for all Personnel as required by the Social Distancing Protocol and its Attachment A-1.
- 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;

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- 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, and October 20, 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 few inherently risky activities (e.g., singing, shouting, etc.) are involved. And to the extent classes occur outdoors with distancing and Face Coverings, these interactions are safer than indoor interactions. If indoor in person instruction is authorized by the Health Officer for adult education programs under the limited conditions set forth below, then health mitigation measures adopted under detailed prevention 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 Education Programs”)—may operate, subject to the following limitations and conditions:
 - i. Higher Education Programs may operate for purposes of facilitating distance learning and themselves performing essential functions, as set forth in Section 8.a.xiv of the Order;
 - ii. Higher Education Programs must screen all Personnel and students for COVID-19 and close contacts every day before they enter the campus, whether for indoor or outdoor classes or other purposes. Higher Education Programs must use the standard screening questions attached to the Order as Appendix A and Attachment A-2 (the “Screening Handout”). A copy of the Screening Handout must be provided to anyone on request, although a poster or other large-format version of the Screening Handout may be used to review the questions with

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people verbally. Any person who answers “yes” to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering the IHE, and should be referred for appropriate support as outlined on the Screening Handout. The Higher Education Program can use the guidance available online at www.sfdcp.org/screen for determining how best to conduct screening;

- iii. Higher Education Programs may offer in-person instruction *outdoors* in groups of no more than 25 people, including the instructor(s), so long as they follow Social Distancing Requirements and wear Face Coverings and subject to any other relevant health and safety requirements contained in any relevant industry-specific Health Officer directives;
- iv. Face Coverings are required at all times but they can be briefly removed if necessary as a component of the class, such as tasting food in a cooking school;
- v. No singing, chanting or shouting, or wind instruments are allowed during in-person instruction (indoors and outdoors) at this time;
- vi. Class capacity must be limited to ensure physical distancing at all times;
- vii. Classes must be limited in duration to two hours indoors, but there is no time limit on outdoor classes. Higher Education Programs that seek to offer indoor courses exceeding the two-hour limit may submit a written request to do so at schools-childcaresites@sfdph.org. The request must include the following information:
 - a. the type of class(es) the Higher Education Program is seeking to hold that will exceed the two-hour time limit;
 - b. the number of students proposed for each class;
 - c. an explanation as to why the class cannot be limited to two-hours, such as any State-mandated course requirements;
 - d. a statement that the Higher Education Program is enforcing social distancing and Face Covering requirements;
 - e. a statement that the program is complying with SFDPH’s ventilation requirements; and
 - f. a statement that students will not be permitted to eat or drink in any class exceeding the two-hour time limit.

Higher Education Programs may exceed the two-hour limit only upon receiving approval in writing by SFDPH and upon satisfying any conditions of approval.

- viii. Higher Education Programs may not offer in-person instruction indoors unless the specific class:
 - (1) cannot be held remotely or outdoors due to the need for access to specialized equipment or space, and
 - (2) is offered in specialized indoor settings whose design imposes substantial physical distancing on participants.

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Higher Education Programs that wish to resume indoor classes that meet these criteria must comply with Health Officer Directive No. 2020-22d, including as that directive is updated in the future and including assembly and implementation of a written, campus-specific COVID-19 prevention plan (“Prevention Plan”). Requirements and limitations for such indoor instruction include but are not limited to all of the following:

- a. Indoor lectures are not allowed at this time;
 - b. A copy of the Prevention Plan must be posted and be made readily available to students, Personnel, and SFDPH; and
 - c. The Prevention Plan must address all requirements listed in Directive No. 2020-22d, including but not limited to: articulating the need for indoor classes; enforcement of physical distancing requirements; protocols for airing out and sanitizing classrooms between use; provision of stable cohorts, face coverings, screening, and testing; educating students about risk mitigation; and addressing violations of safety protocols;
- ix. Required health and safety plans are subject to audit by DPH, including on-site inspections, and Higher Education Programs must assess their plans monthly and update them as needed;
 - x. Individual student use of an indoor facility due to the need for access to specialized equipment or space that is not available outside (such as a music practice room or fine arts studio) is allowed subject to safety protocols;
 - xi. Collegiate athletics teams that wish to resume practices, games, or tournaments in San Francisco, without in-person spectators, may submit to the Health Officer a proposed plan detailing the sanitation, social distancing, health screening, and other procedures that will be implemented to minimize the risk of transmission among players, staff, and any others who will be in the facility. The plan must include a proposal for interval testing (without using City resources) of all players and coaching staff who will be present in the facility. The plan must also include a commitment to comply with local directives governing isolation and quarantine of individuals who are diagnosed with, or have had close contact with a person who is diagnosed with, COVID-19. Plans must be submitted to healthplan@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;
 - xii. Subject to applicable land use laws and regulations, housing controlled or operated by Higher Education Programs or restricted for the use of students attending a Higher Education Program is permitted to open and operate for students in compliance with any relevant health and safety requirements contained in any relevant industry-specific Health Officer directives. Except for family

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housing, students must be housed in single rooms (i.e., without a roommate) unless the student specifically requests to be housed with a roommate; and

- xiii. All Higher Education Programs must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with relevant health and safety requirements contained in any relevant industry-specific Health Officer directives, including, but not limited to, Health Officer Directive No. 2020-22d.

(Added August 14, 2020; Revised September 1, 2020, and September 30, 2020)

(15) Personal Service Providers

- a. Basis for Addition. Although personal services such as hair and nail salons involve moderate to high contact intensity and a moderate number of contacts, the risk of transmission can be significantly lessened for by requiring that all providers and customers to wear a Face Covering at all times except as may be temporarily necessary to allow for certain personal services. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Finally, the risk of virus transmission can be reduced through other health and sanitation protocols. Consistent with Section 5.c of the Order and to the extent possible, Personal Service Providers are urged to provide services outdoors to further decrease the risk.
- b. Description and Conditions to Operate.
 - 1. Outdoors. Personal service providers regulated by Division 3, Chapter 10 of the California Business and Professions Code, Division 104, Part 15, Chapter 7 of the California Health and Safety Code, or San Francisco Health Code Article 29 (collectively, “Personal Service Providers”) that can safely offer services outside, including, for example, hair salons, barber shops, nail salons, massage (in a non-healthcare setting), estheticians, skin care, and cosmetology services (collectively, “Outdoor Personal Services”), may operate outdoors, subject to all of the following limitations and conditions:
 - i. The following personal services cannot be offered outside because they cannot be done safely in an outdoor setting: electrology, tattooing, piercing, microblading, permanent make-up, and other forms of body art that are invasive and require a controlled hygienic environment. Also, shampooing and chemical hair services 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;

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- iii. Both Outdoor Personal Service Providers and clients/customers must wear a Face Covering at all times except when: (a) 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 or (b) when the Face Covering must be removed to perform services involving that part of the face and then only during such procedure and subject to compliance with applicable safety precautions set forth in Directive 2020-23b, as that directive 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. 2020-23b, 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, Division 104, Part 15, Chapter 7 of the California Health and Safety Code, or San Francisco Health Code Article 29 including, for example, hair salons, barber shops, nail salons, massage (in a non-healthcare setting), estheticians, skin care, and cosmetology services, electrology, tattooing, piercing, and microblading, may operate indoors (collectively, “Indoor Personal Services,” subject to all of the following limitations and conditions:
- i. Both Indoor Personal Service Providers and clients/customers must wear a Face Covering at all times except when: (a) they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020 or (b) the Face Covering must be removed to perform services involving that part of the face and then only during such procedure and subject to compliance with applicable safety precautions set forth in Directive 2020-30b, as that directive may be amended from time to time. Under current State guidelines, customers may not remove their face coverings for purposes of massage (non-healthcare setting), tattoo, or piercing;
 - ii. The Indoor Personal Service Provider must have created, posted and implemented a Social Distancing Protocol and must comply with Health Officer Directive No. 2020-30b, 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. 2020-30b may be inside the facility at a time.

(Added September 1, 2020; Revised September 14, 2020, and October 27, 2020; Non-substantive revision September 30, 2020)

[Revised October 27, 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 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—including climbing wall 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) 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. 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;

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- iii. Individuals engaged in an activity that may increase breathing rate and/or intensity (including but not limited to cardio/aerobic activities or weight-lifting), must maintain at least 12 feet of physical distance from people outside of their Household while engaging in those activities;
- iv. Group cardio/aerobic fitness classes (such as spinning, kickboxing, etc.) are not permitted indoors at this time;
- v. Everyone in the gym or fitness center facility must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020;
- vi. The establishment must add all COVID-19 related signage to the establishment as required by Sections 4.g and 4.h of the Stay-Safer-At-Home Order. The County is making available templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>; and
- vii. 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, September 30, 2020, and October 27, 2020)

(17) Indoor Museums, Aquariums, and Zoos

- a. Basis for Addition. As long as patrons move through exhibits and refrain from staying or gathering in an indoor or other enclosed space for a sustained period of time, and capacity and other health safety mitigation measures are used, indoor museums, aquariums and zoos (which have indoor and outdoor spaces) involve low contact intensity and a low number of contacts. Accordingly, the risk of transmission is low as long as adequate precautions are taken.
- b. Description and Conditions to Operate. Beginning on September 21, 2020, indoor museums (including art galleries), aquariums, and zoos may resume operations, subject to all of the following limitations and conditions:
 - i. Establishments must limit the number of people, including Personnel, who are present in the facility to the **lesser** of: (1) 25% of the facility's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the facility at all times;
 - ii. Establishments must limit the number of people, including Personnel, who are present in individual galleries or public spaces to the **lesser** of: (1) 25% of the room's normal maximum occupancy or (2) the number of people who can maintain at least six feet of physical distance from each other in the room at all times;

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- 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 2020-16c (if food is prepared and sold on-site for take-away or outdoor dining), Directive No. 2020-17 (if there is a gift-shop or other retail on-site), and Directive No. 2020-32.
- vii. Also, in addition to the Social Distancing Protocol, before resuming operations, the museum, aquarium, or zoo must submit a plan to the Department of Public Health, including a detailed description of how the business intends to address safety precautions in the follow areas.
 - Ensuring that facility and individual galleries and rooms remain below 25% maximum capacity;
 - Signage regarding Social Distancing Requirements (to include at least six feet of distance, handwashing/sanitizer practices, face covering policy);
 - Ensuring Personnel and patrons wear face coverings at all times, unless they are specifically exempted from the face covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, as that order may be amended from time to time;
 - Ticketing booths and payment systems;
 - Personnel safety precautions;
 - HVAC systems (an explanation of alterations and upgrades to ventilation to increase supply of fresh air and decrease stale or recirculated air, or an explanation of why alterations or upgrades were either (1) unnecessary or (2) unfeasible);
 - Food and beverage concessions for takeaway or outdoor dining;
 - Retail (e.g., gift shops);
 - Social distancing in elevators;

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- Monitoring and limiting patrons to ensure physical distancing between members of different households or living units;
- Paths of travel through the establishment and wayfinding signage;
- Plans for preventing patrons from gathering in an enclosed space for a sustained period of time;
- Sanitation for restrooms;
- Sanitation for high-touch surfaces and areas; and
- Closing interactive exhibits or exhibits in enclosed spaces or modifying those exhibits to prevent common touching.

A plan template, which sets forth additional requirements and conditions for operation, will be available at sfdph.org/directives. It is strongly encouraged that businesses review the requirements set forth in the template and use the template to create their plan.

The plan must be submitted to HealthPlan@sfcityatty.org, posted on the business's website, and made available at the facility. The permanent URL at which the plan will be posted must be provided to SFDPH.

For clarity, the museum, aquarium or zoo does not need SFDPH to approve its plan before it may resume operations in accordance with the proposed plan. But in the event SFDPH identifies deficiencies in the plan, SFDPH will follow up with the business.

- viii. The establishment must add all COVID-19 related signage to the establishment as required by Sections 4.g and 4.h of the Stay-Safer-At-Home Order. The County is making available templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.

(Added September 21, 2020; Revised September 30, 2020, and October 27, 2020)

(18) Outdoor Family Entertainment Centers

- a. Basis for Addition. Certain outdoor Family Entertainment Centers involve only moderate risk given that they occur outside, they involve moderate contact intensity and a moderate number of contacts, and the risk of transmission can be significantly lessened by requiring that everyone wear a Face Covering and maintain at least six feet of physical distance at all times. The risk of virus transmission can also be reduced through other health and sanitation protocols. And because the State of California has included outdoor family entertainment centers on the list of options for the Red Tier, this Appendix lists those that can be done now with appropriate safety protocols. More information about the State of California's designation can be found online at <https://covid19.ca.gov/safer-economy/>.

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b. Description and Conditions to Operate. Family Entertainment Centers, as defined by this Section may begin to operate outdoors, subject to all of the limitations and conditions listed below. The term “Family Entertainment Centers” includes only those activities and businesses that are listed by the State of California as examples for the Red Tier, which are: kart racing; mini-golf; and batting cages, and the limited outdoor amusement park rides described below. Even if the County is placed on a less restrictive tier, this term will not be changed until this Section is revised. Conditions for outdoor Family Entertainment Centers are as follows:

- i. All operations must be outdoors. Operations that cannot be safely performed outdoors are not permitted;
- ii. Family Entertainment Centers may conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.
- iii. Everyone in the Family Entertainment Center facilities must maintain at least six feet of physical distance from people outside of their Household at all times;
- iv. Family Entertainment Centers must limit the number of people, including Personnel, who are present in the space to ensure that six feet of physical distance can be maintained at all times;
- v. Everyone in the Family Entertainment Center facility must wear a Face Covering at all times, unless they are specifically exempted from the Face Covering requirements in Health Officer Order No. C19-12c, issued on July 22, 2020, including as that order is amended; and
- vi. The Family Entertainment Center must have created, posted, and implemented a Social Distancing Protocol and must comply with any and all requirements contained in relevant Health Officer directives, including, without limitation, all enhanced cleaning requirements.

In addition to the requirements listed above, the following other requirements must be met, as listed:

- vii. For kart racing, services must be provided in compliance with the requirements for outdoor activity equipment rental businesses listed in Section (5) of this Appendix.
- viii. For mini-golf, services must be provided in compliance with the requirements for outdoor golf listed in Section (2) of Appendix C-2 as well as Directive No. 2020-15, including as that directive is updated in the future.
- ix. For batting cages, services must be provided in compliance with the requirements for “Other Outdoor Recreation and Athletic Activities” listed in Section (6) of Appendix C-2.

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- x. For outdoor amusement park-type rides, consisting of Ferris wheels, carousels, and miniature train rides, the following additional requirements must be met:
 - a. Screen all customers and other visitors prior to entry to the ride as outlined by the Social Distancing Protocol and its Attachment A-2. Any person who answers “yes” to a screening question must have the ride cancelled or rescheduled. No cancellation or rescheduling fee may be charged in that situation, and the price of any ticket must be refunded if the ride is not rescheduled;
 - b. Operators must regulate access by patrons to the equipment to ensure physical distancing;
 - c. Any enclosed passenger capsule or seating area must include only members of the same household, and ventilation must be maximized;
 - d. High touch surfaces and equipment must be sanitized in between uses by different households; and
 - e. Hand sanitizer must be placed at the entrances and exits to rides.

Note that at the current time many outdoor family entertainment activities are allowed under other sections and directives, including zoos, outdoor swimming pools, outdoor tennis and pickleball, outdoor golf, outdoor lawn bowling, outdoor museums, and outdoor fitness centers. See Section (11) of Appendix C-2 regarding outdoor playgrounds.

Also, other activities are not yet allowed because they cannot yet be done safely in the current context due to the difficulty of regularly cleaning high-touch surfaces and of keeping people from different homes physically distant and/or are prohibited by the State under the Red Tier or Orange Tier, including: indoor amusement park rides; indoor bowling alleys; indoor ice and rolling skating rinks; indoor arcade games; and indoor playgrounds.

(Added September 14, 2020; Revised September 30, 2020)

(19) Open-Air Tour Bus Operators

- a. Basis for Addition. Personnel and passengers can wear Face Coverings and maintain six feet of physical distance from people in different Households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And open-air bus tours occur outside, which is safer than indoor interactions, and have additional air-flow from continual movement. Finally, outdoor tour bus excursions of small, socially distanced groups involve only a moderate number of contacts, and health mitigation measures can significantly decrease the transmission risk.

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- 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 following requirements:
 - Each group of 12 must be kept at least 12 feet apart from each other,
 - The Open-Air Tour Bus Operator must prohibit mingling among passengers in different groups, and
 - Passengers must have a clear path to the restroom and exit without being required to travel through the space occupied by another group.
 - ii. All passengers must maintain a physical distance of at least six feet from each other, from the driver, and from Personnel, at all times;
 - iii. Before boarding, passengers must wait at least six feet apart and must not board the bus until the driver or other Personnel allow boarding;
 - iv. Bathrooms (if any) must be sanitized frequently 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 Tour Bus 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;

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- xi. Passengers from different households should not shake hands, share food or drinks, or engage in any unnecessary physical contact—Personnel must instruct passengers about these requirements;
- xii. Open-Air Tour Bus Operators must make hand sanitizer available;
- xiii. The bus and all equipment belonging to the Open-Air Tour Bus Operator or otherwise provided by the Open-Air Tour Bus Operator must be thoroughly cleaned and disinfected after each trip with procedures effective against the Novel Coronavirus SARS-CoV-2 in accordance with CDC guidelines (<https://www.cdc.gov/coronavirus/2019-ncov/community/cleaning-disinfecting-decision-tool.html>).

(Added September 14, 2020)

(20) Lodging Facilities for Tourism

- a. Basis for Addition. As long as guests refrain from congregating in common areas, and capacity and other health safety mitigation measures are used, lodging facilities involve low contact intensity and a low number of contacts. Personnel and guests can wear Face Coverings whenever they are in common areas and can maintain at least six feet of physical distance except for brief interactions (e.g., while checking in). In indoor common areas, no inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved.
- b. Description and Conditions to Operate. Lodging facilities, including hotels, motels, hostels, bed and breakfasts, inns and short-term rentals, may operate for tourist use, subject to all of the following limitations and conditions:
 - i. Indoor fitness centers, indoor pools, indoor dining facilities, ballrooms, conference rooms, business centers, lounge areas, and other indoor gathering places must remain closed. But once the County was placed in the Orange Tier by the State, a lodging facility may operate the services listed in this subsection b.i after updating its Social Distancing Protocol and complying with the listed requirements for each listed type of service. If the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend the ability for operation of these services by the lodging facility. The additional services allowed once the County was in the Orange Tier, and subject to compliance with the Order and related directives, are:
 - a. Gyms or fitness centers. The lodging facility may operate a gym or fitness center so long as it fully complies with the requirements listed in Section (16) of this Appendix C-1 as well as Health Officer Directive Nos. 2020-27 (for outdoor gyms or fitness centers, if applicable) and 2020-31 (for

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indoor gyms or fitness centers, if applicable), including as those directives are updated in the future. At present, that includes a maximum limit of 25% capacity on any indoor gym or fitness center. Also, any gym or fitness center must be staffed by lodging facility personnel at all times that it is open for operation.

- b. Indoor dining. The lodging facility may operate indoor dining so long as it fully complies with the requirements listed in Section (8) of this Appendix C-1 as well as Health Officer Directive No. 2020-16c, including as that directive is updated in the future. At present, that includes a maximum limit of 25% occupancy or 100 people, whichever is lower. For clarity, a lodging facility is not allowed to operate self-serve stations, whether staffed by personnel or not, including buffets or continental breakfast bars.
- ii. The Lodging Facility must have created, posted and implemented a Social Distancing Protocol and must comply with any and all requirements contained in Health Officer Directive No. 2020-29 regarding best practices for lodging facilities, as well as any other relevant Health Officer Directives, including, for example, Directive Nos. 2020-05 and 2020-16c (if food is prepared and sold on-site for take-away or outdoor dining or for indoor dining), Directive No. 2020-17 (if there is a gift-shop or other retail on-site), and Directive Nos. 2020-27 and 2020-31 (if gyms or fitness centers are opened).

(Added September 14, 2020; Revised September 30, 2020, and October 27, 2020; Non-substantive revisions October 20, 2020)

(21) Indoor Movie Theaters

- a. Basis for Addition. Viewing movies or other projected entertainment indoors in an enclosed space involves multiple risk factors, including the nearby seating of groups of people from different Households, the enclosed nature of the space, and the duration of the entertainment. When coupled with strong mitigation measures such as screening of patrons, mandatory use of Face Coverings, avoiding eating, maintaining physical distancing between different groups, and following other protocols, the risks associated with indoor movie theatres can present manageable risks, although avoiding indoor theaters is safer, especially for seniors and those who are vulnerable to complications from COVID-19.
- b. Description and Conditions to Operate. Once the County was placed in the Orange Tier by the State, any facility that projects entertainment onto a large-format screen indoors (an “indoor movie theater”) may operate only when (1) it is on or after October 7, 2020, (2) the Health Officer has issued a companion directive, which will be Health Officer Directive No. 2020-35, listing other requirements for indoor movie theaters, and (3) all requirements listed in this subsection b and the related directive are met. If the

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County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend the ability for indoor movie theaters to operate.

These rules for indoor movie theaters do not allow any of the following to occur, each of which is still prohibited by the Order: indoor bars (except as allowed under Section (8) above for indoor dining) or dance clubs, regardless of whether they use large-format screens as part of their entertainment or décor; indoor social events where large-format screens are used but are not the primary focus of the gathering; live indoor in-person entertainment, including concerts, plays, musicals, ballet, or other artistic events (except as allowed for recording or streaming under the Order); and the operation of any food service bar, beverage bar, or restaurant operated within the indoor movie theater facility or by the indoor movie theaters in an adjoining space.

The operation of indoor movie theaters is subject to the following limitations and conditions:

- i. Operation of indoor movie theaters is not allowed before October 7, 2020;
- ii. The indoor movie theater is restricted overall to 25% of the business's occupancy or 100 people, whichever is lower. If a movie theater complex has multiple individual indoor movie theaters the 25% occupancy limit applies to the complex as a whole and to each individual theater, and the 100-person maximum applies to each individual theater. Operators should stagger start and end times to ensure that there is not mixing of patrons in common areas;
- iii. The indoor movie theater facility must screen all patrons and other visitors on a daily basis using the standard screening questions attached to the Order as Appendix A and Attachment A-2 (the "Screening Handout"). Screening must occur before people are allowed to enter to prevent the inadvertent spread of the SARS-CoV-2 virus. A copy of the Screening Handout must be provided to anyone on request, although a poster or other large-format version of the Screening Handout may be used to review the questions with people verbally. Any person who answers "yes" to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering or being seated in the indoor movie theater, and should be referred for appropriate support as outlined on the Screening Handout. The indoor movie theater can use the guidance available online at www.sfcdec.org/screen for determining how best to conduct screening. People who are feeling ill, have exhibited symptoms of COVID-19 within 24 hours of arriving at the indoor movie theater or answer "yes" to any screening must be kept from entry and must cancel or reschedule their ticket. In such cases, patrons must not be charged a cancellation fee or other financial penalty and must be given a full refund;
- iv. The indoor movie theater must keep food and beverage concessions closed (also including vending machines) for now;

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- v. The indoor movie theater must ensure that all Personnel and patrons wear a Face Covering at all times as required by Health Officer Order No. C19-12c, issued on July 22, 2020, including as that order may be amended from time to time, unless the person is specifically exempted from the face covering requirements;
- vi. The indoor movie theater must post signs at all entrances notifying patrons of the rules, including the requirement to wear a face covering at all times and that consuming food or drink onsite (including if brought in from outside) is prohibited given the risk associated with removing a face covering when eating or drinking;
- vii. The indoor movie theater must prevent patrons from gathering in common areas and must close lounges, arcades, or other areas designed for casual gathering;
- viii. Patrons must remain outside the indoor movie theater until they are ready to be seated, and the indoor movie theater is prohibited from allowing customers to line up in advance of opening doors for individual showings (which may require the indoor movie theater to space out showings to allow sufficient time for cleaning and seating between shows);
- ix. The establishment must add all COVID-19 related signage to the establishment as required by Sections 4.g and 4.h of the Stay-Safer-At-Home Order. The County is making available templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>; and
- x. Each indoor movie theater must have created, posted, and implemented a Social Distancing Protocol checklist (Appendix A to this Order) and also comply with Health Officer Directive No. 2020-35, once that directive is issued and then as that directive may be amended from time to time, regarding required best practices for indoor movie theaters.

(Added September 30, 2020; Non-substantive revisions October 20, 2020; Revised October 27, 2020)

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A. General Requirements

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

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

Activities that are permitted to operate outdoors may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only as long as no more than one side is closed, allowing sufficient outdoor air movement. Also, the number and composition of barriers used for all outdoor shelters must allow the free flow of air in the breathing zone consistent with guidance from the Department of Public Health.

On August 28, 2020 the State adopted a new four-tiered, color-coded framework to guide reopening statewide. Basic information about the State’s tiered system is available online at <https://covid19.ca.gov/safer-economy/>. Counties can be more restrictive than this State framework. Beginning on October 20, 2020, the County’s risk of COVID-19 community transmission has been designated to be in the minimal (yellow) tier (the least restrictive tier, or the “Yellow Tier”). If the County is later returned to a more restrictive tier by the State or other local COVID-19 conditions change in a manner that puts the public health at increased risk, the Health Officer may reduce or suspend activities allowed under this Appendix.

B. List of Additional Activities

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

(1)	Outdoor Museums, Outdoor Historical Sites, and Outdoor Public Gardens	2
(2)	Outdoor Recreation: Golf and Tennis.....	3
(3)	Outdoor Recreation: Dog Parks.....	4
(4)	Small Outdoor Gatherings	5
(5)	Libraries for Curbside Pickup and Return	6
(6)	Outdoor Recreation: Other Outdoor Recreation and Athletic Activities.....	6
(7)	Outdoor Recreation: Outdoor Swimming Pools.....	7
(8)	Drive-In Gatherings	8
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(10) Political Activity 11
(11) Outdoor Playgrounds 13

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

- a. **Basis for Addition.** Personnel and visitors can wear Face Coverings and maintain at least six feet of physical distance from people in different Households at all times. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. And outdoor activities are safer than indoor activities. Finally, the number, frequency and proximity of contacts can be minimized through capacity limitations and the risk of virus transmission can be reduced through other health protocols.
- b. **Description and Conditions.** Outdoor museums, outdoor historical sites, and outdoor public gardens (for example, the Botanical Gardens and Japanese Tea Garden may reopen to the public—and individuals may leave their residence and travel to visit these locations—subject to the following conditions:
 - 1. Only outdoor spaces may be open to the public, except for restrooms as provided below.
 - 2. Face Coverings must be worn by all staff and visitors, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), including as that order is amended in the future;
 - 3. Physical distancing of at least six-feet must be maintained at all times other than between members of the same Household;
 - 4. Other than picnic tables, which may be available for use with signs instructing patrons to clean them before and after use, common high-touch equipment and fixtures must be off-limits, with signage and with physical barriers as appropriate;
 - 5. Public restrooms, if any, must
 - a. be routinely disinfected frequently throughout the day,
 - b. have open doors to prevent touching of door handles or knobs,
 - c. have soap and paper towels, and
 - d. have signs promoting handwashing;
 - 6. The museum, outdoor historical site, or outdoor public garden must provide for contactless payment systems or, if not feasible, sanitize any payment systems, including touch screens, payment portals, pens, and styluses, after each customer use. Under San Francisco’s Legal Tender Law, customers must be allowed to pay with 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,

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maintain a minimum six-foot distance from one another while in the facility or location, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>);

8. Any on-site retail stores (e.g., gift shops) may operate for curbside/outdoor pickup only, and must do so in compliance with Appendix C-1 of this Order and Health Officer Directive 2020-10b (available at <https://www.sfdph.org/directives>);
9. Before resuming operations, outdoor museums, outdoor historical sites, and outdoor public gardens must prepare, post, implement, and distribute to their Personnel a Social Distancing Protocol checklist as required by Appendix A of the Order and a written health and safety plan that addresses all best practices listed in Section 1.b of this Appendix.

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

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

(2) Outdoor Recreation: Golf and Tennis

- a. Basis for Addition. Non-contact outdoor sports like tennis and golf involve a low number of contacts and a high proximity of contact, as long as the groups engaged in play together are small, maintain required physical distance, and do not share equipment among different Households. Also, interactions and activities that occur outdoors carry a lower risk of transmission than most indoor interactions and activities. And the risk of transmission can be further mitigated by sanitation and hygiene practices. Finally, because outdoor recreation is already allowed under the Order, resumption of this activity is expected to result in only a relatively modest increase in mobility and may decrease congestion in other outdoor locations like public parks and beaches.
- b. Description and Conditions. Individuals may play tennis and golf outdoors, and outdoor tennis and golf facilities/clubs may open, subject to the following conditions:
 1. Face Coverings must be worn by all golf and tennis facility/club Personnel, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), including as that order is amended in the future;
 2. All golf and tennis players must wear a Face Covering while in facility/club parking lots, when entering and exiting facilities/clubs, and while waiting to play—Face 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

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different Households must comply with the State of California under its Stay-Safer-At Home Order;

4. No more than two Households may play tennis together at any one time, and members of separate Households cannot have contact with each other and must remain at least six feet apart at all times; and
5. Before resuming operations, each golf or tennis facility/club must create, post and implement a Social Distancing Protocol checklist (Appendix A to this Order) and comply with Health Officer Directive No. 2020-15 regarding required best practices for tennis and golf.

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

(3) Outdoor Recreation: Dog Parks

- a. Basis for Addition. Although taking a dog to a dog park may involve mixing of Households, individuals can wear Face Coverings at all times and maintain at least six feet of physical distance from members of other Households except for short interactions. No inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) are involved. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.
- b. Description and Conditions. Individuals may take their dogs to dog parks (both enclosed and unenclosed), and all dog parks may open, subject to the following conditions:
 1. Face Coverings must be worn by all people in the dog park, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children), including as that order is amended in the future;
 2. The Centers for Disease Control and Prevention (CDC) has advised that “[u]ntil we learn more about how this virus affects animals,” owners should “treat pets as you would other human family members to protect them from a possible infection.” Specifically, the CDC recommends that pet owners: “Do not let pets interact with people or other animals outside the household,” “Walk dogs on a leash, maintaining at least 6 feet (2 meters) from other people and animals,” and “Avoid dog parks or public places where a large number of people and dogs gather.” Accordingly, pet owners are urged to use on-leash dog parks or keep their dogs on a leash, particularly if the dog is not under voice control—pet owners who choose to let their dogs be off leash in an off-leash dog park should prevent their dog from interacting with other people or animals to the greatest extent feasible;
 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;

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5. People must use their sleeve or a disposable cloth to touch high-touch surfaces like gates;
6. People should bring their own bags for picking up and disposing of pet waste;
7. Signage must be posted at each dog park to inform people that they must: avoid entering the location if they have a cough or fever, maintain a minimum six-foot distance from one another, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>); and
8. People must follow any other rules and regulations adopted by the operator of the dog park.

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

(4) Small Outdoor Gatherings

- a. **Basis for Addition.** As provided in Section 4.f of the Order, gatherings among different Households are strongly discouraged to help prevent the spread of COVID-19, and larger gatherings pose higher risks. Although small outdoor gatherings involve mixing of Households, individuals can wear Face Coverings at all times, except when eating and drinking, and maintain at least six feet of physical distance from others outside their Household at all times. Inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) can be—and are strongly urged to be—minimized to the greatest extent possible. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.
- b. **Description and Conditions.** As further provided in Section 3.a of the Order, all people are strongly encouraged to continue staying safe at home and minimizing unnecessary interactions with others to the maximum extent possible. But individuals may participate in small outdoor gatherings—including for ceremonies, religious services, and other special purposes—subject to the following conditions:
 1. No more than three different Households up to a maximum of six people in total between all Households, may participate in a gathering that involves eating or drinking somewhere other than a dining establishment, unless all are members of the same Household;
 2. No more than three different Households up to a maximum of 25 people in total between all Households, 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),

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- 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.sfcidcp.org/communicable-disease/diseases-a-z/covid19whatsnew.

For clarity, this section does not allow contact sports (e.g., football or boxing) or games with shared equipment (e.g. Frisbee, baseball, or playing catch) to resume among members of different Households. This section does not apply to outdoor religious or political protest gatherings, which are covered by Sections 9 and 10, below. This section does not apply to limit gatherings that are otherwise allowed under the Order or any Health Officer directive providing industry-specific guidance. Also, the size number limits for the various types of gatherings do not apply to gatherings of people (including participants and hosts) solely from a single Household. Indoor social gatherings among different Households are not allowed at this time.

(Added June 11, 2020; Non-substantive revisions July 13, 2020 and September 14, 2020; Revised October 20, 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.

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- b. Description and Conditions. Beginning at 9:00 a.m. on September 1, 2020, non-contact recreational and athletic activities with members of other Households may occur, subject to the following conditions:
1. No more than two Households may engage in these recreational and athletic activities together at any one time;
 2. No equipment (except balls, frisbees, or other similar recreational projectiles) may be shared between Households;
 3. All recreational and athletic activities with members of another Household must occur entirely outdoors;
 4. Members of separate Households cannot have contact with each other and must remain at least six feet apart at all times;
 5. Pickleball is allowed under this section, provided that operators of facilities and players must follow the same guidelines that apply to Tennis Facilities under Health Officer Directive No. 2020-15b; and
 6. Face Coverings must be worn at all times, subject to the limited exceptions in Health Officer Order No. C19-12c, issued on July 22, 2020 (e.g., for young children).

(Added September 1, 2020)

(7) Outdoor Recreation: Outdoor Swimming Pools

- a. Basis for Addition. Outdoor swimming pools have few high-touch surfaces and do not require shared equipment. Risks associated with outdoor swimming pools can be substantially mitigated with limitations to ensure adequate social distancing and limit intermixing between Households.
- b. Description and Conditions. Beginning at 9:00 a.m. on September 1, 2020, individuals may use outdoor swimming pools, and outdoor swimming pools may open and operate, subject to the following conditions:
1. Lap swimming must be limited to one swimmer per lane, except that members of the same Household may occupy a single lane;
 2. Use of shared swimming areas must be limited to no more than two swimmers from different Households per 300 square feet of shared pool space;
 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

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(2) members of a Household may observe a child or other person swimming to ensure safety and supervision; and

6. Before resuming operations, each outdoor swimming pool must create, post and implement a Social Distancing Protocol and comply with the relevant provisions of Health Officer Directive No. 2020-24.

(Added September 1, 2020)

(8) Drive-In Gatherings

- a. Basis for Addition. Drive-In Gatherings, such as drive-in movies, where all individuals remain in vehicles with members of their Household involve low contact intensity and frequency. Inherently risky activities (e.g., singing, shouting, eating, drinking, etc.) can and are strongly urged to be minimized to the greatest extent possible. Also, outdoor activities carry a lower risk of transmission than indoor interactions and activities, and risk of transmission can be reduced through health protocols.
- b. Description and Conditions. Drive-in gatherings, where participants stay in their vehicles, are permitted subject to the following conditions:
 1. All Drive-In Gatherings must be provided entirely outdoors in an area large enough to accommodate all distancing requirements of this Directive;
 2. Each Drive-In Gathering is limited to a maximum of 100 vehicles;
 3. Participants must remain within the bounds of the four wheels of their vehicle at all times except to use the restroom or during an emergency;
 4. Face Coverings must be worn at all times a participant is outside the bounds of their vehicle or inside or sitting on the vehicle unless the participant is inside the vehicle and all windows are closed, in accordance with Health Officer Order C19-12c issued July 22, 2020 and as it may be amended (the “Face Covering Order”); and
 5. Before hosting a Drive-In Gathering, the Host must create, post and implement a Social Distancing Protocol and comply with the relevant provisions of Health Officer Directive No. 2020-28.

(Added September 14, 2020)

(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

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gatherings carries a higher risk of widespread transmission of COVID-19. Such gatherings may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. Therefore, even though in-person religious gatherings are allowed by this provision, with safety limitations, it is strongly recommended that individuals use alternative means to practice their faith for the time being, such as the many online and broadcasting platforms available in the digital age, in place of in-person gatherings.

b. Description and Conditions to Operate.

1. Individual indoor prayer in houses of worship: [Section Superseded]
2. Outdoor Religious Gatherings: Houses of worship and operators of other facilities or groups may hold outdoor gatherings for the practice of religion, including religious services and religious ceremonies, subject to the following conditions:
 - i. Prior to being placed in the Orange Tier by the State, no more than 100 individuals may participate in the gathering and simultaneous gatherings in the same location or vicinity are prohibited. Once the County was placed in the Orange Tier, this maximum limit is increased to 200 individuals per gathering. If the County is later returned to a more restrictive tier by the State or other local conditions change in a manner that puts the public health at risk, the Health Officer may reduce the limit on the number of people or impose other safety restrictions. Also, for any gathering allowed under this section, the limit must be reduced below 100 people (or 200 people, if applicable) if required due to the size of the outdoor space and participants' ability to follow Social Distancing Requirements at all times;
 - ii. Participants must maintain at least six feet of distance from members of different households;
 - iii. All participants must wear a face covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children); and
 - iv. No food or beverages may be served or sold;
 - v. One individual at a time may sing, chant, or shout, provided: (1) the person singing, chanting, or shouting is at least 12-feet from any other person; and (2) the person singing, chanting, or shouting is wearing a Face Covering at all times;
 - vi. No sharing or common use of objects or equipment is permitted unless those objects or equipment are sanitized with cleaning products effective against COVID-19 in between uses by members of different households;
 - vii. The gathering must comply with all of the relevant requirements set forth in Health Officer Directive No. 2020-19c regarding outdoor gatherings; and
 - viii. All participants must comply with any requirements—including permitting requirements and conditions—imposed by applicable public authorities.

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[Revised October 20, 2020]

3. Gatherings for Indoor Religious Services and Cultural Ceremonies: Houses of worship and operators of other facilities or groups may hold indoor gatherings for the practice of religion, including religious services and religious and cultural ceremonies, such as weddings and funerals, subject to the following conditions:
- i. Prior to being placed in the Orange Tier by the State, the facility must limit the number of people, including Personnel, clergy, volunteers, visitors, and participants, who are present in the space to the **lesser** of: (1) 25% of the facility's normal maximum occupancy or (2) 50 people. Once the County was placed in the Orange Tier, this maximum limit is increased to the **lesser** of 25% of the facility's normal maximum occupancy or 100 people. If the County is later returned to a more restrictive tier by the State or other local conditions change in a manner that puts the public health at risk, the Health Officer may reduce this limit or impose other safety restrictions. Also, for any gathering allowed under this section, the limit must be reduced below 50 people (or 100 people, if applicable) if required due to the size of the indoor space and participants' ability to follow Social Distancing Requirements at all times. These capacity limits also apply to any individual room within the facility where people can gather;
 - ii. The facility must comply with all of the requirements set forth in Health Officer Directive No. 2020-34, issued September 30, 2020, including as that directive is amended or updated in the future, with such requirements including, but not limited to, ensuring physical distancing between members of different Households, posting signage to remind people to adhere to best practices, ensuring adequate ventilation in accordance with updated DPH guidance, and various cleaning and sanitation requirements;
 - iii. The facility must screen all patrons and other visitors on a daily basis using the standard screening questions attached to the Order as Appendix A and Attachment A-2 (the "Screening Handout"). Screening must occur before people are allowed to enter to prevent the inadvertent spread of the SARS-CoV-2 virus. A copy of the Screening Handout must be provided to anyone on request, although a poster or other large-format version of the Screening Handout may be used to review the questions with people verbally. Any person who answers "yes" to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering or being seated in the facility, and should be referred for appropriate support as outlined on the Screening Handout. The facility can use the guidance available online at www.sfdph.org/screen for determining how best to conduct screening. People who are feeling ill, have exhibited symptoms of COVID-19 within 24 hours of arriving at the facility or answer "yes" to any screening must be kept from entry;
 - iv. All participants must wear a Face Covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children). A Face Covering is not required: when eating or drinking; or if a faith leader

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determines it is essential to a ritual or ceremony that Face Coverings be removed, subject to limitations listed in the directive; and

- v. The facility must comply with the Social Distancing Requirements set forth in Section 15.k of this Order—and create, post, and implement a Social Distancing Protocol (Appendix A of this Order).

(Added September 14, 2020; Revised September 30, 2020; Non-substantive revisions October 20, 2020)

(10) Political Activity

- a. Basis for Addition. In an effort to balance core First Amendment interests with public health, the Health Officer is creating special provisions for political activities. Even with adherence to physical distancing and face covering requirements, bringing members of different households together to engage in in-person protests carries a higher risk of widespread transmission of COVID-19. Such gatherings may result in increased rates of infection, hospitalization, and death, especially among more vulnerable populations. In particular, activities like chanting, shouting, singing, and group recitation negate the risk-reduction achieved through six feet of physical distancing and face covering. Therefore, even though in-person political protests are allowed by this provision, with safety limitations, it is strongly recommended that individuals use alternative means of expression for the time being, such as the many online and broadcasting platforms available in the digital age, in place of in-person gatherings.
- b. Description and Conditions to Operate.
 1. Individual indoor political offices: A single individual may be inside a campaign office or other political office, subject to the following conditions:
 - i. Only one person may be in the office or facility at a time except as outlined in this section b.1.
 - ii. One other individual at a time may temporarily come into the office or facility, such as for a brief meeting or to pick up or drop off materials.
 - iii. All individuals in the facility must wear a Face Covering as required by Health Officer Order No. C19-12c, subject to the limited exceptions in that order;
 - iv. Doors and windows must be left open to the extent possible, or mechanical ventilation systems must be run, to increase ventilation;
 - v. The facility must establish protocols for frequent cleaning and disinfection of commonly used surfaces and high traffic areas such as lobbies, hallways, and offices;
 - vi. Signage must be posted at each public entrance to inform all individuals that they must: avoid entering the location if they have a cough or fever, maintain a minimum six-foot distance from one another while in the facility or

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location, wear a Face Covering at all times, and not shake hands or engage in any unnecessary physical contact (sample signs are available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>); and

- vii. The facility or office must comply with the Social Distancing Requirements set forth in Section 15.k of this Order—and create, post and implement a Social Distancing Protocol (Appendix A of this Order).
2. **Political Protest Gatherings:** Facilities and groups may hold outdoor gatherings for in-person political protests, subject to the following conditions, subject to the following conditions:
- i. Prior to being placed in the Orange Tier by the State, no more than 100 individuals may participate in the gathering and simultaneous gatherings in the same location or vicinity are prohibited. Once the County was placed in the Orange Tier, this maximum limit is increased to 200 individuals per gathering. If the County is later returned to a more restrictive tier by the State or other local conditions change in a manner that puts the public health at risk, the Health Officer may reduce the limit on the number of people or impose other safety restrictions. Also, for any gathering allowed under this section, the limit must be reduced below 100 people (or 200 people, if applicable) if required due to the size of the outdoor space and participants' ability to follow Social Distancing Requirements at all times;
 - ii. Participants must maintain at least six feet of distance from members of different households;
 - iii. All participants must wear a Face Covering, subject to the limited exceptions in Health Officer Order No. C19-12c (e.g., for young children); and
 - iv. No food or beverages may be served or sold;
 - v. One individual at a time may sing, chant, or shout, provided: (1) the person singing, chanting, or shouting is at least 12-feet from any other person; and (2) the person singing, chanting, or shouting is wearing a Face Covering at all times;
 - vi. No sharing or common use of objects or equipment is permitted unless those objects or equipment are sanitized with cleaning products effective against COVID-19 in between uses by members of different households;
 - vii. The gathering must comply with all of the relevant requirements set forth in Health Officer Directive No. 2020-19c regarding outdoor gatherings; and
 - viii. All participants must comply with any requirements—including permitting requirements and conditions—imposed by applicable public authorities.

(Added September 14, 2020; Revised September 30, 2020; Non-substantive revisions October 20, 2020)

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

[Revised October 20, 2020]

(11) Outdoor Playgrounds

- a. Note. In relation to the September 14, 2020 version of the Order, the Health Officer committed to work with the City’s Recreation and Park Department and others to analyze whether outdoor playgrounds could be opened in a safer manner. On September 25, 2020 the State issued written clarification that outdoor playgrounds (as well as indoor playgrounds) must remain closed under the Red Tier and Orange Tier, putting those plans on pause. On September 28, 2020, following input from the City, the State changed its guidance to allow outdoor (but not indoor) children’s playgrounds operated by government agencies to open, subject to a number of safety requirements and recommendations. The State’s guidance is available online at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Outdoor%20Playgrounds%20and%20other%20Outdoor%20Recreational%20Facilities.aspx>.

As a result, consistent with the recently revised State guidance and in cooperation with the Recreation and Park Department, the Health Officer will issue a new directive, Health Officer Directive No. 2020-36, as soon as reasonably possible and in any event by October 14, 2020, setting forth best practices for outdoor public playgrounds. Those playgrounds may open once the government operators implement the safety requirements in the expected new directive.

(Added September 30, 2020)



DIRECTIVE OF THE HEALTH OFFICER No. 2020-15c

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR TENNIS, PICKLEBALL AND GOLF**

(PUBLIC HEALTH DIRECTIVE)

DATE OF DIRECTIVE: October 27, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that people engaged in outdoor tennis, pickleball or golf (up to a foursome) must follow as part of the local response to the Coronavirus Disease 2019 (“COVID-19”) pandemic. This Directive constitutes industry-specific guidance as provided under Sections 4 and 11 of Health Officer Order No. C19-07I issued on October 27, 2020 (the “Stay-Safer-At-Home Order”) and, unless otherwise defined below, initially capitalized terms used in this Directive have the same meaning given them in that order. This Directive goes into effect immediately upon issuance and remains in effect until suspended, superseded, or amended by the Health Officer. This Directive has support in the bases and justifications set forth in the Stay-Safer-At-Home Order. As further provided below, this Directive automatically incorporates any revisions to the Stay-Safer-At-Home Order or other future orders issued by the Health Officer that supersede that order or reference this Directive. This Directive is intended to promote best practices as to Social Distancing Requirements and sanitation measures, helping prevent the transmission of COVID-19 and safeguard the health of workers, customers, and the community.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER DIRECTS AS
FOLLOWS:**

- 1. This Directive applies to:**
 - a) All people engaged in tennis, pickleball or golf (“Players”) in the City and County of San Francisco (the “City”); and**
 - b) All owners, operators, managers, and supervisors of any public or private tennis, pickleball or golf facility in the City that are Outdoor Businesses permitted to be open to the public under the Stay-Safer-At-Home Order (the “Facility”).**
- 2. Attached as Exhibit A to this Directive is a list of best practices that apply to Players and Facilities (the “Best Practices”). Each Player and Facility must comply with all of the relevant requirements listed in the Best Practices.**
- 3. Each Facility must, before it begins to offer tennis, pickleball or golf services, create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”). The Health and Safety Plan must be substantially in the form attached to this Directive as Exhibit B.**
- 4. If an aspect, service, act or operation of a Facility or Player is also covered by another Health Officer directive (all of which are available at www.sfdph.org/directives), then the Facility or Player must comply with all applicable directives, and must complete all relevant Health and Safety Plan forms.**



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5. Each Facility must (a) make the Health and Safety Plan available to a member of the public and Personnel on request, (b) provide a summary of the plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the plan online at any storefront and at the entrance to any other physical location that the Facility operates within the City. Also, each Facility must provide a copy of the Health and Safety Plan and evidence of its implementation to any authority enforcing this Order upon demand.
6. Each Facility subject to this Directive may be required to provide items such as Face Coverings (as provided in Health Officer Order No. C19-12c issued on July 22, 2020 and any future amendment to that order), hand sanitizer or handwashing stations, or both, and disinfectant and related supplies to Personnel and/or to the public, all as required by the Best Practices. If any such Facility is unable to provide these required items or otherwise fails to comply with required Best Practices or fails to abide by its Health and Safety Plan, then it must cease operating until it can fully comply and demonstrate its strict compliance. Further, as to any non-compliant operation, any such Facility is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.
7. For purposes of this Directive, “Personnel” includes all of the following people who provide goods or services associated with a Facility: 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 Facility. “Personnel” includes “gig workers” who perform work via the business’s app or other online interface, if any.
8. This Directive may be revised by the Health Officer, through revision of this Directive or another future directive or order, as conditions relating to COVID-19 require, in the discretion of the Health Officer. All Players and Facilities must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (www.sfdph.org/healthorders; www.sfdph.org/directives) regularly.
9. Implementation of this Directive augments—but does not limit—the obligations of each Facility under the Stay-Safer-At-Home Order including, but not limited to, the obligation to prepare, post, and implement a Social Distancing Protocol under Section 4.d and Appendix A of the Stay-Safer-At-Home Order. Each Facility must follow this industry-specific guidance and update all guidance or other requirements as necessary for the duration of this Directive, including, without limitation, as this Directive is amended or extended in writing by the Health Officer and consistent with any extension of the Stay-Safer-At-Home Order, any other order that supersedes that order, and any Health Officer order that references this Directive.

This Directive is issued in furtherance of the purposes of the Stay-Safer-At-Home Order. Where a conflict exists between this Directive and any state, local, or federal public health order related to the COVID-19 pandemic, including, without limitation, the Social Distancing Protocol, the most restrictive provision controls unless otherwise specifically provided. Failure to carry out this Directive is a violation of the Stay-Safer-At-Home



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Order, constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by fine, imprisonment, or both.

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

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

Date: October 27, 2020



Exhibit A to Health Officer Directive No. 2020-15c (issued 10/27/20)

Best Practices for Tennis, Pickleball and Golf

In addition to preparing, posting, and implementing the Social Distancing Protocol required by Section 4 of Health Officer Order No. C19-071 (the “Stay-Safer-At-Home Order”), each Facility that operates in the City must comply with each requirement listed below and prepare a Health and Safety Plan substantially in the format of Exhibit B, below.

Requirements:

1. Section 1 – Facility Requirements:

- 1.1.** Ensure that the following aspects of Facility premises are shut down and not accessible by Players or the public: clubhouses, restaurants, bars, dining areas, seating or lounge areas, common areas not required to reach outdoor facilities, fitness facilities, shower facilities, locker areas, and retail space, unless specifically allowed under the Stay-Safer-At-Home Order and any directives or guidance issued by the Health Officer.
- 1.2.** Without limiting Section 2.7, if an aspect of Facility premises is allowed to operate under another directive (for example, a pro-shop or retail space may or may not currently qualify as Retail Business with Curbside Pickup, which is covered by Directive No. 2020-10b), then the Facility must comply with all applicable directives, and its Health and Safety Plan must include all applicable components from those directives. Copies of other directives are available online at <https://www.sfdph.org/directives>.

2. Section 2 – General Sanitation Exemptions for Public Facilities:

- 2.1.** Private Facilities are required to implement all applicable sanitation requirements of the Social Distancing Protocol.
- 2.2.** Public Facilities are required to implement all applicable sanitation requirements of the Social Distancing Protocol with the following exceptions:
 - 2.2.1.** If it is not feasible for a public Facility to provide hand sanitizer or a handwashing station to Players in accordance the Social Distancing Protocol, public Facilities must require Players to bring their own hand sanitizer.
 - 2.2.2.** If it is not feasible for a public Facility to continuously disinfect shared or high-touch surfaces and devices as required by the Social Distancing Protocol, then the public Facility must post signage requiring Players to bring their own hand sanitizer to use after touching high-touch surfaces like gates.
 - 2.2.3.** Except with respect to bathrooms, public Facilities are not required to clean and decontaminate premises in accordance with Sections 3.11 and 3.13 of the Social Distancing Protocol, but are strongly encouraged to clean and disinfect premises to the maximum extent feasible.
 - 2.2.4.** Public Facilities are not required to clean and decontaminate premises in accordance with Section 3.17 of the Social Distancing Protocol, but are strongly encouraged to clean and disinfect premises to the maximum extent feasible.



3. Section 3 – Requirements Specific to Golf Players and Golf Facilities:

- 3.1.** Golf Players and Personnel must practice—and Facilities with on-site Personnel must enforce – all Social Distancing Requirements in accordance with the Stay-Safer-At-Home Order and applicable directives, all Face Covering requirements as set forth in Health Officer Order No. C19-12c issued on July 22, 2020, and any future amendment to those orders or directives.
- 3.2.** Golf Facilities must conduct all business and transactions involving Players and members of the public in outdoor spaces in accordance with the Stay-Safer-At-Home Order.
- 3.3.** In Golf Facilities where restrooms are available on the course, Facilities must prohibit Players and other members of the public from using any indoor restroom facilities, such as those located in the clubhouse. For clarity, if no bathrooms are available on the course, indoor bathrooms may be made available to Players and the public. Personnel may use any bathrooms designated by the Facility.
- 3.4.** 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.
- 3.5.** Golf Players must not share equipment with people outside of their Household or rent any equipment unless otherwise expressly allowed for equipment rental as an Additional Business under the Stay-Safer-At-Home Order and subject to all applicable requirements for sanitization between uses.
- 3.6.** Golf Cart Operations:
 - 3.6.1.** Carts must be limited to one rider and one bag;
 - 3.6.2.** Carts must be sanitized after each use; and
 - 3.6.3.** Hand carts must be sanitized after each use.
- 3.7.** Before the Golf Facility may open its course, all high-touch surfaces and equipment including, but not limited to, water stations, hand towels, ball washers, bunker rakes, scorecards and pencils, must be removed or made inaccessible from the range or course. To avoid contact with a high-touch surface, players must be prevented from reaching into cups for golf balls. Cups must be lifted above the putting surface to ensure there is no retrieval of balls from the cup. Flags may be removed or fixed in place at each hole. Cups may be filled or inverted so that the ball can come to a rest at the cup but also be retrieved easily without touching any surfaces.
- 3.8.** Where possible, designated paths of travel within Golf Facility premises must be clearly marked.
- 3.9.** Tournament style events or competitions are prohibited to the extent they require, encourage or result in groups of Golf Players from different Households arriving and congregating at the Facility at the same time. For example, tournaments that require or allow Golf Players to start or end play at or near the same time – such as a “shotgun” start – are not permitted. But a tournament that staggers start times from the first tee and otherwise complies with this Directive and all applicable State and local health orders is allowed. The Golf Facility must



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continue to ensure that different groups of Golf Players do not congregate at the Facility before, during or after the event, that there is no other mingling between those groups at the Facility, and that there are no scorekeepers, referees or other similar staff who interact in person with the groups as part of the management of the tournament. Spectators are prohibited during any tournament. Professional tournaments without spectators may be allowed with prior approval of the Health Officer. Group instruction or clinics are permitted to the extent they operate as Outdoor Fitness Classes under Section 9 of Appendix C-1 to the Stay-Safer-At-Home Order. Similarly, Players who are attending summer camps for children are authorized to use Golf Facilities in accordance with this Directive to the extent the summer camp is allowed under a separate directive.

- 3.10.** No caddies, spectators, or persons other than Players unless all requirements for Small Outdoor Gatherings under Directive No. 2020-19d, including as that directive is updated or amended in the future, are met. A Golf Player who is a minor may be accompanied by their parent or legal guardian.
- 3.11.** Golf Players must bring plenty of water to drink as water fountains or drinking stations will be closed.
- 3.12.** Only Golf Players with a previously scheduled tee time may access Facility premises. Tee times must be scheduled 10 minutes or more apart. Groups are required to stay away from the starting tee off area until it is cleared by the group ahead of them. All Players must arrive at Facility premises no more than 30 minutes prior to their scheduled tee time and must leave immediately after completing their round.
- 3.13.** Golf Facilities must provide security or patrolling to ensure golfers' compliance with the requirements of this Directive.
- 3.14.** This Directive cannot anticipate every way to make golf safer for everyone in light of COVID-19. Facilities and Players are encouraged to make their sport safer by adding changes to their practices and procedures that are consistent with the intent of the Stay-Safer-At-Home Order and this Directive. Players and Facilities are also encouraged to implement guidance from athletic associations where applicable (For example, the USGA provides guidance for Players and Facilities here: <https://www.usga.org/content/usga/home-page/course-care/covid-19-resource-center.html>.) Nothing in this section allows a Golf Player or Facility to replace, supplement, or change any restriction in the Stay-Safer-At-Home Order, this Directive, or any local, state, or federal health order or guidance related to COVID-19 with a less restrictive measure. For clarity, all Golf Players and Facilities must strictly implement every measure in this Directive and may only supplement new safety measures to the extent they are more restrictive (i.e., more protective of public health) than any local, state, or federal health order or guidance related to COVID-19.

4. Section 4 – Requirements Specific to Tennis and Pickleball Players and Facilities:

- 4.1.** Tennis and Pickleball Players must practice – and Facilities with onsite personnel must enforce – all social distancing requirements in accordance with the Stay-Safer-At-Home Order and applicable directives, all Face Covering requirements as set forth in Health Officer Order No. C19-12c issued on July 22, 2020, and any future amendment to those orders or directives.



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- 4.2. Tennis and Pickleball Players may only use outdoor courts. Facilities must conduct all business and transactions involving Players and members of the public in outdoor spaces in accordance with the Stay-Safer-At-Home Order.
- 4.3. Singles tennis or pickleball may be played between members of different Households while maintaining Social Distancing Requirements at all times. Doubles tennis or pickleball may be played between members of different Households only if doubles team members are from the same Household and all players maintain Social Distancing Requirements at all times.
- 4.4. Tennis and Pickleball Players must bring plenty of water to drink as water fountains or drinking stations must be closed.
- 4.5. No equipment may be shared between players outside of their Household, including balls and rackets. Tennis and Pickleball Players should avoid switching sides of the court during play. Players switching sides of the court must maintain social distancing at all times.
- 4.6. Tournament style events or competitions are prohibited to the extent they require, encourage or result in groups of Tennis Players from different Households arriving and congregating at the Facility at the same time. For example, a tournament that requires Tennis Players to wait at the Facility to play in multiple matches on a single day is prohibited. But a tournament that staggers match start times to ensure Tennis Players and Personnel do not gather, mingle or congregate before or after matches and that otherwise complies with this Directive and all applicable State and local health orders is allowed. Spectators are prohibited at any tournament. Professional tournaments without spectators may be allowed with prior approval of the Health Officer. Group instruction or clinics are permitted to the extent they operate as Outdoor Fitness Classes under Section 9 of Appendix C-1 to the Stay-Safer-At-Home Order. Similarly, Players who are attending summer camps for children are authorized to use Tennis or Pickleball Facilities in accordance with this Directive to the extent the summer camp is allowed under a separate directive.
- 4.7. Spectating or gathering is prohibited unless conducted in compliance with all Small Outdoor Gathering requirements under Health Officer Directive 2020-19d, including as that directive is updated or amended in the future. A Tennis or Pickleball Player who is a minor may be accompanied by their parent or legal guardian.
- 4.8. Rental of equipment is not permitted at this time unless otherwise expressly allowed for equipment rental as an Additional Business under the Stay-Safer-At-Home Order and subject to all applicable requirements for sanitization between uses.
- 4.9. Each Tennis and Pickleball Player must mark their balls with clear and unique markings. Accordingly, Players must use at least six balls (two cans) rather than three balls (one can).
- 4.10. Tennis and Pickleball Players will only serve and touch their own marked tennis balls. When another Player's ball needs to be returned to them, the Player must roll or hit the ball with a racket back to the other Player, without touching the ball in any way.
- 4.11. Tennis and Pickleball Players at private Facilities must have a reservation to play before arriving at Facility premises. Players must arrive no more than 10 minutes before the time expected to play and leave the facility immediate after play. No extra-curricular or social activity may take place.
- 4.12. Where possible, designated paths of travel within Facility premises must be clearly marked.



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- 4.13.** All court gates and entrances to Facility premises must be roped off (when closed) or left open (during hours of court operation) to prevent touching.
- 4.14.** All furniture in the Facility premises, such as benches and tables, must either (1) be conspicuously marked with an easily readable posting informing people that the furniture is a high touch surface and reminding people to follow all social distancing, masking, and sanitation requirements when using the furniture or (2) be made inaccessible by, for instance, being removed, covered, taped, or roped off to prevent congregating and touching. All water dispensers or water fountains must be made inaccessible by, for instance, being covered, taped, or roped off to prevent touching. Public Facilities are required to implement this section to the maximum extent feasible.
- 4.15.** Use of tennis ball machines is not allowed at this time. The Tennis Facility must make ball machines and other high touch equipment inaccessible for use by Players.
- 4.16.** This Directive cannot anticipate every way to make tennis and pickleball safer for everyone. Tennis Facilities and Players are encouraged to make their sport safer by adding changes to their practices and procedures that are consistent with the intent of the Stay-Safer-At-Home Order and this Directive. Players and Facilities are also encouraged to implement guidance from athletic associations where applicable (For example, the USTA provides guidance for Players and Facilities here: <https://www.usta.com/en/home/usta-covid-19-updates.html>.) Nothing in this paragraph allows a Player or Facility to replace, supplement, or change any restriction in the Stay-Safe-At -Home Order, this Directive, or any local, state, or federal health order or guidance related to COVID-19 with a less restrictive measure. For clarity, all Players and Facilities must strictly implement every measure in this Directive and may only supplement new safety measures to the extent they are more restrictive (i.e., more protective of public health) than any local, state, or federal health order or guidance related to COVID-19.



Health Officer Directive No. 2020-15c (Exhibit B)
Health and Safety Plan (issued 10/27/2020)

Each Facility must complete, post onsite, and follow this Health and Safety Plan.

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

Business/Entity name:

Contact name:

Facility Address:

Contact telephone:

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

For All Facilities

- Business is familiar with and complies with all requirements set forth in Health Officer Directive No. 2020-15c, available at www.sfdph.org/directives.
- Shut down clubhouses, restaurants, bars, dining areas, seating or lounge areas, common areas not required to reach outdoor facilities, fitness facilities, shower facilities, locker areas, and retail space.
- Make sure players do not share equipment with anyone outside of their Household. No equipment rental is permitted unless the Facility meets all the requirements for equipment rental under the Stay-Safer-At-Home Order.
- Conduct all interactions with Players or other members of the public in outdoor spaces.
- Where possible, clearly mark designated paths of travel within the facility to help everyone maintain social distance.
- Require Players to bring plenty of their own water because fountains and drinking stations will be closed.
- No spectators or persons other than Players unless spectators strictly follow rules for Outdoor Gatherings. Players who are minors may be accompanied by their parent or legal guardian.

For Golf Facilities

- If restrooms are available on the course, prohibit Players and members of the public from using any other restroom facilities such as those located in the clubhouse.
- No more than four players may be part of a single group, unless everyone in the group is part of the same Household.
- Limit golf carts to one rider and one bag. Sanitize motorized carts and hand carts after each use.

Health Officer Directive No. 2020-15c (Exhibit B)
Health and Safety Plan (issued 10/27/2020)

- Remove or make inaccessible high touch surfaces including: water stations, hand towels, ball washers, bunker rakes, scorecards and pencils.
- Take steps to seal off or otherwise remove cups to prevent Players from reaching into cups to retrieve balls.
- Only allow golf Players with previously scheduled tee times to access the premises.
- Schedule tee times 10 minutes or more apart.
- Keep groups away from the starting tee off area until the group ahead is clear.
- Require Players to arrive at the facility no more than 30 minutes before their tee time and leave immediately after finishing their round.
- Provide security or patrolling to make sure golfers are complying.

For Tennis Facilities

- Allow tennis and pickleball to be played on outdoor courts only.
- If Players are not part of the same Household, they may play singles tennis or doubles tennis with doubles teams made up only of members of the same Household.
- Encourage Players to avoid switching sides of the court during play and maintain social distancing if they do switch sides.
- Require all Players to mark their balls with clear and unique markings and use at least six balls (two cans).
- Make sure Players touch only their own marked balls. Make sure Players return a ball to another player by rolling or hitting the ball with a racket back to the other Player without touching the ball at all.
- Allow Players on private Facility premises only if they have a reservation to play. Require all Players to arrive no earlier than 10 minutes before their scheduled court time. Require all Players to leave the Facility immediately after the end of their play.
- Keep court gates open at all times during hours of operation. Keep as many other gates and doors as feasible open during hours of operation.
- Either mark all high touch furniture such as benches and tables with posters informing people about high-touch surfaces or remove or make inaccessible high-touch furniture.
- Prevent the use of tennis ball machines at this time.



DIRECTIVE OF THE HEALTH OFFICER No. 2020-21c

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR OUT OF SCHOOL TIME PROGRAMS**

(PUBLIC HEALTH DIRECTIVE)

DATE OF DIRECTIVE: September 11, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that out of school time programs as described below must follow as part of the local response to the Coronavirus Disease 2019 (“COVID-19”) pandemic. This Directive constitutes industry-specific guidance as provided under Section 4.e of Health Officer Order No. C19-07h issued on September 1, 2020 (the “Stay-Safer-At-Home Order”) and, unless otherwise defined below, initially capitalized terms used in this Directive have the same meaning given them in that order. This Directive goes into effect immediately upon issuance, and remains in effect until suspended, superseded, or amended by the Health Officer. This Directive has support in the bases and justifications set forth in the Stay-Safer-At-Home Order. As further provided below, this Directive automatically incorporates any revisions to the Stay-Safer-At-Home Order or other future orders issued by the Health Officer that supersede that order or reference this Directive. This Directive is intended to promote best practices as to Social Distancing Requirements and sanitation measures, helping prevent the transmission of COVID-19 and safeguard the health of workers, children, their families, and the community.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER DIRECTS AS FOLLOWS:

- 1. This Directive applies to 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. This Directive does not apply to schools, childcare programs for young children not yet in elementary school, or summer camps.**
- 2. Attached as Exhibit A to this Directive is updated guidance from the Department of Public Health for OST Programs (“Guidance”). All OST Programs must comply with all applicable requirements listed in the Guidance.**
- 3. Each OST Program must create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”). The Health and Safety Plan must be substantially in the form attached to this Directive as Exhibit B.**
- 4. Each OST Program must (a) make the Health and Safety Plan available upon request to all Personnel working on site and to the parent(s) or guardian(s) of each child it serves, (b) provide a summary of the plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the plan at the entrance to any other physical location that the OST Program operates within the City. Also, each OST Program must provide a copy of the Health and Safety Plan**



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and evidence of its implementation to any authority enforcing this Directive or the Stay-Safer-At-Home Order upon demand.

5. Each OST Program must complete the online registration form available at <https://www.dcyf.org/care>.
6. Each OST Program must require the parent/guardian of each child that participates in the program to sign an acknowledgement of health risks containing the following language:

The collective effort and sacrifice of San Francisco residents staying at home limited the spread of COVID-19. But community transmission of COVID-19 within San Francisco continues, including transmission by individuals who are infected and contagious, but have no symptoms. Infected persons are contagious 48 hours before developing symptoms (“pre-symptomatic”), and many are contagious without ever developing symptoms (“asymptomatic”). Pre-symptomatic and asymptomatic people are likely unaware that they have COVID-19.

The availability of childcare and youth programs is an important step in the resumption of activities. However, the decision by the Health Officer to allow childcare and youth programs for all families at facilities that follow required safety rules, does not mean that attending such programs is free of risk. Enrolling a child in childcare or youth programs could increase the risk of the child becoming infected with COVID-19. While the majority of children that become infected do well, there is still much more to learn about coronavirus in children, including from recent reports of Multisystem Inflammatory Syndrome in Children (MIS-C).

Each parent or guardian must determine for themselves if they are willing to take the risk of enrolling their child in childcare/youth program, including whether they need to take additional precautions to protect the health of their child and others in the household. They should particularly consider the risks to household members who are adults 60 years or older, or anyone who has an underlying medical condition. Parents and guardians may want to discuss these risks and their concerns with their pediatrician or other health care provider.

More information about COVID-19, MIS-C, and those at higher risk for serious illness is available on the Centers for Disease Control and Prevention website at <https://www.cdc.gov/coronavirus/2019-ncov/>.

I understand the risks associated with enrolling my child in childcare/youth programs, and agree to assume the risks to my child and my household. I also agree to follow all safety requirements that the childcare/youth program imposes as a condition of enrolling my child.

7. OST Programs may not enroll children for fewer than three weeks.
8. OST Programs must limit group size to a maximum of 14 children and youth and no more than two supervising adults, or a configuration of no more than 16 individuals



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total (children and youth or adults) per room or space, or the maximum number of children or youth able to maintain 6 feet of social distancing, whichever is lower. To minimize the risk of transmission, groups should be limited to the smallest size possible.

9. Because schools are not permitted to be open at this time unless an elementary school receives a waiver from the Health Officer, schools may not operate an OST Program. But for clarity:
 - schools can run small stable physical education cohorts outdoors as part of their distance learning program, subject to the requirements for OST Programs—but team sports where youth are required to attend practice is not permitted;
 - schools can run childcare programs for the children of its own teachers and staff who are coming to the facility to provide or support distance learning; and
 - schools may operate to provide in-person specialized and targeted support services to vulnerable children and youth, as provided in Section 5.a.3 of the Stay-Safer-At-Home Order.
10. Subject to agreement of the owner, and compliance with any relevant licensing requirements and land use laws, OST Programs may operate on sites that are otherwise not permitted to be open to the public.
11. Each OST Program subject to this Directive must provide items such as Face Coverings (as provided in Health Order No. C19-12c issued on July 22, 2020, and any future amendment to that order), hand sanitizer or handwashing stations, or both, and disinfectant and related supplies to any of that OST Program's Personnel. If any OST Program is unable to provide these required items to Personnel or otherwise fails to comply with required Guidance, then it must cease operating until it can fully comply and demonstrate its strict compliance. Further, as to any non-compliant operation, any such OST Program is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.
12. For purposes of this Directive, "Personnel" includes all of the following people who provide goods or services associated with the Host in the City: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); vendors who are permitted to sell goods onsite (such as farmers or others who sell at stalls in farmers' markets); volunteers; and other individuals who regularly provide services onsite at the request of the Host. "Personnel" includes "gig workers" who perform work via the business's app or other online interface, if any.
13. This Directive may be revised by the Health Officer, through revision of this Directive or another future directive or order, as conditions relating to COVID-19 require, in the discretion of the Health Officer. All OST Programs must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (www.sfdph.org/healthorders; www.sfdph.org/directives) regularly.



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- 14. OST Programs must prepare, post, and implement a Social Distancing Protocol substantially in the form of Appendix A to the Stay-Safer-At-Home Order, as provided under applicable provisions of Section 4.d of the Stay-Safer-At-Home Order. The OST Program must follow those Best Practices and update them as necessary for the duration of this Directive, including, without limitation, as this Directive is amended or extended in writing by the Health Officer and consistent with any extension of the Stay-Safer-At-Home Order, any other order that supersedes that order, and any Health Officer order that references this Directive**

This Directive is issued in furtherance of the purposes of the Stay-Safer-At-Home Order. Where a conflict exists between this Directive and any state, local, or federal public health order related to the COVID-19 pandemic, including, without limitation, the Social Distancing Protocol, the most restrictive provision controls. Failure to carry out this Directive is a violation of the Stay-Safer-At-Home Order, constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by fine, imprisonment, or both.

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

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

Date: September 11, 2020



Interim Guidance for Out-of-School Time Programs

September 11, 2020

This guidance was developed by the San Francisco Department of Public Health (SFPDH) for local use. It will be posted at <http://www.sfdcp.org/CovidSchoolsChildcare>. This guidance may change as new knowledge emerges and local community transmission changes.

AUDIENCE: Educational and recreational programs that provide care and supervision for children when they are not attending school or child care in-person. Out-of-school time (OST) programs include afterschool programs, youth sport programs, in-person programs to support distance learning such as learning hubs, and other group care for children and youth not run by schools or child care programs.

Summary of Changes since the 9/1/2020 Version

Updated to align with [California Department of Public Health \(CDPH\) guidance on small cohorts/groups of children and youth](#) published on 9/4/2020.

- Cohorts may have up to 16 persons including staff, children and youth.
- Each cohort may have up to 4 staff, including trained volunteers and interns.
- Staff who work only with children 0-5 years old may work with two cohorts of children and youth. However, they must work in exclusive "staff groups" of up to 4 staff, where people in a staff group work only with each other, and all staff in a group work with the same two cohorts of children.

PURPOSE: To help OST programs understand health and safety practices needed to prevent spread of COVID-19 in their programs.

BACKGROUND: San Francisco Health Orders allow OST programs in San Francisco to open. Many OST programs support remote learning for students, and provide additional in-person support.

Certain precautions, such as wearing cloth face masks, effectively decrease the risk of COVID-19 transmission. Coordinating and layering effective interventions can greatly reduce the risk of COVID-19 for children and for adult staff, whose overall risk of COVID-19 is greater than for children and youth, and their families.

The guidelines below are based on the best science available at this time and the current degree of COVID-19 transmission in San Francisco. They are subject to change as new knowledge emerges and as local community transmission changes.



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Key messages for Programs for Children and Youth

- **Address adult-to-adult transmission, and adults as sources of infection.** Most COVID-19 cases in childcare and day camp settings have occurred in staff, not children.
- **Preventing person-to-person transmission via respiratory transmission is more important than frequent cleaning and disinfection.** COVID-19 mainly spreads from person-to-person via respiratory droplet in the air.
 - **Coronavirus is easy to kill on surfaces compared to norovirus.** Most household cleaning products are effective. Professional deep cleaning services are generally unnecessary.
- **The use of personal protective equipment (PPE) does not eliminate the need for physical distancing, portable barriers/partitions and universal face coverings.** PPE can give people a false sense of security. Physical distancing, barriers and face coverings are important in preventing the spread of COVID-19 in OST program settings.
- **Exposure risk lies along a continuum.** A rule of thumb is that a person must spend at least 15 minutes within 6 feet of someone with COVID-19 to be at risk of infection.
 - Spending less time together is lower-risk than more time; being further apart is better than being closer together.
 - Smaller group sizes are better than larger, outdoor settings are better than indoor ones.
 - More people using face coverings is better than fewer people using face coverings.
 - Activities that produce fewer respiratory droplets are lower risk than those that produce many droplets (silence < quiet talking < loud talking < singing).
- **Adult staff are at higher risk of severe COVID-19 than children.** Recommendations for distancing and face coverings should prioritize staff safety and maximal protection of staff.

Prepare for Opening

- Designate a COVID-19 staff liaison to be the single point of contact at each site for questions or concerns around practices, protocols, or potential exposure. This person will also serve as a liaison to SFDPH.
- Establish health and safety protocols to prevent COVID-19 transmission.
 - Train staff and teach children and youth about health and safety practices. Avoid having in-person staff development, meetings, or team-building during the two weeks before the OST program opens or during the program if possible.
 - Create a health and safety plan outlining what the program will do to implement the requirements in this guidance and any relevant Health Officer Directives or orders. Share this plan with staff, families, and other members of the your program's community.
- Work with SFDPH to develop a strategy to regularly test all OST staff for COVID-19, even if they do not have COVID-19 symptoms or exposure ("surveillance testing"). For example, a program might test all staff over 2 months by testing 25% of staff are tested every 2 weeks, or 50% every month. Programs may not be able to do surveillance testing during times when labs do not have enough tests, and must prioritize people with COVID-19 symptoms or exposure.



- Establish protocols for staff, children and youth with symptoms of COVID-19 and for communication with staff, children and youth, and families after COVID-19 exposure or a confirmed COVID-19 case in the facility.

Staff Considerations

Protect staff, especially those at higher risk of severe COVID-19 illness. See [sfdcp.org/covid19hcp](https://www.sfdcp.org/covid19hcp) for a list of groups at higher risk for severe COVID-19.

- Staff at higher risk for severe COVID-19 illness should not be assigned to screen children and youth for symptoms or monitor/care for sick children waiting to be picked up.
- Consider the use of a portable plexiglass barrier or other barrier, or use a clear window for staff when screening for COVID-19 symptoms (persons entering the building, children who feel sick).
- Consider the use of face shields, to be used with face coverings, for staff. If supplies of face shields are limited, prioritize them for staff who are in groups at higher-risk of severe COVID-19 illness.
- Plan ahead for staff absences in case community transmission of COVID-19 increases. Recruit people experienced caring for children and youth to ensure that you have a roster of substitute caregivers who can fill in. For more information, see SFDPH return-to-work guidelines at <https://www.sfdcp.org/rtw>.

Children and Youth Enrollment Considerations

- Prioritize enrollment of the following groups:
 - At-risk children and youth, including:
 - Children and youth who are clients of Family and Children’s Services (FCS) or are at risk of abuse, neglect, or exploitation
 - Children eligible through the Emergency Childcare Bridge Program for Foster Children
 - Children and youth experiencing homelessness
 - Foster children
 - Children of domestic violence survivors
 - Children and youth with disabilities or special health care needs whose individualized education programs (IEP) and/or individual family support plans (IFSP) include ELC services
 - Children and youth from low-income families, including those who receive or are eligible for free or reduced school lunch, Medi-Cal, SNAP (food stamps), WIC, Head Start, CalWorks and other public assistance programs.
 - Children and youth of people who work in essential businesses or essential governmental functions, followed by people who work in other businesses and organizations that are allowed to remain open or re-open under San Francisco Health Orders.
- Do not exclude children and youth because of medical conditions such as diabetes, asthma, leukemia and other malignancies, and autoimmune diseases that may put them at higher risk of severe COVID-19. Allow the child’s medical team and family to determine whether in-person attendance is safe.



Strategies to Prevent Spread of COVID-19

Screen everyone entering the building for COVID-19.

- Ask all persons entering the childcare facility about symptoms of COVID-19 and exposure to COVID-19 – including staff, children, parents/caregivers, contractors, and visitors. Emergency personnel responding to a 9-1-1 call are exempt.
- Do not allow people who answer “yes” to any of the screening questions to enter the facility.
- Programs may also choose to require temperature checks of people entering the building, either on-site or done by parents at home. SFPDH does not require temperature checks.
 - For specific guidance on conducting symptom screening and temperature checks, see [COVID-19 Health Checks at Programs for Children and Youth](#) (children) and [Asking COVID-19 Screening Questions at Any Business, Organization or Facility](#) (adults)



Staff, children and youth who are sick must stay home.

- Remind parents to keep children home when ill. A parent/guardian handout, “*COVID-19 Health Checks/If Your Child has Symptoms*” is available at <https://sfcdcp.org/covidschoolschildcare>.
- Implement sick leave policies that support staff to stay home when ill.
- Encourage family members of children and youth and staff to get tested promptly if they have symptoms of COVID-19, to lower the risk of spread to children or staff.
- Encourage children and staff to stay home for 14 days after traveling out of the San Francisco Bay Area, if their activities during their trip put them at risk for COVID-19 infection. This does not apply to staff and children who regularly commute to childcare from places outside of the San Francisco Bay Area. Higher-risk activities include:
 - Spending time within 6 feet of people outside their household when not wearing face masks, especially if indoors.
 - Travel on planes, buses, trains, or other vehicles shared with people outside their household when face coverings were not worn at all times by all passengers.

Restrict non-essential visitors.

- Allow only volunteers who are essential to the program operations. Volunteers should commit to regular, scheduled participation for at least 3 weeks duration.
- Therapists who are not OST programs employees but work with children and youth on-site at OST programs, such as ABA therapists, occupational therapists and physical therapists, are considered essential staff and should be allowed to provide services. See section titled “*Students receiving special services*”
- Discourage parents and other family members from entering the building.
- Cancel special events that involve parents and families, such as festivals, holiday events, and performances.



Keep staff, children and youth in small, stable groups (“cohorts”).

A cohort is a stable group that has the same staff, children and youth each day, stays together for all activities (e.g., snacks, recess, etc.), and avoids contact with people outside the group. Keeping staff, children and youth in the same small cohort each day lowers their exposure risk by limiting the number of people they interact with.

Limit cohort size

- Limit cohorts to no more than 14 children and youth and no more than two supervising adults, or no more than 16 individuals total (children, youth and adults).
- San Francisco requires that each cohort be supervised by no more than 4 staff, including trained volunteers and interns.
- The maximum cohort size applies to all children and youth in the cohort, even if not all children attend the program at the same time. For example,
 - A cohort may not include 2 staff, 6 children who attend full-time, 6 children on Mon/Wed/Fri, and 6 children on Tu/Th (total of 20).
 - A cohort may not include 2 staff, 8 children who attend for the entire day, 4 who attend mornings only, and 4 who attend afternoons only (total of 18).
 - A cohort may not include 14 children, a teacher, one parent-volunteer on MWF, and a 2nd-parent volunteer on Tu/Th (total of 17).

Keep stable cohorts with the same staff, children and youth. Avoid changes to cohorts.

- Newly enrolled children and youth may join a cohort at any time, but they must enroll for a period of at least 3 weeks. Do not allow children to attend for shorter periods.
- Children and youth must only participate in one OST program at a time, even if the programs occur on different days of the week. For example, a child may not attend both a learning hub M-F and a Saturday youth sports program.
- Staff who work with children over 5 years of age must be assigned to only one cohort and work only with that cohort. Staff may not work with more than one cohort of children or youth. For example,
 - Staff working with children over 5 may not work with one cohort on Mon/Wed/Fri and another cohort on Tu/Th.
 - Staff working with children over 5 may not work with 1 cohort in the mornings, and another in the afternoons.
- Staff who work only with children 0-5 years of age may be assigned to two cohorts. Programs where staff work with two cohorts must place staff in groups of up to 4 staff members. Everyone in a staff group must work with the same two cohorts. Staff must work only with other staff in their staff group, and can only be in 1 staff group. For example:
 - Allowed: (3 staff members in a group working with 2 cohorts)
Staff A and B work with one cohort of children on Mon/Wed/Fri.
Staff B and C work with a different cohort of children on Tu/Th.



- Not allowed (5 staff members working with 2 cohorts) :
Staff A, B and C work with one cohort of children on Mon/Wed/Fri.
Staff C, D and E work with another cohort of children on Tu/Th.
- Not allowed: (4 staff members working with 3 cohorts)
Staff A and B work with cohort 1 on Mon/Wed/Fri.
Staff A and C work with cohort 2 on Tu/Th mornings.
Staff B and D work with cohort 3 on Tu/Th afternoons.
- Substitute providers who are covering for short-term staff absences are allowed, but must only work with only one cohort of children per day.
- “Floaters,” who provide brief coverage for providers throughout the day, must work with only one cohort of children per day.
- When determining the number of staff in a cohort, do not count people who provide one-to-one services to individual children but do not interact with the entire cohort. This includes but is not limited to occupational therapists, physical therapists, speech and language therapists, and ABA providers. See the San Francisco Health Directive on Specialized Support Services for more information at <https://www.sfdph.org/dph/alerts/files/Directive-2020-26-Specialized-Support.pdf>
- Avoid changing staff assignments if possible.

Keep cohorts from mixing.

- Each cohort must be in a separate room or space.
- Minimize interactions between cohorts, including interactions between staff assigned to different cohorts.
 - Assign children and youth who live together or carpool together to the same cohort, if possible and if consistent with age and learning concerns.
 - For specialist activities such as art and music, staff may cross between cohorts to meet children’s educational and enrichment needs. Limit staff movement between cohorts as much as possible. Staff must document visits that are not part of their cohort. Consider using a sign-in sheet/log to keep track of when staff have worked with different cohorts, to help you trace which students and staff were exposed to COVID-19 after a COVID-19 case occurs in the program.
 - Stagger playground time and other activities so that no two cohorts are in the same place at the same time.
- Avoid moving children and youth from one cohort to another, unless needed for a child or youth’s overall safety and wellness.

Partition large indoor spaces to prevent direct air flow between cohorts.

- A room divider or partition may be used to allow more than one cohort to use a large indoor space if the following requirements are met:
 - All cohorts are from the same program.



- Staff, children and youth do not need to enter another cohort's space to access bathrooms, kitchens, other common areas or exits. If one cohort must pass through another cohort's space to access bathrooms, kitchens, exits or other common areas, use partitions to separate the pass-through space from both cohorts.
- The room divider must prevent direct air flow between cohorts.
 - Best Practice: Solid, non-permeable, cleanable partitions extending to as close to the ceiling as practical to reduce direct and indirect air flow between cohorts.
 - Minimum Requirement: Solid non-permeable, cleanable partitions extending from the floor and at least 8 feet high.
- The room divider must not:
 - Interfere with ventilation of each space. If mechanical ventilation is used, supply and return diffusers must be present on each side of the partitions
 - Obstruct sprinkler systems, access to emergency exits and other fire and building codes.
- If smoke detectors are required and/or are in use in the building, separate smoke detectors may be required on each side of the room divider. Seek consultation as needed for each facility.

Physical distancing

Physical distancing decreases the risk of COVID-19 from respiratory droplets.

- During individual activities, such as when using a computer, keep children at least 6 feet apart.
- Have children sit in the same seats each day if possible.
- Rearrange furniture and work/play spaces to prevent crowding and promote physical distancing between children who are not playing together.
- Arrange desks, workstations, or computers facing in the same direction, so that children do not sit facing each other.
- Offer more opportunities for individual activities, such as reading, workbooks, painting or crafts. Choose group activities that do not involve close contact between children.
- Do not hold gatherings like sing-alongs, and other activities that bring different cohorts together, even if outdoors wearing face coverings.
- During group activities, such as playtime, physical distancing may be relaxed, especially for younger children who may have difficulty staying 6 feet apart from each other, especially if children are wearing face coverings or outside.
- Adults must stay at least 6 feet from other adults, including staff in the same cohort, whenever possible.
 - Set up offices and staff rooms so that staff do not work or sit within 6 feet of each other.
 - Encourage virtual meetings using video conferencing apps for parent-provider meetings and staff meetings, even when all staff are present.
- Adults should stay at least 6 feet away from children and youth as much as possible while meeting their developmental and learning needs.



- If it is not possible to stay 6 feet apart, keep the interaction as short as possible, make sure to wear face coverings, and consider wearing a face shield in addition to a face covering, to further provide eye protection.

Face masks and cloth face coverings

Face masks and other cloth face coverings keep people from spreading the infection to others, by trapping respiratory droplets before they can travel through the air. They are one of the most important measures to protect staff and children from COVID-19.

- All adults and children 10 years and older must wear face masks or cloth face coverings over both their nose and mouth at all times.
 - Staff, family and visitors may not enter the building unless they are wearing a face covering or have documentation of a medical contraindication to face coverings (in which case, they must wear an alternative face covering, such as a face shield with a drape on the bottom edge, unless a medical professional has provided a written exemption to this alternative face covering requirement). Keep a supply of face coverings for individuals who have forgotten to bring one.
 - Family members must wear face coverings when dropping-off or picking-up a child or youth.
- Children 2-9 years old should use face coverings as much as feasible, especially during the following times:
 - During group activities or playtime when children are not physical distancing, especially indoors.
 - In situations where children may encounter staff and children from other cohorts, for example, at drop-off and pickup, and in hallways, bathrooms and outside play areas.
 - If a child becomes ill after arriving and is waiting for pick-up.
- Reusable cloth face masks are recommended over surgical masks, which should be reserved for medical personnel, and can be sent home with families to be laundered.
- Avoid excluding children from the program or disciplining them for not wearing a face covering. Continue to encourage and remind them to wear their face covering. A child who refuses to wear face coverings at home may be more willing to wear a face covering in a setting where all staff and other children are wearing them.

The widespread use of face coverings can significantly reduce the spread of infection, even if a few children are unable to wear face coverings. Consistent face covering use by adults is very important in preventing the spread of COVID-19, since many cases of COVID-19 in youth settings so far have been adult staff who were infected in the community.

Exemptions to cloth face coverings; use of face shields

- Children 0-1 year old must not wear face coverings due to the risk of suffocation.
- When a person is unconscious, asleep, or otherwise unable to remove the face covering independently.



- Children and youth with documented medical or behavioral contraindications to face coverings are exempt. This includes children and youth who are unable to tolerate face coverings due to autism or sensory sensitivity, or children and youth unable to independently remove face coverings due to developmental delay or disability.
- Staff with a medical contraindication documented by a medical provider to a face covering may be allowed to wear a face shield with a cloth drape on the bottom tucked into the top of their shirt. However, this is not thought to be as effective as a face covering in preventing spread of infection. <https://covid19.ca.gov/masks-and-ppe/>
- Staff working with children and youth who are hard-of-hearing may use a clear mask (a disposable or cloth face mask with a clear window). If this is not feasible, a face shield with a cloth drape tucked into the shirt may also be used. Staff must wear a face covering at other times, for example, in staff-only areas.
- Do not use face shields in place of face coverings unless absolutely required, such when working with hard of hearing children and youth. Face shields have not been shown to keep the wearer from infecting others.
- Consider using a face shield in addition to a face mask or cloth face covering. Face shields provide additional eye protection for the wearer. When used with a mask or face covering, a cloth drape is not needed.

Hand hygiene

Frequent handwashing for at least 20 seconds and hand sanitizer use removes COVID-19 germs from people's hands before they can infect themselves by touching their eyes, nose or mouth.

- Develop routines and schedules for staff, children and youth to wash or sanitize their hands at staggered intervals, especially before and after eating, upon entering/re-entering a space, and before and after touching shared equipment such as computer keyboards.
- Every space and common area (staff work rooms, eating areas) must have hand sanitizer or a place to wash hands upon entering.
- Establish procedures to ensure that sinks and handwashing stations do not run out of soap or paper towels, and that hand sanitizer does not run out.
- Post signs encouraging hand hygiene. A hand hygiene sign in multiple languages is available for download at <http://eziz.org/assets/docs/IMM-825.pdf>

Ventilation and outdoor spaces

Increasing outdoor air circulation lowers the risk of infection by "diluting" any infectious respiratory droplets with outdoor air. Being outside is even lower risk.

- Do as many activities outside as possible, especially snacks/meals and physical activities.
- Stagger use of outdoor spaces to keep cohorts from mixing. If the outdoor space is large enough, consider designating separate spaces for each cohort.



- Open windows to increase ventilation with outdoor air when health and safety allow, for example, when it does not worsen individuals' allergies or asthma. When health and safety allow, also consider also leaving room doors slightly open to promote flow of outdoor air through the indoor space.
- Adjust mechanical ventilation systems to maximize fresh (outdoor) air ventilation. Minimize or eliminate return or recirculated air.
- For mechanical ventilation systems, increasing the intake of outdoor air and minimizing recirculated air should be prioritized over increasing filter efficiency during the COVID-19 pandemic.

Generally, opening windows and adjusting mechanical ventilation systems to maximize outdoor air intake will effectively increase the amount of outdoor air in a room. Although increased filter efficiency may be desirable for other reasons, such as improving indoor air quality near freeways or during wildfires, it is less important than maximizing outdoor air intake for COVID-19. Improving filter efficiency may require significant upgrades to the mechanical ventilation system. Portable air cleaners may be considered, but must be sized and positioned appropriately for the specific space.

Limit sharing

- Limit sharing of art supplies, school supplies, manipulatives, and other high-touch materials as much as possible. If feasible, have a separate set of supplies for each child and youth.
- Limit use of shared playground equipment in favor of activities that have less contact with shared surfaces.
- If used, outdoor play structures and natural play areas only need routine maintenance. Make sure the children wash or sanitize their hands before and after using these spaces. When hand hygiene is emphasized, cleaning and disinfection of outdoor play areas is not required between cohorts.

Cleaning and disinfection

Many household disinfectants are effective against COVID-19. Refer to [EPA's List N](#) for EPA-approved disinfectants effective against COVID-19.

- Clean and disinfect frequently touched surfaces at least daily.
- Routine cleaning for COVID-19 focuses on frequently touched surfaces like door handles, desks, countertops, phones, keyboards, light switches, handles, toilets and faucets.
- Cleaning after a suspected or known case of COVID-19 **uses the same cleaning agents and disinfectants** as for routine cleaning, but includes the following steps:
 - Open windows and use fans to increase outdoor air circulation in the areas to be cleaned.
 - Wait 24 hours, or as long as practical, before cleaning and disinfection. CDPH recommends waiting at least 1 hour.¹

¹ CDPH Outpatient Healthcare Facility Infection Control Recommendations for Suspect COVID-19 Patients <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/OutpatientHealthcareFacilityInfectionControlRecommendationsforSuspectCOVID19Patients.aspx>



- Clean and disinfect all surfaces in the areas used by the ill person, including electronic equipment like tablets, touch screens, keyboards, and remote controls. Vacuum the space if needed.
- For details, refer to CDC guidelines on “Cleaning and Disinfecting Your Facility” at <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html> and CDC guidelines for cleaning schools and community facilities at <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html#Cleaning>
- Note that the term “deep cleaning” can be misleading, and the CDC does not use the term.

Specific Situations

Transportation

Since vehicles are small enclosed spaces that do not allow physical distancing, they can be settings with higher risk of COVID-19 transmission. Biking and walking are lower risk than shared vehicles.

- Public transportation: Wear face coverings, maintain at least 6 feet of physical distancing as much as possible, and practice hand hygiene upon arrival.
- Carpools and shared rides: Advise staff and families to carpool with the same stable group of people. Open windows and maximize outdoor air circulation when feasible. Everyone in the vehicle used for these purposes must wear a face covering.

Drop-off and pick-up

Children, youth and parents/caregivers from different households should not gather and interact with each other during arrival and dismissal, as this creates an opportunity for COVID-19 to spread in the community.

Limit staff contact with families at drop-off and pick-up

- Stagger arrival and dismissal times to minimize contact, using different entrances/exits for each cohort when possible.
- Mark spaces at least 6 feet apart for children and youth waiting to enter the building and for adults waiting to pick up children. Post signs to remind family members to stay at least 6 feet away from people from other households when dropping off or picking up their student.
- Require face coverings for family members who are dropping off or picking up children and youth.

Meals and snacks

Eating together is especially high risk for COVID-19 transmission because people must remove their face coverings to eat and drink. Children and youth often eat with their hands, and both children and adults often touch their mouths with their hands while eating. In addition, meals are usually considered time for talking together, which further increases risk, especially if children and youth must speak loudly to be heard.



- Eating outdoors is safer than eating indoors. Outdoor eating areas may be covered (e.g. with an awning), as long as no more than one side is closed, allowing sufficient air movement. Designate an eating area for each group, and mark places at least 6 feet apart for students to sit. Without marked spaces, children might sit more closely.
- Use individually plated or bagged meals or snacks instead of family-style meals.
- Space children and youth as far apart as possible when eating, and try to seat them so they do not sit face-to-face. Physical distancing is especially important when eating, since face coverings cannot be worn.
- Make sure that children and youth and staff wash their hands or use hand sanitizer immediately before and after eating. Pay special attention to children who like to suck/lick food off their hands.
- Staff should try as much as possible to stay at least 6 feet away from children who are not wearing face coverings, especially when they are eating indoors. Staff should remember to wear face coverings if children are eating.
- Clean and disinfect tables and chairs between different cohorts. If eating outdoors, sidewalks and asphalt do not have to be disinfected.

Staff spaces: offices, break rooms and work rooms

Staff often do not view themselves and colleagues as sources of infection, and forget to take precautions with co-workers, especially during social interactions such as breaks or lunch time.

- Staff should try not to eat with other staff, especially indoors. This is a common way that staff are exposed to COVID-19 at work.
- Post signage reminding staff to stay 6 feet apart, keep their face coverings on unless eating, wash their hands before and after eating, and disinfect their area after using it.
- Consider creating a private outdoor area for staff to eat and take breaks.
- Open windows and doors to maximize ventilation in staff spaces.

Sports and exercise

Exercising is an area of higher risk for transmission due to the potential for close contact and increased breathing. Youth sports require special consideration and special precautions. Any program that involves sports or physical education, as all or part of its programming, must comply with these guidelines.

- All sports, physical conditioning, and training must occur outside.
- Participants must stay at least 6 feet apart at all times. Sports that require closer contact are not permitted. Physical conditioning and individual training to support such sports (e.g., running drills, practicing skills, and doing calisthenics) is permitted as long as participants can stay 6 feet apart at all times.
- Face coverings must be worn by all participants at all times (participants should avoid heavy exertion because it may make wearing face coverings more difficult).
- Limit sharing of equipment between youth in a cohort. Clean any shared equipment frequently. Do not share equipment between cohorts unless it has been cleaned and disinfected.
- Youth from different cohorts may not play against or with each other.



- Tournaments, events, and competitions are not permitted.
- Please see the state's guidance regarding Youth Sports at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Youth-Sports-FAQ.aspx>.

Students receiving special services

- Therapists and other support staff are considered essential staff and should be allowed onsite to provide services.
- Accommodations and related services for special education, learning disabilities and medical conditions should be met, even if it creates cross-over between cohorts. Provide supervision for children who need additional support maintaining physical distancing, wearing a face covering, or handwashing.
- Additional accommodations may be needed for students to safely attend class. For example, a student who cannot tolerate a face covering due to a medical or developmental condition may need a desk with clear screens or privacy barriers.

Other activities

- Avoid group singing. Suspend choir and wind instruments (band). These activities are higher risk for COVID-19 transmission due to the larger numbers of respiratory droplets produced. Percussion and string instruments are allowed.
- Field trips are currently not allowed due to the potential for increased transmission. Please stay updated with state and local guidance.

What to do when someone has suspected or confirmed COVID-19

Refer to *"When someone has suspected or confirmed COVID-19: Quick Guide for Schools, Childcares, and Programs for Children and Youth"* at <https://sfcdcp.org/CovidSchoolsChildcare> for information on:

- Steps to take when staff or children and youth have COVID-19 symptoms, have been exposed (for example, a parent or sibling has tested positive), or have confirmed COVID-19.
- Returning to the program after COVID-19 symptoms, close contact, or confirmed COVID-19.

When a child and youth or staff member has symptoms of COVID-19

- Staff who develop symptoms at work must notify their supervisor and leave work as soon as feasible. For SFPDH guidance on when workers with COVID-19 symptoms may return to work, see <https://sfcdcp.org/rtw>.
- Keep ill children and youth in a separate area, away from other children and youth, until they can be picked up. Make sure that children and youth keep their face coverings on.
- When a parent or guardian arrives, consider walking the child outside to meet them instead of allowing the parent or guardian into the building. Since it is common that children with COVID-19 are infected by a parent or other adult in their home, the parent may also have COVID-19.
- Encourage family members of students and staff with symptoms of COVID-19 to get tested promptly, before they can spread infection to students and staff.



- Open windows in areas used by the sick person to maximize outdoor air circulation. Close off those areas as soon as feasible, until they can be cleaned and disinfected.
- Children and youth with symptoms may return to the program when they have met the criteria in “When someone has suspected or confirmed COVID-19: Quick Guide for Schools, Childcares, and Programs for Children and Youth.” A parent handout, “For Parents and Guardians: COVID-19 Health Checks for Children and Youth/If Your Child Has Symptoms” is also available. Both documents are at <http://sfcdcp.org/CovidSchoolsChildcare>.

When a child and youth or staff member has a positive COVID-19 test

- Contact the SFDPH Schools and Childcare Hub for consultation and guidance at **(415) 554-2830, Press 1 for COVID-19, then press 6 for Schools**
Schools-childcaresites@sfdph.org
- **Work with SFDPH to identify staff, children and youth and other people in the program who had close contact** with the person with COVID-19. Individuals who had close contact should be notified, know how to get tested, and understand when they or their child can return to the program, usually 14 days after their last exposure. Please refer to “*Frequently Asked Questions (FAQ): COVID-19 Contact Tracing at Schools, Childcares, and Programs for Children and Youth*” at <http://sfcdcp.org/CovidSchoolsChildcare>.
- **Close the areas used by the person with COVID-19 until they can be cleaned and disinfected.**
- **Communicate with staff and families.**
Maintain the confidentiality of the child, youth family, or staff member with COVID-19 as required by the Americans with Disabilities Act, the Family Education Rights and Privacy Act, and possibly HIPAA.

Resources

San Francisco Department of Public Health (SFDPH)

- **SFDPH Schools and Childcare Hub** for COVID-19 consultation and guidance (415) 554-2830. Press 1 for COVID-19, then press 6 for Schools
Schools-childcaresites@sfdph.org
- COVID-19 guidance for the public, including schools and employers
<https://www.sfcdcp.org/covid19>
- Outreach Toolkit for Coronavirus. Posters and flyers on physical distancing, hand hygiene, face masks, health screenings, getting tested, and other COVID-19 topics at
<https://sf.gov/outreach-toolkit-coronavirus-covid-19>
- “*What to Do When Someone Has Suspected or Confirmed COVID-19: Quick Guide for Schools, Childcares, and Programs for Children and Youth*”, at <https://sfcdcp.org/CovidSchoolsChildcare>
- “*Parent and Caregiver Handout: COVID-19 Health Checks/If Your Child has Symptoms.*” Instructions for parents on health screenings and return to school guidelines if their child has COVID-19 symptoms, at <http://sfcdcp.org/CovidSchoolsChildcare>
- “*Frequently Asked Questions (FAQ): COVID-19 Contact Tracing At Schools, Childcares, and Programs for Children and Youth*”, at <https://sfcdcp.org/CovidSchoolsChildcare>



- *"What to Do if Someone at the Workplace Tested Positive for COVID-19"*
<https://www.sfcddcp.org/covid19> under Businesses and Employers.
- *"Leaving Isolation or Returning to Work for Those Who Have Confirmed or Suspected COVID-19"*
<https://www.sfcddcp.org/rtw>

California Department of Public Health (CDPH)

- *"Guidance for Small Cohorts/Groups of Children and Youth"*
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/small-groups-child-youth.aspx>
- *"Youth Sports Questions and Answers"*
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Youth-Sports-FAQ.aspx>

Centers for Disease Control and Prevention (CDC)

- Guidance for Schools and Childcare
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html>
- Guidance for Child Care Programs that Remain Open
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>
- Cleaning and Disinfection for Community Facilities
<https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html>

Health Officer Directive No. 2020-21c (Exhibit B) Health and Safety Plan (issued 9/11/2020)

Each Out of School Time Program must complete, post onsite, and follow this Health and Safety Plan.

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

Business/Entity name:

Contact name:

Entity Address:

Contact telephone:

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

- Business is familiar with and complies with all requirements set forth in Health Officer Directive No. 2020-21c, available at <http://www.sfdph.org/directives>.
- Designate a COVID-19 staff liaison. *Liaison name:*
- Protocols have been established in the event a child or staff member has symptoms of COVID-19, has close contact with a person with COVID-19, or is diagnosed with COVID-19.
- Program prioritizes enrollment for at risk children and youth and children and youth of people who work in essential businesses or essential governmental functions, followed by people who work in other businesses and organizations that are allowed to remain open or re-open under San Francisco Health Orders.
- Everyone who enters the facility is screened for COVID-19 symptoms or exposure.
- Parents are informed to keep children home when ill.
- Sick leave policies support personnel to stay home when ill.
- Limiting non-essential visitors, including volunteers, to the greatest extent possible.
- Cohort size is limited to 14 children and no more than two supervising adults, or a configuration of no more than 16 individuals total (children and adults) in the cohort, or the maximum number of children or youth able to maintain 6 feet of social distancing, whichever is lower .
- Sessions are a minimum of three weeks long.
- Staff is assigned to one cohort and works solely with that cohort.
- Interaction between cohorts is minimized to the greatest extent feasible.
- Each cohort is in a separate room or space or a solid non-permeable, cleanable partitions extending from the floor and at least 8 feet high separates the cohorts.
- Physical distancing between adults is maintained as much as possible.
- Physical distancing between children is encouraged as appropriate depending on the nature and location of the activity.
- All adults and children 10 years and older wear a face covering unless eating or drinking or otherwise exempt.

Health Officer Directive No. 2020-21c (Exhibit B)
Health and Safety Plan (issued 9/11/2020)

Each Out of School Time Program must complete, post onsite, and follow this Health and Safety Plan.

- Children 2-9 years are encouraged to wear face coverings to the extent feasible, especially during the following times:
 - During group activities or playtime when children are not physical distancing, especially indoors;
 - Where children may encounter staff and children from other cohorts; and
 - If a child becomes ill after arriving and is waiting for pick up (and is not asleep)
- Protocols for frequent hand washing and/or sanitizing are in place.
- Activities are done outdoors to the greatest extent possible.
- Ventilation is maximized to the greatest extent possible through opening windows (when safe to do so) and/or adjusting mechanical ventilation to maximize fresh (outdoor) air ventilation, as appropriate.
- Sharing of supplies and high-touch material is limited to the extent possible.
- Frequently touched surfaces, supplies and other objects are cleaned and disinfected regularly.
- Staff contact with families at drop-off and pick-up is limited as much as possible.
- Children are placed as far apart as possible during meals and snacks.
- Sports and physical education are permitted only when at least six feet of physical distance can be maintained between all participants at all times.
- No group singing or playing wind instruments.
- No field trips.

Additional Measures

Explain:



DIRECTIVE OF THE HEALTH OFFICER No. 2020-21d

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR OUT OF SCHOOL TIME PROGRAMS**

(PUBLIC HEALTH DIRECTIVE)

DATE OF DIRECTIVE: September 22, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that out of school time programs as described below must follow as part of the local response to the Coronavirus Disease 2019 (“COVID-19”) pandemic. This Directive constitutes industry-specific guidance as provided under Section 4.e of Health Officer Order No. C19-07h issued on September 1, 2020 (the “Stay-Safer-At-Home Order”) and, unless otherwise defined below, initially capitalized terms used in this Directive have the same meaning given them in that order. This Directive goes into effect immediately upon issuance, and remains in effect until suspended, superseded, or amended by the Health Officer. This Directive has support in the bases and justifications set forth in the Stay-Safer-At-Home Order. As further provided below, this Directive automatically incorporates any revisions to the Stay-Safer-At-Home Order or other future orders issued by the Health Officer that supersede that order or reference this Directive. This Directive is intended to promote best practices as to Social Distancing Requirements and sanitation measures, helping prevent the transmission of COVID-19 and safeguard the health of workers, children, their families, and the community.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER DIRECTS AS FOLLOWS:

- 1. This Directive applies to 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. This Directive does not apply to schools, childcare programs for young children not yet in elementary school, or summer camps.**
- 2. Attached as Exhibit A to this Directive is updated guidance from the Department of Public Health for OST Programs (“Guidance”). All OST Programs must comply with all applicable requirements listed in the Guidance.**
- 3. Each OST Program must create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”). The Health and Safety Plan must be substantially in the form attached to this Directive as Exhibit B.**
- 4. Each OST Program must (a) make the Health and Safety Plan available upon request to all Personnel working on site and to the parent(s) or guardian(s) of each child it serves, (b) provide a summary of the plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the plan at the entrance to any other physical location that the OST Program operates within the City. Also, each OST Program must provide a copy of the Health and Safety Plan**



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and evidence of its implementation to any authority enforcing this Directive or the Stay-Safer-At-Home Order upon demand.

5. Each OST Program must complete the online registration form available at <https://www.dcyf.org/care>.
6. Each OST Program must require the parent/guardian of each child that participates in the program to sign an acknowledgement of health risks containing the following language:

The collective effort and sacrifice of San Francisco residents staying at home limited the spread of COVID-19. But community transmission of COVID-19 within San Francisco continues, including transmission by individuals who are infected and contagious, but have no symptoms. Infected persons are contagious 48 hours before developing symptoms (“pre-symptomatic”), and many are contagious without ever developing symptoms (“asymptomatic”). Pre-symptomatic and asymptomatic people are likely unaware that they have COVID-19.

The availability of childcare and youth programs is an important step in the resumption of activities. However, the decision by the Health Officer to allow childcare and youth programs for all families at facilities that follow required safety rules, does not mean that attending such programs is free of risk. Enrolling a child in childcare or youth programs could increase the risk of the child becoming infected with COVID-19. While the majority of children that become infected do well, there is still much more to learn about coronavirus in children, including from recent reports of Multisystem Inflammatory Syndrome in Children (MIS-C).

Each parent or guardian must determine for themselves if they are willing to take the risk of enrolling their child in childcare/youth program, including whether they need to take additional precautions to protect the health of their child and others in the household. They should particularly consider the risks to household members who are adults 60 years or older, or anyone who has an underlying medical condition. Parents and guardians may want to discuss these risks and their concerns with their pediatrician or other health care provider.

More information about COVID-19, MIS-C, and those at higher risk for serious illness is available on the Centers for Disease Control and Prevention website at <https://www.cdc.gov/coronavirus/2019-ncov/>.

I understand the risks associated with enrolling my child in childcare/youth programs, and agree to assume the risks to my child and my household. I also agree to follow all safety requirements that the childcare/youth program imposes as a condition of enrolling my child.

7. OST Programs may not enroll children for fewer than three weeks.
8. OST Programs must limit group size to a maximum of 14 children and youth and no more than two supervising adults, or a configuration of no more than 16 individuals



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total (children and youth or adults) per room or space, or the maximum number of children or youth able to maintain 6 feet of social distancing, whichever is lower. To minimize the risk of transmission, groups should be limited to the smallest size possible.

9. Because schools are not permitted to be open at this time unless the school receives approval from the Health Officer, schools may not operate an OST Program. But for clarity:
 - schools can run small stable physical education cohorts outdoors as part of their distance learning program, subject to the requirements for OST Programs—but team sports where youth are required to attend practice is not permitted;
 - schools can run childcare programs for the children of its own teachers and staff who are coming to the facility to provide or support distance learning;
 - schools may operate to provide in-person specialized and targeted support services to vulnerable children and youth, as provided in Section 5.a.3 of the Stay-Safer-At-Home Order; and
 - schools that have received approval from the Health Officer to open for on-site, in-person instruction may offer OST programs, such as after schools programs, to students who are on-site for school. Children and youth must be kept in the same cohorts for OST programs as they are for school programming, to the greatest extent possible.
10. Subject to agreement of the owner, and compliance with any relevant licensing requirements and land use laws, OST Programs may operate on sites that are otherwise not permitted to be open to the public.
11. Each OST Program subject to this Directive must provide items such as Face Coverings (as provided in Health Order No. C19-12c issued on July 22, 2020, and any future amendment to that order), hand sanitizer or handwashing stations, or both, and disinfectant and related supplies to any of that OST Program's Personnel. If any OST Program is unable to provide these required items to Personnel or otherwise fails to comply with required Guidance, then it must cease operating until it can fully comply and demonstrate its strict compliance. Further, as to any non-compliant operation, any such OST Program is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.
12. For purposes of this Directive, "Personnel" includes all of the following people who provide goods or services associated with the Host in the City: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); vendors who are permitted to sell goods onsite (such as farmers or others who sell at stalls in farmers' markets); volunteers; and other individuals who regularly provide services onsite at the request of the Host. "Personnel" includes "gig workers" who perform work via the business's app or other online interface, if any.
13. This Directive may be revised by the Health Officer, through revision of this Directive or another future directive or order, as conditions relating to COVID-19 require, in the discretion of the Health Officer. All OST Programs must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive



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by checking the Department of Public Health website (www.sfdph.org/healthorders; www.sfdph.org/directives) regularly.

- 14. OST Programs must prepare, post, and implement a Social Distancing Protocol substantially in the form of Appendix A to the Stay-Safer-At-Home Order, as provided under applicable provisions of Section 4.d of the Stay-Safer-At-Home Order. The OST Program must follow those Best Practices and update them as necessary for the duration of this Directive, including, without limitation, as this Directive is amended or extended in writing by the Health Officer and consistent with any extension of the Stay-Safer-At-Home Order, any other order that supersedes that order, and any Health Officer order that references this Directive**

This Directive is issued in furtherance of the purposes of the Stay-Safer-At-Home Order. Where a conflict exists between this Directive and any state, local, or federal public health order related to the COVID-19 pandemic, including, without limitation, the Social Distancing Protocol, the most restrictive provision controls. Failure to carry out this Directive is a violation of the Stay-Safer-At-Home Order, constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by fine, imprisonment, or both.

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

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

Date: September 22, 2020



Interim Guidance for Out-of-School Time Programs

September 11, 2020

This guidance was developed by the San Francisco Department of Public Health (SFPDH) for local use. It will be posted at <http://www.sfdcp.org/CovidSchoolsChildcare>. This guidance may change as new knowledge emerges and local community transmission changes.

AUDIENCE: Educational and recreational programs that provide care and supervision for children when they are not attending school or child care in-person. Out-of-school time (OST) programs include afterschool programs, youth sport programs, in-person programs to support distance learning such as learning hubs, and other group care for children and youth not run by schools or child care programs.

Summary of Changes since the 9/1/2020 Version

Updated to align with [California Department of Public Health \(CDPH\) guidance on small cohorts/groups of children and youth](#) published on 9/4/2020.

- Cohorts may have up to 16 persons including staff, children and youth.
- Each cohort may have up to 4 staff, including trained volunteers and interns.
- Staff who work only with children 0-5 years old may work with two cohorts of children and youth. However, they must work in exclusive “staff groups” of up to 4 staff, where people in a staff group work only with each other, and all staff in a group work with the same two cohorts of children.

PURPOSE: To help OST programs understand health and safety practices needed to prevent spread of COVID-19 in their programs.

BACKGROUND: San Francisco Health Orders allow OST programs in San Francisco to open. Many OST programs support remote learning for students, and provide additional in-person support.

Certain precautions, such as wearing cloth face masks, effectively decrease the risk of COVID-19 transmission. Coordinating and layering effective interventions can greatly reduce the risk of COVID-19 for children and for adult staff, whose overall risk of COVID-19 is greater than for children and youth, and their families.

The guidelines below are based on the best science available at this time and the current degree of COVID-19 transmission in San Francisco. They are subject to change as new knowledge emerges and as local community transmission changes.



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Key messages for Programs for Children and Youth

- **Address adult-to-adult transmission, and adults as sources of infection.** Most COVID-19 cases in childcare and day camp settings have occurred in staff, not children.
- **Preventing person-to-person transmission via respiratory transmission is more important than frequent cleaning and disinfection.** COVID-19 mainly spreads from person-to-person via respiratory droplet in the air.
 - **Coronavirus is easy to kill on surfaces compared to norovirus.** Most household cleaning products are effective. Professional deep cleaning services are generally unnecessary.
- **The use of personal protective equipment (PPE) does not eliminate the need for physical distancing, portable barriers/partitions and universal face coverings.** PPE can give people a false sense of security. Physical distancing, barriers and face coverings are important in preventing the spread of COVID-19 in OST program settings.
- **Exposure risk lies along a continuum.** A rule of thumb is that a person must spend at least 15 minutes within 6 feet of someone with COVID-19 to be at risk of infection.
 - Spending less time together is lower-risk than more time; being further apart is better than being closer together.
 - Smaller group sizes are better than larger, outdoor settings are better than indoor ones.
 - More people using face coverings is better than fewer people using face coverings.
 - Activities that produce fewer respiratory droplets are lower risk than those that produce many droplets (silence < quiet talking < loud talking < singing).
- **Adult staff are at higher risk of severe COVID-19 than children.** Recommendations for distancing and face coverings should prioritize staff safety and maximal protection of staff.

Prepare for Opening

- Designate a COVID-19 staff liaison to be the single point of contact at each site for questions or concerns around practices, protocols, or potential exposure. This person will also serve as a liaison to SFDPH.
- Establish health and safety protocols to prevent COVID-19 transmission.
 - Train staff and teach children and youth about health and safety practices. Avoid having in-person staff development, meetings, or team-building during the two weeks before the OST program opens or during the program if possible.
 - Create a health and safety plan outlining what the program will do to implement the requirements in this guidance and any relevant Health Officer Directives or orders. Share this plan with staff, families, and other members of the your program's community.
- Work with SFDPH to develop a strategy to regularly test all OST staff for COVID-19, even if they do not have COVID-19 symptoms or exposure ("surveillance testing"). For example, a program might test all staff over 2 months by testing 25% of staff are tested every 2 weeks, or 50% every month. Programs may not be able to do surveillance testing during times when labs do not have enough tests, and must prioritize people with COVID-19 symptoms or exposure.



- Establish protocols for staff, children and youth with symptoms of COVID-19 and for communication with staff, children and youth, and families after COVID-19 exposure or a confirmed COVID-19 case in the facility.

Staff Considerations

Protect staff, especially those at higher risk of severe COVID-19 illness. See [sfgdcp.org/covid19hcp](https://www.sfgdcp.org/covid19hcp) for a list of groups at higher risk for severe COVID-19.

- Staff at higher risk for severe COVID-19 illness should not be assigned to screen children and youth for symptoms or monitor/care for sick children waiting to be picked up.
- Consider the use of a portable plexiglass barrier or other barrier, or use a clear window for staff when screening for COVID-19 symptoms (persons entering the building, children who feel sick).
- Consider the use of face shields, to be used with face coverings, for staff. If supplies of face shields are limited, prioritize them for staff who are in groups at higher-risk of severe COVID-19 illness.
- Plan ahead for staff absences in case community transmission of COVID-19 increases. Recruit people experienced caring for children and youth to ensure that you have a roster of substitute caregivers who can fill in. For more information, see SFDPH return-to-work guidelines at <https://www.sfgdcp.org/rtw>.

Children and Youth Enrollment Considerations

- Prioritize enrollment of the following groups:
 - At-risk children and youth, including:
 - Children and youth who are clients of Family and Children’s Services (FCS) or are at risk of abuse, neglect, or exploitation
 - Children eligible through the Emergency Childcare Bridge Program for Foster Children
 - Children and youth experiencing homelessness
 - Foster children
 - Children of domestic violence survivors
 - Children and youth with disabilities or special health care needs whose individualized education programs (IEP) and/or individual family support plans (IFSP) include ELC services
 - Children and youth from low-income families, including those who receive or are eligible for free or reduced school lunch, Medi-Cal, SNAP (food stamps), WIC, Head Start, CalWorks and other public assistance programs.
 - Children and youth of people who work in essential businesses or essential governmental functions, followed by people who work in other businesses and organizations that are allowed to remain open or re-open under San Francisco Health Orders.
- Do not exclude children and youth because of medical conditions such as diabetes, asthma, leukemia and other malignancies, and autoimmune diseases that may put them at higher risk of severe COVID-19. Allow the child’s medical team and family to determine whether in-person attendance is safe.



Strategies to Prevent Spread of COVID-19

Screen everyone entering the building for COVID-19.

- Ask all persons entering the childcare facility about symptoms of COVID-19 and exposure to COVID-19 – including staff, children, parents/caregivers, contractors, and visitors. Emergency personnel responding to a 9-1-1 call are exempt.
- Do not allow people who answer “yes” to any of the screening questions to enter the facility.
- Programs may also choose to require temperature checks of people entering the building, either on-site or done by parents at home. SFPDH does not require temperature checks.
 - For specific guidance on conducting symptom screening and temperature checks, see [COVID-19 Health Checks at Programs for Children and Youth](#) (children) and [Asking COVID-19 Screening Questions at Any Business, Organization or Facility](#) (adults)



Staff, children and youth who are sick must stay home.

- Remind parents to keep children home when ill. A parent/guardian handout, “*COVID-19 Health Checks/If Your Child has Symptoms*” is available at <https://sfcddcp.org/covidschoolschildcare>.
- Implement sick leave policies that support staff to stay home when ill.
- Encourage family members of children and youth and staff to get tested promptly if they have symptoms of COVID-19, to lower the risk of spread to children or staff.
- Encourage children and staff to stay home for 14 days after traveling out of the San Francisco Bay Area, if their activities during their trip put them at risk for COVID-19 infection. This does not apply to staff and children who regularly commute to childcare from places outside of the San Francisco Bay Area. Higher-risk activities include:
 - Spending time within 6 feet of people outside their household when not wearing face masks, especially if indoors.
 - Travel on planes, buses, trains, or other vehicles shared with people outside their household when face coverings were not worn at all times by all passengers.

Restrict non-essential visitors.

- Allow only volunteers who are essential to the program operations. Volunteers should commit to regular, scheduled participation for at least 3 weeks duration.
- Therapists who are not OST programs employees but work with children and youth on-site at OST programs, such as ABA therapists, occupational therapists and physical therapists, are considered essential staff and should be allowed to provide services. See section titled “*Students receiving special services*”
- Discourage parents and other family members from entering the building.
- Cancel special events that involve parents and families, such as festivals, holiday events, and performances.



Keep staff, children and youth in small, stable groups (“cohorts”).

A cohort is a stable group that has the same staff, children and youth each day, stays together for all activities (e.g., snacks, recess, etc.), and avoids contact with people outside the group. Keeping staff, children and youth in the same small cohort each day lowers their exposure risk by limiting the number of people they interact with.

Limit cohort size

- Limit cohorts to no more than 14 children and youth and no more than two supervising adults, or no more than 16 individuals total (children, youth and adults).
- San Francisco requires that each cohort be supervised by no more than 4 staff, including trained volunteers and interns.
- The maximum cohort size applies to all children and youth in the cohort, even if not all children attend the program at the same time. For example,
 - A cohort may not include 2 staff, 6 children who attend full-time, 6 children on Mon/Wed/Fri, and 6 children on Tu/Th (total of 20).
 - A cohort may not include 2 staff, 8 children who attend for the entire day, 4 who attend mornings only, and 4 who attend afternoons only (total of 18).
 - A cohort may not include 14 children, a teacher, one parent-volunteer on MWF, and a 2nd-parent volunteer on Tu/Th (total of 17).

Keep stable cohorts with the same staff, children and youth. Avoid changes to cohorts.

- Newly enrolled children and youth may join a cohort at any time, but they must enroll for a period of at least 3 weeks. Do not allow children to attend for shorter periods.
- Children and youth must only participate in one OST program at a time, even if the programs occur on different days of the week. For example, a child may not attend both a learning hub M-F and a Saturday youth sports program.
- Staff who work with children over 5 years of age must be assigned to only one cohort and work only with that cohort. Staff may not work with more than one cohort of children or youth. For example,
 - Staff working with children over 5 may not work with one cohort on Mon/Wed/Fri and another cohort on Tu/Th.
 - Staff working with children over 5 may not work with 1 cohort in the mornings, and another in the afternoons.
- Staff who work only with children 0-5 years of age may be assigned to two cohorts. Programs where staff work with two cohorts must place staff in groups of up to 4 staff members. Everyone in a staff group must work with the same two cohorts. Staff must work only with other staff in their staff group, and can only be in 1 staff group. For example:
 - Allowed: (3 staff members in a group working with 2 cohorts)
Staff A and B work with one cohort of children on Mon/Wed/Fri.
Staff B and C work with a different cohort of children on Tu/Th.



- Not allowed (5 staff members working with 2 cohorts) :
Staff A, B and C work with one cohort of children on Mon/Wed/Fri.
Staff C, D and E work with another cohort of children on Tu/Th.
- Not allowed: (4 staff members working with 3 cohorts)
Staff A and B work with cohort 1 on Mon/Wed/Fri.
Staff A and C work with cohort 2 on Tu/Th mornings.
Staff B and D work with cohort 3 on Tu/Th afternoons.
- Substitute providers who are covering for short-term staff absences are allowed, but must only work with only one cohort of children per day.
- “Floaters,” who provide brief coverage for providers throughout the day, must work with only one cohort of children per day.
- When determining the number of staff in a cohort, do not count people who provide one-to-one services to individual children but do not interact with the entire cohort. This includes but is not limited to occupational therapists, physical therapists, speech and language therapists, and ABA providers. See the San Francisco Health Directive on Specialized Support Services for more information at <https://www.sfdph.org/dph/alerts/files/Directive-2020-26-Specialized-Support.pdf>
- Avoid changing staff assignments if possible.

Keep cohorts from mixing.

- Each cohort must be in a separate room or space.
- Minimize interactions between cohorts, including interactions between staff assigned to different cohorts.
 - Assign children and youth who live together or carpool together to the same cohort, if possible and if consistent with age and learning concerns.
 - For specialist activities such as art and music, staff may cross between cohorts to meet children’s educational and enrichment needs. Limit staff movement between cohorts as much as possible. Staff must document visits that are not part of their cohort. Consider using a sign-in sheet/log to keep track of when staff have worked with different cohorts, to help you trace which students and staff were exposed to COVID-19 after a COVID-19 case occurs in the program.
 - Stagger playground time and other activities so that no two cohorts are in the same place at the same time.
- Avoid moving children and youth from one cohort to another, unless needed for a child or youth’s overall safety and wellness.

Partition large indoor spaces to prevent direct air flow between cohorts.

- A room divider or partition may be used to allow more than one cohort to use a large indoor space if the following requirements are met:
 - All cohorts are from the same program.



- Staff, children and youth do not need to enter another cohort's space to access bathrooms, kitchens, other common areas or exits. If one cohort must pass through another cohort's space to access bathrooms, kitchens, exits or other common areas, use partitions to separate the pass-through space from both cohorts.
- The room divider must prevent direct air flow between cohorts.
 - Best Practice: Solid, non-permeable, cleanable partitions extending to as close to the ceiling as practical to reduce direct and indirect air flow between cohorts.
 - Minimum Requirement: Solid non-permeable, cleanable partitions extending from the floor and at least 8 feet high.
- The room divider must not:
 - Interfere with ventilation of each space. If mechanical ventilation is used, supply and return diffusers must be present on each side of the partitions
 - Obstruct sprinkler systems, access to emergency exits and other fire and building codes.
- If smoke detectors are required and/or are in use in the building, separate smoke detectors may be required on each side of the room divider. Seek consultation as needed for each facility.

Physical distancing

Physical distancing decreases the risk of COVID-19 from respiratory droplets.

- During individual activities, such as when using a computer, keep children at least 6 feet apart.
- Have children sit in the same seats each day if possible.
- Rearrange furniture and work/play spaces to prevent crowding and promote physical distancing between children who are not playing together.
- Arrange desks, workstations, or computers facing in the same direction, so that children do not sit facing each other.
- Offer more opportunities for individual activities, such as reading, workbooks, painting or crafts. Choose group activities that do not involve close contact between children.
- Do not hold gatherings like sing-alongs, and other activities that bring different cohorts together, even if outdoors wearing face coverings.
- During group activities, such as playtime, physical distancing may be relaxed, especially for younger children who may have difficulty staying 6 feet apart from each other, especially if children are wearing face coverings or outside.
- Adults must stay at least 6 feet from other adults, including staff in the same cohort, whenever possible.
 - Set up offices and staff rooms so that staff do not work or sit within 6 feet of each other.
 - Encourage virtual meetings using video conferencing apps for parent-provider meetings and staff meetings, even when all staff are present.
- Adults should stay at least 6 feet away from children and youth as much as possible while meeting their developmental and learning needs.



- If it is not possible to stay 6 feet apart, keep the interaction as short as possible, make sure to wear face coverings, and consider wearing a face shield in addition to a face covering, to further provide eye protection.

Face masks and cloth face coverings

Face masks and other cloth face coverings keep people from spreading the infection to others, by trapping respiratory droplets before they can travel through the air. They are one of the most important measures to protect staff and children from COVID-19.

- All adults and children 10 years and older must wear face masks or cloth face coverings over both their nose and mouth at all times.
 - Staff, family and visitors may not enter the building unless they are wearing a face covering or have documentation of a medical contraindication to face coverings (in which case, they must wear an alternative face covering, such as a face shield with a drape on the bottom edge, unless a medical professional has provided a written exemption to this alternative face covering requirement). Keep a supply of face coverings for individuals who have forgotten to bring one.
 - Family members must wear face coverings when dropping-off or picking-up a child or youth.
- Children 2-9 years old should use face coverings as much as feasible, especially during the following times:
 - During group activities or playtime when children are not physical distancing, especially indoors.
 - In situations where children may encounter staff and children from other cohorts, for example, at drop-off and pickup, and in hallways, bathrooms and outside play areas.
 - If a child becomes ill after arriving and is waiting for pick-up.
- Reusable cloth face masks are recommended over surgical masks, which should be reserved for medical personnel, and can be sent home with families to be laundered.
- Avoid excluding children from the program or disciplining them for not wearing a face covering. Continue to encourage and remind them to wear their face covering. A child who refuses to wear face coverings at home may be more willing to wear a face covering in a setting where all staff and other children are wearing them.

The widespread use of face coverings can significantly reduce the spread of infection, even if a few children are unable to wear face coverings. Consistent face covering use by adults is very important in preventing the spread of COVID-19, since many cases of COVID-19 in youth settings so far have been adult staff who were infected in the community.

Exemptions to cloth face coverings; use of face shields

- Children 0-1 year old must not wear face coverings due to the risk of suffocation.
- When a person is unconscious, asleep, or otherwise unable to remove the face covering independently.



- Children and youth with documented medical or behavioral contraindications to face coverings are exempt. This includes children and youth who are unable to tolerate face coverings due to autism or sensory sensitivity, or children and youth unable to independently remove face coverings due to developmental delay or disability.
- Staff with a medical contraindication documented by a medical provider to a face covering may be allowed to wear a face shield with a cloth drape on the bottom tucked into the top of their shirt. However, this is not thought to be as effective as a face covering in preventing spread of infection. <https://covid19.ca.gov/masks-and-ppe/>
- Staff working with children and youth who are hard-of-hearing may use a clear mask (a disposable or cloth face mask with a clear window). If this is not feasible, a face shield with a cloth drape tucked into the shirt may also be used. Staff must wear a face covering at other times, for example, in staff-only areas.
- Do not use face shields in place of face coverings unless absolutely required, such when working with hard of hearing children and youth. Face shields have not been shown to keep the wearer from infecting others.
- Consider using a face shield in addition to a face mask or cloth face covering. Face shields provide additional eye protection for the wearer. When used with a mask or face covering, a cloth drape is not needed.

Hand hygiene

Frequent handwashing for at least 20 seconds and hand sanitizer use removes COVID-19 germs from people's hands before they can infect themselves by touching their eyes, nose or mouth.

- Develop routines and schedules for staff, children and youth to wash or sanitize their hands at staggered intervals, especially before and after eating, upon entering/re-entering a space, and before and after touching shared equipment such as computer keyboards.
- Every space and common area (staff work rooms, eating areas) must have hand sanitizer or a place to wash hands upon entering.
- Establish procedures to ensure that sinks and handwashing stations do not run out of soap or paper towels, and that hand sanitizer does not run out.
- Post signs encouraging hand hygiene. A hand hygiene sign in multiple languages is available for download at <http://eziz.org/assets/docs/IMM-825.pdf>

Ventilation and outdoor spaces

Increasing outdoor air circulation lowers the risk of infection by "diluting" any infectious respiratory droplets with outdoor air. Being outside is even lower risk.

- Do as many activities outside as possible, especially snacks/meals and physical activities.
- Stagger use of outdoor spaces to keep cohorts from mixing. If the outdoor space is large enough, consider designating separate spaces for each cohort.



- Open windows to increase ventilation with outdoor air when health and safety allow, for example, when it does not worsen individuals' allergies or asthma. When health and safety allow, also consider also leaving room doors slightly open to promote flow of outdoor air through the indoor space.
- Adjust mechanical ventilation systems to maximize fresh (outdoor) air ventilation. Minimize or eliminate return or recirculated air.
- For mechanical ventilation systems, increasing the intake of outdoor air and minimizing recirculated air should be prioritized over increasing filter efficiency during the COVID-19 pandemic.

Generally, opening windows and adjusting mechanical ventilation systems to maximize outdoor air intake will effectively increase the amount of outdoor air in a room. Although increased filter efficiency may be desirable for other reasons, such as improving indoor air quality near freeways or during wildfires, it is less important than maximizing outdoor air intake for COVID-19. Improving filter efficiency may require significant upgrades to the mechanical ventilation system. Portable air cleaners may be considered, but must be sized and positioned appropriately for the specific space.

Limit sharing

- Limit sharing of art supplies, school supplies, manipulatives, and other high-touch materials as much as possible. If feasible, have a separate set of supplies for each child and youth.
- Limit use of shared playground equipment in favor of activities that have less contact with shared surfaces.
- If used, outdoor play structures and natural play areas only need routine maintenance. Make sure the children wash or sanitize their hands before and after using these spaces. When hand hygiene is emphasized, cleaning and disinfection of outdoor play areas is not required between cohorts.

Cleaning and disinfection

Many household disinfectants are effective against COVID-19. Refer to [EPA's List N](#) for EPA-approved disinfectants effective against COVID-19.

- Clean and disinfect frequently touched surfaces at least daily.
- Routine cleaning for COVID-19 focuses on frequently touched surfaces like door handles, desks, countertops, phones, keyboards, light switches, handles, toilets and faucets.
- Cleaning after a suspected or known case of COVID-19 **uses the same cleaning agents and disinfectants** as for routine cleaning, but includes the following steps:
 - Open windows and use fans to increase outdoor air circulation in the areas to be cleaned.
 - Wait 24 hours, or as long as practical, before cleaning and disinfection. CDPH recommends waiting at least 1 hour.¹

¹ CDPH Outpatient Healthcare Facility Infection Control Recommendations for Suspect COVID-19 Patients <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/OutpatientHealthcareFacilityInfectionControlRecommendationsforSuspectCOVID19Patients.aspx>



- Clean and disinfect all surfaces in the areas used by the ill person, including electronic equipment like tablets, touch screens, keyboards, and remote controls. Vacuum the space if needed.
- For details, refer to CDC guidelines on “Cleaning and Disinfecting Your Facility” at <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html> and CDC guidelines for cleaning schools and community facilities at <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html#Cleaning>
- Note that the term “deep cleaning” can be misleading, and the CDC does not use the term.

Specific Situations

Transportation

Since vehicles are small enclosed spaces that do not allow physical distancing, they can be settings with higher risk of COVID-19 transmission. Biking and walking are lower risk than shared vehicles.

- Public transportation: Wear face coverings, maintain at least 6 feet of physical distancing as much as possible, and practice hand hygiene upon arrival.
- Carpools and shared rides: Advise staff and families to carpool with the same stable group of people. Open windows and maximize outdoor air circulation when feasible. Everyone in the vehicle used for these purposes must wear a face covering.

Drop-off and pick-up

Children, youth and parents/caregivers from different households should not gather and interact with each other during arrival and dismissal, as this creates an opportunity for COVID-19 to spread in the community.

Limit staff contact with families at drop-off and pick-up

- Stagger arrival and dismissal times to minimize contact, using different entrances/exits for each cohort when possible.
- Mark spaces at least 6 feet apart for children and youth waiting to enter the building and for adults waiting to pick up children. Post signs to remind family members to stay at least 6 feet away from people from other households when dropping off or picking up their student.
- Require face coverings for family members who are dropping off or picking up children and youth.

Meals and snacks

Eating together is especially high risk for COVID-19 transmission because people must remove their face coverings to eat and drink. Children and youth often eat with their hands, and both children and adults often touch their mouths with their hands while eating. In addition, meals are usually considered time for talking together, which further increases risk, especially if children and youth must speak loudly to be heard.



- Eating outdoors is safer than eating indoors. Outdoor eating areas may be covered (e.g. with an awning), as long as no more than one side is closed, allowing sufficient air movement. Designate an eating area for each group, and mark places at least 6 feet apart for students to sit. Without marked spaces, children might sit more closely.
- Use individually plated or bagged meals or snacks instead of family-style meals.
- Space children and youth as far apart as possible when eating, and try to seat them so they do not sit face-to-face. Physical distancing is especially important when eating, since face coverings cannot be worn.
- Make sure that children and youth and staff wash their hands or use hand sanitizer immediately before and after eating. Pay special attention to children who like to suck/lick food off their hands.
- Staff should try as much as possible to stay at least 6 feet away from children who are not wearing face coverings, especially when they are eating indoors. Staff should remember to wear face coverings if children are eating.
- Clean and disinfect tables and chairs between different cohorts. If eating outdoors, sidewalks and asphalt do not have to be disinfected.

Staff spaces: offices, break rooms and work rooms

Staff often do not view themselves and colleagues as sources of infection, and forget to take precautions with co-workers, especially during social interactions such as breaks or lunch time.

- Staff should try not to eat with other staff, especially indoors. This is a common way that staff are exposed to COVID-19 at work.
- Post signage reminding staff to stay 6 feet apart, keep their face coverings on unless eating, wash their hands before and after eating, and disinfect their area after using it.
- Consider creating a private outdoor area for staff to eat and take breaks.
- Open windows and doors to maximize ventilation in staff spaces.

Sports and exercise

Exercising is an area of higher risk for transmission due to the potential for close contact and increased breathing. Youth sports require special consideration and special precautions. Any program that involves sports or physical education, as all or part of its programming, must comply with these guidelines.

- All sports, physical conditioning, and training must occur outside.
- Participants must stay at least 6 feet apart at all times. Sports that require closer contact are not permitted. Physical conditioning and individual training to support such sports (e.g., running drills, practicing skills, and doing calisthenics) is permitted as long as participants can stay 6 feet apart at all times.
- Face coverings must be worn by all participants at all times (participants should avoid heavy exertion because it may make wearing face coverings more difficult).
- Limit sharing of equipment between youth in a cohort. Clean any shared equipment frequently. Do not share equipment between cohorts unless it has been cleaned and disinfected.
- Youth from different cohorts may not play against or with each other.



- Tournaments, events, and competitions are not permitted.
- Please see the state's guidance regarding Youth Sports at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Youth-Sports-FAQ.aspx>.

Students receiving special services

- Therapists and other support staff are considered essential staff and should be allowed onsite to provide services.
- Accommodations and related services for special education, learning disabilities and medical conditions should be met, even if it creates cross-over between cohorts. Provide supervision for children who need additional support maintaining physical distancing, wearing a face covering, or handwashing.
- Additional accommodations may be needed for students to safely attend class. For example, a student who cannot tolerate a face covering due to a medical or developmental condition may need a desk with clear screens or privacy barriers.

Other activities

- Avoid group singing. Suspend choir and wind instruments (band). These activities are higher risk for COVID-19 transmission due to the larger numbers of respiratory droplets produced. Percussion and string instruments are allowed.
- Field trips are currently not allowed due to the potential for increased transmission. Please stay updated with state and local guidance.

What to do when someone has suspected or confirmed COVID-19

Refer to *"When someone has suspected or confirmed COVID-19: Quick Guide for Schools, Childcares, and Programs for Children and Youth"* at <https://sfcdcp.org/CovidSchoolsChildcare> for information on:

- Steps to take when staff or children and youth have COVID-19 symptoms, have been exposed (for example, a parent or sibling has tested positive), or have confirmed COVID-19.
- Returning to the program after COVID-19 symptoms, close contact, or confirmed COVID-19.

When a child and youth or staff member has symptoms of COVID-19

- Staff who develop symptoms at work must notify their supervisor and leave work as soon as feasible. For SFPDH guidance on when workers with COVID-19 symptoms may return to work, see <https://sfcdcp.org/rtw>.
- Keep ill children and youth in a separate area, away from other children and youth, until they can be picked up. Make sure that children and youth keep their face coverings on.
- When a parent or guardian arrives, consider walking the child outside to meet them instead of allowing the parent or guardian into the building. Since it is common that children with COVID-19 are infected by a parent or other adult in their home, the parent may also have COVID-19.
- Encourage family members of students and staff with symptoms of COVID-19 to get tested promptly, before they can spread infection to students and staff.



- Open windows in areas used by the sick person to maximize outdoor air circulation. Close off those areas as soon as feasible, until they can be cleaned and disinfected.
- Children and youth with symptoms may return to the program when they have met the criteria in “When someone has suspected or confirmed COVID-19: Quick Guide for Schools, Childcares, and Programs for Children and Youth.” A parent handout, “For Parents and Guardians: COVID-19 Health Checks for Children and Youth/If Your Child Has Symptoms” is also available. Both documents are at <http://sfcdcp.org/CovidSchoolsChildcare>.

When a child and youth or staff member has a positive COVID-19 test

- Contact the SFDPH Schools and Childcare Hub for consultation and guidance at **(415) 554-2830, Press 1 for COVID-19, then press 6 for Schools**
Schools-childcaresites@sfdph.org
- **Work with SFDPH to identify staff, children and youth and other people in the program who had close contact** with the person with COVID-19. Individuals who had close contact should be notified, know how to get tested, and understand when they or their child can return to the program, usually 14 days after their last exposure. Please refer to “*Frequently Asked Questions (FAQ): COVID-19 Contact Tracing at Schools, Childcares, and Programs for Children and Youth*” at <http://sfcdcp.org/CovidSchoolsChildcare>.
- **Close the areas used by the person with COVID-19 until they can be cleaned and disinfected.**
- **Communicate with staff and families.**
Maintain the confidentiality of the child, youth family, or staff member with COVID-19 as required by the Americans with Disabilities Act, the Family Education Rights and Privacy Act, and possibly HIPAA.

Resources

San Francisco Department of Public Health (SFDPH)

- **SFDPH Schools and Childcare Hub** for COVID-19 consultation and guidance (415) 554-2830. Press 1 for COVID-19, then press 6 for Schools
Schools-childcaresites@sfdph.org
- COVID-19 guidance for the public, including schools and employers
<https://www.sfcdcp.org/covid19>
- Outreach Toolkit for Coronavirus. Posters and flyers on physical distancing, hand hygiene, face masks, health screenings, getting tested, and other COVID-19 topics at
<https://sf.gov/outreach-toolkit-coronavirus-covid-19>
- “*What to Do When Someone Has Suspected or Confirmed COVID-19: Quick Guide for Schools, Childcares, and Programs for Children and Youth*”, at <https://sfcdcp.org/CovidSchoolsChildcare>
- “*Parent and Caregiver Handout: COVID-19 Health Checks/If Your Child has Symptoms*.” Instructions for parents on health screenings and return to school guidelines if their child has COVID-19 symptoms, at <http://sfcdcp.org/CovidSchoolsChildcare>
- “*Frequently Asked Questions (FAQ): COVID-19 Contact Tracing At Schools, Childcares, and Programs for Children and Youth*”, at <https://sfcdcp.org/CovidSchoolsChildcare>



- *"What to Do if Someone at the Workplace Tested Positive for COVID-19"*
<https://www.sfcddcp.org/covid19> under Businesses and Employers.
- *"Leaving Isolation or Returning to Work for Those Who Have Confirmed or Suspected COVID-19"*
<https://www.sfcddcp.org/rtw>

California Department of Public Health (CDPH)

- *"Guidance for Small Cohorts/Groups of Children and Youth"*
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/small-groups-child-youth.aspx>
- *"Youth Sports Questions and Answers"*
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Youth-Sports-FAQ.aspx>

Centers for Disease Control and Prevention (CDC)

- Guidance for Schools and Childcare
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html>
- Guidance for Child Care Programs that Remain Open
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>
- Cleaning and Disinfection for Community Facilities
<https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html>

Health Officer Directive No. 2020-21d (Exhibit B)
Health and Safety Plan (issued 9/22/2020)**Checklist**

Each Out of School Time Program must complete, post onsite, and follow this Health and Safety Plan.

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

Business/Entity name:

Contact name:

Entity Address:

Contact telephone:

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

- Business is familiar with and complies with all requirements set forth in Health Officer Directive No. 2020-21d, available at <http://www.sfdph.org/directives>.
- Designate a COVID-19 staff liaison. *Liaison name:*
- Protocols have been established in the event a child or staff member has symptoms of COVID-19, has close contact with a person with COVID-19, or is diagnosed with COVID-19.
- Program prioritizes enrollment for at risk children and youth and children and youth of people who work in essential businesses or essential governmental functions, followed by people who work in other businesses and organizations that are allowed to remain open or re-open under San Francisco Health Orders.
- Everyone who enters the facility is screened for COVID-19 symptoms or exposure.
- Parents are informed to keep children home when ill.
- Sick leave policies support personnel to stay home when ill.
- Limiting non-essential visitors, including volunteers, to the greatest extent possible.
- Cohort size is limited to 14 children and no more than two supervising adults, or a configuration of no more than 16 individuals total (children and adults) in the cohort, or the maximum number of children or youth able to maintain 6 feet of social distancing, whichever is lower .
- Sessions are a minimum of three weeks long.
- Staff is assigned to one cohort and works solely with that cohort.
- Interaction between cohorts is minimized to the greatest extent feasible.
- Each cohort is in a separate room or space or a solid non-permeable, cleanable partitions extending from the floor and at least 8 feet high separates the cohorts.
- Physical distancing between adults is maintained as much as possible.
- Physical distancing between children is encouraged as appropriate depending on the nature and location of the activity.
- All adults and children 10 years and older wear a face covering unless eating or drinking or otherwise exempt.

Health Officer Directive No. 2020-21d (Exhibit B)
Health and Safety Plan (issued 9/22/2020)

Checklist

Each Out of School Time Program must complete, post onsite, and follow this Health and Safety Plan.

- Children 2-9 years are encouraged to wear face coverings to the extent feasible, especially during the following times:
 - During group activities or playtime when children are not physical distancing, especially indoors;
 - Where children may encounter staff and children from other cohorts; and
 - If a child becomes ill after arriving and is waiting for pick up (and is not asleep)
- Protocols for frequent hand washing and/or sanitizing are in place.
- Activities are done outdoors to the greatest extent possible.
- Ventilation is maximized to the greatest extent possible through opening windows (when safe to do so) and/or adjusting mechanical ventilation to maximize fresh (outdoor) air ventilation, as appropriate.
- Sharing of supplies and high-touch material is limited to the extent possible.
- Frequently touched surfaces, supplies and other objects are cleaned and disinfected regularly.
- Staff contact with families at drop-off and pick-up is limited as much as possible.
- Children are placed as far apart as possible during meals and snacks.
- Sports and physical education are permitted only when at least six feet of physical distance can be maintained between all participants at all times.
- No group singing or playing wind instruments.
- No field trips.

Additional Measures

Explain:



DIRECTIVE OF THE HEALTH OFFICER No. 2020-21e

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR OUT OF SCHOOL TIME PROGRAMS**

(PUBLIC HEALTH DIRECTIVE)

DATE OF DIRECTIVE: October 27, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that out of school time programs as described below must follow as part of the local response to the Coronavirus Disease 2019 (“COVID-19”) pandemic. This Directive constitutes industry-specific guidance as provided under Section 4.e of Health Officer Order No. C19-07h issued on September 1, 2020 (the “Stay-Safer-At-Home Order”) and, unless otherwise defined below, initially capitalized terms used in this Directive have the same meaning given them in that order. This Directive goes into effect immediately upon issuance, and remains in effect until suspended, superseded, or amended by the Health Officer. This Directive has support in the bases and justifications set forth in the Stay-Safer-At-Home Order. As further provided below, this Directive automatically incorporates any revisions to the Stay-Safer-At-Home Order or other future orders issued by the Health Officer that supersede that order or reference this Directive. This Directive is intended to promote best practices as to Social Distancing Requirements and sanitation measures, helping prevent the transmission of COVID-19 and safeguard the health of workers, children, their families, and the community.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER DIRECTS AS FOLLOWS:

- 1. This Directive applies to 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. This Directive does not apply to schools, childcare programs for young children not yet in elementary school, or summer camps.**
- 2. Attached as Exhibit A to this Directive is updated guidance from the Department of Public Health for OST Programs (“Guidance”). All OST Programs must comply with all applicable requirements listed in the Guidance.**
- 3. Each OST Program must create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”). The Health and Safety Plan must be substantially in the form attached to this Directive as Exhibit B.**
- 4. Each OST Program must (a) make the Health and Safety Plan available upon request to all Personnel working on site and to the parent(s) or guardian(s) of each child it serves, (b) provide a summary of the plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the plan at the entrance to any other physical location that the OST Program operates within the City. Also, each OST Program must provide a copy of the Health and Safety Plan**



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and evidence of its implementation to any authority enforcing this Directive or the Stay-Safer-At-Home Order upon demand.

5. Each OST Program must complete the online registration form available at <https://www.dcyf.org/care>.
6. Each OST Program must require the parent/guardian of each child that participates in the program to sign an acknowledgement of health risks containing the following language:

The collective effort and sacrifice of San Francisco residents staying at home limited the spread of COVID-19. But community transmission of COVID-19 within San Francisco continues, including transmission by individuals who are infected and contagious, but have no symptoms. Infected persons are contagious 48 hours before developing symptoms (“pre-symptomatic”), and many are contagious without ever developing symptoms (“asymptomatic”). Pre-symptomatic and asymptomatic people are likely unaware that they have COVID-19.

The availability of childcare and youth programs is an important step in the resumption of activities. However, the decision by the Health Officer to allow childcare and youth programs for all families at facilities that follow required safety rules, does not mean that attending such programs is free of risk. Enrolling a child in childcare or youth programs could increase the risk of the child becoming infected with COVID-19. While the majority of children that become infected do well, there is still much more to learn about coronavirus in children, including from recent reports of Multisystem Inflammatory Syndrome in Children (MIS-C).

Each parent or guardian must determine for themselves if they are willing to take the risk of enrolling their child in childcare/youth program, including whether they need to take additional precautions to protect the health of their child and others in the household. They should particularly consider the risks to household members who are adults 60 years or older, or anyone who has an underlying medical condition. Parents and guardians may want to discuss these risks and their concerns with their pediatrician or other health care provider.

More information about COVID-19, MIS-C, and those at higher risk for serious illness is available on the Centers for Disease Control and Prevention website at <https://www.cdc.gov/coronavirus/2019-ncov/>.

I understand the risks associated with enrolling my child in childcare/youth programs, and agree to assume the risks to my child and my household. I also agree to follow all safety requirements that the childcare/youth program imposes as a condition of enrolling my child.

7. Except as set forth in this paragraph, OST Programs may not enroll children for fewer than three weeks. OST Programs may operate for two weeks during the school winter break.



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- 8. OST Programs must limit group size to a maximum of 14 children and youth and no more than two supervising adults, or a configuration of no more than 16 individuals total (children and youth or adults) per room or space, or the maximum number of children or youth able to maintain 6 feet of social distancing, whichever is lower. To minimize the risk of transmission, groups should be limited to the smallest size possible.**
- 9. Because schools are not permitted to be open at this time unless the school receives approval from the Health Officer, schools may not operate an OST Program. But for clarity:**
 - schools can run small stable physical education cohorts outdoors as part of their distance learning program, subject to the requirements for OST Programs—but team sports where youth are required to attend practice is not permitted;**
 - schools can run childcare programs for the children of its own teachers and staff who are coming to the facility to provide or support distance learning;**
 - schools may operate to provide in-person specialized and targeted support services to vulnerable children and youth, as provided in Section 5.a.3 of the Stay-Safer-At-Home Order; and**
 - schools that have received approval from the Health Officer to open for on-site, in-person instruction may offer OST programs, such as after school programs, to students who are on-site for school. Children and youth must be kept in the same cohorts for OST programs as they are for school programming, to the greatest extent possible.**
- 10. Subject to agreement of the owner, and compliance with any relevant licensing requirements and land use laws, OST Programs may operate on sites that are otherwise not permitted to be open to the public.**
- 11. Each OST Program subject to this Directive must provide items such as Face Coverings (as provided in Health Order No. C19-12c issued on July 22, 2020, and any future amendment to that order), hand sanitizer or handwashing stations, or both, and disinfectant and related supplies to any of that OST Program’s Personnel. If any OST Program is unable to provide these required items to Personnel or otherwise fails to comply with required Guidance, then it must cease operating until it can fully comply and demonstrate its strict compliance. Further, as to any non-compliant operation, any such OST Program is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.**
- 12. For purposes of this Directive, “Personnel” includes all of the following people who provide goods or services associated with the Host in the City: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); vendors who are permitted to sell goods onsite (such as farmers or others who sell at stalls in farmers’ markets); volunteers; and other individuals who regularly provide services onsite at the request of the Host. “Personnel” includes “gig workers” who perform work via the business’s app or other online interface, if any.**
- 13. This Directive may be revised by the Health Officer, through revision of this Directive or another future directive or order, as conditions relating to COVID-19**



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require, in the discretion of the Health Officer. All OST Programs must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (www.sfdph.org/healthorders; www.sfdph.org/directives) regularly.

14. OST Programs must comply with the ventilation protocols at Section 4.i of the Stay-Safer-At-Home Order. Review SFDPH's guidance for improved ventilation available at <https://www.sfdcp.org/COVID-ventilation>.
15. OST Programs must add all COVID-19 related signage as required by Sections 4.g and 4.h of the Stay-Safer-At-Home Order. The County is making available templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.
16. OST Programs must prepare, post, and implement a Social Distancing Protocol substantially in the form of Appendix A to the Stay-Safer-At-Home Order, as provided under applicable provisions of Section 4.d of the Stay-Safer-At-Home Order. The OST Program must follow those Best Practices and update them as necessary for the duration of this Directive, including, without limitation, as this Directive is amended or extended in writing by the Health Officer and consistent with any extension of the Stay-Safer-At-Home Order, any other order that supersedes that order, and any Health Officer order that references this Directive

This Directive is issued in furtherance of the purposes of the Stay-Safer-At-Home Order. Where a conflict exists between this Directive and any state, local, or federal public health order related to the COVID-19 pandemic, including, without limitation, the Social Distancing Protocol, the most restrictive provision controls. Failure to carry out this Directive is a violation of the Stay-Safer-At-Home Order, constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by fine, imprisonment, or both.

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

Date: October 27, 2020



Interim Guidance for Out-of-School Time Programs

September 11, 2020

This guidance was developed by the San Francisco Department of Public Health (SFPDH) for local use. It will be posted at <http://www.sfdcp.org/CovidSchoolsChildcare>. This guidance may change as new knowledge emerges and local community transmission changes.

AUDIENCE: Educational and recreational programs that provide care and supervision for children when they are not attending school or child care in-person. Out-of-school time (OST) programs include afterschool programs, youth sport programs, in-person programs to support distance learning such as learning hubs, and other group care for children and youth not run by schools or child care programs.

Summary of Changes since the 9/1/2020 Version

Updated to align with [California Department of Public Health \(CDPH\) guidance on small cohorts/groups of children and youth](#) published on 9/4/2020.

- Cohorts may have up to 16 persons including staff, children and youth.
- Each cohort may have up to 4 staff, including trained volunteers and interns.
- Staff who work only with children 0-5 years old may work with two cohorts of children and youth. However, they must work in exclusive “staff groups” of up to 4 staff, where people in a staff group work only with each other, and all staff in a group work with the same two cohorts of children.

PURPOSE: To help OST programs understand health and safety practices needed to prevent spread of COVID-19 in their programs.

BACKGROUND: San Francisco Health Orders allow OST programs in San Francisco to open. Many OST programs support remote learning for students, and provide additional in-person support.

Certain precautions, such as wearing cloth face masks, effectively decrease the risk of COVID-19 transmission. Coordinating and layering effective interventions can greatly reduce the risk of COVID-19 for children and for adult staff, whose overall risk of COVID-19 is greater than for children and youth, and their families.

The guidelines below are based on the best science available at this time and the current degree of COVID-19 transmission in San Francisco. They are subject to change as new knowledge emerges and as local community transmission changes.



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Key messages for Programs for Children and Youth

- **Address adult-to-adult transmission, and adults as sources of infection.** Most COVID-19 cases in childcare and day camp settings have occurred in staff, not children.
- **Preventing person-to-person transmission via respiratory transmission is more important than frequent cleaning and disinfection.** COVID-19 mainly spreads from person-to-person via respiratory droplet in the air.
 - **Coronavirus is easy to kill on surfaces compared to norovirus.** Most household cleaning products are effective. Professional deep cleaning services are generally unnecessary.
- **The use of personal protective equipment (PPE) does not eliminate the need for physical distancing, portable barriers/partitions and universal face coverings.** PPE can give people a false sense of security. Physical distancing, barriers and face coverings are important in preventing the spread of COVID-19 in OST program settings.
- **Exposure risk lies along a continuum.** A rule of thumb is that a person must spend at least 15 minutes within 6 feet of someone with COVID-19 to be at risk of infection.
 - Spending less time together is lower-risk than more time; being further apart is better than being closer together.
 - Smaller group sizes are better than larger, outdoor settings are better than indoor ones.
 - More people using face coverings is better than fewer people using face coverings.
 - Activities that produce fewer respiratory droplets are lower risk than those that produce many droplets (silence < quiet talking < loud talking < singing).
- **Adult staff are at higher risk of severe COVID-19 than children.** Recommendations for distancing and face coverings should prioritize staff safety and maximal protection of staff.

Prepare for Opening

- Designate a COVID-19 staff liaison to be the single point of contact at each site for questions or concerns around practices, protocols, or potential exposure. This person will also serve as a liaison to SFDPH.
- Establish health and safety protocols to prevent COVID-19 transmission.
 - Train staff and teach children and youth about health and safety practices. Avoid having in-person staff development, meetings, or team-building during the two weeks before the OST program opens or during the program if possible.
 - Create a health and safety plan outlining what the program will do to implement the requirements in this guidance and any relevant Health Officer Directives or orders. Share this plan with staff, families, and other members of the your program's community.
- Work with SFDPH to develop a strategy to regularly test all OST staff for COVID-19, even if they do not have COVID-19 symptoms or exposure ("surveillance testing"). For example, a program might test all staff over 2 months by testing 25% of staff are tested every 2 weeks, or 50% every month. Programs may not be able to do surveillance testing during times when labs do not have enough tests, and must prioritize people with COVID-19 symptoms or exposure.



- Establish protocols for staff, children and youth with symptoms of COVID-19 and for communication with staff, children and youth, and families after COVID-19 exposure or a confirmed COVID-19 case in the facility.

Staff Considerations

Protect staff, especially those at higher risk of severe COVID-19 illness. See [sfgdcp.org/covid19hcp](https://www.sfgdcp.org/covid19hcp) for a list of groups at higher risk for severe COVID-19.

- Staff at higher risk for severe COVID-19 illness should not be assigned to screen children and youth for symptoms or monitor/care for sick children waiting to be picked up.
- Consider the use of a portable plexiglass barrier or other barrier, or use a clear window for staff when screening for COVID-19 symptoms (persons entering the building, children who feel sick).
- Consider the use of face shields, to be used with face coverings, for staff. If supplies of face shields are limited, prioritize them for staff who are in groups at higher-risk of severe COVID-19 illness.
- Plan ahead for staff absences in case community transmission of COVID-19 increases. Recruit people experienced caring for children and youth to ensure that you have a roster of substitute caregivers who can fill in. For more information, see SFDPH return-to-work guidelines at <https://www.sfgdcp.org/rtw>.

Children and Youth Enrollment Considerations

- Prioritize enrollment of the following groups:
 - At-risk children and youth, including:
 - Children and youth who are clients of Family and Children’s Services (FCS) or are at risk of abuse, neglect, or exploitation
 - Children eligible through the Emergency Childcare Bridge Program for Foster Children
 - Children and youth experiencing homelessness
 - Foster children
 - Children of domestic violence survivors
 - Children and youth with disabilities or special health care needs whose individualized education programs (IEP) and/or individual family support plans (IFSP) include ELC services
 - Children and youth from low-income families, including those who receive or are eligible for free or reduced school lunch, Medi-Cal, SNAP (food stamps), WIC, Head Start, CalWorks and other public assistance programs.
 - Children and youth of people who work in essential businesses or essential governmental functions, followed by people who work in other businesses and organizations that are allowed to remain open or re-open under San Francisco Health Orders.
- Do not exclude children and youth because of medical conditions such as diabetes, asthma, leukemia and other malignancies, and autoimmune diseases that may put them at higher risk of severe COVID-19. Allow the child’s medical team and family to determine whether in-person attendance is safe.



Strategies to Prevent Spread of COVID-19

Screen everyone entering the building for COVID-19.

- Ask all persons entering the childcare facility about symptoms of COVID-19 and exposure to COVID-19 – including staff, children, parents/caregivers, contractors, and visitors. Emergency personnel responding to a 9-1-1 call are exempt.
- Do not allow people who answer “yes” to any of the screening questions to enter the facility.
- Programs may also choose to require temperature checks of people entering the building, either on-site or done by parents at home. SFPDH does not require temperature checks.
 - For specific guidance on conducting symptom screening and temperature checks, see [COVID-19 Health Checks at Programs for Children and Youth](#) (children) and [Asking COVID-19 Screening Questions at Any Business, Organization or Facility](#) (adults)



Staff, children and youth who are sick must stay home.

- Remind parents to keep children home when ill. A parent/guardian handout, “*COVID-19 Health Checks/If Your Child has Symptoms*” is available at <https://sfcdcp.org/covidschoolschildcare>.
- Implement sick leave policies that support staff to stay home when ill.
- Encourage family members of children and youth and staff to get tested promptly if they have symptoms of COVID-19, to lower the risk of spread to children or staff.
- Encourage children and staff to stay home for 14 days after traveling out of the San Francisco Bay Area, if their activities during their trip put them at risk for COVID-19 infection. This does not apply to staff and children who regularly commute to childcare from places outside of the San Francisco Bay Area. Higher-risk activities include:
 - Spending time within 6 feet of people outside their household when not wearing face masks, especially if indoors.
 - Travel on planes, buses, trains, or other vehicles shared with people outside their household when face coverings were not worn at all times by all passengers.

Restrict non-essential visitors.

- Allow only volunteers who are essential to the program operations. Volunteers should commit to regular, scheduled participation for at least 3 weeks duration.
- Therapists who are not OST programs employees but work with children and youth on-site at OST programs, such as ABA therapists, occupational therapists and physical therapists, are considered essential staff and should be allowed to provide services. See section titled “*Students receiving special services*”
- Discourage parents and other family members from entering the building.
- Cancel special events that involve parents and families, such as festivals, holiday events, and performances.



Keep staff, children and youth in small, stable groups (“cohorts”).

A cohort is a stable group that has the same staff, children and youth each day, stays together for all activities (e.g., snacks, recess, etc.), and avoids contact with people outside the group. Keeping staff, children and youth in the same small cohort each day lowers their exposure risk by limiting the number of people they interact with.

Limit cohort size

- Limit cohorts to no more than 14 children and youth and no more than two supervising adults, or no more than 16 individuals total (children, youth and adults).
- San Francisco requires that each cohort be supervised by no more than 4 staff, including trained volunteers and interns.
- The maximum cohort size applies to all children and youth in the cohort, even if not all children attend the program at the same time. For example,
 - A cohort may not include 2 staff, 6 children who attend full-time, 6 children on Mon/Wed/Fri, and 6 children on Tu/Th (total of 20).
 - A cohort may not include 2 staff, 8 children who attend for the entire day, 4 who attend mornings only, and 4 who attend afternoons only (total of 18).
 - A cohort may not include 14 children, a teacher, one parent-volunteer on MWF, and a 2nd-parent volunteer on Tu/Th (total of 17).

Keep stable cohorts with the same staff, children and youth. Avoid changes to cohorts.

- Newly enrolled children and youth may join a cohort at any time, but they must enroll for a period of at least 3 weeks. Do not allow children to attend for shorter periods.
- Children and youth must only participate in one OST program at a time, even if the programs occur on different days of the week. For example, a child may not attend both a learning hub M-F and a Saturday youth sports program.
- Staff who work with children over 5 years of age must be assigned to only one cohort and work only with that cohort. Staff may not work with more than one cohort of children or youth. For example,
 - Staff working with children over 5 may not work with one cohort on Mon/Wed/Fri and another cohort on Tu/Th.
 - Staff working with children over 5 may not work with 1 cohort in the mornings, and another in the afternoons.
- Staff who work only with children 0-5 years of age may be assigned to two cohorts. Programs where staff work with two cohorts must place staff in groups of up to 4 staff members. Everyone in a staff group must work with the same two cohorts. Staff must work only with other staff in their staff group, and can only be in 1 staff group. For example:
 - Allowed: (3 staff members in a group working with 2 cohorts)
Staff A and B work with one cohort of children on Mon/Wed/Fri.
Staff B and C work with a different cohort of children on Tu/Th.



- Not allowed (5 staff members working with 2 cohorts) :
Staff A, B and C work with one cohort of children on Mon/Wed/Fri.
Staff C, D and E work with another cohort of children on Tu/Th.
- Not allowed: (4 staff members working with 3 cohorts)
Staff A and B work with cohort 1 on Mon/Wed/Fri.
Staff A and C work with cohort 2 on Tu/Th mornings.
Staff B and D work with cohort 3 on Tu/Th afternoons.
- Substitute providers who are covering for short-term staff absences are allowed, but must only work with only one cohort of children per day.
- “Floaters,” who provide brief coverage for providers throughout the day, must work with only one cohort of children per day.
- When determining the number of staff in a cohort, do not count people who provide one-to-one services to individual children but do not interact with the entire cohort. This includes but is not limited to occupational therapists, physical therapists, speech and language therapists, and ABA providers. See the San Francisco Health Directive on Specialized Support Services for more information at <https://www.sfdph.org/dph/alerts/files/Directive-2020-26-Specialized-Support.pdf>
- Avoid changing staff assignments if possible.

Keep cohorts from mixing.

- Each cohort must be in a separate room or space.
- Minimize interactions between cohorts, including interactions between staff assigned to different cohorts.
 - Assign children and youth who live together or carpool together to the same cohort, if possible and if consistent with age and learning concerns.
 - For specialist activities such as art and music, staff may cross between cohorts to meet children’s educational and enrichment needs. Limit staff movement between cohorts as much as possible. Staff must document visits that are not part of their cohort. Consider using a sign-in sheet/log to keep track of when staff have worked with different cohorts, to help you trace which students and staff were exposed to COVID-19 after a COVID-19 case occurs in the program.
 - Stagger playground time and other activities so that no two cohorts are in the same place at the same time.
- Avoid moving children and youth from one cohort to another, unless needed for a child or youth’s overall safety and wellness.

Partition large indoor spaces to prevent direct air flow between cohorts.

- A room divider or partition may be used to allow more than one cohort to use a large indoor space if the following requirements are met:
 - All cohorts are from the same program.



- Staff, children and youth do not need to enter another cohort's space to access bathrooms, kitchens, other common areas or exits. If one cohort must pass through another cohort's space to access bathrooms, kitchens, exits or other common areas, use partitions to separate the pass-through space from both cohorts.
- The room divider must prevent direct air flow between cohorts.
 - Best Practice: Solid, non-permeable, cleanable partitions extending to as close to the ceiling as practical to reduce direct and indirect air flow between cohorts.
 - Minimum Requirement: Solid non-permeable, cleanable partitions extending from the floor and at least 8 feet high.
- The room divider must not:
 - Interfere with ventilation of each space. If mechanical ventilation is used, supply and return diffusers must be present on each side of the partitions
 - Obstruct sprinkler systems, access to emergency exits and other fire and building codes.
- If smoke detectors are required and/or are in use in the building, separate smoke detectors may be required on each side of the room divider. Seek consultation as needed for each facility.

Physical distancing

Physical distancing decreases the risk of COVID-19 from respiratory droplets.

- During individual activities, such as when using a computer, keep children at least 6 feet apart.
- Have children sit in the same seats each day if possible.
- Rearrange furniture and work/play spaces to prevent crowding and promote physical distancing between children who are not playing together.
- Arrange desks, workstations, or computers facing in the same direction, so that children do not sit facing each other.
- Offer more opportunities for individual activities, such as reading, workbooks, painting or crafts. Choose group activities that do not involve close contact between children.
- Do not hold gatherings like sing-alongs, and other activities that bring different cohorts together, even if outdoors wearing face coverings.
- During group activities, such as playtime, physical distancing may be relaxed, especially for younger children who may have difficulty staying 6 feet apart from each other, especially if children are wearing face coverings or outside.
- Adults must stay at least 6 feet from other adults, including staff in the same cohort, whenever possible.
 - Set up offices and staff rooms so that staff do not work or sit within 6 feet of each other.
 - Encourage virtual meetings using video conferencing apps for parent-provider meetings and staff meetings, even when all staff are present.
- Adults should stay at least 6 feet away from children and youth as much as possible while meeting their developmental and learning needs.



- If it is not possible to stay 6 feet apart, keep the interaction as short as possible, make sure to wear face coverings, and consider wearing a face shield in addition to a face covering, to further provide eye protection.

Face masks and cloth face coverings

Face masks and other cloth face coverings keep people from spreading the infection to others, by trapping respiratory droplets before they can travel through the air. They are one of the most important measures to protect staff and children from COVID-19.

- All adults and children 10 years and older must wear face masks or cloth face coverings over both their nose and mouth at all times.
 - Staff, family and visitors may not enter the building unless they are wearing a face covering or have documentation of a medical contraindication to face coverings (in which case, they must wear an alternative face covering, such as a face shield with a drape on the bottom edge, unless a medical professional has provided a written exemption to this alternative face covering requirement). Keep a supply of face coverings for individuals who have forgotten to bring one.
 - Family members must wear face coverings when dropping-off or picking-up a child or youth.
- Children 2-9 years old should use face coverings as much as feasible, especially during the following times:
 - During group activities or playtime when children are not physical distancing, especially indoors.
 - In situations where children may encounter staff and children from other cohorts, for example, at drop-off and pickup, and in hallways, bathrooms and outside play areas.
 - If a child becomes ill after arriving and is waiting for pick-up.
- Reusable cloth face masks are recommended over surgical masks, which should be reserved for medical personnel, and can be sent home with families to be laundered.
- Avoid excluding children from the program or disciplining them for not wearing a face covering. Continue to encourage and remind them to wear their face covering. A child who refuses to wear face coverings at home may be more willing to wear a face covering in a setting where all staff and other children are wearing them.

The widespread use of face coverings can significantly reduce the spread of infection, even if a few children are unable to wear face coverings. Consistent face covering use by adults is very important in preventing the spread of COVID-19, since many cases of COVID-19 in youth settings so far have been adult staff who were infected in the community.

Exemptions to cloth face coverings; use of face shields

- Children 0-1 year old must not wear face coverings due to the risk of suffocation.
- When a person is unconscious, asleep, or otherwise unable to remove the face covering independently.



- Children and youth with documented medical or behavioral contraindications to face coverings are exempt. This includes children and youth who are unable to tolerate face coverings due to autism or sensory sensitivity, or children and youth unable to independently remove face coverings due to developmental delay or disability.
- Staff with a medical contraindication documented by a medical provider to a face covering may be allowed to wear a face shield with a cloth drape on the bottom tucked into the top of their shirt. However, this is not thought to be as effective as a face covering in preventing spread of infection. <https://covid19.ca.gov/masks-and-ppe/>
- Staff working with children and youth who are hard-of-hearing may use a clear mask (a disposable or cloth face mask with a clear window). If this is not feasible, a face shield with a cloth drape tucked into the shirt may also be used. Staff must wear a face covering at other times, for example, in staff-only areas.
- Do not use face shields in place of face coverings unless absolutely required, such when working with hard of hearing children and youth. Face shields have not been shown to keep the wearer from infecting others.
- Consider using a face shield in addition to a face mask or cloth face covering. Face shields provide additional eye protection for the wearer. When used with a mask or face covering, a cloth drape is not needed.

Hand hygiene

Frequent handwashing for at least 20 seconds and hand sanitizer use removes COVID-19 germs from people's hands before they can infect themselves by touching their eyes, nose or mouth.

- Develop routines and schedules for staff, children and youth to wash or sanitize their hands at staggered intervals, especially before and after eating, upon entering/re-entering a space, and before and after touching shared equipment such as computer keyboards.
- Every space and common area (staff work rooms, eating areas) must have hand sanitizer or a place to wash hands upon entering.
- Establish procedures to ensure that sinks and handwashing stations do not run out of soap or paper towels, and that hand sanitizer does not run out.
- Post signs encouraging hand hygiene. A hand hygiene sign in multiple languages is available for download at <http://eziz.org/assets/docs/IMM-825.pdf>

Ventilation and outdoor spaces

Increasing outdoor air circulation lowers the risk of infection by "diluting" any infectious respiratory droplets with outdoor air. Being outside is even lower risk.

- Do as many activities outside as possible, especially snacks/meals and physical activities.
- Stagger use of outdoor spaces to keep cohorts from mixing. If the outdoor space is large enough, consider designating separate spaces for each cohort.



- Open windows to increase ventilation with outdoor air when health and safety allow, for example, when it does not worsen individuals' allergies or asthma. When health and safety allow, also consider also leaving room doors slightly open to promote flow of outdoor air through the indoor space.
- Adjust mechanical ventilation systems to maximize fresh (outdoor) air ventilation. Minimize or eliminate return or recirculated air.
- For mechanical ventilation systems, increasing the intake of outdoor air and minimizing recirculated air should be prioritized over increasing filter efficiency during the COVID-19 pandemic.

Generally, opening windows and adjusting mechanical ventilation systems to maximize outdoor air intake will effectively increase the amount of outdoor air in a room. Although increased filter efficiency may be desirable for other reasons, such as improving indoor air quality near freeways or during wildfires, it is less important than maximizing outdoor air intake for COVID-19. Improving filter efficiency may require significant upgrades to the mechanical ventilation system. Portable air cleaners may be considered, but must be sized and positioned appropriately for the specific space.

Limit sharing

- Limit sharing of art supplies, school supplies, manipulatives, and other high-touch materials as much as possible. If feasible, have a separate set of supplies for each child and youth.
- Limit use of shared playground equipment in favor of activities that have less contact with shared surfaces.
- If used, outdoor play structures and natural play areas only need routine maintenance. Make sure the children wash or sanitize their hands before and after using these spaces. When hand hygiene is emphasized, cleaning and disinfection of outdoor play areas is not required between cohorts.

Cleaning and disinfection

Many household disinfectants are effective against COVID-19. Refer to [EPA's List N](#) for EPA-approved disinfectants effective against COVID-19.

- Clean and disinfect frequently touched surfaces at least daily.
- Routine cleaning for COVID-19 focuses on frequently touched surfaces like door handles, desks, countertops, phones, keyboards, light switches, handles, toilets and faucets.
- Cleaning after a suspected or known case of COVID-19 **uses the same cleaning agents and disinfectants** as for routine cleaning, but includes the following steps:
 - Open windows and use fans to increase outdoor air circulation in the areas to be cleaned.
 - Wait 24 hours, or as long as practical, before cleaning and disinfection. CDPH recommends waiting at least 1 hour.¹

¹ CDPH Outpatient Healthcare Facility Infection Control Recommendations for Suspect COVID-19 Patients <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/OutpatientHealthcareFacilityInfectionControlRecommendationsforSuspectCOVID19Patients.aspx>



- Clean and disinfect all surfaces in the areas used by the ill person, including electronic equipment like tablets, touch screens, keyboards, and remote controls. Vacuum the space if needed.
- For details, refer to CDC guidelines on “Cleaning and Disinfecting Your Facility” at <https://www.cdc.gov/coronavirus/2019-ncov/community/disinfecting-building-facility.html> and CDC guidelines for cleaning schools and community facilities at <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html#Cleaning>
- Note that the term “deep cleaning” can be misleading, and the CDC does not use the term.

Specific Situations

Transportation

Since vehicles are small enclosed spaces that do not allow physical distancing, they can be settings with higher risk of COVID-19 transmission. Biking and walking are lower risk than shared vehicles.

- Public transportation: Wear face coverings, maintain at least 6 feet of physical distancing as much as possible, and practice hand hygiene upon arrival.
- Carpools and shared rides: Advise staff and families to carpool with the same stable group of people. Open windows and maximize outdoor air circulation when feasible. Everyone in the vehicle used for these purposes must wear a face covering.

Drop-off and pick-up

Children, youth and parents/caregivers from different households should not gather and interact with each other during arrival and dismissal, as this creates an opportunity for COVID-19 to spread in the community.

Limit staff contact with families at drop-off and pick-up

- Stagger arrival and dismissal times to minimize contact, using different entrances/exits for each cohort when possible.
- Mark spaces at least 6 feet apart for children and youth waiting to enter the building and for adults waiting to pick up children. Post signs to remind family members to stay at least 6 feet away from people from other households when dropping off or picking up their student.
- Require face coverings for family members who are dropping off or picking up children and youth.

Meals and snacks

Eating together is especially high risk for COVID-19 transmission because people must remove their face coverings to eat and drink. Children and youth often eat with their hands, and both children and adults often touch their mouths with their hands while eating. In addition, meals are usually considered time for talking together, which further increases risk, especially if children and youth must speak loudly to be heard.



- Eating outdoors is safer than eating indoors. Outdoor eating areas may be covered (e.g. with an awning), as long as no more than one side is closed, allowing sufficient air movement. Designate an eating area for each group, and mark places at least 6 feet apart for students to sit. Without marked spaces, children might sit more closely.
- Use individually plated or bagged meals or snacks instead of family-style meals.
- Space children and youth as far apart as possible when eating, and try to seat them so they do not sit face-to-face. Physical distancing is especially important when eating, since face coverings cannot be worn.
- Make sure that children and youth and staff wash their hands or use hand sanitizer immediately before and after eating. Pay special attention to children who like to suck/lick food off their hands.
- Staff should try as much as possible to stay at least 6 feet away from children who are not wearing face coverings, especially when they are eating indoors. Staff should remember to wear face coverings if children are eating.
- Clean and disinfect tables and chairs between different cohorts. If eating outdoors, sidewalks and asphalt do not have to be disinfected.

Staff spaces: offices, break rooms and work rooms

Staff often do not view themselves and colleagues as sources of infection, and forget to take precautions with co-workers, especially during social interactions such as breaks or lunch time.

- Staff should try not to eat with other staff, especially indoors. This is a common way that staff are exposed to COVID-19 at work.
- Post signage reminding staff to stay 6 feet apart, keep their face coverings on unless eating, wash their hands before and after eating, and disinfect their area after using it.
- Consider creating a private outdoor area for staff to eat and take breaks.
- Open windows and doors to maximize ventilation in staff spaces.

Sports and exercise

Exercising is an area of higher risk for transmission due to the potential for close contact and increased breathing. Youth sports require special consideration and special precautions. Any program that involves sports or physical education, as all or part of its programming, must comply with these guidelines.

- All sports, physical conditioning, and training must occur outside.
- Participants must stay at least 6 feet apart at all times. Sports that require closer contact are not permitted. Physical conditioning and individual training to support such sports (e.g., running drills, practicing skills, and doing calisthenics) is permitted as long as participants can stay 6 feet apart at all times.
- Face coverings must be worn by all participants at all times (participants should avoid heavy exertion because it may make wearing face coverings more difficult).
- Limit sharing of equipment between youth in a cohort. Clean any shared equipment frequently. Do not share equipment between cohorts unless it has been cleaned and disinfected.
- Youth from different cohorts may not play against or with each other.



- Tournaments, events, and competitions are not permitted.
- Please see the state's guidance regarding Youth Sports at <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Youth-Sports-FAQ.aspx>.

Students receiving special services

- Therapists and other support staff are considered essential staff and should be allowed onsite to provide services.
- Accommodations and related services for special education, learning disabilities and medical conditions should be met, even if it creates cross-over between cohorts. Provide supervision for children who need additional support maintaining physical distancing, wearing a face covering, or handwashing.
- Additional accommodations may be needed for students to safely attend class. For example, a student who cannot tolerate a face covering due to a medical or developmental condition may need a desk with clear screens or privacy barriers.

Other activities

- Avoid group singing. Suspend choir and wind instruments (band). These activities are higher risk for COVID-19 transmission due to the larger numbers of respiratory droplets produced. Percussion and string instruments are allowed.
- Field trips are currently not allowed due to the potential for increased transmission. Please stay updated with state and local guidance.

What to do when someone has suspected or confirmed COVID-19

Refer to *"When someone has suspected or confirmed COVID-19: Quick Guide for Schools, Childcares, and Programs for Children and Youth"* at <https://sfcdcp.org/CovidSchoolsChildcare> for information on:

- Steps to take when staff or children and youth have COVID-19 symptoms, have been exposed (for example, a parent or sibling has tested positive), or have confirmed COVID-19.
- Returning to the program after COVID-19 symptoms, close contact, or confirmed COVID-19.

When a child and youth or staff member has symptoms of COVID-19

- Staff who develop symptoms at work must notify their supervisor and leave work as soon as feasible. For SFPDH guidance on when workers with COVID-19 symptoms may return to work, see <https://sfcdcp.org/rtw>.
- Keep ill children and youth in a separate area, away from other children and youth, until they can be picked up. Make sure that children and youth keep their face coverings on.
- When a parent or guardian arrives, consider walking the child outside to meet them instead of allowing the parent or guardian into the building. Since it is common that children with COVID-19 are infected by a parent or other adult in their home, the parent may also have COVID-19.
- Encourage family members of students and staff with symptoms of COVID-19 to get tested promptly, before they can spread infection to students and staff.



- Open windows in areas used by the sick person to maximize outdoor air circulation. Close off those areas as soon as feasible, until they can be cleaned and disinfected.
- Children and youth with symptoms may return to the program when they have met the criteria in “When someone has suspected or confirmed COVID-19: Quick Guide for Schools, Childcares, and Programs for Children and Youth.” A parent handout, “For Parents and Guardians: COVID-19 Health Checks for Children and Youth/If Your Child Has Symptoms” is also available. Both documents are at <http://sfcdcp.org/CovidSchoolsChildcare>.

When a child and youth or staff member has a positive COVID-19 test

- Contact the SFDPH Schools and Childcare Hub for consultation and guidance at **(415) 554-2830, Press 1 for COVID-19, then press 6 for Schools**
Schools-childcaresites@sfdph.org
- **Work with SFDPH to identify staff, children and youth and other people in the program who had close contact** with the person with COVID-19. Individuals who had close contact should be notified, know how to get tested, and understand when they or their child can return to the program, usually 14 days after their last exposure. Please refer to “*Frequently Asked Questions (FAQ): COVID-19 Contact Tracing at Schools, Childcares, and Programs for Children and Youth*” at <http://sfcdcp.org/CovidSchoolsChildcare>.
- **Close the areas used by the person with COVID-19 until they can be cleaned and disinfected.**
- **Communicate with staff and families.**
Maintain the confidentiality of the child, youth family, or staff member with COVID-19 as required by the Americans with Disabilities Act, the Family Education Rights and Privacy Act, and possibly HIPAA.

Resources

San Francisco Department of Public Health (SFDPH)

- **SFDPH Schools and Childcare Hub** for COVID-19 consultation and guidance (415) 554-2830. Press 1 for COVID-19, then press 6 for Schools
Schools-childcaresites@sfdph.org
- COVID-19 guidance for the public, including schools and employers
<https://www.sfcdcp.org/covid19>
- Outreach Toolkit for Coronavirus. Posters and flyers on physical distancing, hand hygiene, face masks, health screenings, getting tested, and other COVID-19 topics at
<https://sf.gov/outreach-toolkit-coronavirus-covid-19>
- “*What to Do When Someone Has Suspected or Confirmed COVID-19: Quick Guide for Schools, Childcares, and Programs for Children and Youth*”, at <https://sfcdcp.org/CovidSchoolsChildcare>
- “*Parent and Caregiver Handout: COVID-19 Health Checks/If Your Child has Symptoms*.” Instructions for parents on health screenings and return to school guidelines if their child has COVID-19 symptoms, at <http://sfcdcp.org/CovidSchoolsChildcare>
- “*Frequently Asked Questions (FAQ): COVID-19 Contact Tracing At Schools, Childcares, and Programs for Children and Youth*”, at <https://sfcdcp.org/CovidSchoolsChildcare>



- *"What to Do if Someone at the Workplace Tested Positive for COVID-19"*
<https://www.sfcddcp.org/covid19> under Businesses and Employers.
- *"Leaving Isolation or Returning to Work for Those Who Have Confirmed or Suspected COVID-19"*
<https://www.sfcddcp.org/rtw>

California Department of Public Health (CDPH)

- *"Guidance for Small Cohorts/Groups of Children and Youth"*
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/small-groups-child-youth.aspx>
- *"Youth Sports Questions and Answers"*
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/Youth-Sports-FAQ.aspx>

Centers for Disease Control and Prevention (CDC)

- Guidance for Schools and Childcare
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/index.html>
- Guidance for Child Care Programs that Remain Open
<https://www.cdc.gov/coronavirus/2019-ncov/community/schools-childcare/guidance-for-childcare.html>
- Cleaning and Disinfection for Community Facilities
<https://www.cdc.gov/coronavirus/2019-ncov/community/clean-disinfect/index.html>

Health Officer Directive No. 2020-21e (Exhibit B) Health and Safety Plan (issued 10/27/2020)

Each Out of School Time Program must complete, post onsite, and follow this Health and Safety Plan.

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

Business/Entity name:

Contact name:

Entity Address:

Contact telephone:

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

- Business is familiar with and complies with all requirements set forth in Health Officer Directive No. 2020-21d, available at <http://www.sfdph.org/directives>.
- Designate a COVID-19 staff liaison. *Liaison name:*
- Protocols have been established in the event a child or staff member has symptoms of COVID-19, has close contact with a person with COVID-19, or is diagnosed with COVID-19.
- Program prioritizes enrollment for at risk children and youth and children and youth of people who work in essential businesses or essential governmental functions, followed by people who work in other businesses and organizations that are allowed to remain open or re-open under San Francisco Health Orders.
- Everyone who enters the facility is screened for COVID-19 symptoms or exposure.
- Parents are informed to keep children home when ill.
- Sick leave policies support personnel to stay home when ill.
- Limiting non-essential visitors, including volunteers, to the greatest extent possible.
- Cohort size is limited to 14 children and no more than two supervising adults, or a configuration of no more than 16 individuals total (children and adults) in the cohort, or the maximum number of children or youth able to maintain 6 feet of social distancing, whichever is lower.
- Sessions are a minimum of three weeks long.
- Staff is assigned to one cohort and works solely with that cohort.
- Interaction between cohorts is minimized to the greatest extent feasible.
- Each cohort is in a separate room or space or a solid non-permeable, cleanable partitions extending from the floor and at least 8 feet high separates the cohorts.
- Physical distancing between adults is maintained as much as possible.
- Physical distancing between children is encouraged as appropriate depending on the nature and location of the activity.
- All adults and children 10 years and older wear a face covering unless eating or drinking or otherwise exempt.

Health Officer Directive No. 2020-21e (Exhibit B)
Health and Safety Plan (issued 10/27/2020)

Each Out of School Time Program must complete, post onsite, and follow this Health and Safety Plan.

- Children 2-9 years are encouraged to wear face coverings to the extent feasible, especially during the following times:
 - During group activities or playtime when children are not physical distancing, especially indoors;
 - Where children may encounter staff and children from other cohorts; and
 - If a child becomes ill after arriving and is waiting for pick up (and is not asleep)
- Protocols for frequent hand washing and/or sanitizing are in place.
- Activities are done outdoors to the greatest extent possible.
- Ventilation is maximized to the greatest extent possible through opening windows (when safe to do so) and/or adjusting mechanical ventilation to maximize fresh (outdoor) air ventilation, as appropriate.
- Sharing of supplies and high-touch material is limited to the extent possible.
- Frequently touched surfaces, supplies and other objects are cleaned and disinfected regularly.
- Staff contact with families at drop-off and pick-up is limited as much as possible.
- Children are placed as far apart as possible during meals and snacks.
- Sports and physical education are permitted only when at least six feet of physical distance can be maintained between all participants at all times.
- No group singing or playing wind instruments.
- No field trips.

Additional Measures

Explain:



DIRECTIVE OF THE HEALTH OFFICER No. 2020-22d

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR INSTITUTIONS OF HIGHER EDUCATION AND ADULT
EDUCATION PROGRAMS**

(PUBLIC HEALTH DIRECTIVE)
DATE OF DIRECTIVE: October 27, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that Institutions of Higher Education (“IHEs”) and other programs offering adult education (“Adult Education Programs,” and with IHEs, “Higher Education Programs”) must follow as part of the local response to the Coronavirus Disease 2019 (“COVID-19”) pandemic. This Directive constitutes industry-specific guidance as provided under Section 4.e of Health Officer Order No. C19-071, including as it may be revised or amended in the future, (the “Stay-Safer-At-Home Order”) and, unless otherwise defined below, initially capitalized terms used in this Directive have the same meaning given them in that order. This Directive goes into effect immediately upon issuance, and remains in effect until suspended, superseded, or amended by the Health Officer. This Directive has support in the bases and justifications set forth in the Stay-Safer-At-Home Order. As further provided below, this Directive automatically incorporates any revisions to the Stay-Safer-At-Home Order or other future orders issued by the Health Officer that supersede that order or reference this Directive. This Directive is intended to promote best practices as to Social Distancing Requirements and sanitation measures, helping prevent the transmission of COVID-19 and safeguard the health of workers, students, their families, and the community.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER DIRECTS AS FOLLOWS:

- 1. The Stay-Safer-at-Home Order allows businesses offering Higher Education Programs to operate generally through remote learning and in some instances outdoor in-person instruction in small groups, and in limited circumstances through in-person instruction indoors, all subject to specified health and safety requirements and restrictions. This Directive applies to all public, private non-profit, private for-profit, research-focused, and special mission IHEs and other Higher Education Programs offering adult education, including universities, colleges, vocational training courses, and career pathway educational programs – including, for example, programs offering job skills training and English as a second language classes. This Directive does not apply to K-12 schools or other educational programs for children.**
- 2. Attached as Exhibit A to this Directive is a list of best practices that apply to Higher Education Programs (the “Best Practices”). Each Higher Education Program must comply with all of the relevant requirements listed in the Best Practices.**
- 3. Each Higher Education Program, before it begins to allow Personnel or students onsite, must create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”). The Health and Safety Plan must be substantially in the form attached to this Directive as Exhibit B.**



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4. Attached as **Exhibit C** is guidance from the San Francisco Department of Public Health for Higher Education Programs (“Guidance”). The Guidance is also available at www.sfdph.org/directives. Each Higher Education Program must comply with all of the relevant requirements listed in the Guidance.
5. If an aspect, service, or operation of the Higher Education Program is also covered by another Health Officer directive (all of which are available at www.sfdph.org/directives), then the Higher Education Program must comply with all applicable directives, and it must complete all relevant Health and Safety Plan forms.

Each Higher Education Program must (a) make the Health and Safety Plan available to students or Personnel on request, (b) provide a summary of the Health and Safety Plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the Health and Safety Plan at each entrance to any physical business or campus site within the City. Also, each Higher Education Program must provide a copy of the Health and Safety Plan and evidence of its implementation to any authority enforcing this Directive upon demand.

6. Each Higher Education Program subject to this Directive must provide items such as Face Coverings (as provided in Health Officer Order No. C19-12c issued on July 22, 2020, and any future amendment to that order), hand sanitizer or handwashing stations, or both, and disinfectant and related supplies to any of that Higher Education Program’s on-site Personnel. If any Higher Education Program is unable to provide these required items to on-site Personnel or otherwise fails to comply with required Guidance, then it must cease operating until it can fully comply and demonstrate its strict compliance. Further, as to any non-compliant operation, any such Higher Education Program is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.
7. For purposes of this Directive, “Personnel” includes all of the following people who provide goods or services associated with the Higher Education Program in San Francisco: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Higher Education Program. “Personnel” includes “gig workers” who perform work via the business’s app or other online interface, if any.
8. This Directive may be revised by the Health Officer, through revision of this Directive or another future directive or order, as conditions relating to COVID-19 require, in the discretion of the Health Officer. All Higher Education Programs must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (www.sfdph.org/healthorders; www.sfdph.org/directives) regularly.
9. Higher Education Programs must prepare, post, and implement a Social Distancing Protocol substantially in the form of Appendix A to the Stay-Safer-At-Home Order, as provided under applicable provisions of the Stay-Safer-At-Home Order. The Higher Education Program must follow those Best Practices and update them as



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necessary for the duration of this Directive, including, without limitation, as this Directive is amended or extended in writing by the Health Officer and consistent with any extension of the Stay-Safer-At-Home Order, any other order that supersedes that order, and any Health Officer order that references this Directive

This Directive is issued in furtherance of the purposes of the Stay-Safer-At-Home Order. Where a conflict exists between this Directive and any state, local, or federal public health order related to the COVID-19 pandemic, including, without limitation, the Social Distancing Protocol, the most restrictive provision controls. Failure to carry out this Directive is a violation of the Stay-Safer-At-Home Order, constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by fine, imprisonment, or both.

A handwritten signature in blue ink that reads "Tomás Aragon".

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

Date: October 27, 2020



Exhibit A to Health Officer Directive No. 2020-22d (issued 10/27/20)

Best Practices for Higher Education Programs

In addition to preparing, posting, and implementing the Social Distancing Protocol required by Section 4.d and Appendix A of Health Officer Order No. C19-071 (the “Stay-Safer-At-Home Order”), each Higher Education Program that operates in the City must comply with each requirement listed below and prepare a Health and Safety Plan substantially in the format of Exhibit B, below.

Requirements:

1. Section 1 – General Requirements for All Higher Education Programs:

[These requirements apply to all Higher Education Programs Offering Indoor or Outdoor Instruction]

- 1.1.*** Higher Education Programs must offer distance learning options to the extent reasonably feasible. They must also continue to maximize the number of Personnel who work remotely from their place of residence.
- 1.2.*** Higher Education Programs must encourage students who are able to complete their coursework remotely from their place of residence. For students who live outside the local geographic area and who can otherwise complete their coursework through remote learning, Higher Education Programs must encourage those students not to travel to the San Francisco Bay Area for the purpose of attending the program.
- 1.3.*** Each Higher Education Program that will operate with Personnel or students on a campus or facility within San Francisco must designate at least one COVID-19 staff liaison to be the point of contact for questions from students, Personnel, and the community about the program’s COVID-19 practices and protocols (the “COVID-19 Liaison”). The COVID-19 Liaison will also be responsible for communicating with and the San Francisco Department of Public Health (“SFDPH”) about outbreaks among students or Personnel.
- 1.4.*** Assemble and implement a written, campus-specific COVID-19 prevention plan (“Prevention Plan”). A copy of the Prevention Plan must be made readily available to students, Personnel, and SFDPH, such as by posting a copy on the website for the Higher Education Program or making a hard copy available upon request. The Prevention Plan must:
 - 1.4.1.*** Comply with the state’s COVID-19 prevention requirements contained in its Guidance for Institutions of Higher Education, issued on August 7, 2020, as well as any subsequent amendments to that guidance; and
 - 1.4.2.*** Include protocols for addressing an outbreak among students or Personnel as required by SFDPH guidelines. For more details, see: <http://www.sfdcp.org/covid19-positive-workplace>.
- 1.5.*** If the Higher Education Program resumes operations with Personnel or students on a campus or facility within San Francisco, the Higher Education Program must give written



notice and containing the following language to all Personnel and students that will participate in on-campus programming:

The collective effort and sacrifice of San Francisco residents staying at home limited the spread of COVID-19. But community transmission of COVID-19 within San Francisco continues, including transmission by individuals who are infected and contagious, but have no symptoms. Infected persons are contagious 48 hours before developing symptoms (“pre-symptomatic”), and many are contagious without ever developing symptoms (“asymptomatic”). Pre-symptomatic and asymptomatic people are likely unaware that they have COVID-19.

The decision by the Health Officer to allow institutions of higher education and other adult education programs to resume operations does not mean that participating in or attending classes or other programs in-person is free of risk. Participating in in-person instruction could increase your risk of becoming infected with COVID-19.

Each person must determine for themselves if they are willing to take the risk of participating in in-person programs, including whether they need to take additional precautions to protect their own health or the health of others in their household. You should particularly consider the risks to household members who are adults 50 years or older, or anyone who has an underlying medical condition. If you have an underlying medical condition, you may want to discuss these risks with your health care provider.

More information about COVID-19 and those at higher risk for serious illness is available on the Centers for Disease Control and Prevention website at <https://www.cdc.gov/coronavirus/2019-ncov/>.

- 1.6.** All Higher Education Programs must comply with the ventilation protocols at Section 4.i of the Stay-Safer-At-Home Order. Review SFPDH’s guidance for improved ventilation available at: <https://www.sfcddp.org/COVID-ventilation>.
- 1.7.** Add all COVID-19 related signage to the campus as required by Sections 4.g and 4.h of the Stay-Safer-At-Home Order. The County is making available templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.
- 1.8.** Higher Education Programs may permit individual students to use facilities in control of the Higher Education Program if all of the following requirements are met: (1) the student requires access to the facility due to the need for access to specialized equipment or space that is not available outside (such as a music practice room or fine arts studio); (2) only one person is permitted access to the facility at a time, by appointment; (3) a Face Covering must be worn in the facility at all times unless it must be removed to perform a specific task, such as eating, drinking, or playing a wind instrument; (4) the facility is cleaned and disinfected between each use; (5) where feasible, the facility is aired out between each use, such as by opening windows or doors; and (6) use of the facility must be staggered to permit at least one hour between uses. For clarity, specialized indoor facilities may also be used for indoor classes and programs if the Higher Education Program complies with the requirements contained in Section 2 below.
- 1.9.** Collegiate athletics teams are prohibited from engaging in practices, games, or tournaments in San Francisco without prior written authorization from SFPDH. Higher



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Education Programs that seek to resume collegiate athletics programs must submit a plan for approval that meets the requirements of Section 14(b)(iv) of Appendix C-1 of the Stay-Safer-at-Home Order.

- 1.10.** Develop a plan and implement daily COVID-19 symptom self-verifications for all Personnel reporting to work as required by the Social Distancing Protocol (contained in Health Officer No. C19-071 issued on October 27, 2020 and any future amendment to that order) (the "Social Distancing Protocol").
- 1.11.** Establish a plan and implement a daily screening using the standard screening questions attached to the Order as Appendix A and Attachments A-1 and A-2 (the "Screening Handouts") for all persons arriving at the facility or campus. The plan must include a protocol for screening students, parents/caregivers, Personnel, contractors, vendors, or other members of the public, for symptoms and exposure to COVID-19. A copy of the Screening Handout should be provided to anyone on request, although a poster or other large-format version of the Screening Handouts may be used to review the questions with people verbally. Any person who answers "yes" to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering the facility or campus, and should be referred for appropriate support as outlined in the Screening Handouts. Students residing in on-campus housing who answer "yes" to any screening question, but who agree in advance and are able to comply the SFDPH quarantine and self-isolation directives may be permitted on campus for the purpose of complying with those directives. Public safety emergency personnel responding to an emergency are exempt from this rule.
- 1.12.** Require all persons on campus to wear Face Coverings as provided in Health Officer Order No. C19-12c issued on July 22, 2020, and any future amendment to that order (the "Face Covering Order"). Higher Education Programs are responsible for communicating with Personnel and students about Face Covering requirements and enforcing those requirements on campus.
- 1.13.** Prohibit non-essential visitors from entering the campus or using campus resources. To the extent possible, limit the number of vendors on campus and prohibit them from accessing areas frequented by Personnel or students. In-person tours or open houses of campuses and facilities are not permitted. Virtual tours may continue pursuant to the live streaming requirements in the Stay-Safer-at-Home Order
- 1.14.** Personnel and students must follow San Francisco Health Officer Orders regarding self-quarantine after travel outside of the San Francisco Bay Area.
- 1.15.** Develop a plan to promote healthy hygiene practices on campus and communicate the plan to Personnel and students. Post signs in visible locations, such as building entrances, restrooms, dining areas, and class rooms that promote protective measures, such as proper hand washing, physical distancing, and Face Coverings.
- 1.16.** Provide Personnel and Students on campus with adequate supplies to support healthy hygiene, including, as necessary, sanitation stations, soap, hand sanitizer, paper towels, tissues, disinfectant wipes, and non-touch/foot pedal trash cans.
- 1.17.** Develop a plan for routine and safe cleaning of spaces controlled by the Higher Education Program, including:



- 1.17.1.* Clean and disinfect frequently touched surfaces such as door handles, light switches, sink handles, hand railings, tables, and elevator buttons throughout the day.
- 1.17.2.* Use disinfectant products that are approved for use against the virus that causes COVID-19 from the EPA-approved List “N.”
- 1.17.3.* Ensure proper ventilation during cleaning and disinfecting by, for example, opening windows where possible.
- 1.17.4.* Plan cleaning only when occupants are not present and fully air out the space before people return.
- 1.18.* To the extent feasible, prohibit sharing of objects such as lab equipment, computers, and desks. If equipment must be shared, it must be disinfected between uses.
- 1.19.* If a facility has been shut down for a prolonged period, take all necessary steps to ensure that water systems are safe to use before permitting Personnel and students to return to the facility.
- 1.20.* Prohibit the use of drinking fountains on campus. If a water filling station is provided, the stations must be cleaned and disinfected regularly. Post signs at refilling stations that encourage users to wash or sanitize their hands after refilling.
- 1.21.* Indoor communal study spaces are prohibited. Study spaces in personal residences are permissible for those living in the household. Libraries must remain closed except for curbside pickup or as otherwise permitted under the Stay-Safer-at-Home Order.
- 1.22.* Cafeterias and other eating establishments on campus must comply with the directives applicable to dining as well as any other industry-specific guidelines.

2. *Section 2 – Requirements for Higher Education Programs Offering Indoor, In-Person Instruction*

[These are additional requirements that apply to Higher Education Programs that offer indoor classes]

- 2.1.* All indoor lectures, classes, or courses of any kind involving two or more people (including the teacher or instructor) are prohibited unless the Higher Education Program has prepared and posted a Prevention Plan as required by Section 1.4 above and containing the following additional information:
 - 2.1.1.* With respect to each class or program that will be held indoors, a statement as to why it cannot be held remotely or outdoors due to the need for access to specialized equipment or space;
 - 2.1.2.* An explanation of how the Higher Education Program will enforce physical distancing on participants of any indoor class or program;
 - 2.1.3.* A description of protocols for airing out and sanitizing classroom spaces and equipment between classes;



- 2.1.4.** A completed Facilities Questionnaire regarding cleaning and ventilation protocols. The Facilities Questionnaire can be found at: <https://www.sfdph.org/dph/COVID-19/Schools-Education.asp>
- 2.1.5.** A statement explaining how the Higher Education Program will be addressing proper sanitation, social distancing, stable cohorting, Face Coverings, health screening, and any additional procedures that will be implemented to minimize the risk of transmission of COVID-19 in the indoor facilities;
- 2.1.6.** A plan for PCR COVID-19 testing of students and staff or an explanation as to why no testing is necessary in the specific circumstances;
- 2.1.7.** A plan for educating students about COVID-19 risks and mitigation strategies;
- 2.1.8.** A statement of how the Higher Education Program intends to address violations of COVID-19 safety protocols by students and Personnel; and
- 2.1.9.** A statement from the operator of the Higher Education Program that recognizes the risk inherent in holding indoor classes and will be responsible for taking all necessary precautions to mitigate the risk of transmission to the greatest extent possible.
- 2.2.** A sample, fillable Prevention Plan for Higher Education Programs offering indoor classes and programs will be available at: <https://www.sfdph.org/dph/COVID-19/Schools-Education.asp>.
- 2.3.** Indoor classes and programs must be scheduled to conclude in no more than two hours. Higher Education Programs must prohibit students and Personnel from congregating before and after the scheduled classes and programs. Higher Education Programs that seek to offer indoor courses exceeding the two-hour limit must submit a written request to do so at schools-childcaresites@sfdph.org. The request must include the following information: (1) the type of class(es) the Higher Education Program is seeking to hold that will exceed the two-hour time limit; (2) the number of students proposed for each class; (3) an explanation as to why the class cannot be limited to two-hours, such as any State-mandated course requirements; (4) a statement that the Higher Education Program is enforcing social distancing and Face Covering requirements; (5) a statement that the program is complying with SFDPH's ventilation requirements; and (6) a statement that students will not be permitted to eat or drink in any class exceeding the two-hour time limit. Higher Education Programs may exceed the two-hour limit only upon receiving approval in writing by SFDPH and upon satisfying any conditions of approval.
- 2.4.** Higher Education Programs that complete the Prevention Plan and posting requirements contained in this Directive may begin operations without pre-approval by SFDPH. Higher Education Programs offering indoor classes or programs remain subject to periodic audit by SFDPH, including onsite inspection and review of health and safety plans. Higher Education Programs must permit SFDPH inspectors access to their facilities in the event an onsite inspection is requested.
- 2.5.** Higher Education Programs must evaluate their Prevention Plan at least monthly to determine whether any updates are required. The Prevention Plan must be kept up-to-date to reflect any changes.



- 2.6. Higher Education Programs offering indoor classes or programs must evaluate the facility to determine the number of people (including students and instructors) who may safely fit inside at any time while ensuring proper social distancing and other restrictions as required by this Directive and the Stay-Safer-at-Home Order, including the requirement that all students remain at least six-feet from each other at all times.
- 2.7. All students and Personnel participating in indoor instruction must wear a Face Covering at all times except as may be briefly necessary to allow limited eating or drinking. Removal of Face Coverings for more than a brief period, as might be required to allow a student to take a single bite of food, is prohibited. Face Coverings must be immediately replaced and worn at all other times.
- 2.8. Indoor instruction must not include any singing, chanting, or wind instruments of any kind.

3. Section 3 – Additional Requirements for Higher Education Programs Offering Outdoor, In-Person Instruction:

[These additional requirements apply to Higher Education Programs that offer outdoor instruction, even if they do not also offer indoor instruction]

- 3.1. When distance learning is not feasible, Higher Education Programs may offer in-person instruction outdoors in groups of no more than 25 people, including any instructors (“Outdoor Instruction”). Students and Personnel must be permitted to decline the option of participating in Outdoor Instruction and should be accommodated with distance learning or other options, if feasible.
- 3.2. Only one Outdoor Instruction may be held by a Higher Education Program at the same time unless the Higher Education Program can ensure groups participating in different Outdoor Instructions will remain separate, such as by placing physical barriers between the groups. If multiple Outdoor Instructions are occurring at the same time in the same geographic area, the Higher Education Program must prohibit mingling among participants from different Outdoor Instructions.
- 3.3. Personnel and students participating in Outdoor Instruction must follow all Social Distancing Requirements and wear Face Coverings at all times. Personnel and students who are subject to an exemption from the Face Covering Order may not participate in Outdoor Instruction at this time. Members of vulnerable populations (those over age 60 or with chronic medical conditions) are encouraged to carefully consider the risks before determining whether to participate in Outdoor Instruction.
- 3.4. Develop a plan and implement COVID-19 symptom self-verifications for all students who will attend Outdoor Instruction. The plan must require students to conduct a self-verification at home each time they will attend Outdoor Instruction. Students must be informed that they may not attend Outdoor Instruction if they feel ill or are experiencing any symptoms of COVID-19, such as fever, chills, repeated shaking/shivering, cough, sore throat, shortness of breath, difficulty breathing, feeling unusually weak or fatigued, new loss of smell or taste, muscle pain, headache, otherwise unexplained runny or congested nose, or diarrhea.



- 3.5. Outdoor Instruction participants must not move among simultaneously occurring Outdoor Instruction programs taking place in the same geographic area.
- 3.6. Outdoor Instruction must not include instruction that requires instructors or participants to eat or drink as part of the curriculum. Unless necessary for proper hydration or other medical necessity, Outdoor Instruction participants must not eat or drink during the program or while otherwise gathering for purposes of a Higher Education Program.
- 3.7. Participants in Outdoor Instruction must not gather or mingle before or after the period of the Outdoor Instruction.
- 3.8. Consistent with the limitations under the State Health Order, the Stay-Safer-at-Home Order, and guidance from SFDPH, Higher Education Programs may, subject to any applicable permit requirements, conduct their programs 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 must allow the free flow of air in the breathing zone.

4. Section 4 – Additional Requirements for Housing Under the Control of a Higher Education Program

- 4.1. Housing controlled by or used for the benefit of students attending a Higher Education Program must prioritize those students and Personnel with limited housing options, including those with difficulty accessing distance learning. Higher Education Programs must require students who are able to complete their coursework remotely from their place of residence not to travel to the San Francisco Bay Area for the sole purpose of living in housing under the control of the Higher Education Program.
- 4.2. Reserve a supply of available rooms in cases of quarantine and isolation, and provide a contingency plan, such as additional off-campus housing, or hotel rooms, in the event those rooms are exhausted.
- 4.3. Except for family housing, students must be housed in single rooms (i.e., without a roommate) as the default housing option. Students may be permitted to room together if they voluntarily request to do so. Higher Education Programs must not discriminate against students who request single-occupancy rooms, including that students must not be required to pay an additional fee for a single room. Higher Education Programs must house individuals with high risk medical conditions or who identify as members of a vulnerable population in single occupancy rooms.
- 4.4. Non-essential visitors must be prohibited from accessing student housing.
- 4.5. Close all nonessential shared spaces, such as game rooms, gyms and lounges.
- 4.6. If the housing contains a shared cooking or kitchen area, apply the SFDPH guidance for congregate housing settings. Where applicable, follow SFDPH guidance for shared laundry facilities.
- 4.7. Where students must use communal bathrooms, require students to consistently use the same bathroom and shower facilities. Where feasible, add physical barriers, such as plastic, flexible screens, between bathroom sinks. Where sinks are closer than six feet apart, either disable sinks or block off sinks to create more distance between users.



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- 4.8. Prohibit all indoor gatherings of individuals from different household units and prohibit outdoor gatherings beyond a single household except as otherwise permitted under the Stay-Safer-at-Home Order.
- 4.9. Until otherwise permitted by the Stay-Safer-at-Home Order, gyms, pools, and other fitness facilities must remain closed.
5. **Section 5 – Additional Requirements for Transportation Under the Authority of a Higher Education Program:**
 - 5.1. Higher Education Programs that operate or contract to provide transportation for Personnel or students must comply with all industry-specific guidance, including requiring social distancing between individuals and proper use of face coverings.
 - 5.2. Maximize ventilation within vehicles, such as by opening windows during use.
 - 5.3. Clean and disinfect vehicles daily. Drivers must be provided with disinfectant wipes and disposable gloves to wipe down frequently touched surfaces. Vehicles must be cleaned and disinfected after transporting any individual who exhibits symptoms of COVID-19.



Health Officer Directive No. 2020-22d (Exhibit B)
Health and Safety Plan (issued 10/27/2020)

Each Higher Education Program must complete, post onsite, and follow this Health and Safety Plan.

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

Business/Entity name:

Contact name:

Facility Address:

Email / telephone:

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

- Higher Education Program is familiar with and complies with all requirements set forth in Health Officer Directive No. 2020-22d, available at www.sfdph.org/directives.
- If the facility or campus has been shut down for a prolonged period, take all necessary steps to ensure that water systems are safe before reopening.
- Reviewed and implemented applicable guidance regarding ventilation for all indoor areas used by the Higher Education Program.
- Added all required signage to entrances and employee break rooms.
- Designated a COVID-19 Liaison as required by the Directive.
- Prepared and implemented a campus-specific COVID-19 Prevention Plan.
- Posted the Prevention Plan and scheduled monthly evaluations of the Prevention Plan.
- Developed a plan and implemented daily COVID-19 symptom verifications for all Personnel and students on campus or engaged in in-person instruction.
- Developed and implemented a COVID-19 screening procedure for all persons arriving at the facility or campus.
- Developed and implemented a plan to promote healthy hygiene practices on campus.
- Developed and implemented a plan for routine, safe cleaning of spaces controlled by the Higher Education Program.
- Closed all non-essential shared spaces, such as game rooms and lounges.
- Reviewed and implemented all industry-specific guidance in the Directive and, where applicable, other applicable directives concerning transportation, cafeterias, eating establishments, congregate living, gyms, and shared laundry facilities.

Additional Measures

Explain:



**Reopening Institutions of Higher Education
and Other Adult Education Programs for In-Person Instruction:
Guidance for Academic Year 2020-2021**

Updated October 27, 2020

The following guidance was developed by the San Francisco Department of Public Health (SFDPH) for local use, and will be posted at <https://www.sfdcp.org/covid19>.

AUDIENCE: Educators, administrators and support staff of Higher Education Programs as well as students, contractors and other personnel at these programs. For this guidance, the term "Higher Education Programs" includes public, private non-profit, private for-profit, research-focused, and special mission institutions of higher education (IHEs) including universities and colleges, adult education programs such as those offering vocational training courses, career pathway educational programs, job skills training or adult English as a Second Language (ESL) classes. This guidance does not apply to TK-12 schools or other programs for children.

Summary of Changes since the 9/30/2020 Version

- SFDPH Schools and Childcare Hub phone number updated: (628) 217-7499
- Outside instructional groups may have up to 25 people.
- Signage required on risks of indoor, in-person instruction.
- Programs may request exemptions from two hour limit on indoor instruction.

PURPOSE: To provide guidance on health and safety practices needed to safely operate in-person, on-site instruction at Higher Education Programs.

BACKGROUND: Higher Education Programs in San Francisco were allowed to reopen for outdoor in-person instruction in small groups, and in limited circumstances, indoor in-person instruction on September 30, 2020.

Although young adults are at low risk of severe COVID-19 compared to older adults, young adults are now the most likely group to have COVID-19, and now represent 20% of all US cases. Colleges and universities where students live on campus are an especially high-risk setting, with outbreaks occurring across the country. In addition, COVID-19 in young adults likely contributes to community transmission, resulting in spread of infection to older adults and other vulnerable groups.

Preventing the spread of COVID-19 at higher education programs and promoting safe personal behaviors by all students and staff on- and off-campus is crucial to protect students, staff, and other community members at higher risk for severe COVID-19 illness.

This guidance is based on the best science available at this time and current COVID-19 transmission in San Francisco. It is subject to change as new knowledge emerges and as community transmission changes.

Please stay updated of changes to the Stay Safer at Home Order and directives at www.sfdph.org/healthorders and www.sfdph.org/directives.



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Key Messages for Higher Education Programs

- **Preventing person-to-person transmission via respiratory transmission is more important than frequent cleaning and disinfection.** Our current understanding is that COVID-19 is mostly spread from person-to-person in the air through virus-containing droplets in the breath of someone with COVID-19. These respiratory droplets enter the air when a person exhales (breathes out), including when they talk, sing, cough or sneeze. People with COVID-19 may have no symptoms at all and can still be breathing out virus-containing droplets.
 - Larger droplets are sometimes called “ballistic droplets” because they travel in straight lines and are pulled down by gravity. People nearby, usually within 6 feet, are infected when they breathe in these droplets or if the droplets land in their eyes, nose or mouth.
 - Smaller droplets or infectious particles can float in the air for a period of time and/or travel beyond 6 feet on indoor air currents, especially in enclosed spaces with poor ventilation. People sharing the same space are infected when they breathe in these smaller droplets and particles or the droplets or particles land on their eyes, nose, or mouth – even if they are further than 6 feet away. These droplets are sometimes referred to as “aerosols” or “bioaerosols.”

COVID-19 can also spread if a person touches their eyes, nose or mouth after touching a contaminated surface (also known as a fomite), however this is less common.

- Face coverings, social distancing, and ventilation are most important in preventing the spread of COVID-19 in group settings.
- **Exposure risk lies along a continuum.** A rule of thumb is that a person must spend a total of 15 minutes within 6 feet of someone with COVID-19 to be at risk of infection.
 - Spending less time together is safer than more time; being further apart is better than being closer together.
 - Smaller groups are safer than larger ones, outdoor settings are safer than indoor ones.
 - More people using face coverings is safer than fewer people using face coverings.
 - Activities that produce fewer respiratory droplets are safer than those that produce many droplets (silence < quiet talking < loud talking < singing).



Which programs can offer in-person instruction?

Higher Education Programs must continue to offer distance learning whenever possible. As a rule of thumb, minimize in-person interactions and continue remote or virtual operations as much as possible. Please carefully review the Health Order to assess whether a particular "support service" is considered an essential business operation.

As of October 2020, the San Francisco Stay-Safer-At-Home Health Order allows Higher Education Programs to operate minimum essential business functions for the purpose of "facilitating distance learning or performing essential functions."

- Offer distance learning options to the extent reasonably feasible.
- Require that students who are able to complete their coursework remotely to do so from their place of residence. For students who live outside the local geographic area and who can otherwise complete their coursework through remote learning, Higher Education Programs must not require those students to travel to the San Francisco Bay Area for the purpose of living in housing under the control of the Higher Education Program.
- Students and staff must be permitted to decline in-person instruction and should be accommodated with distance learning or other options if feasible.
- Higher Education Programs may permit students to privately use indoor facilities under the control of the Higher Education Program if:
 - The student requires access to the facility to access to specialized equipment or space that is not available outside or at their home (such as a music practice room or fine arts studio);
 - Only one person (including students, faculty, and other personnel) is permitted access to the facility at a time;
 - The facility is cleaned and disinfected between each use;
 - The facility is aired out between each use, such as by opening windows or doors, when feasible;
 - Use of the facility must be by appointment and staggered to permit at least one hour between uses;
 - Face coverings are required at all times except when performing a specific task, such as eating, drinking, or playing a wind instrument.
- Indoor, in-person instruction involving two or more students, faculty or other personnel and requiring the use of specialized space or equipment, such as indoor laboratories, may be offered with the completion and posting of a Prevention Plan.
 - Higher Education Programs that complete the Prevention Plan and posting requirements contained in the Directive may begin operations without pre-approval by SFDPH. Higher Education Programs offering indoor classes or programs remain subject to periodic audit by SFDPH, including onsite inspection and review of health

When distance-learning is not possible, the Health Order permits indoor in-person instruction with the completion of a Prevention Plan, and/or outside instruction for groups up to 25 as long as everybody wears face coverings and social distancing is maintained.



and safety plans. Higher Education Programs must permit SFDPH inspectors access to their facilities in the event an onsite inspection is requested. Please review the [Directive](#) for additional information on completing the Prevention Plan.

- Higher Education Programs who previously have received official, written approval for indoor instruction for “core essential services” can continue to operate, but must comply with the Prevention Plan and posting requirements in the Directive.
- **Mandatory Signage Requirements**
 - Add all COVID-19 related signage as required by Sections 4.g and 4.h of the [Stay-Safer-At-Home Order](#).
 - The City has created an online Outreach Toolkit for Corona Virus (COVID-19) that includes printable resources including many of the signs required in this document. These include signage about proper hygiene, social distancing, Face Coverings, health screening, the risks of indoor transmission, testing and getting vaccinated for the flu. <https://sf.gov/outreach-toolkitcoronavirus-covid-19>.
- Students at vocational schools, including students training in the “counseling and the healing arts,” are permitted to provide in-person essential services, such as direct patient care. For example, a nursing student may provide direct patient care in-person at a hospital under appropriate supervision.

Requirements before opening Higher Education Programs

Before operation, Higher Education Programs must:

- Designate at least one COVID-19 staff liaison as the point of contact for questions or concerns around practices, protocols, or potential exposure. This person will also serve as a liaison to SFDPH.
- Establish health and safety protocols to prevent COVID-19 transmission, as required by any SFDPH Health Order allowing schools to reopen.
 - Train staff and students on health and safety practices. Avoid having in-person staff development, meetings, or team-building during the two weeks before in-person instruction begins.
 - Create a Health and Safety Plan outlining what the Higher Education Program will do to implement the requirements in this guidance and any relevant Health Officer directives or orders. Share this plan with staff, families, students and other members of the Higher Education Program community.
- Collaborate with SFDPH to develop a shared strategy for surveillance testing of Higher Education Program staff and students. Higher Education Programs should consider the role of COVID-19 testing in limiting the transmission of COVID-19. Students and staff who have symptoms, or have been close contacts, must receive testing as soon as possible. Due to concerns of asymptomatic spread of COVID-19, programs should also consider scheduled, periodic surveillance or screening testing of asymptomatic students and staff, particularly for students living in school-owned housing. Programs are encouraged, if feasible, to cover the costs of testing, either by contract with a private testing lab and/or use of primary health care providers to reduce the impact on limited City testing resources.



- Develop an outbreak management plan or Communicable Disease Management Plan which includes protocols to notify SFPDH of any confirmed COVID-19 cases among students, faculty or staff and assist SFPDH as needed with contact tracing. Such a plan should include a protocol to isolate or quarantine any ill or exposed persons. The SFPDH Education Hub will provide case consultation and guidance in cases of individuals testing positive for COVID-19.
- Establish procedures to record daily schedules and attendance of all personnel and students who are in-person at your Higher Education Program. Retain these records for three weeks, for contact tracing purposes in the event of an outbreak. If your Higher Education Program does not already collect contact information for students, asking students to voluntarily provide their contact information is recommended. Find out more at <https://covid19.ca.gov/contact-tracing>
- Establish protocols for staff and students with symptoms of COVID-19 and for communication with staff, students and families after COVID-19 exposure or a confirmed COVID-19 case in the Higher Education Program.
- Promote flu vaccination. Post signage to encourage flu vaccination for students and visitors. Strongly encourage all personnel to get a flu vaccine. If applicable, refer to your institution's specific recommendations.
Preventing influenza is especially important during the COVID-19 epidemic, because people who have flu and COVID-19 at the same time are more than twice as likely to die. In addition, because flu symptoms are similar to COVID-19 symptoms, flu vaccination can help reduce unnecessary absences of students and personnel due to possible COVID-19 symptoms during flu season.
- Flush out the stagnant water from the plumbing lines by running water through fixtures to prevent water-borne infections such as Legionnaires' disease. See detailed guidance at <https://www.sfwater.org/flushingguidance>.
- Ensure that any organizations affiliated with the Higher Education Program, such as off-campus clubs, fraternities and sororities, also follow these guidelines. Develop systems to enforce and hold affiliated organizations accountable for adhering to this guidance.

Quarantine new residents to prevent COVID-19 transmission

Higher Education Programs must have a plan in place to ensure that students and staff quarantine for 14 days if they have moved to the San Francisco Bay Area from another area and engaged in activities that would put them at higher risk of contracting the virus that causes COVID-19 in that area.

- Higher risk activities include people interacting within 6 feet of individuals outside their household if they or those around them were not wearing face coverings at all times, especially if they were indoors; this includes travel on planes, buses, or trains when face coverings were not worn at all times by the people in these enclosed spaces.
- This quarantine requirement does not apply to students and staff who regularly commute to a Higher Education Program from places outside of San Francisco
- Review additional guidance on quarantine at <https://www.sfcdep.org/I&Q>
- Review special considerations for quarantining students in the section below Housing Under Authority of Higher Education Programs.



Strategies to prevent spread of COVID-19 in Higher Education Programs

Screen everyone entering the campus

- Ask all persons entering the building or campus about symptoms and exposure to COVID-19, including staff, students, parents/caregivers, contractors, visitors, and government officials. Emergency personnel responding to a 9-1-1 call are exempted.
 - For details about screening, refer to [COVID-19 Health Checks at Programs for Children and Youth](#) (students under 18) and [Asking COVID-19 Screening Questions at Any Business, Organization or Facility](#) (adults).
 - At this time, there is no recommendation to measure temperatures of students and staff of Higher Education Programs. Please visit <https://www.sfc-dcp.org/covid19> under Businesses and Employers in the “Health Screening” section for further guidance regarding measuring temperatures.
- Individuals with symptoms or exposure to COVID-19 should not be allowed on campus. Individuals with symptoms should be sent home. (See “When a staff member or student has symptoms of COVID-19”).

Staff Considerations

- Maximize the number of personnel who work remotely from their place of residence.
- Protect staff, especially those at higher risk of severe COVID-19 illness. See [sfc-dcp.org/covid19hcp](https://www.sfc-dcp.org/covid19hcp) for a list of groups at higher risk for severe COVID-19.
 - Offer options that limit exposure risk to staff who are in groups at higher risk for severe COVID-19 illness (e.g. telework, reassignment, or modified job duties to minimize direct interaction with students and staff).
 - Prioritize portable plexiglass barriers or other partitions for staff who are in groups at higher risk of severe COVID-19 or who must interact directly with large numbers of people.
 - Consider the use of face shields, to be used **with** face coverings, for staff whose duties make it difficult to maintain 6 feet of distancing, such as clerical staff.
- Monitor staff absenteeism. Plan for staff absences of 10-14 days due to COVID-19 infection or exposure in the event that community transmission increases. Be prepared to offer distance learning to students whose instructors must stay home due to COVID-19 infection or exposure, and no other instructor is available.

Restrict non-essential visitors

- Limit, to the greatest extent permitted by law, external community members, especially with individuals who are not from the local geographic area, from entering the site and using campus resources, as the number of additional people on-site and/or intermingling with students, faculty, and staff increases the risk of virus transmission.
- Prohibit in-person college tours or open houses at this time.



- Staff should document all visitors to classes who are not regular participants. Such records will assist with contact tracing if there is a positive COVID-19 case.

Keep instructors and students in small, stable cohorts

A cohort is a stable group that has the same people each day, stays together for classes, and avoids mixing with students or staff outside the group. Keeping instructors and students in the same group lowers their exposure risk by decreasing the number of people they come into contact with each day. Smaller class sizes further reduce risk of exposures.

- Limit cross-over of students and instructors to the extent possible. Cross-over of students between cohorts is permitted to meet students' educational needs.
- Outdoor classes are limited to 25 participants, including students and instructors. Indoor classes are limited by the space required to maintain 6 feet social distancing.
- Outdoor classes must not interact with other outdoor classes or groups of people who are gathering at the same time.
- Larger gatherings of more than one cohort are currently prohibited (e.g., large assemblies, performances).
- Prevent groups participating in instruction from interacting with each other, including before and after the session.
 - Hold only one outdoor Instruction at the same time unless the groups participating in different outdoor instructions will remain separate, such as by the use of physical barriers between groups.
 - Stagger class schedules for arrival/dismissal to prevent mixing of cohorts.
 - Designate specific routes for entry and exit to the campus for each cohort, using as many entrances/exits as feasible.
- Minimize movement of students through indoor hallways.
 - Stagger class change times so that only one cohort is in the hallway at any given time.
 - Consider creating one-way hallways to minimize congestion.
 - Place physical guides, such as tape, on floors and sidewalks to mark one-way routes.

Limit class duration

- Limit outdoor instruction to as short a duration as possible to minimize risks of person-to-person transmission. Limit mixing of cohorts, including their assigned staff.
- Indoor classes and programs must be no longer than two hours. Higher Education Programs must prohibit students and Personnel from congregating before and after the scheduled classes and programs.
- Requests for exemptions to the two hour limit on indoor instruction: Higher Education Programs that seek to offer indoor courses lasting longer than 2 may submit a written request to schools-childcaresites@sfdph.org. The request must include the following information:



1. The type of class(es)
2. The number of students proposed for each class;
3. An explanation as to why the class cannot be limited to two-hours, such as State-mandated course requirements; and
4. Statements that the Higher Education Program is:
 - a. Enforcing social distancing and face covering requirements
 - b. Complying with SFDPH's ventilation requirements, and
 - c. Not allowing eating and drinking in the class.

Higher Education Programs may exceed the two-hour limit only upon receiving approval in writing by SFDPH and upon satisfying any conditions of approval.

Require face coverings

Face coverings keep people from spreading the infection to others, by trapping respiratory droplets before they can travel through the air.

- Require face coverings for ALL participants
 - All individuals age 10 and above must wear face masks or cloth face coverings over both their nose and mouth at all times.
 - Staff, students and visitors may not enter the building or campus unless they are wearing a face covering or have documentation of a medical contraindication to face coverings. Keep a supply of face coverings for individuals who have forgotten to bring one.
- Participants who are exempt from wearing a Face Covering under the Face Covering Order may only participate if they can wear another acceptable type of covering, such as a face shield with a drape on the bottom edge.
 - Staff or students with a documented medical contraindication to a face covering may be allowed to wear a face shield with a cloth drape on the bottom tucked into the shirt. <https://covid19.ca.gov/masks-and-ppe/>
- Speech and language therapists and staff working with hard-of-hearing students may also use a face shield with a cloth drape tucked into the shirt, if a face covering interferes with their ability to work with students. A clear mask or clear portable barrier such as a plexiglass barrier may also be used. A barrier generally provides the best protection for both student and staff. Staff should wear a face covering at other times.
- Do not use face shields in place of face coverings in other situations. Face shields with cloth drapes tucked into the shirt may be used during outdoor instruction.
- Consider using a face shield in addition to a face mask or cloth face covering. Face shields provide additional eye protection for the wearer. When a face shield is used with a mask or face covering, a cloth drape is not needed.



Physical Spaces

Instruction Spaces

Outdoor instruction is generally safer than indoor instruction due to increased ventilation, increased opportunities for social distancing, and increased dispersal of infectious virus. Indoor instruction involving two or more people is permitted only if remote or outdoor instruction is not possible because of the need for specialized space or equipment AND if the Higher Education Program has already received official, prior written approval for an exemption OR has completed a Prevention Plan; this includes laboratories, specialized indoor spaces such as studios and workshops. Indoor lectures remain prohibited at this time.

- Hold smaller classes in larger spaces. Limit capacity to maintain 6 feet social distancing between people.
- During outdoor instruction, the Higher Education Program may use tents or other similar outdoor shelters designed to provide shade or minimize exposure to rain or wind. Any tents or outdoor shelters require appropriate approval and permitting from the City. Such shelters:
 - may contain a roof or awning;
 - may not be enclosed – only one side may have a vertical covering;
 - the space must not be designed in any other way that would restrict normal airflow.
- Have students sit in the same seats each day if feasible. This will help make contact tracing easier if someone tests positive for COVID-19.
- Arrange seats facing in the same direction, so that students do not sit facing each other; for indoor instruction, consider rearranging indoor furniture, setting partitions between desks, and marking classroom floors, to maintain separation indoors.
- When students must sit less than 6 feet apart, consider use of privacy boards or clear screens.
- Snacks/meals should not occur during instruction as they require removal of face coverings. If participants must remove their face covering to taste food or a beverage, as might be required during a culinary class, the removal of face coverings should be as brief as possible.
- Implement procedures for turning in assignments to minimize contact, such as electronic submission of assignments.

Students and staff must wear face coverings, maintain social distancing and stay 6 feet from each other as much as possible.

Housing under authority of a Higher Education Program

- Campus housing should prioritize those with limited housing options, including those with difficulty accessing virtual learning.
- SFDPH requires that accommodations, excluding family housing, are limited to one resident per bedroom, with a maximum of two residents per bedroom if both residents provide informed consent to sharing a bedroom.
- Individuals with high risk medical conditions must maintain single occupancy.
- A dormitory unit, or bedroom, constitutes a household unit.



- Face coverings are required by ALL when in common areas.
- When there are two residents per room, ensure at least six feet between beds, and require residents sleep in opposite directions (head to foot).
- Higher Education Programs may not discriminate against students who choose not to have a roommate, including that they may not be penalized financially.
- Moving and services for moving are considered essential activities and are permitted with usual social distancing, face covering, and hygiene precautions. Stagger move-in times to help decrease crowding during move-ins.
- Prohibit social gatherings as much as possible. SFPDH does not allow indoor gatherings of individuals from different households.
- Students who are quarantining or isolating should stay in their residence except to seek medical care. They should use a separate bathroom and not go into any public areas, take public transportation or rideshares. The Higher Education Program should plan to have food delivered to these students.
- Higher Education Programs should reserve a supply of available rooms to accommodate any needs for quarantine and isolation. A contingency plan, such as additional off-campus housing, or hotel rooms, should be established in the event those rooms are exhausted.
- Minimize the number of residents per bathroom. When shared bathrooms are used, increase the frequency of cleaning.
- Encourage residents to consistently use the same bathroom and shower facilities to contain any possible transmission to within that cohort.
- Add physical barriers, such as plastic flexible screens between bathroom sinks, especially when they cannot be at least six feet apart. When sinks are closer than six feet, disable every other sink to create more distance.
- SFPDH has issued [guidance for congregate housing settings](#) where individuals have their own rooms or living quarters but share bathrooms or cooking areas with others who are not in their household. Student housing, such as dormitories, would be considered a type of congregate housing. Please visit <https://www.sfcddp.org/covid19> under Congregate Living Settings.
- SFPDH has issued guidance on shared laundry facilities. Please visit <https://www.sfcddp.org/covid19> under Cleaning Recommendations.

Other shared spaces

- Close nonessential shared spaces, such as game rooms and lounges
- Prohibit indoor group study spaces. San Francisco Health Orders do not permit indoor gatherings with people from outside one's household, which would include studying with others in an indoor setting, such as a study hall or library. Consider outdoor study spaces, or individual study in one's residence.
- Limit occupancy of essential shared spaces, such as bathrooms, elevators, locker rooms, staff rooms and similar shared spaces to allow 6 feet of distancing. Adjacent bathroom stalls may be used. Post signs with occupancy limits.



- Add physical barriers, such as plastic flexible screens between bathroom sinks, especially when they cannot be at least six feet apart. When sinks are closer than six feet, disable every other sink to create more distance.
- At places where students congregate or wait in line, mark spots on the floor or the walls 6 feet apart to indicate where to stand.

Ventilation

Good ventilation controls droplets and infectious particles to prevent COVID-19 transmission by:

- *Removing air containing droplets and particles from the room,*
- *Diluting the concentration of droplets and particles by adding fresh, uncontaminated air, and*
- *Filtering room air, removing droplets and particles from the air.*

Make necessary ventilation improvements, if feasible.

Higher Education Programs operating indoors must review SFDPH ventilation guidance at <https://www.sfdcdp.org/COVID-Ventilation> and implement as many improvements as possible, including:

- HVAC systems (if present)
 - Ensure HVAC systems are serviced and functioning properly.
 - Evaluate possibilities for upgrading air filters to the highest efficiency possible.
 - Increase the percentage of outdoor air through the HVAC system, readjusting or overriding recirculation (“economizer”) dampers.
 - Disable “demand controls” on ventilation systems so that fans operate continuously, independently of heating or cooling needs.
 - Evaluate running the building ventilation system even when the building is unoccupied to maximize ventilation. At the minimum, reset timer-operated ventilation systems so that they start operating 1-2 hours before the building opens and 2-3 hours after the building is closed.
- Increase natural ventilation by opening windows and doors when environmental conditions and building requirements allow.
- Consider installing portable air cleaners (“HEPA filters”).
- If the establishment uses pedestal fans or hard mounted fans, adjust the direction of fans to minimize air blowing from one individual’s space to another’s space.

Hygiene and Cleaning

Handwashing

Frequent handwashing and hand sanitizer use removes COVID-19 germs from people’s hands before they can infect themselves by touching their eyes, nose or mouth.

- Develop routines and schedules for all staff and students to wash or sanitize their hands at staggered intervals, especially before and after eating, upon entering/re-entering a classroom, and before and after touching shared equipment such as computer keyboards.



- Every classroom/instructional space and common area (staff work rooms, eating areas) should have hand sanitizer or a place to wash hands upon entering.
- Establish procedures to ensure that sinks and handwashing stations do not run out of soap or paper towels, and that hand sanitizer does not run out.
- Post signs encouraging hand hygiene. A hand hygiene sign in multiple languages is available for download at <https://eziz.org/assets/docs/IMM-825.pdf>.

Limit sharing

- Consider suspending or modifying use of site resources that necessitate sharing or touching items.
- Suspend use of drinking fountains and instead encourage the use of water refilling stations and reusable water bottles.
- Limit sharing of art supplies, lab supplies, and other high-touch materials as much as possible. If feasible, have a separate set of supplies for each student.
- Avoid sharing electronic devices, sports equipment, clothing, books, games and learning aids when feasible. Clean and disinfect shared supplies and equipment between students.

Cleaning and Disinfection

Many household disinfectants are effective against COVID-19. Refer to [EPA's List N](#) for EPA-approved disinfectants effective against COVID-19.

- Clean and disinfect frequently touched surfaces at least daily. Routine cleaning focuses on frequently touched surfaces like door handles, desks, countertops, phones, keyboards, light switches, handles, toilets and faucets.
- Encourage students, faculty, and staff to keep their personal items (e.g., cell phones, other electronics) and personal work and living spaces clean. Encourage students, faculty, and staff to use disinfectant wipes to wipe down shared desks, lab equipment, and other shared objects and surfaces before use.
- Cleaning after a suspected or known case of COVID-19 **uses the same cleaning agents and disinfectants** as for routine cleaning, but also includes the following steps:
 - Open windows and use fans to increase outdoor air circulation in the areas to be cleaned.
 - Wait 24 hours, or as long as practical, before cleaning and disinfection. CDPH recommends waiting at least 1 hour.¹
 - Clean and disinfect all surfaces in the areas used by the ill person, including electronic equipment like tablets, touch screens, keyboards, and remote controls. Vacuum the space if needed.

¹ CDPH Outpatient Healthcare Facility Infection Control Recommendations for Suspect COVID-19 Patients
<https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/OutpatientHealthcareFacilityInfectionControlRecommendationsforSuspectCOVID19Patients.aspx>



- For details, refer to CDC guidelines on "[Cleaning and Disinfecting Your Facility](#)" and [CDC guidelines for cleaning schools and community facilities](#)

Specific situations

Consider regularly visiting <https://www.sfchcp.org/covid19> as updated content is frequently added. Relevant content for Higher Education Programs may include guidance on food facilities and food delivery workers, faith based gatherings, social interactions, transport vehicles, persons experiencing homelessness, and reopening guidance for certain business sectors, such as retail and office facilities. While in-person instructional activities may not necessarily be permitted at a Higher Education Program, other in-person functions at the Higher Education Program may be permitted as an essential business.

Transportation

Since vehicles are small enclosed spaces that do not allow social distancing, they can be settings with higher risk of COVID-19 transmission. Biking and walking are lower risk than shared vehicles.

- If transport vehicles (e.g., buses) are used by the Higher Education Program, drivers should practice all safety actions and protocols as indicated for other staff (e.g., hand hygiene, cloth face coverings). To clean and disinfect Higher Education Program buses, vans, or other vehicles, see guidance for bus transit operators. Drivers should be provided disinfectant wipes and disposable gloves to support disinfection of frequently touched surfaces during the day.
- Higher Education Program Vehicles
 - Drivers and passengers must wear face coverings over their nose and mouth, unless a student has a documented medical or behavioral contraindication. Drivers should carry a supply of face coverings in case a passenger forgets theirs.
 - Passengers must sit at least 6 feet away from the driver.
 - Maximize space between passengers.
 - Keep vehicle windows open when weather and safety permit.
 - Buses should be cleaned and disinfected daily. Drivers should be provided disinfectant wipes and disposable gloves to wipe down frequently touched surfaces. Buses should be cleaned after transporting any individual who is exhibiting symptoms of COVID-19.
- Public transportation: Wear face coverings, maintain at least 6 feet social distancing as much as possible, and practice hand hygiene upon arrival.
- Carpools and shared rides: Advise staff and families to carpool with the same stable group of people. Open windows and maximize outdoor air circulation when feasible. Everyone in the vehicle should wear a face covering.

Libraries

- San Francisco Health Order permits libraries to open only for curbside/outside pickup and drop off of items.
- Staff and patrons must wear face coverings, and maintain at least 6 feet social distancing except for brief interactions.



- Libraries cannot be used for indoor gatherings, including study spaces.

Food Service and Dining Halls

Eating together is especially high risk for COVID-19 transmission because people must remove their masks to eat and drink. People often touch their mouths with their hands when eating. In addition, meals are usually considered time for talking together, which further increases risk, especially if students must speak loudly to be heard.

- Review and comply with existing SFDPH guidance on eating establishments. Ensure that individuals undergoing isolation and quarantine are able to receive food in their housing units.
- SFDPH has issued [guidance for congregate housing settings](#) where individuals have their own rooms or living quarters but share cooking and dining areas with others who are not in their household. Student housing and dining areas, such as dormitories and dining halls, are considered congregate housing.
- SFDPH has also issued guidance for food facilities, outdoor dining, and food delivery. Please visit <https://www.sfdcp.org/covid19> under Food Facilities and Food Delivery Workers.
- Eat meals outdoors instead of using cafeterias or dining rooms, when feasible. Use individually plated or bagged meals. Do not use shared tables or self-service buffets.
 - Eating outdoors is safer than eating indoors. Outdoor eating areas may be covered (e.g. with an awning), as long as no more than one side is closed, allowing sufficient air movement. Mark places 6 feet apart for sitting.
- Make sure that students and staff wash their hands or use hand sanitizer immediately before and after eating.
- Use disposable food service items (e.g., utensils, dishes). If disposable items are not feasible or desirable, ensure that all non-disposable food service items are handled with gloves and washed with dish soap and hot water or in a dishwasher. Individuals should wash their hands before putting on and after removing their gloves, and after directly handling used food service items.
- Be especially vigilant about staying 6 feet away when eating. If eating indoors, make sure that individuals are spaced as far apart as possible.

Student Health Facilities

Review and comply with existing SFDPH guidance on ambulatory care services. Effective June 16, 2020, under [Health Directive 2020-20](#), ambulatory care providers, including Counseling and Healing Arts, are allowed to conduct in-person, routine visits, subject to the provisions in the directive. Providers of ambulatory care services, including counseling and other healing arts, please:

- Regularly review changes to the Stay Safer at Home Order and directives at www.sfdph.org/healthorders and www.sfdph.org/directives
- Carefully review and follow [Health Officer Directive 2020-20 \(Ambulatory Care, Counseling, and Healing Arts\)](#), to determine how your profession is affected, and what are the required best practices for providing care in-person.
- Review [“Health Advisory: Required Best Practices for Reopening Ambulatory Care, Including Counseling and Other Healing Arts.”](#)



SFDPH also has guidance specifically for [healthcare providers related to COVID-19 in San Francisco](#).

Staff Offices/Break Rooms

Staff often do not view themselves and colleagues as sources of infection, and may forget to take precautions with co-workers, especially during social interactions such as breaks or lunch time, in the copy room, when checking mailboxes, etc.

- Set up staff workspaces so that staff do not work within 6 feet of each other.
- Consider virtual meetings using video conferencing apps for staff meetings, even if all staff are on campus.
- Post signage reminding staff to stay 6 feet apart, keep their facemasks on unless eating, wash their hands before and after eating, and disinfect their area after using it.
- Discourage staff from eating together, especially indoors. Consider creating a private outdoor area for staff to eat and take breaks.
- Open windows and doors to maximize ventilation, when feasible, especially if staff are eating or if the room is near maximum occupancy.

Group Singing/Chorus, Musical Instruments

- Avoid group singing. Suspend choir and wind instruments (band). These activities are higher risk for COVID-19 transmission due to the larger numbers of respiratory droplets produced. Percussion and string instruments are allowed. Indoor instruction (involving two or more people) must not include any singing, chanting, or wind instruments of any kind.
- Individual (no other student or instructor present) singing and use of musical instruments may be permitted in specialized indoor settings if available. See above section on “Which programs can offer in-person instruction?” for further details.

Collegiate Athletics and Fitness Activities

Exercising is an area of higher risk for transmission due to the potential for close contact and increased breathing. Collegiate athletics will require special consideration. Please see the state’s guidance regarding collegiate athletics at <https://files.covid19.ca.gov/pdf/guidance-higher-education--en.pdf>

- Review and comply with existing SFDPH guidance on indoor gyms and fitness groups. Please visit <https://www.sfdcp.org/covid19> under Businesses and Employers for the guidance “Gyms and Fitness Groups.”
- Contact sports involving adults from separate households on a recreational basis is not permitted
- Higher Education Programs wanting to resume collegiate athletics programs, as well as organized practices, games, or tournaments in San Francisco are required to seek prior written authorization from SFDPH. For further information on the authorization process, please review www.sfdph.org/directives.



Students receiving special services

Additional accommodations may be needed for students to safely attend class. For example, a student who cannot tolerate a face covering due to a medical or developmental condition may need a desk with clear screens or privacy barriers.

When a staff member or student has symptoms of COVID-19

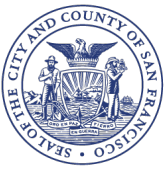
- Identify isolation rooms for individuals with symptoms of COVID-19, and refer to the Higher Education Program's procedures for handling ill persons with symptoms of possible COVID-19.
- Staff who become ill while at a Higher Education Program must notify their supervisor and leave work as soon as feasible. Staff should be encouraged to get tested as soon as possible.
- Open windows in areas used by the sick person to maximize outdoor air circulation. Close off those areas as soon as feasible, until they can be cleaned and disinfected.
- Students with symptoms must be sent home. Students must be encouraged to get tested as soon as possible.
- Find alternative locations for classes whose regular classroom is being cleaned or disinfected.

When a staff member or student tests positive for COVID-19

Contact the **SFDPH Schools and Childcare Hub** as soon as possible.

Call **(628) 217-7499** or email Schools-childcaresites@sfdph.org

- SFDPH will provide consultation and guidance to help Higher Education Programs take initial steps to identify individuals who had close contact with the person with COVID-19. Exposed individuals should be notified, know how to get tested, and understand when they can return to the Higher Education Program, usually 14 days after the exposure.
- Notify all staff, families, and students that an individual in the Higher Education Program has had confirmed COVID-19. Do not disclose the identity of the person, as required by the Americans with Disabilities Act, and the Family Education Rights and Privacy Act.
- SFDPH will help the Higher Education Program determine if the classroom, cohort, or institution needs to be closed. Higher Education Programs with smaller and more contained cohorts are less likely to require institution-wide closure. If there are several cases in multiple cohorts or if a significant portion of students and staff are affected, then institution-wide closure may be required.
- Review the SFDPH guidance document [What to do if Someone at the Workplace Has COVID-19](#).
- Review the SFDPH guidance documents "Isolation and Quarantine Guidance: Guidelines for Home Isolation and Quarantine" and "San Francisco Public Health Emergency Isolation & Quarantine Directives Frequently Asked Questions for the Public" at <https://www.sfcdcp.org/I&Q>
- Students and staff cannot return to Higher Education Program until they met the criteria depending on their age group:
 - Students 18 and over: [Interim Guidance: Ending Isolation or Returning to Work for Those Who Have Confirmed or Suspected COVID-19](#).
 - Students under 18: ["COVID-19 Health Checks at Programs for Children and Youth"](#)



Resources

San Francisco Department of Public Health (SFDPH)

- **SFDPH** Schools and Childcare Hub for COVID-19 consultation and guidance (628) 217-7499.
Schools-childcaresites@sfdph.org
- COVID-19 guidance for the public, including schools and employers <https://www.sfdcp.org/covid19>
 - [Safer Social Interactions During COVID-19](#)
 - [Businesses and Employers](#)
 - [If Someone at the Workplace Tests Positive for COVID-19](#)
 - [Isolation and Quarantine](#)
 - [Ending Home Isolation and/or Returning to Work](#)
 - [Reopening Guidance for Businesses and Employers](#)
 - [Congregate Living Settings](#)
 - [Food Facilities and Food Delivery Workers](#)
 - [Testing in San Francisco](#)
- [Orders](#) and [Directives](#) Issued by the San Francisco Health Officer Relevant to COVID-19
- [Outreach Toolkit for Coronavirus](#). Posters and flyers on social distancing, hand hygiene, face masks, health screenings, getting tested, and other COVID-19 topics

California Department of Public Health (CDPH)

- [“COVID-19 Industry Guidance: Institutions of Higher Education”](#)

Centers for Disease Control and Prevention (CDC)

- [Guidance for Colleges, Universities and Higher Learning](#)
- [Cleaning and Disinfection for Community Facilities](#)



DIRECTIVE OF THE HEALTH OFFICER No. 2020-23b

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR BUSINESSES PROVIDING HAIR, BARBER, NAIL, SKIN CARE,
MASSAGE, COSMETOLOGY AND CERTAIN OTHER PERSONAL SERVICES IN A
NON-HEALTHCARE SETTING**

(PUBLIC HEALTH DIRECTIVE)
DATE OF DIRECTIVE: October 27, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that businesses offering Personal Services, as described below, must follow as part of the local response to the Coronavirus Disease 2019 (“COVID-19”) pandemic. This Directive constitutes industry-specific guidance as provided under Section 4.e of Health Officer Order No. C19-07I, including as it may be revised or amended in the future (the “Stay-Safer-At-Home Order”) and, unless otherwise defined below, initially capitalized terms used in this Directive have the same meaning given them in that order. This Directive goes into effect on October 27, 2020 at 9:00 a.m., and remains in effect until suspended, superseded, or amended by the Health Officer. This Directive has support in the bases and justifications set forth in the Stay-Safer-At-Home Order. As further provided below, this Directive automatically incorporates any revisions to the Stay-Safer-At-Home Order or other future orders issued by the Health Officer that supersede that order or reference this Directive. This Directive is intended to promote best practices as to Social Distancing Requirements and sanitation measures, helping prevent the transmission of COVID-19 and safeguard the health of workers, customers, and the community.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER DIRECTS AS
FOLLOWS:**

1. This Directive applies to all owners, operators, managers, and supervisors of any business providing certain Personal Services, as that term is defined in Section 15 of Appendix C-1 the Stay-Safer-At-Home Order (“Covered Personal Service Providers”).
2. Attached as Exhibit A to this Directive is a list of best practices that apply to Covered Personal Service Providers (the “Best Practices”). Each Covered Personal Service Provider must comply with all of the relevant requirements listed in the Best Practices.
3. Each Covered Personal Service Provider, before it begins to offer Personal Services or allow Personnel onsite, must create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”). The Health and Safety Plan must be substantially in the form attached to this Directive as Exhibit B.
4. Guidance from the Department of Public Health related to Personal Services is attached to this Directive as Exhibit C and at www.sfdph.org/directives.
5. If an aspect, service, or operation of the Covered Personal Service Provider is also covered by another Health Officer directive (all of which are available at www.sfdph.org/directives), then the Covered Personal Service Provider must



Health Officer Directive No. 2020-23b

comply with all applicable directives, and it must complete all relevant Health and Safety Plan forms.

6. Each Covered Personal Service Provider must (a) make the Health and Safety Plan available to a customer and Personnel on request, (b) provide a summary of the Health and Safety Plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the Health and Safety Plan at each entrance to any physical business site within the City. Also, each Covered Personal Service Provider must provide a copy of the Health and Safety Plan and evidence of its implementation to any authority enforcing this Directive upon demand.
7. Each Covered Personal Service Provider subject to this Directive must provide items such as Face Coverings (as provided in Health Officer Order No. C19-12c issued on July 22, 2020, and any future amendment to that order), hand sanitizer or handwashing stations, or both, and disinfectant and related cleaning supplies to Personnel, all as required by the Best Practices. If any such Covered Personal Service Provider is unable to provide these required items or otherwise fails to comply with required Best Practices or fails to abide by its Health and Safety Plan, then it must cease operating until it can fully comply and demonstrate its strict compliance. Further, as to any non-compliant Covered Personal Service Provider, any such Covered Personal Service Provider is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.
8. For purposes of this Directive, “Personnel” includes all of the following people who provide goods or services associated with a Covered Personal Service Provider: 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 Covered Personal Service Provider. “Personnel” includes “gig workers” who perform work via the business’s app or other online interface, if any.
9. This Directive and the attached Best Practices may be revised by the Health Officer, through revision of this Directive or another future directive or order, as conditions relating to COVID-19 require, in the discretion of the Health Officer. Each Covered Personal Service Provider must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (www.sfdph.org/directives) regularly.
10. Implementation of this Directive augments—but does not limit—the obligations of each Covered Personal Service Provider under the Stay-Safer-At-Home Order including, but not limited to, the obligation to prepare, post, and implement a Social Distancing Protocol under Section 4.d and Appendix A of the Stay-Safer-At-Home Order. The Covered Personal Service Provider must follow these industry-specific Best Practices and update them as necessary for the duration of this Directive, including, without limitation, as this Directive is amended or extended in writing by the Health Officer and consistent with any extension of the Stay-Safer-At-Home Order, any other order that supersedes that order, and any Health Officer order that references this Directive.



**City and County of
San Francisco**

**Department of Public Health
Health Officer Directive**

Health Officer Directive No. 2020-23b

This Directive is issued in furtherance of the purposes of the Stay-Safer-At-Home Order. Where a conflict exists between this Directive and any state, local, or federal public health order related to the COVID-19 pandemic, including, without limitation, the Social Distancing Protocol, the most restrictive provision controls. Failure to carry out this Directive is a violation of the Stay-Safer-At-Home Order, constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by fine, imprisonment, or both.

Tomás Aragón

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

Date: October 27, 2020



Exhibit A to Health Officer Directive No. 2020-23b (issued 10/27/2020)
Best Practices for Businesses Offering Outdoor Personal Services

In addition to preparing, posting, and implementing the Social Distancing Protocol required by Section 4.d and Appendix A of Health Officer Order No. C19-071 (the “Social Distancing Protocol”), each Covered Personal Service Provider that operates in the City must comply with each requirement listed below and prepare a Health and Safety Plan substantially in the format of Exhibit B, below.

Requirements:

1. Section 1 – General Requirements for All Covered Personal Service Providers:

- 1.1.*** Personal Service Providers are strongly encouraged to offer services outdoors, where feasible. Certain Personal Services are not permitted outside, including: electrology, tattooing, piercing, microblading, permanent make-up, and other forms of body art that are invasive and require a controlled hygienic environment.
- 1.2.*** All services provided outdoors must be approved by the applicable licensing agencies, such as the California Board of Barbering and Cosmetology and the San Francisco Department of Public Health (“SFPDH”).
- 1.3.*** Service Providers regulated by the California Board of Barbering and Cosmetology must comply with state guidance and regulations, including any regulations that limit the location where outdoor services may be performed.
- 1.4.*** Consistent with the limitations under the State Health Order, Health Officer Order No. C19-071 (the “Stay-Safer-at-Home Order”), and guidance from SFPDH, Covered Service Providers 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 outdoor services must allow the free flow of air in the breathing zone.
- 1.5.*** Develop a plan and implement daily COVID-19 symptom self-verifications for all Personnel as required by the Social Distancing Protocol.
- 1.6.*** Confirm with customers before they arrive for their appointment that they are symptom-free. Customers who are feeling ill or who have exhibited symptoms of COVID-19 within 24 hours of their scheduled appointment must cancel or reschedule their appointment. In such cases, customers must not be charged a cancellation fee or other financial penalty.
- 1.7.*** Consider implementing digital forms or questionnaires to allow customers to complete all paperwork electronically before their appointment.
- 1.8.*** Conduct screening of all customers upon arrival. Customers who do not pass the screening must be refused service and their appointment should be rescheduled or canceled.
- 1.9.*** Require Personnel to wear Face Coverings as provided in Health Officer Order No. C19-12c issued on July 22, 2020, and any future amendment to that order (the “Face Covering Order”). Covered Personal Service Providers must wear their Face Coverings at all times



**Exhibit A to Health Officer Directive No. 2020-23b (issued 10/27/2020)
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while in the presence of customers and other Personnel. Covered Personal Service Providers who will be within three feet of a customer for more than 15 minutes are strongly encouraged to wear a non-vented N95 mask.

- 1.10.** Customers must wear a Face Covering at all times except when: (a) they are otherwise exempt from doing so under the Face Covering Order or (b) when the Face Covering must be removed to perform services involving that part of the face and then only during such procedure and subject to compliance with applicable safety precautions set forth herein. Covered Personal Service Providers must encourage customers to bring and use their own Face Coverings. Covered Personal Service Providers must provide customers with Face Coverings if they do not have one or refuse service to those who arrive without a Face Covering and who are not otherwise exempt from wearing one under the Face Covering Order.
- 1.11.** Activities that involve the removal of clients' face coverings are much higher risk and Covered Personal Service Providers are strongly discouraged from offering these services during the COVID-19 pandemic. If a customer's Face Covering must be removed, Covered Personal Service Providers must take the following precautions:
 - 1.11.1.** The Covered Personal Service Provider conducting the service must wear a face shield or eye protection (in addition to a Face Covering) when they are providing services that do not enable the client to wear a Face Covering.
 - 1.11.2.** Covered Personal Service Providers must wear a non-vented N95 mask to provide maximum protection during procedures that require the customer to remove their Face Covering.
 - 1.11.3.** The customer's Face Covering may only be removed as long as necessary to complete the part of the service requiring removal.
 - 1.11.4.** The service must be conducted at least six-feet from other Personnel and customers.
 - 1.11.5.** Request that the customer not speak unnecessarily during the period that their Face Covering is removed.
 - 1.11.6.** Keep face tissues or a towel available for the customer to use in the event they need to sneeze or cough while their Face Covering is off. The customer should dispose of the tissue or place the towel into a laundry bin at the end of the service.
- 1.12.** Although Covered Personal Service Providers under this Directive are not offering health care, there are similarities between the provision of health care and personal services. In particular, the duration of encounters, distance between provider and client, and other factors can create similar risks of virus transmission, and many of the best practices that apply in the health care context can be applied in the personal services context. Accordingly, Covered Personal Service Providers are strongly recommended to wear a face shield, goggles, or other eye protection in addition to Face Coverings when they will be within three feet of a customer for more than 15 minutes. More information about use of face shields, goggles, or other eye protection in the health care context, which is also relevant to people who provide personal services, can be found online at



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<https://www.sfcdep.org/wp-content/uploads/2020/08/COVID19-EyeProtection-Memo-HCP-FINAL-2020.08.10.pdf>

- 1.13.** Covered Personal Service Providers may not offer customers food or drink of any kind, and customers must not eat or drink while they are receiving a service.
- 1.14.** Covered Personal Service Providers must develop a plan and implement sanitization requirements that exceed usual professional requirements and standards, including:
 - 1.14.1.** Comply with any existing or COVID-19 specific health-related regulatory requirements, such as those required by Cal/OSHA, the California Board of Barbering and Cosmetology, California Health and Safety Code, and the San Francisco Health and Safety Code.
 - 1.14.2.** Instruct all Personnel to wash their hands frequently with soap and water for at least 20 seconds and to wash hands or use hand sanitizer (provided by the Covered Personal Service Provider) before and after touching high-touch surfaces.
 - 1.14.3.** Disinfect station counters, rolling carts, drawers, hand mirrors, tools, and other surfaces between each customer.
 - 1.14.4.** All single use items, such as disposable wax collars, cotton, neck strips, and applicators, must be used once and immediately thrown away in a container with a lid.
 - 1.14.5.** All appliances at work stations and treatment areas must be properly disinfected between each customer, as follows:
 - 1.14.5.1.** Clean and disinfect shears by removing all visible debris, clean with soap and water, and wipe or spray with an EPA-registered disinfectant that demonstrates bactericidal, fungicidal, and virucidal activity and is approved for COVID-19.
 - 1.14.5.2.** Clean and disinfect all other non-porous, non-electrical tools by removing all visible debris, cleaning with soap and water, drying the tools, and then completely immersing them in an EPA registered disinfectant. Tools must be sprayed or submerged and left to set for the full amount of time required by the disinfectant's manufacturer. Immersed items, like combs or brushes, must be removed at the end of contact time, rinsed, and dried with a paper towel or clean, freshly laundered towel.
 - 1.14.5.3.** Clean all electrical tools, such as clippers and LED lamps by removing all visible debris and disinfecting with an EPA-registered disinfectant spray or wipe that demonstrates bactericidal, fungicidal, and virucidal activity and is approved for COVID-19. Follow with an EPA-registered disinfectant spray or wipe for the full contact time as noted by the manufacturer's directions. Use caution when using a spray and be sure your device is unplugged and do not spray into the motor. Consider use of wipeable covers for electronics. If no manufacturer guidance is available, use of alcohol-based wipes or sprays containing at least 60% alcohol to disinfect touch screens. Dry surfaces thoroughly to avoid pooling of liquids.



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1.14.6. Clean and disinfect all handles, hoses, spray nozzles, and other equipment between customers. Chairs, headrests, and other items must also be thoroughly cleaned and sanitized between each use. Where appropriate, consider adding a paper cover, sheet, or clean towel that can be easily disposed of or cleaned for use between customers. Since porous surfaces such as fabric chair seats cannot be easily disinfected, consider covering with a plastic or disposable liner and cleaning or disposing of the liner after each customer.

1.14.7. Where linens are used, even if the customer does not get under them, the linens must still be removed for laundering and the bed or table properly disinfected before each use by a customer. All dirty linens, including towels, sheets, blankets, smocks, and reusable capes, must be placed in a closed container and not used again until properly laundered either by a commercial laundering service or a laundering process that includes immersion in water of at least 160 degrees Fahrenheit for at least 25 minutes. Store all clean linens in a clean, covered place. Ensure Personnel who handle dirty linens or laundry wear gloves and a Face Covering.

2. Section 2 – Additional Requirements for Establishments that Provide Personal Services:

- 2.1.** Establishments offering services outside must consider the risks associated with local streets, sidewalks, traffic, pedestrians, and bicyclists. Establishments and Covered Personal Service Providers must take all reasonable and feasible efforts to reduce customer and Personnel exposure to traffic and bike lanes, minimize blocking visibility of other travelers (whether vehicle, pedestrian, or bicyclist), and minimize or eliminate potential blockages of passageways, including ADA-compliant public access to sidewalks. Covered Personal Service Providers must comply with state and local laws, regulations, and permitting requirements (e.g., ADA access and compliance with applicable zoning), including the placement of outdoor shelters and service stations.
- 2.2.** Establishments offering outdoor services must address the potential hazards that result from moving personal services outside, including: (1) ensuring use of electrical devices and extension cords in compliance with Cal/OSHA's Guide to Electrical Safety; and (2) ensuring there are no tripping hazards from cords or other equipment.
- 2.3.** All waste, including waste water and hair clippings, must be disposed of safely and as required by state and local regulations.
- 2.4.** The establishment must comply with the Cal/OSHA standards for heat illness prevention for outdoor workers, including an effective heat illness prevention plan with written procedures.
- 2.5.** The layout of the outdoor establishment must allow for proper social distancing. For example, chairs and work stations must be arranged to ensure at least six feet of space between customers. Establishments should consider additional divider shields or other impermeable barriers where appropriate and feasible.
- 2.6.** Instruct all Personnel and customers to maintain at least six-foot distance from others except as necessary to perform a personal service otherwise permitted by this Directive or when momentarily necessary to facilitate or accept payment and hand off items or deliver goods. If the Covered Personal Service Provider cannot ensure maintenance of a six-foot



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distance within the facility between Personnel, such as by moving work stations or spreading Personnel out, then it must reduce the number of Personnel permitted in the facility at any given time accordingly.

- 2.7. If all or part of a Covered Personal Service Provider's establishment has been vacant or dormant during the Stay-Safer-At-Home Order, then the Covered Personal Service Provider must ensure plumbing is functioning and that pipes are flushed before use. The San Francisco PUC provides guidance for flushing and preparing water systems at: <https://sfwater.org/index.aspx?page=1327>.
- 2.8. If the establishment uses pedestal fans or hard mounted fans, the Covered Personal Service Provider must adjust the direction of fans to minimize air from fans blowing from one customer's space to another's space.
- 2.9. Evaluate the facility to determine the number of people (including customers and Personnel) who may safely fit in the outdoor service area at any time while ensuring adherence to Social Distancing Requirements under this Directive and the Stay-Safer-At-Home Order. Educate Personnel about capacity limits and require them to enforce limits by, for example, spacing out customer appointments.
- 2.10. Develop a plan and implement additional sanitization requirements, including:
 - 2.10.1. Instruct Personnel that they are responsible for keeping their workspaces clean and sanitized. Each Covered Personal Service Provider must clean and properly sanitize their workspace at the end of each shift.
 - 2.10.2. Ensure Personnel have access to cleaning supplies so that they can clean surfaces as needed on their own when custodial staff is not available.
 - 2.10.3. Clean and disinfect high touch surfaces in common areas routinely throughout the day and otherwise in accordance with the Social Distancing Protocol. Common areas include, but are not limited to the following area: lobbies, lounge or seating areas, entry ways, hallways, bathrooms, changing areas, elevators, and stairwells. Clean and disinfect all high touch surfaces and devices found in common areas such as door handles, railings, faucets, toilets, elevator buttons, coat hooks, hangers, furniture, computers, telephones and other devices that are touched by people throughout the day.
 - 2.10.4. Equip the reception area and all workstations with proper sanitation products, including hand sanitizer and sanitizing wipes.
 - 2.10.5. Disinfect station counters, rolling carts, drawers, hand mirrors, tools, and other surfaces between use for each customer.
- 2.11. Where feasible, prohibit Personnel from sharing equipment, such as phones, tables, or computers. Any furniture, tools or equipment that must be used by more than one individual must be sanitized in a manner that complies with the requirements contained in the Social Distancing Protocol. If Personnel must share a workspace, such as on alternating shifts, then the location must be sanitized in a manner that complies with the requirements contained in the Social Distancing Protocol after each use.



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- 2.12.** If Personnel or a member of the public refuses to comply with the Face Covering Order or other provision of this Directive, then the Covered Personal Service Provider must refuse service to the individual and request that the individual leave the facility.
- 2.13.** Implement safety measures for customers, including:
- 2.13.1.** All Covered Personal Service Providers are strongly encouraged to see customers by appointment only and to stagger appointments to reduce reception congestion and ensure adequate time for proper cleaning and sanitation between each customer visit. Hair salons and barbershops, under current State guidance, must see customers by appointment only and must not allow walk-in customers.
 - 2.13.2.** Encourage customers to bring and use their own Face Coverings. Covered Personal Service Providers must provide customers with Face Coverings if they do not have one or refuse service to those who arrive without a Face Covering and who are not otherwise exempt from wearing one under the Face Covering Order.
 - 2.13.3.** Prohibit customers from bringing additional people with them to their appointment. If the person receiving the service is a minor, they may bring an adult guardian, or if the person receiving the treatment is disabled they may bring an adult care provider. Covered Personal Service Providers may consider allowing adult customers to bring their minor children if they have no other childcare options. Anyone entering the outdoor service area or establishment must be screened for symptoms of COVID-19 and must be included when determining whether the facility has reached its capacity limit.
 - 2.13.4.** If feasible, implement virtual check-in technology to ensure that Personnel are notified when a customer arrives.
 - 2.13.5.** Prohibit customers from congregating in the reception area or elsewhere in the outdoor establishment. Ask customers to wait outside with their Face Covering on or in their cars before their appointments.
 - 2.13.6.** Service providers must not see multiple customers at once (e.g., while one customer's hair is drying, another receives a haircut). Multiple service providers must also not work on the same customer at the same time. Services for one customer must be completed before a new customer is seen by the same worker. The one exception to this rule is that if a customer is undergoing a procedure and is waiting for a longer period of time (such as when waiting for hair dye to set), a service provider may work with one other customer during the wait so long as (i) the service provider cleans their hands each time before switching to the other customer, (ii) the second customer is not being served in the same service area as the first customer without full cleaning and sanitization of the area between each customer as required by this Directive, and (iii) the service provider is not repeatedly going back and forth between the first and second customer.
 - 2.13.7.** Remove and prohibit the use of open product samples.
 - 2.13.8.** Consider removing items (e.g., throw pillows, fabric-lined chairs, seat cushions, magazines) with surfaces that cannot be cleaned properly.



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- 2.13.9. Have a hard-surfaced, non-porous chair or large hard-surfaced or plastic basket or paper bag for clients to put their clothes on or in.
3. **Section 3 – Additional Requirements Specific to Barbering and Cosmetology Establishments:**
- 3.1. Customers receiving barbering or other hair care services must wear Face Coverings that attach with ear-loops to avoid interfering with services.
- 3.2. Provide a clean smock or cape for each customer.
- 3.3. Establishments providing outdoor services must cease the following services: all chemical hair services, including, but not limited to, permanent waving, relaxing, bleaching, tinting, coloring, dyeing and straightening; shampooing; and electrolysis.
- 3.4. Consider temporarily eliminating services that require lengthy blow-drying.
- 3.5. Ensure that all loose hair is swept or vacuumed as quickly as reasonably possible to avoid improper dispersal of hair.
4. **Section 4 – Additional Requirements Specific to Esthetician and Skin Care Services:**
- 4.1. Treatment tables or chairs must be covered with either clean treatment table paper, a clean towel, or a clean sheet before each use. After use, do not shake the dirty laundry. Place used linens in a lined, lidded receptacle positioned outside the treatment space to minimize the possibility of dispersing virus in the air.
- 4.2. Covered Personal Service Providers must wear disposable gloves at all times during the service and while cleaning or disinfecting implements and surfaces between each client session.
- 4.3. Before leaving the treatment area, Covered Personal Service Providers must remove and dispose of gloves, apply hand sanitizer or wash hands with soap and water, and use a previously readied disposable barrier, such as a paper towel or sanitizer wipe, to open and close the treatment room door while leaving the room.
- 4.4. When wax pots are running low and new wax needs to be added, empty any remaining wax and clean and disinfect the wax pot before refilling with new wax. Single use applicators must be disposed of immediately after use in a lined trash bin. The trash bin should have a lid and should be lined with a disposable plastic bag.
5. **Section 5 – Additional Requirements Specific to Nail Salons:**
- 5.1. Disposable gloves must be worn throughout the entire service and while performing cleaning and disinfection of all implements and surfaces after each client. Once cleaning is finished, remove and dispose of gloves and apply proper hand sanitizer or wash hands with soap and water. Gloves must be changed between each customer.
- 5.2. Pedicures done outside may only be conducted in portable tubs/bowls. The tubs/bowls must be disinfected between each use, with the disinfection occurring inside the nail salon, not in the temporary outdoor setting.



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- 5.3. Nail salons should use disposable supplies whenever possible. Any non-disposable supplies must be fully disinfected between customers according to the California Board of Barbering and Cosmetology guidelines.
 - 5.4. All single use items, such as cardboard files, sand-bands for drills and buffers, disposable sandals, toe separators, and applicators, must be used once and immediately thrown away in a lined, lidded trash can.
 - 5.5. To reduce the number of touchpoints, remove the nail polish displays. In the absence of a nail polish display, use a color palette, which is to be cleaned and disinfected after each client use. If the nail polish display cannot be removed, prohibit customers from handling the nail bottles. Nail polishes should be cleaned and disinfected before being returned to the display.
 - 5.6. Consider whether it is feasible to install a plastic partition between the worker and client with ample space cut out where hands or feet can be slid underneath to conduct the manicure or pedicure.
 - 5.7. Allow only one manicurist to work at each station and do not allow clients to get multiple services at the same time, such as a manicure and pedicure, because of the inability to provide for adequate physical distancing between Personnel performing those services.
6. **Section 6 – Additional Requirements Specific to Massage Services (Non-Healthcare Setting):**
- 6.1. Require customers to wash their hands for at least 20 seconds or use hand sanitizer at the beginning of any treatment.
 - 6.2. Consider alterations to the treatment table setup to support the required cleaning and disinfecting protocols. These alterations could include using disposable face cradle covers and/or protecting the table, table warmers, bolsters, and other items with washable barriers like plastic covers that can be easily cleaned or pillowcases that can be removed and replaced between each client. Barriers are not a substitution for the required cleaning and disinfecting protocols.
 - 6.3. Clean linens must be stored outside of the treatment area.
 - 6.4. Consider providing any hand treatments as the last part of the service to minimize the spread of virus particles that may remain on the hands. Alternately, Covered Personal Service Providers should wash their hands for at least 20 seconds or use hand sanitizer before and after performing hand treatments.
 - 6.5. Evaluate whether facial massages or other hands-on work to the face will be offered. If providing such services, use non-latex gloves for this part of the treatment. Facial massages must not be performed if it requires removal of the client's Face Covering.
 - 6.6. Covered Personal Service Providers must wash their hands for at least 20 seconds with soap and water or use hand sanitizer immediately upon finishing massage services.

Health Officer Directive No. 2020-23b (Exhibit B) Health and Safety Plan (issued 10/27/2020)

Each Covered Personal Service Provider must complete, post onsite, and follow this Health and Safety Plan.

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

Business/Entity name:

Contact name:

Facility Address:

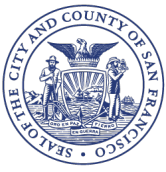
Email / telephone:

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

- Covered Personal Service Provider is familiar with and complies with all requirements set forth in Health Officer Directive No. 2020-23b, available at: www.sfdph.org/directives.
- Completed any necessary adjustments to the layout of the business to allow for proper social distancing.
- Obtained any necessary permits needed for outdoor shelters.
- Completed evaluation of electrical safety and implemented all required precautions.
- Plumbing is functioning and, if the facility was dormant, then the pipes are flushed.
- Developed a plan to ensure Personnel comply with social distancing requirements and to limit the number of people at the outdoor business at a given time, consistent with the requirements in the Stay-Safer-at-Home Order.
- Personnel and members of the public who seek services are required to wear Face Coverings as provided in the Face Covering Order and this Directive.
- Ensure daily COVID-19 symptom self-verifications are completed for all Personnel as required by the Social Distancing Protocol.
- Implemented all sanitization requirements as described in this Directive.
- Personnel have access to cleaning supplies so that they can clean surfaces as needed on their own when custodial staff is not available.
- High touch surfaces in common areas are cleaned and disinfected routinely throughout the day.
- Complete symptom checks for customers before and upon arrival for their appointment.
- Evaluated and implemented available options for allowing customers to complete paperwork electronically before arrival and to check-in for their appointments online.
- Reviewed and implemented all industry-specific guidance in the Directive.

Additional Measures

Explain:



Tip Sheet for Operating Outdoors: Personal Services

UPDATED October 27, 2020

The following Tip Sheet was developed by the San Francisco Department of Public Health (SFPDH) based on recommendations from the US Centers for Disease Control and Prevention (CDC) and is posted at <https://www.sfdcp.org>. This TIP sheet may change as knowledge, community transmission, and availability of PPE and testing change.

AUDIENCE: **Outdoor Personal service providers**, including hair salons, barber shops, nail salons, massage (in a non-healthcare setting), estheticians, skin care, and cosmetology services.

BACKGROUND: On October 27, 2020, the Health Officer issued [Directive No. 2020-23b](#) authorizing and providing guidance for Outdoor Personal Services and amended [Appendix C-1 Additional Businesses Permitted to Operate](#). This document summarizes the main action items and includes Tips for outdoor spaces. All personal service providers must adhere to all state and local regulations.

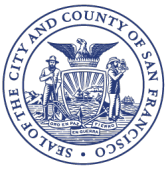
Primary changes from previous versions:

- This updated TIP Sheet provides best practices for Outdoor Personal Service Providers who offer services that require the removal of the client's face covering, e.g., facials, hair removal, or beard trims.
- Requires providers to wear eye protection and an N95 respirator (commonly known as an N95 mask) while providing services that require the client to remove their face covering.
- Strongly recommends providers to wear eye protection when providing services that require the provider and client to be within three feet of each other for more than 15 minutes or when providing services that occur around the head and neck.
- Eye protection and other [PPE can be obtained for free](#) from the San Francisco Office of Economic and Workforce Development.
- Please follow these best practices to keep you, your clients and your personnel safer.

How Does COVID-19 Spread?

Our current understanding is that COVID-19 is mostly spread from person-to-person in the air through virus-containing droplets in the breath of someone with COVID-19. These droplets enter the air when a person exhales (breathes out), including when they talk, sing, cough, or sneeze. People with COVID-19 may have no symptoms at all and can still be breathing out virus-containing droplets.

- Larger droplets are sometimes called "ballistic droplets" because they travel in straight lines and are pulled down by gravity. People nearby, usually within 6 feet, are infected when they breathe in these droplets or if the droplets land in their eyes, nose, or mouth.
- Smaller droplets or infectious particles can float in the air for a period of time and/or travel beyond 6 feet on indoor air currents, especially in enclosed spaces with poor ventilation. People sharing the same space are infected when they breathe in these smaller droplets and particles or the droplets or particles land on their eyes, nose, or mouth – even if they are further than 6 feet



away. These droplets are sometimes referred to as “aerosols” or “bioaerosols”.

COVID-19 can also spread if a person touches their eyes, nose or mouth after touching a contaminated surface (also known as a fomite), however this is less common.

Basic Covid-19 Prevention

- **Wash your hands often with soap and water.** If soap and water are not available, use a hand sanitizer that contains at least 60% ethanol or 70 % isopropanol.
- **Avoid Close Contact.** To the greatest extent, maintain at least six feet of social distancing between yourself and the people who don’t live in your Household.
- **Wear a Face Covering.** Cover your mouth and nose with a Face Covering in public settings and when around people who don’t live in your Household.
- Routinely **clean and disinfect frequently touched surfaces.**

Monitor Your Health Daily. Be alert of symptoms such as fever, cough, shortness of breath, or other symptoms. If you are experiencing any of these symptoms, stay home.

Flu vaccines

Flu vaccines are critical in the fight against COVID-19 by (1) keeping workers and communities healthy and (2) reducing strain on our healthcare and testing systems that are responding to COVID-19. **Those over the age of 6 months are strongly encouraged to get a flu shot.** Find out how to get one at www.sfdcpc.org/flu

Allowed - Outdoors	Not Allowed - Outdoors
<ul style="list-style-type: none"> • Haircuts • Beard trims • Facials • Waxing and threading • Manicures and pedicures • Massage (in a non-healthcare setting) 	<ul style="list-style-type: none"> • Shampooing • All chemical hair series including, but not limited to permanent waving, relaxing, bleaching, tinting, coloring, dyeing, and straightening. • Electrolysis, tattooing, piercing, microblading, permanent make-up, and other forms of body art that are invasive and require a controlled hygienic environment.

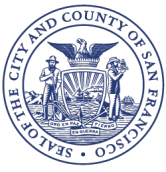
The table above includes examples of services that may be performed outdoors and those that are prohibited. This list is not comprehensive.

Tips for Outdoor Personal Services Establishments, Providers and Personnel

This Tip sheet is a summary. It is highly advised for Business Owners to read the [Public Health Directive](#).

Review the following:

- Review the [Tip Sheet for Safer Interactions During COVID-19 Pandemic](#).
- Provide [approved disinfectants for uses against COVID-19](#).



- All wastewater, hair clippings, and other waste must be disposed of properly. See the San Francisco Public Utilities Commission's (SFPUC) water pollution prevention program guidance at [Only Rain Down the Drain](#).
- See the [Cal/OSHA heat illness prevention page](#) to establish a heat illness prevention plan.

Plan your space

- Obtain all the necessary permits you need to operate your service, including permits to utilize any shared spaces.
- You may be able to use tents, canopies or other outdoor structures that offer sun and wind protection. Ventilation is key to mitigating the spread of COVID-19. See below in Tips for Operating in Outdoor Spaces.
- If fans are used, take care not to aim the air flow from one customer to another or anyone coming within six feet of the establishment.
- Provide handwashing/hand sanitizing stations for both personnel and customers.
- Provide a non-porous chair or plastic basket or paper bag for client's clothing or belongings.

Mandatory Signage Requirements

- Add all COVID-19 related signage as required by [Sections 4.g and 4.h of the Stay-Safer-At-Home Order](#). Complete signage requirements are described in [Directive 20-23b](#).
- The [Outreach Toolkit](#) includes printable resources including many of the signs required or suggested to open Personal Services. Signs about proper hygiene, social distancing, Face Coverings, health screening, the risks of indoor transmission, testing and getting vaccinated for the flu are all available.

Protect Personnel and customers

- Conduct wellness checks with everyone—providers, personnel and customers—upon arrival and before they enter the space. Consider setting up a digital form or questionnaire that allows your clients to answer prior to their scheduled appointment. Ask if they have had any COVID-19 symptoms within the past 24 hours.
- Consider using a touchless payment system. Request cash customers bring exact payment.
- Personnel should wear a face covering at all time. Eye protection and/or gloves are required when performing specific services. Personnel are required to wear eye protection and an N95 masks when providing services that require the removal of the client's face covering. Provide proper Personal Protection Equipment (PPE) for all personnel.

Sanitation

- Review the directive for specific COVID-19 sanitation requirements.
- Follow all sanitation requirements specific to COVID-19 in addition to the usual requirements for your industry. All equipment must be properly disinfected between clients. This includes but is not limited to, chairs, tables, combs, brushes, scissors, etc
- All linens must be washed between clients.
- Wash your hands frequently and between customers.
- If feasible, Personal Service Providers should consider changing their own clothes after each



customer or wearing scrubs or a clean, launderable or disposable smock.

Scheduling

- Keep a list of your employees' schedules and appointments if needed for contact tracing.
- Schedule your clients accordingly. Allow for enough time between customers so workspaces and tools can be properly cleaned and disinfected.
- Under the current State guidance, Hair salons and barbers must only see customers by appointment only and must not allow walk-ins.
- Consider pausing strict cancellation policies to encourage sick customers to stay home. Customers who are experiencing COVID-19 symptoms must cancel or reschedule their appointment. See directive for further clarification.
- Customers must be allowed to reschedule due to symptoms of Covid-19 without charge.
- Consider servicing fewer customers each day or expanding operating hours to allow for more time between customers.

Contact Tracing

- The San Francisco Department of Public Health, in partnership with community, including businesses helps identify those who have had close contact with anyone who has COVID-19. People can transmit the virus 48 hours before they develop symptoms. Some people never develop symptoms and can still transmit the virus. We can help prevent COVID-19 transmission by contact tracing which helps identify people who may have been exposed and helping them quarantine so they don't inadvertently spread the disease. We do this whenever there is an outbreak of infectious diseases like measles, tuberculosis, and others to protect the community's health.
- Help ensure the health of your personnel, clients and our community. Retain the attendance/schedules of all personnel at your organization for up to three weeks. It is recommended that organizations maintain a list of clients willing to voluntarily provide their name and contact information [or consent to retain their credit card information] for contact tracing purposes. Any lists should be discarded after three weeks. Patrons are not required to provide contact information.
- If Personnel or a client tests positive for COVID-19, the organization must assist the Department of Public Health in identifying other personnel or clients who may have been exposed.
- Cover your face, test early, and trace! Find out more at <https://covid19.ca.gov/contact-tracing>

Tips for Customers

- Try not to arrive too early for your appointment. If you arrive early, consider taking a walk to prevent crowding.
- Always wear a face covering. Use a face covering with ear-loops to keep your mask from interfering with your services.
- Refrain from unnecessary conversation if you are having a service done that requires the removal of your face covering
- You must cancel/reschedule your appointment if you have Covid-19 symptoms.
- Consider limiting the amount of time spent at personal care service appointments to decrease your exposure and the exposure of those around you.



Tips for Operating in Outdoor Spaces

Services should only be performed in outdoor areas contiguous with or adjacent to a licensed establishment, consistent with state public health directives. The [Memorandum to the Board of Barbering and Cosmetology Licensees](#) contains more detailed description of which outdoor spaces may be used.

Examples of contiguous places include (with appropriate permits): sidewalk spaces in front of your business, parklets, parking lots next to your shop, rooftop decks, back patio.

- Outdoor space cannot be enclosed or partially enclosed on more than one side in a way that otherwise restricts normal airflow.
- Must be reasonably accessible by the licensee of the licensed establishment to enable the cleansing and disinfection of tools and personal protect equipment. For instance, can you carry a bowl or tub of water safely back into the shop for proper disposal?
- Keep a watchful eye on tripping hazards. Never plug an extension cord into another extension cord. Consider using cordless tools. Cords cannot be hung overhead by themselves unless supported by other means (e.g. attached to a cable). Any change in elevation to facilitate electrical on the ground must meet ADA standards.
- Offer sun protection. This is especially important on hot days. See the Cal/OSHA heat illness prevention page, link is below in resources.
- Outdoor spaces/structures must obtain all proper permits from the:
 - San Francisco [Fire Department](#)
 - San Francisco [Department of Public Works](#)
 - San Francisco's [Shared Spaces program](#)

For more information about setting up your outdoor space please visit San Francisco's Shared Spaces website at <https://sf.gov/shared-spaces>.

Additional requirements for providers offering services that require the removal of face coverings

Personal services that require the client to remove their face covering are much riskier and therefore the personal service provider must take the following precautions:

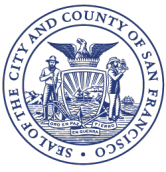
- When providing services that require the client to remove their face covering, providers must wear eye protection such as a face shield or goggles **and** a non-vented N95 mask.
- It is strongly recommended that providers wear eye protection when providing services to the head or neck area or if the provider is within three feet of the client for more than 15 minutes.
- Offer a tissue or towel to your client while their face covering is removed in case they need to sneeze or cough.

Special considerations for nail services and massage services

[Cal/OSHA provides additional requirements and guidance](#) for massage services in non-healthcare settings and nail services and includes the tips below.

Massage Therapists (in non-healthcare settings)

- Ask client to clean hands with hand sanitizer prior to service.



- Facial massages are not permitted if it requires your client to remove their face covering.
- Barriers such as washable sheets and pillowcases are not a substitution for cleaning and disinfecting protocols. Massage tables and chairs must be properly disinfected between clients.
- Hand treatments should be provided as the last part of the massage and hands should be washed immediately upon finishing the massage.
- You **may** do outcalls if you have an [Outcall Massage Permit](#).

Nail Services

- Ask client to clean hands with hand sanitizer prior to service.
- Portable tubs/bowls must be disinfected with an EPA-registered liquid disinfectant that is labeled as a bactericide, fungicide and virucide. All water must be disposed of properly inside. Do not use the storm drain to dump any wastewater or other debris.
- Use disposable tools as much as you can. All disposable items should be thrown away in lined and lidded trash can.
- Do not allow clients to get multiple services at the same time, such as a manicure and pedicure.
- All providers must always wear a face covering or a respirator when required.
- All nail providers must wear disposable gloves during the service and while cleaning and disinfecting all tools and surfaces after each client.

Frequently Asked Questions

Q. Are gloves required?

A. Esthetic, skin care, cosmetology and nail services are required to wear gloves throughout the service and while cleaning and disinfecting tools. If possible, have latex-free gloves on hand for customers or staff with latex allergies. Wearing gloves is not a substitute for hand washing.

Q. Can clients use the restroom indoors?

A. Yes, your client may enter the premises to use the restroom.

Q. My Barber/Salon chair is too difficult to move in and out. Can I use any chair or stool?

A. Keep safety and comfort in mind for both you and your client. All equipment should meet Cal/OSHA standards.

Q. I usually bring my own tools/polish to my nail appointments; can I do that?

A. No, not at this time.

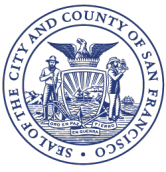
Q. Is it safe for me to get a massage or haircut?

A. Any activity that brings you within six feet of individuals outside of your household carries an increased risk of COVID-19 transmission. You can decrease that risk by being vigilant in your personal hygiene, wearing a face covering and going to a service provider who also takes health and safety precautions seriously.

Q. Can I perform a service where the customer needs to remove their mask?

A. Facials, face waxing, beard trims are permitted at this time. Providers are required to wear eye protection and an N95 respirator (mask).

Q. How do I contain hair clippings?



A. Be a good neighbor. Take extra care to contain hair clippings to prevent the hair from blowing in the direction of your neighbor. Sweep or vacuum frequently. Hair clippings must be collected and kept in a covered container. Follow regular waste removal protocols.

Q. I'm a Business Owner. How do I make sure Personnel are not sick when they work?

A. Please see SFDPH guidance on [Asking COVID-19 Screening Questions](#), posted at www.sfdcp.org/screen.

Q. What if a service provider or client tests positive for COVID-19?

A. People may be able to transmit the virus 48 hours before they develop symptoms of COVID-19. They may also transmit the virus even if they never develop symptoms.

Please see SFDPH guidance [What to do if Someone at the Workplace Has COVID-19](#).

Providers should keep a list of Personnel and Clients, which will help SFDPH with contact tracing.

Resources

You can find printable resources in the [Covid-19 toolkit](#):

Cal/OSHA guidance:

- [Outdoor Personal Services](#) Guidance and [Personal Services](#) checklist
- [Outdoor Hair Salons and Barber shops](#) Guidance and [Hair Salons and Barber shops](#) checklist
- [Heat Illness Prevention Training Guide](#)

San Francisco Programs and Permits:

- [Shared Space Program](#)
- [Fire Department Permits](#)
- [Public Works Permits](#)
- [Outcall Massage Practitioner Permits](#)



DIRECTIVE OF THE HEALTH OFFICER No. 2020-30b

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR BUSINESSES PROVIDING INDOOR HAIR, BARBER, NAIL, BODY
ART, SKIN CARE, MASSAGE, COSMETOLOGY AND OTHER PERSONAL
SERVICES IN A NON-HEALTHCARE SETTING**

(PUBLIC HEALTH DIRECTIVE)
DATE OF DIRECTIVE: October 27, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that businesses offering indoor Personal Services, as described below, must follow as part of the local response to the Coronavirus Disease 2019 (“COVID-19”) pandemic. This Directive constitutes industry-specific guidance as provided under Section 4.e of Health Officer Order No. C19-071, including as it may be revised or amended in the future (the “Stay-Safer-At-Home Order”) and, unless otherwise defined below, initially capitalized terms used in this Directive have the same meaning given them in that order. This Directive goes into effect at immediately and remains in effect until suspended, superseded, or amended by the Health Officer. This Directive has support in the bases and justifications set forth in the Stay-Safer-At-Home Order. As further provided below, this Directive automatically incorporates any revisions to the Stay-Safer-At-Home Order or other future orders issued by the Health Officer that supersede that order or reference this Directive. This Directive is intended to promote best practices as to Social Distancing Requirements and sanitation measures, helping prevent the transmission of COVID-19 and safeguard the health of workers, customers, and the community.

**UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE
SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER DIRECTS AS
FOLLOWS:**

1. This Directive applies to all owners, operators, managers, and supervisors of any business providing Indoor Personal Services, as that term is defined in Section (15)(b)(2) of Appendix C-1 of the Stay-Safer-At-Home Order (“Personal Service Providers”).
2. Attached as Appendix A to this Directive is a list of best practices that apply to Personal Service Providers (the “Best Practices”). Each Personal Service Provider must comply with all of the relevant requirements listed in the Best Practices.
3. Each Personal Service Provider, before it begins to offer Personal Services or allow Personnel onsite, must create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”). The Health and Safety Plan must be substantially in the form attached to this Directive as Appendix B.
4. Guidance from the Department of Public Health related to Personal Services is attached to this Directive as Appendix C and available at www.sfdph.org/directives. Each Personal Service Provider must review this guidance and implement it to the extent possible.
5. If an aspect, service, or operation of the Personal Service Provider is also covered by another Health Officer directive (all of which are available at



Health Officer Directive No. 2020-30b

www.sfdph.org/directives), then the Personal Service Provider must comply with all applicable directives, and it must complete all relevant Health and Safety Plan forms.

6. Each Personal Service Provider must (a) make the Health and Safety Plan available to a customer and Personnel on request, (b) provide a summary of the Health and Safety Plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the Health and Safety Plan at each entrance to any physical business site within the City. Also, each Personal Service Provider must provide a copy of the Health and Safety Plan and evidence of its implementation to any authority enforcing this Directive upon demand.
7. Each Personal Service Provider subject to this Directive must provide items such as Face Coverings (as provided in Health Officer Order No. C19-12c issued on July 22, 2020, and any future amendment to that order), hand sanitizer or handwashing stations, or both, and disinfectant and related cleaning supplies to Personnel, all as required by the Best Practices. If any such Personal Service Provider is unable to provide these required items or otherwise fails to comply with required Best Practices or fails to abide by its Health and Safety Plan, then it must cease operating until it can fully comply and demonstrate its strict compliance. Further, as to any non-compliant Personal Service Provider, any such Personal Service Provider is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.
8. For purposes of this Directive, “Personnel” includes all of the following people who provide goods or services associated with a Personal Service Provider: 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 allowed to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Personal Service Provider. “Personnel” includes “gig workers” who perform work via the business’s app or other online interface, if any.
9. This Directive and the attached Best Practices may be revised by the Health Officer, through revision of this Directive or another future directive or order, as conditions relating to COVID-19 require, in the discretion of the Health Officer. Each Personal Service Provider must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (www.sfdph.org/directives) regularly.
10. Implementation of this Directive augments—but does not limit—the obligations of each Personal Service Provider under the Stay-Safer-At-Home Order including, but not limited to, the obligation to prepare, post, and implement a Social Distancing Protocol under Section 4.d and Appendix A of the Stay-Safer-At-Home Order. The Personal Service Provider must follow these industry-specific Best Practices and update them as necessary for the duration of this Directive, including, without limitation, as this Directive is amended or extended in writing by the Health Officer and consistent with any extension of the Stay-Safer-At-Home Order, any other order that supersedes that order, and any Health Officer order that references this Directive.



**City and County of
San Francisco**

**Department of Public Health
Health Officer Directive**

Health Officer Directive No. 2020-30b

This Directive is issued in furtherance of the purposes of the Stay-Safer-At-Home Order. Where a conflict exists between this Directive and any state, local, or federal public health order related to the COVID-19 pandemic, including, without limitation, the Social Distancing Protocol, the most restrictive provision controls. Failure to carry out this Directive is a violation of the Stay-Safer-At-Home Order, constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by fine, imprisonment, or both.

Tomás Aragón

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

Date: October 27, 2020



Appendix A to Health Officer Directive No. 2020-30b (issued 10/27/20)

Best Practices for Businesses Offering Indoor Personal Services

In addition to preparing, posting, and implementing the Social Distancing Protocol required by Section 4.d and Appendix A of Health Officer Order No. C19-071 (the “Stay-Safer-At-Home Order”), each Personal Service Provider that operates indoors in the City must comply with each requirement listed below and prepare a Health and Safety Plan substantially in the format of Appendix B, also attached to this Directive. Note that ALL Personal Service Providers must comply with Section 1 below, and Personal Service Providers must otherwise comply with all other sections below that apply to the type of services they offer. Some Personal Service Providers will only need to comply with Section 1, and others will comply with Section 1 and at least one other section.

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Requirements:

1. Requirements for All Personal Service Providers in a Non-Healthcare Setting, Including Hair Salons and Barbershops, Nail Salons, Body Art Practitioners, Skin Care, Massage, Cosmetology, and Tanning Salons and Other Non-Touch Personal Services

[These requirements apply to all Personal Service Providers]

- 1.1. All Personal Service Providers are strongly encouraged to serve customers outdoors when allowed by the Stay-Safer-At-Home Order and other directives. It is preferred to offer customers a choice of being seen indoors and outdoors, and outdoor services can ensure extra distancing for those customers being served indoors.
1.2. Develop a plan and implement daily COVID-19 symptom self-verifications for all Personnel as required by the Social Distancing Protocol (Appendix A of the Stay-Safer-At-Home Order) (the “Social Distancing Protocol”).
1.3. All Personal Service Providers are strongly encouraged to see customers by appointment only and to stagger appointments to reduce reception congestion and ensure adequate



time for proper cleaning and sanitation between each customer visit. Hair salons and barbershops, under current State guidance, must see customers by appointment only and must not allow walk-in customers.

- 1.4.** Screen all customers and other visitors on a daily basis using the standard screening questions attached to the Stay-Safer-At-Home Order as Appendix A and **Attachment A-2** (the “Screening Handout”). Screening must occur before people enter the facility or location (or before the Personal Service Provider enters another location to meet with the customer) on the same day as the appointment or visit in order to prevent the inadvertent spread of the SARS-CoV-2 virus. A copy of the Screening Handout should be provided to anyone on request, although a poster or other large-format version of the Screening Handout may be used to review the questions with people verbally. Any person who answers “yes” to any screening question is at risk of having the SARS-CoV-2 virus, must be prohibited from entering the facility or receiving services, and should be referred for appropriate support as outlined on the Screening Handout. Personal Service Providers can use the guidance available online at <https://www.sfdcp.org/wp-content/uploads/2020/05/COVID19-Screening-Questions-UPDATE-05.26.2020.pdf> for determining how best to conduct screening. Customers who are feeling ill, have exhibited symptoms of COVID-19 within 24 hours of their scheduled appointment, or answer “yes” to any screening question must cancel or reschedule their appointment. In such cases, customers must not be charged a cancellation fee or other financial penalty.
- 1.5.** Consider implementing digital forms or questionnaires to allow customers to complete all paperwork electronically before their appointment. This can include answering via email, text message, web-browser, app, or otherwise.
- 1.6.** If feasible, implement virtual check-in technology to ensure that Personal Service Providers are notified when a customer arrives.
- 1.7.** Require Personnel to wear Face Coverings as provided in Health Officer Order No. C19-12c issued on July 22, 2020, and any future amendment to that order (the “Face Covering Order”). Personal Service Providers must wear their Face Coverings at all times while in the presence of customers or working in spaces where they will provide care to a customer (including when customers or others are not present). Personal Service Providers who will be within three feet of a customer for more than 15 minutes are strongly encouraged to wear a non-vented N95 mask.
- 1.8.** Customers and other visitors must wear a Face Covering at all times except when: (a) they are otherwise exempt from doing so under the Face Covering or (b) when the Face Covering must be removed to perform services involving that part of the face and then only during such procedure and subject to compliance with applicable safety precautions set forth in Section 1.10 below. Personal Service Providers must encourage customers to bring and use their own Face Coverings. Personal Service Providers must provide customers with Face Coverings if they do not have one or refuse service to those who arrive without a Face Covering and who are not otherwise exempt from wearing one under the Face Covering Order.
- 1.9.** If Personnel, customers, or any other member of the public refuses to comply with the Face Covering Order or other provision of this Directive, then the Personal Service Provider must refuse service to the individual (for customers) and require people (including Personnel, customers, or others) to leave the facility. Nothing in this Directive is intended to alter the obligations a Personal Service Provider may otherwise have under



applicable law to provide reasonable accommodations to Personnel or members of the public.

- 1.10.** Activities that involve the removal of clients' face coverings are much higher risk and Personal Service Providers are strongly discouraged from offering these services during the COVID-19 pandemic. If a customer's Face Covering must be removed, Personal Service Providers must take the following precautions:
- 1.10.1.** The Personal Service Provider conducting the service must wear a face shield or eye protection (in addition to a Face Covering) when they are providing services that do not enable the client to wear a Face Covering.
 - 1.10.2.** Personal Service Providers must wear a non-vented N95 mask to provide maximum protection during procedures that require the customer to remove their Face Covering.
 - 1.10.3.** The customer's Face Covering may only be removed as long as necessary to complete the part of the service requiring removal.
 - 1.10.4.** The service must be conducted at least six-feet from other Personnel and customers. Where feasible, the service should take place in a separate room or other area enclosed by curtains or other barrier.
 - 1.10.5.** Request that the customer not speak unnecessarily during the period that their Face Covering is removed.
 - 1.10.6.** Keep face tissues or a towel available for the customer to use in the event they need to sneeze or cough while their Face Covering is off. The customer should dispose of the tissue or place the towel into a laundry bin at the end of the service.
 - 1.10.7.** Beginning November 3, 2020, Personal Service Providers offering services to customers who remove their Face Coverings must comply with new signage requirements set forth in section 2.9 below.
- 1.11.** Although Personal Service Providers under this Directive are not offering health care, there are similarities between the provision of health care and personal services. In particular, the duration of encounters, distance between provider and client, and other factors can create similar risks of virus transmission, and many of the best practices that apply in the health care context can be applied in the personal services context. Accordingly, Personal Service Providers are strongly recommended to wear a face shield, goggles, or other eye protection in addition to Face Coverings when they will be within three feet of a customer for more than 15 minutes. More information about use of face shields, goggles, or other eye protection in the health care context, which is also relevant to people who provide personal services, can be found online at <https://www.sfcdep.org/wp-content/uploads/2020/08/COVID19-EyeProtection-Memo-HCP-FINAL-2020.08.10.pdf>.
- 1.12.** 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>.



- 1.13.** Service providers must not see multiple customers at once (for example, while one customer's hair is drying, another receives a haircut). Multiple service providers must also not work on the same customer at the same time. Services for one customer must be completed before a new customer is seen by the same worker. The one exception to this rule is that if a customer is undergoing a procedure and is waiting for a longer period of time (such as when waiting for hair dye to set), a service provider may work with one other customer during the wait so long as (i) the service provider cleans their hands each time before switching to the other customer, (ii) the second customer is not being served in the same service area as the first customer without full cleaning and sanitization of the area between each customer as required by this Directive, and (iii) the service provider is not repeatedly going back and forth between the first and second customer.
- 1.14.** Provide a hard-surfaced, non-porous chair or table or a large hard-surfaced or plastic basket or paper bag for clients to put their clothes or belongings on or in if appropriate for the service.
- 1.15.** Personal Service Providers must wear disposable gloves when required for a particular service (for example, chemical hair services, piercing, tattooing). Wearing gloves is not a substitute for regular hand washing and sanitizing. Proper glove use includes being sure to properly clean or sanitize hands before putting on clean gloves, making sure the wearer does not touch their own face or hair with gloved hands, not using gloved hands to provide services for more than one person without changing gloves, the proper removal of gloves to avoid contaminating skin underneath, washing or sanitizing hands after removing gloves, and properly disposing of used gloves in a trash bin that has a lid and is lined with a disposable plastic bag. More information about the use of gloves and when use is required is found in Appendix C to this Directive.
- 1.16.** Develop a plan and implement cleaning and sanitization requirements that exceed usual professional requirements and standards, including all of the following that apply (depending on the tools and equipment in use by the Personal Service Provider):
- 1.16.1.** Comply with any existing or COVID-19 specific health-related regulatory requirements, such as those required by Cal/OSHA, the California Board of Barbering and Cosmetology, California Health and Safety Code, and the San Francisco Health and Safety Code.
- 1.16.2.** Instruct all Personnel to wash their hands frequently with soap and water for at least 20 seconds and to wash hands or use hand sanitizer (provided by the Personal Service Provider) before and after touching high-touch surfaces, such as cash registers or shared tools, equipment, or materials.
- 1.16.3.** Disinfect station counters, rolling carts, drawers, hand mirrors, tools, hot towel cabbies, and other surfaces between each customer.
- 1.16.4.** All single use items, such as disposable wax collars, cotton, neck strips, and applicators, must be used once and immediately thrown away in a container with a lid.
- 1.16.5.** All appliances at work stations and treatment areas must be properly disinfected between each customer, as follows:



- 1.16.5.1.** Clean and disinfect shears by removing all visible debris, cleaning with soap and water, and then wiping or spraying with an EPA-registered disinfectant that demonstrates bactericidal, fungicidal, and virucidal activity and is approved for COVID-19.
- 1.16.5.2.** Clean and disinfect all other non-porous, non-electrical tools by removing all visible debris, cleaning with soap and water, drying the tools, and then completely immersing them in an EPA registered disinfectant. Tools must be sprayed or submerged and left to set for the full amount of time (contact time) required by the disinfectant's manufacturer. Immersed items, like combs or brushes, should be removed at the end of the contact time, rinsed, and dried with a paper towel or clean, freshly laundered towel.
- 1.16.5.3.** Clean all electrical tools, such as clippers, LED lamps, and esthetic devices, by removing all visible debris and disinfecting with an EPA-registered disinfectant spray or wipe that demonstrates bactericidal, fungicidal, and virucidal activity and is approved for COVID-19. Follow with using an EPA-registered disinfectant spray or wipe for the full contact time as noted by the manufacturer's directions. Use caution when using a spray and be sure the device is unplugged and do not spray into the motor. Consider use of wipeable covers for electronics. If no manufacturer guidance is available, consider the use of alcohol-based wipes or sprays containing at least 60% alcohol to disinfect touch screens. Dry surfaces thoroughly to avoid pooling of liquids.
- 1.16.5.4.** Clean and disinfect all handles, hoses, spray nozzles, and other equipment between customers. Chairs, headrests, shampoo bowls, and other items should also be thoroughly cleaned and sanitized between each use. Where appropriate, consider adding a paper cover, sheet, or clean towel that can be easily disposed of or cleaned for use between customers. Since porous surfaces such as fabric chair seats cannot be easily disinfected, consider covering with a plastic or disposable liner and cleaning or disposing of the liner after each customer.
- 1.16.5.5.** Where linens are used, even if the customer does not get under them, the linens must still be removed for laundering and the bed or table properly disinfected before each use by a customer. All dirty linens, including towels, sheets, blankets, smocks, and reusable capes, should be placed in a closed container and not used again until properly laundered either by a commercial laundering service or a laundering process that includes immersion in water of at least 160 degrees Fahrenheit for at least 25 minutes. Store all clean linens in a clean, covered place. Ensure Personnel who handle dirty linens or laundry wear gloves and a Face Covering.
- 1.16.5.6.** Address cleaning of any other areas used by the Personal Service Provider consistent with this Directive and other applicable cleaning standards.

2. Additional Requirements for Establishments that Provide Personal Services

[These requirements apply to all Personal Service Providers that welcome customers into a storefront or other building]



- 2.1.** Establishments offering Personal Services indoors must evaluate the facility to determine the number of people (including customers and Personnel) who may safely fit inside at any time while ensuring proper social distancing and other restrictions as required by this Directive and the Stay-Safe-At-Home Order, including but not limited to the requirement that all customers be stationed at least six feet away from other customers at all times. Educate Personnel about capacity limits and require them to enforce limits by, for example, spacing out customer appointments and ensuring that customers do not wait in the waiting area before appointments as outlined below. The number of people allowed in the establishment must be reduced according to the size of the indoor space and ability to follow Social Distancing Requirements at all times. For example, if the size of a salon allows no more than 10 people to follow Social Distancing at all times, then the maximum capacity, including customers and Personnel, for that salon is 10 people. Educate Personnel about capacity limits and require them to enforce limits by, for example, spacing out customer appointments.
- 2.2.** Add all COVID-19 related signage to the establishment as required by Sections 4.g and 4.h of the Stay-Safer-At-Home Order. The County is making available templates for the signage available online at: <https://sf.gov/outreach-toolkit-coronavirus-covid-19>.
- 2.3.** Prohibit customers from bringing additional people with them to their appointment. If the person receiving the service is a minor, they may bring an adult guardian, or if the person receiving the treatment is disabled or needs assistance due to health reasons they may bring an adult care provider. Personal Service Providers may consider allowing adult customers to bring their minor children if they have no other childcare options. Anyone entering the establishment must be screened and wear a Face Covering as outlined in Section 1 above and must be included when determining whether the establishment has reached its capacity limit.
- 2.4.** Make any necessary adjustments to the layout of the establishment to allow for proper social distancing. For example, chairs and workstations must be arranged to ensure at least six feet of space between chairs or workstations so that customers are at least six feet from other customers at all times. Establishments should consider additional divider shields or other impermeable barriers where appropriate.
- 2.5.** Establishments should, whenever possible, remove items with surfaces that cannot be cleaned and sanitized properly, including throw pillows, fabric-lined chairs, and fabric seat cushions. Also, establishments must remove other objects from waiting areas like books, magazines, toys, and pamphlets in order to avoid having multiple people touch the same object without it being properly cleaned.
- 2.6.** Establishments must prohibit customers from waiting inside in a waiting area before an appointment. Prohibit customers from congregating in the reception area or elsewhere in the establishment. Have customers wait outside with their Face Covering on or in their cars before their appointments. In larger locations, reception areas should only have one customer at a time and modify the area for adequate minimum six-foot physical distancing, including removing or blocking off chairs and sofas.
- 2.7.** If all or part of a Personal Service Provider's establishment has been vacant or dormant during the Stay-Safer-At-Home Order, then the Personal Service Provider must ensure plumbing is functioning and that pipes are flushed before use. The San Francisco PUC provides guidance for flushing and preparing water systems online at <https://sfwater.org/index.aspx?page=1327>.



- 2.8.** All establishments offering indoor Personal Services must comply with the ventilation protocols at Section 4.i of the Stay-Safer-At-Home Order. Review SFPDH's guidance for improved ventilation available at: <https://www.sfdcp.org/COVID-ventilation>.
- 2.9.** Beginning November 3, 2020, all establishments offering indoor Personal Services to customers who must remove their Face Coverings during the service must conspicuously post signage, including at all primary public entrances, indicating which of the following ventilation systems are used at the facility: open windows/doors; HVAC system that brings in outdoor air; HVAC system that recirculates filtered air; air purifiers; or none of the above. The County is making templates for the signage available online at: <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, and businesses are strongly urged to keep informed of those changes and update their signage accordingly.
- 2.10.** Develop a plan and implement sanitization requirements, including:
- 2.10.1.** Instruct Personnel that they are responsible for keeping their workspaces clean and sanitized. Each Personal Service Provider must clean and properly sanitize their workspace at the end of each shift and between customers.
- 2.10.2.** Ensure Personnel have access to cleaning supplies so that they can clean surfaces as needed on their own when custodial staff is not available.
- 2.10.3.** Clean and disinfect high touch surfaces in common areas routinely throughout the day and otherwise in accordance with the Social Distancing Protocol. Common areas include, but are not limited to, the following common-use area: lobbies, lounge or seating areas, entry ways, hallways, bathrooms, changing areas, elevators, and stairwells. Clean and disinfect all high touch surfaces and devices found in common areas such as door handles, railings, faucets, toilets, elevator buttons, coat hooks, hangers, furniture, computers, telephones, and other devices that are touched by people throughout the day.
- 2.10.4.** Discontinue the use of shared food and beverage equipment in breakrooms (including shared coffee brewers). Microwaves in break rooms or other communal areas may be used if they are disinfected by wiping the interior and exterior with an approved disinfectant after each use. Water coolers may also be used if: (1) touch surfaces are wiped down with an approved disinfectant after each use, and (2) any persons changing a container-type water cooler must wash their hands or use hand sanitizer immediately prior to handling/replacing the water container.
- 2.10.5.** Equip the reception area and all workstations with proper sanitation products, including hand sanitizer and sanitizing wipes. As required by the Social Distancing Protocol, hand sanitizer must be provided for customers at entrances or check-in areas.
- 2.10.6.** Disinfect station counters, rolling carts, drawers, hand mirrors, tools, and other surfaces between use for each customer.
- 2.10.7.** Where possible, do not clean floors by sweeping or other methods that can disperse pathogens into the air. Vacuum wherever possible using a vacuum with a HEPA filter. Alternately, gently sweep floors and do so between customers and when



there are as few people in the area as possible. Personnel responsible for sweeping or vacuuming floors must wear a Face Covering.

2.11. Where feasible, prohibit Personnel from sharing equipment, such as phones, tables, or computers. Any furniture, tools or equipment that must be used by more than one individual must be sanitized in a manner that complies with the requirements contained in the Social Distancing Protocol between use by different Personnel. If Personnel must share a workspace, such as on alternating shifts, then the location must be sanitized in a manner that complies with the requirements contained in the Social Distancing Protocol after each use.

2.12. Remove and prohibit the use of product samples otherwise available in the establishment.

3. Additional Requirements Specific to Hair and Barber Services

[These requirements apply to all Personal Service Providers that work with hair on the face or head, including hair washing and cuts, styling, blowouts, beard grooming, braiding, and weaving/artificial hair integration]

3.1. The customer must wear a Face Covering at all times and it must not be removed during the service. One way to facilitate this is for the service provider to provide the customer a Face Covering that attaches with ear-loops in order to avoid interfering with styling at the back of the head during the service. This rule generally prohibits styling or trimming of facial hair unless it is outside the area covered by a Face Covering.

3.2. Provide a clean smock or cape for each customer.

3.3. If appropriate for the service, ask customers to come to their appointments with freshly cleaned hair to minimize appointment time.

3.4. Consider temporarily eliminating services that require lengthy blow-drying. When blow-drying is used, ensure that the dryer is not aimed at other customers or Personnel or take other steps to reduce the risk, such as minimizing the number of customers and Personnel nearby, use of barriers, moving outside for use of the dryer, etc.

3.5. Consider moving certain services that are long in duration, that include blow-drying, or that do not require access to a mirror or other equipment outdoors when possible, which might include use of a hair-dryer or braiding/weaving.

4. Additional Requirements Specific to Esthetician, Skin Care, and Cosmetology Services

4.1. Treatment tables or chairs must be covered with either clean treatment table paper, a clean towel, or a clean sheet before each use. After use, do not shake out any dirty laundry. Place used linens in a lined, lidded receptacle positioned outside the treatment space to minimize the possibility of dispersing virus in the air. Dispose of any paper in a trash bin that has a lid and is lined with a disposable plastic bag.

4.2. Personal Service Providers must wear disposable gloves at all times during the service and while cleaning or disinfecting implements and surfaces between each client session. Gloves must be replaced between each customer.



- 4.3. Before leaving the treatment room, Personal Service Providers must remove and dispose of gloves, apply hand sanitizer or wash hands with soap and water, and use a previously readied disposable barrier, such as a paper towel or sanitizer wipe, to open and close the treatment room door while leaving the room.
- 4.4. When wax pots are running low and new wax needs to be added, empty any remaining wax and clean and disinfect the wax pot before refilling with new wax. Single use applicators must be disposed of immediately after use in a trash bin that has a lid and is lined with a disposable plastic bag.

5. Additional Requirements Specific to Electrology Services

- 5.1. Treatment tables or chairs must be covered with either clean treatment table paper, a clean towel, or a clean sheet before each use. After use, do not shake out any dirty laundry. Place used linens in a lined, lidded receptacle positioned outside the treatment space to minimize the possibility of dispersing virus in the air. Dispose of any paper in a trash bin that has a lid and is lined with a disposable plastic bag.
- 5.2. Closely adhere to sterilization requirements for all items, including tweezers, rollers, and needle holder caps. Ultrasonic cleaning units, forceps, and all containers, including their removable parts, must be cleaned and disinfected between each client according to the manufacturer's instructions.
- 5.3. Where possible, use disposable probes that do not require a probe tip or cap, which will reduce exposure points. If not using disposable probe tips or caps, the removable tip or cap of the epilator needle/probe holder must be cleaned and disinfected after each client.
- 5.4. Needles used for electrolysis must be single-use, disposable, pre-packaged, and sterile and disposed of in an approved sharps container immediately after use. Sharps containers must be discarded in accordance with biomedical waste regulation.

6. Additional Requirements Specific to Nail Salons

- 6.1. Disposable gloves must be worn throughout the entire service and while performing cleaning and disinfection of all implements and surfaces after each client. Once cleaning is finished, remove and dispose of gloves and apply proper hand sanitizer or wash hands with soap and water.
- 6.2. Foot-spas, basins, and pedicure bowls must be properly cleaned and disinfected after every client even if a disposable plastic liner is used.
- 6.3. Nail salons should use disposable supplies whenever possible. Any non-disposable supplies must be fully disinfected between customers according to the California Board of Barbering and Cosmetology guidelines.
- 6.4. All single use items, such as cardboard files, sand-bands for drills and buffers, disposable sandals, toe separators, and applicators must be used once and immediately thrown away in a trash bin that has a lid and is lined with a disposable plastic bag.
- 6.5. To reduce the number of touchpoints, remove the nail polish displays. In the absence of a nail polish display, use a color palette, which is to be cleaned and disinfected after each



client use. If the nail polish display cannot be removed, prohibit customers from handling the nail bottles. Nail polishes must be cleaned and disinfected before being returned to the display.

- 6.6. Consider whether it is feasible to install a plastic partition between the worker and client with ample space cut out where hands or feet can be slid underneath to conduct the manicure or pedicure.
- 6.7. Allow only one manicurist to work at each station and do not allow clients to get multiple services at the same time, such as a manicure and pedicure, because of the inability to provide for adequate physical distancing between Personnel performing those services.
- 6.8. Where feasible, nail salons should consider upgrading existing ventilation to include locally-exhausted nail tables.
- 6.9. Certain services already require use of a respirator by the service provider. Whenever a respirator is required, examine the respirator to see if it has exhaust valves or vents. If so, these should be covered with a separate cloth mask or Face Covering in order to protect the customer and others from focused jets of exhaled air that can escape from valves or vents.

7. Additional Requirements Specific to Body Art Services

[These requirements apply to all Personal Service Providers that perform piercings, tattoos, or other body modifications]

- 7.1. Disposable gloves are required throughout the service and while performing cleaning and disinfection of all implements and surfaces after each customer session.
- 7.2. Body art services for the mouth and nose area are prohibited.
- 7.3. Customers must keep their Face Covering on during the entire body art service.

8. Additional Requirements Specific to Massage Services (Non-Healthcare Setting)

- 8.1. Require customers to wash their hands for at least 20 seconds or use hand sanitizer at the beginning of any treatment.
- 8.2. Consider alterations to the treatment table setup to support the required cleaning and disinfecting protocols. This could include using disposable face cradle covers and/or protecting the table, table warmers, bolsters, and other items with washable barriers like plastic covers that can be easily cleaned or pillowcases that can be removed and replaced between each client. Barriers are not a substitution for the required cleaning and disinfecting protocols.
- 8.3. Clean linens must be stored outside of the treatment room.
- 8.4. Evaluate whether facial massages or other hands-on work to the face will be offered. If providing such services, use non-latex gloves for this part of the treatment. Facial massages must not be performed if it requires removal of the client's Face Covering.



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- 8.5. Consider providing any hand treatments as the last part of the service to minimize the spread of virus particles that may remain on the hands. Alternately, Personal Service Providers should wash their hands for at least 20 seconds or use hand sanitizer before and after performing hand treatments.
- 8.6. Personal Service Providers must wash their hands for at least 20 seconds with soap and water or use hand sanitizer immediately upon finishing massage services.
- 8.7. If the massage provider uses any kind of heating system to warm the room or other equipment, take steps to minimize the risk such as eliminating all use of heating fans that circulate air in a small enclosed area (which is a risk during a lengthy procedure) and using heating pads or heat laps, as appropriate under other guidelines and regulations.

Health Officer Directive No. 2020-30b (Exhibit B) Health and Safety Plan (issued 10/27/2020)

Each Indoor Personal Service Provider must complete, post onsite, and follow this Health and Safety Plan.

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

Business/Entity name:

Contact name:

Facility Address:

Email / telephone:

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

- Personal Service Provider is familiar with and complies with all requirements set forth in Health Officer Directive No. 2020-30b, available at www.sfdph.org/directives.
- Whenever possible, offer services outdoors and indoors to provide customers choice and reduce crowding indoors.
- Complete any necessary adjustments to the layout of the business to allow for proper social distancing, including ensuring customers are always at least six feet from other customers and customers are not waiting in any waiting area before an appointment. List the maximum number that can safely be in the facility at one time here: _____
- Ensure that plumbing is functioning and, if the facility was dormant, the pipes have been flushed. See sfwater.org/index.aspx?page=1327 for more details.
- Reviewed and implemented applicable guidance regarding ventilation for all indoor spaces.
- Added all required COVID-19 signage to entrances and employee break rooms.
- If your business offers services that require customers to remove their Face Covering, add signage regarding ventilation.
- Implement policy to ensure Personnel comply with social distancing requirements and to limit the number of people in the business at a given time, consistent with the requirements in the Stay-Safer-At-Home Order.
- Personnel, members of the public who seek services, and all other people onsite are required to wear Face Coverings as provided in the Face Covering Order and this Directive. Face Coverings must not be removed during services.
- Ensure that Personnel providing services that may require the client to remove their Face Covering have adequate protective equipment, including face shields or goggles. Consider use of N95 masks when performing services on clients who must remove their Face Covering.
- Consider use by Personnel of face shields, goggles, or other eye protection (see Section 1.11 of Appendix A).
- Ensure daily COVID-19 symptom and exposure screening is completed for all Personnel as required by the Social Distancing Protocol (Appendix A of Health Officer Order C19-071) and its **Attachment A-1**. Personnel who answer "yes" to a question

Health Officer Directive No. 2020-30b (Exhibit B) Health and Safety Plan (issued 10/27/2020)

must not come to work. This handout is available online at www.sfcdcp.org/screening-handout.

- 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. The customer screening handout is available online at www.sfcdcp.org/screeningvisitors.
- Implement all sanitization requirements as described in this Directive.
- Ensure that Personnel have access to cleaning supplies so that they can clean surfaces as needed on their own when custodial staff is not available.
- High touch surfaces in common areas must be cleaned and disinfected routinely throughout the day.
- All tools and equipment used for services must be properly cleaned between each use as outlined in the Directive. Whenever possible, prohibit Personnel from sharing equipment, and any shared equipment must be properly sanitized between each use.
- Evaluate and implement available options for allowing customers to complete paperwork electronically before arrival and to check-in for their appointments online.
- Whenever possible see customers by appointment only (and for hair salons and barbershops no walk-ins are allowed under current State of California guidelines).
- Do not allow a service provider to see multiple customers at the same time, and do not allow multiple service providers to work on the same person at the same time.
- Service providers must wear gloves to the extent they are required for certain services by this Directive, and ensure that clean gloves are used for each customer.
- If possible, remove or prohibit use of surfaces that cannot be cleaned and sanitized properly.
- Review and implement all industry-specific guidance in the Directive (Appendix A, Sections 3 through 8).

Additional Measures

Explain:



Tip Sheet for Operating Indoors: Personal Services

UPDATED October 27, 2020

The following Tip Sheet was developed by the San Francisco Department of Public Health (SFDPH) based on recommendations and guidance from the US Centers for Disease Control and Prevention (CDC), the State of California, and Personal Service Providers licensing and industry groups. This guidance is posted at <https://www.sfdcp.org>.

AUDIENCE: **Indoor Personal service providers**, including hair salons, barber shops, nail salons, body art practitioners, electrology services, massage (in a non-healthcare setting), tanning salons, estheticians, skin care, and cosmetology services.

BACKGROUND: On October 27, 2020, the Health Officer issued [Directive No. 2020-30b](#) authorizing and providing guidance for Personal Services and amended [Appendix C-1 Additional Businesses Permitted to Operate](#). This document summarizes the main action items from the Directive. All personal service providers must adhere to all state and local regulations.

Primary changes from previous versions:

- This updated TIP Sheet includes best practices for personal service providers who offer services that require the removal of the client's face covering, e.g., facials, hair removal, or beard trims.
- Most indoor personal services may be provided with modifications except body art services for the mouth and nose area. In accordance with the state, body art services around the mouth and nose area are not allowed at this time. All clients must wear their face coverings through the entire service unless otherwise noted.
- Requires providers to wear eye protection and an N95 respirator (commonly known as an N95 mask) while providing services that require the client to remove their face covering.
- Strongly recommends providers to wear eye protection and an N95 respirator when providing services that require the provider and client to be within three feet of each other for more than 15 minutes or when providing services that occur around the head and neck.
- Eye protection and other [PPE can be obtained for free](#) from the San Francisco Office of Economic and Workforce Development.
- Please follow these Tips to keep you, your clients and your Personnel safer.

Indoor Activities Increase COVID-19 Risk

Scientists agree that the risk of transmitting COVID-19 is generally higher indoors than outdoors. Consider the increased risk to yourself and your community before participating in indoor activities.

The COVID-19 virus can travel in the air more than 6 feet and builds up indoors. Generally, whenever possible, choose outdoor activities over indoor activities, and if you need to go indoors, limit your time indoors if you are with people who are not in your household. Avoid enclosed spaces that are crowded and have poor ventilation.



How Does COVID-19 Spread?

Our current understanding is that COVID-19 is mostly spread from person-to-person in the air through virus-containing droplets in the breath of someone with COVID-19. These droplets enter the air when a person exhales (breathes out), including when they talk, sing, cough, or sneeze. People with COVID-19 may have no symptoms at all and can still be breathing out virus-containing droplets.

- Larger droplets are sometimes called “ballistic droplets” because they travel in straight lines and are pulled down by gravity. People nearby, usually within 6 feet, are infected when they breathe in these droplets or if the droplets land in their eyes, nose, or mouth.
- Smaller droplets or infectious particles can float in the air for a period of time and/or travel beyond 6 feet on indoor air currents, especially in enclosed spaces with poor ventilation. People sharing the same space are infected when they breathe in these smaller droplets and particles or the droplets or particles land on their eyes, nose, or mouth – even if they are further than 6 feet away. These droplets are sometimes referred to as “aerosols” or “bioaerosols”.

COVID-19 can also spread if a person touches their eyes, nose or mouth after touching a contaminated surface (also known as a fomite), however this is less common.

Basic Covid-19 prevention

- **Wash your hands often with soap and water.** If soap and water are not available, use a hand sanitizer that contains at least 60% ethanol or 70 % isopropanol.
- **Avoid Close Contact.** To the greatest extent, maintain at least six feet of social distancing between yourself and the people who don’t live in your Household.
- **Wear a Face Covering.** Cover your mouth and nose with a Face Covering in public settings and when around people who don’t live in your Household.
- Routinely **clean and disinfect frequently touched surfaces.**

Monitor Your Health Daily. Be alert of symptoms such as fever, cough, shortness of breath, or other symptoms. If you are experiencing any of these symptoms, stay home.

Flu vaccines

Flu vaccines are critical in the fight against COVID-19 by (1) keeping workers and communities healthy and (2) reducing strain on our healthcare and testing systems that are responding to COVID-19. **Those over the age of 6 months are strongly encouraged to get a flu shot.** Find out how to get one at www.sfcdcp.org/flu

Plan and Prepare your space

Review the Tip Sheet for Safer Interactions During COVID-19 Pandemic at www.sfcdcp.org/safersocial

Capacity

- Calculate your capacity limits using FEMA’s [Understanding the impact of social distancing on occupancy](#). It is approximately 1 person per 113 -150 square feet to maintain social distancing.
- Redesign layout to allow for proper social distancing. Space workstations at least six feet apart.



The Role of Ventilation

Good ventilation controls droplets and infectious particles to prevent COVID-19 transmission by:

- removing air containing droplets and particles from the room,
- diluting the concentration of droplets and particles by adding fresh, uncontaminated air,
- filtering room air, removing droplets and particles from the air.

Make Necessary Ventilation Improvements, If Feasible, Including

- HVAC systems (if one is present)
 - Ensure HVAC systems are serviced and functioning properly.
 - Evaluate possibilities for upgrading air filters to the highest efficiency possible.
 - Increase the percentage of outdoor air through the HVAC system, readjusting or overriding recirculation (“economizer”) dampers.
 - Disable “demand controls” on ventilation systems so that fans operate continuously, independently of heating or cooling needs.
 - Evaluate running the building ventilation system even when the building is unoccupied to maximize ventilation. At the minimum, reset timer-operated ventilation systems so that they start operating 1-2 hours before the building opens and 2-3 hours after the building is closed.
- Increase natural ventilation by opening windows and doors when environmental conditions and building requirements allow.
- Consider installing portable air cleaners (“HEPA filters”).
- If the establishment uses pedestal fans or hard mounted fans, adjust the direction of fans to minimize air blowing from one individual’s space to another’s space.

For more information and additional resources, please see the [SFDPH Ventilation Guidance](#)

New Signage Requirement for Providers Offering Services that Require Removal of Face Covering

Beginning November 3, 2020, Personal Service Providers that offer services to customers that require the customer to remove their Face Covering must conspicuously post signage, including at all primary public entrances, indicating which of the following ventilation systems are used at the facility.

The County is making templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, as we learn more about COVID-19 and transmission. Businesses are strongly urged to keep informed of those changes and update their signage accordingly.

Plumbing

If your business or workplace has been vacant during the Shelter In Place ordinance, check that your plumbing is working properly and flush stagnant water from the pipes. [See the PUC guidance here.](#)



Supplies

- Provide approved disinfectants for uses against COVID-19. The approved products are listed [on the Environmental Protection Agency's website](#).
- Provide handwashing/hand sanitizing stations for both Personnel and clients.
- Provide a non-porous chair or plastic basket or paper bag for client's clothing or belongings.
- Provide proper Personal Protection Equipment (PPE) for all Personnel. Eye protection and/or gloves may be required when performing specific services. See the Cal/OSHA guidance on [Expanded Personal Care Services](#).
- Personnel must wear a face covering at all times.
- Personnel providing services that require the clients to remove their face covering, must be supplied eye protection (goggles or face shield) and an N95 respirator (commonly referred to as an N95 mask). See resources for information on obtaining free PPE.
- If you don't already have a touchless payment system, consider installing one.

Cleaning and Sanitation

- Follow all sanitation requirements. All equipment must be properly disinfected between clients. This includes but is not limited to, chairs, tables, combs, brushes, scissors, etc. Review the directive for specific COVID-19 sanitation requirements.
- All linens must be washed between clients; even if your client does not get under them.
- Personnel handling soiled linens should wear gloves and follow proper glove removal and hand washing protocols.
- Wash your hands frequently and between clients.
- If feasible, Personal Service Providers should consider changing their own clothes after each client or wearing scrubs or a clean, launderable or disposable smock.

Mandatory Signage Requirements

Add all COVID-19 related signage as required by [Sections 4.g and 4.h of the Stay-Safer-At-Home Order](#). Complete signage requirements are described in [Directive 20-30b](#).

The [Outreach Toolkit](#) includes printable resources including many of the signs required or suggested to open Personal Services. Signs about proper hygiene, social distancing, Face Coverings, health screening, the risks of indoor transmission, testing and getting vaccinated for the flu are all available.

Protect Personnel and Clients

Conduct wellness checks for everyone (Personnel and clients) before they enter the building. [Instructions for screening clients](#) is attached to the Directive. Screening instructions for Personnel are similar, and may be found at <https://www.sfcddcp.org/screening-handout>

- Encourage your clients to conduct a self-screening before they arrive for their appointment.

Scheduling

- In accordance with the State of California guidance, Hair Salons and Barbershops may see clients



by appointment only. Walk-ins are not permitted at this time. Other Personal Services providers are also strongly encouraged to see clients by appointment only.

- Schedule your clients to allow enough time between appointments so workspaces and tools can be properly cleaned and disinfected. Consider servicing fewer clients each day or expanding operating hours to allow for more time for sanitation between clients.
- Consider pausing strict cancellation policies to encourage sick clients to stay home. Clients must be allowed to reschedule due to symptoms of COVID-19 without charge.
- Remind clients not to arrive too early for an appointment. Clients may need to wait outside depending on the capacity of the space.

Contact Tracing

- The San Francisco Department of Public Health, in partnership with community, including businesses helps identify those who have had close contact with anyone who has COVID-19. People can transmit the virus 48 hours before they develop symptoms. Some people never develop symptoms and can still transmit the virus. **We can help prevent COVID-19 transmission by contact tracing which helps identify people who may have been exposed and helping them quarantine so they do not inadvertently spread the disease.** We do this whenever there is an outbreak of infectious diseases like measles, tuberculosis, and others to protect the community's health.
- Help ensure the health of your Personnel, clients, and our community. Retain the attendance/schedules of all Personnel at your organization for up to three weeks. It is recommended that organizations maintain a list of clients willing to voluntarily provide their name and contact information [or consent to retain their credit card information] for contact tracing purposes. Any lists should be discarded after three weeks. Patrons are not required to provide contact information.
- If Personnel or a client tests positive for COVID-19, the organization must assist the Department of Public Health in identifying other Personnel or clients who may have been exposed.
- **Cover your face, test early, and trace!** Find out more at <https://covid19.ca.gov/contact-tracing>

Special considerations for Specific Service Types

[Cal/OSHA provides additional requirements and guidance](#) for Personal Services providers and includes the tips listed below.

Barber services

- When providing services that require the client to remove their face covering, providers **must** wear eye protection such as a face shield or goggles and an N95 respirator (mask) without a valve.
- It is strongly recommended that providers wear eye protection when providing services to head and neck area and/or if the provider is within three feet of the client for more than 15 minutes.
- Ask your client to limit conversation while they are unmasked. Not speaking is safer.
- Provide your client with a tissue or towel in case they need to cough or sneeze while their face covering is removed.



Esthetic, Skin Care and Cosmetology

- When providing services that require the client to remove their face covering, providers **must** wear eye protection such as a face shield or goggles **and** an N95 respirator.
- It is strongly recommended that providers wear eye protection when providing services to head and neck area and if the provider is within three feet of the client for more than 15 minutes.
- Limit conversation while your client is unmasked. Not speaking is safer.
- Provide your client with a tissue or towel in case they need to cough or sneeze while their face covering is removed. Have the client dispose dirty tissues or towels in a lidded container.
- Disposable gloves should be worn throughout the entire esthetic service, and while performing cleaning and disinfection of all implements and surfaces after each client session.
- Single use applicators should be disposed of immediately in a lidded container lined with a plastic bag.

Electrology

- Electrologist must wear disposable gloves.
- When providing services that require the client to remove their face covering, providers **must** wear eye protection such as a face shield or goggles AND an N95 mask.
- It is strongly recommended that providers wear eye protection when providing services to head and neck area and/or if the provider is within three feet of the client for more than 15 minutes.
- Tweezers, rollers, and needle holder caps should be properly cleaned and sterilized between each client.
- Needles used for electrolysis must be single-use, disposable, prepackaged, and sterile and disposed of in an approved sharps container immediately after use.

Massage Therapists (in non-healthcare settings)

- Ask the client to clean their hands with hand sanitizer or by washing their hands with soap and water prior to service.
- The massage therapist and client must wear a face covering at all times.
- Facial massages are not permitted (per the state) if it requires your client to remove their face covering.
- Barriers such as washable sheets and pillowcases are not a substitution for cleaning and disinfecting protocols. Massage tables and chairs must be properly disinfected between clients.
- Hand treatments should be provided as the last part of the massage and hands should be washed immediately upon finishing the massage.
- You may do outcalls if you have an [Outcall Massage Permit](#).

Nail Services

- Ask client to clean hands with hand sanitizer prior to service.
- Portable tubs/bowls must be disinfected with an EPA-registered liquid disinfectant that is labeled as a bactericide, fungicide and virucide. All water must be disposed of properly inside.



Do not use the storm drain to dump any wastewater or other debris.

- Use disposable tools as much as you can. All disposable items should be thrown away in lined and lidded trash can.
- Do not allow clients to get multiple services at the same time, such as a manicure and pedicure.
- All providers must always wear a face covering or a respirator when required. Please see the Cal/OSHA guidance on [Expanded Personal Care Services](#).
- All nail providers must wear disposable gloves during the service and while cleaning and disinfecting all tools and surfaces after each client.

Frequently Asked Questions

Q. Is it safe for me to get a massage/haircut/facial/etc?

A. All activities that bring you within six feet of individuals outside of your household, particularly those indoors or for a sustained period of time (more than 15 minutes), carry risk. You can decrease that risk by being vigilant in your personal hygiene and going to a service provider who also takes health and safety precautions seriously.

- Wear a face covering as required. Use a face covering with ear-loops to keep your mask from interfering with your services.
- You must cancel/reschedule an appointment if they have COVID-19 symptoms. The Health Directive prohibits your Personal Service Provider from charging an extra fee if you have to reschedule due to COVID-19 symptoms.
- Consider limiting the amount of time spent at personal care service appointments to decrease your exposure and the exposure of those around you.

Q. I bring my own tools/polish to my appointments; can I do that?

A. Not at this time and it is strongly advised to minimize the number of items you bring inside to your appointment. Keep to essentials only (wallet, keys, small purse).

Q. Are N95 masks required?

A. N95 masks are not required for clients. N95s and eye protection are now required for Personnel who provide allowable services that require a client to remove their face covering. Additionally, continue to follow your industry regulations and use an N95 mask or respirator when required. If you use an N95 mask or respirator with a valve, you must cover the valve with a face covering.

Q. Are gloves required?

A. Esthetic, skin care, cosmetology and nail services are required to wear gloves throughout the service and while cleaning and disinfecting tools. If possible, have latex-free gloves on hand for both clients and staff with latex allergies. Wearing gloves is not a substitute for hand washing.

Q. Am I allowed to operate both indoor and outdoor personal services?

A. Yes. Operating outdoors is highly encouraged.

Q. I am a practitioner who offers Reiki, Cupping, or Rolfing. Where do I fit in?

A. This is the correct guidance to follow. You should also review the [Directive on Ambulatory Care](#).

Q. I am a body art practitioner; may I continue to offer my full menu of services?

A. Current state guidance does not allow piercing of the nose or mouth or any service that requires



the client to remove their face covering.

Q. I provide personal care services out of my home; can I start doing that again? Or - I provide personal care services in clients' homes, can I start doing that again?

A. Yes, if you were able to do this pre-COVID-19, you may start operating your business again. You must adhere to the current directive and guidance.

Q. Can I provide a service where the client need remove their mask?

A. Yes. Facials, face waxing, beard trims, etc. are allowed with modifications. Providers must wear eye protection and an N95 mask while providing these services. Body Art and Massage Practitioners may not perform services that require a client to remove their face coverings.

Q. Should we vacuum or sweep hair?

A. Vacuuming with a HEPA filter is recommended over sweeping. If you do not have a vacuum with a HEPA filter, consider carefully sweeping during a period when the fewest people are occupying the space. Consider waiting to sweep/vacuum as part of the disinfection protocols between clients. Wear a face covering and sweep gently to minimize movement and spread of particles.

Q. I'm a Business Owner. How do I make sure Personnel are not sick when they work?

A. Please see SFDPH guidance on [Asking COVID-19 Screening Questions](#), posted at www.sfcddcp.org/screen.

Q. What if a service provider or client tests positive for COVID-19?

A. People may be able to transmit the virus 48 hours before they develop symptoms of COVID-19. They may also transmit the virus even if they never develop symptoms.

Please see SFDPH guidance [What to do if Someone at the Workplace Has COVID-19](#).

Providers should keep a list of Personnel and Clients, which will help SFDPH with contact tracing.

Resources

You can find printable resources such as signage in the [COVID-19 toolkit](#).

Cal/OSHA guidance:

- [Indoor Personal Services Guidance](#) and [Personal Services checklist](#)
- [Indoor Hair Salons and Barber shops Guidance](#) and [checklist](#)

Free eye protection and other PPE:

- <https://oewd.org/free-ppe-available>



DIRECTIVE OF THE HEALTH OFFICER No. 2020-31b

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR INDOOR GYMS OR FITNESS CENTERS**

(PUBLIC HEALTH DIRECTIVE)

DATE OF DIRECTIVE: October 27, 2020

By this Directive, the Health Officer of the City and County of San Francisco (the “Health Officer”) issues industry-specific direction that indoor gym or fitness centers, as described below, must follow as part of the local response to the Coronavirus Disease 2019 (“COVID-19”) pandemic. This Directive constitutes industry-specific guidance as provided under Sections 4.e and 11 of Health Officer Order No. C19-071 issued on October 27, 2020 (the “Stay-Safer-At-Home Order”) and, unless otherwise defined below, initially capitalized terms used in this Directive have the same meaning given them in that order. This Directive goes into effect immediately upon issuance, and remains in effect until suspended, superseded, or amended by the Health Officer. This Directive has support in the bases and justifications set forth in the Stay-Safer-At-Home Order. As further provided below, this Directive automatically incorporates any revisions to the Stay-Safer-At-Home Order or other future orders issued by the Health Officer that supersede that order or reference this Directive. This Directive is intended to promote best practices as to Social Distancing Requirements and sanitation measures, helping prevent the transmission of COVID-19 and safeguard the health of workers, children, their families, and the community.

UNDER THE AUTHORITY OF CALIFORNIA HEALTH AND SAFETY CODE SECTIONS 101040, 101085, AND 120175, THE HEALTH OFFICER DIRECTS AS FOLLOWS:

- 1. This Directive applies to all owners, operators and managers of indoor gyms or fitness centers operating under subsection 16 of Appendix C-1 of the Stay-Safer-At-Home Order (“Indoor Gyms or Fitness Centers”).**
- 2. Attached as Exhibit A to this Directive is guidance from the Department of Public Health for Indoor Gyms or Fitness Centers (“Guidance”). All Indoor Gyms or Fitness Centers must comply with all applicable requirements listed in the Guidance.**
- 3. Each Indoor Gym or Fitness Center must create, adopt, and implement a written health and safety plan (a “Health and Safety Plan”). The Health and Safety Plan must be substantially in the form attached to this Directive as Exhibit B.**
- 4. Each Indoor Gym or Fitness Center must (a) make the Health and Safety Plan available upon request to all Personnel working on site and to the patrons, customers or members it serves, (b) provide a summary of the plan to all Personnel working on site or otherwise in the City in relation to its operations, and (c) post the plan online and at the entrance to any other physical location that the Indoor Gym or Fitness Center operates within the City. Also, each Indoor Gym or Fitness Center must provide a copy of the Health and Safety Plan and evidence of its implementation to any authority enforcing this Directive or the Stay-Safer-At-Home Order upon demand.**



Health Officer Directive No. 2020-31b

5. Each Indoor Gym or Fitness Center subject to this Directive must provide items such as Face Coverings (as provided in Health Order No. C19-12c issued on July 22, 2020, and any future amendment to that order), hand sanitizer or handwashing stations, or both, and disinfectant and related supplies to any of that Indoor Gym or Fitness Center’s Personnel. If any Indoor Gym or Fitness Center is unable to provide these required items to Personnel or otherwise fails to comply with required Guidance, then it must cease operating until it can fully comply and demonstrate its strict compliance. Further, as to any non-compliant operation, any such Indoor Gym or Fitness Center is subject to immediate closure and the fines and other legal remedies described below, as a violation of the Stay-Safer-At-Home Order.
6. For purposes of this Directive, “Personnel” includes all of the following people who provide goods or services associated with the Indoor Gym or Fitness Center in the City: employees; contractors and sub-contractors (such as those who sell goods or perform services onsite or who deliver goods for the business); vendors who are permitted to sell goods onsite; volunteers; and other individuals who regularly provide services onsite at the request of the Host. “Personnel” includes “gig workers” who perform work via the business’s app or other online interface, if any.
7. This Directive may be revised by the Health Officer, through revision of this Directive or another future directive or order, as conditions relating to COVID-19 require, in the discretion of the Health Officer. All Indoor Gyms or Fitness Centers must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (www.sfdph.org/healthorders; www.sfdph.org/directives) regularly.
8. Implementation of this Directive augments—but does not limit—the obligations of each Indoor Gym or Fitness Center under the Stay-Safer-At-Home Order including, but not limited to, the obligation to prepare, post, and implement a Social Distancing Protocol under Section 4.d and Appendix A of the Stay-Safer-At-Home Order. Each Indoor Gym or Fitness Center must follow these industry-specific Best Practices and update them as necessary for the duration of this Directive, including, without limitation, as this Directive is amended or extended in writing by the Health Officer and consistent with any extension of the Stay-Safer-At-Home Order, any other order that supersedes that order, and any Health Officer order that references this Directive

This Directive is issued in furtherance of the purposes of the Stay-Safer-At-Home Order. Where a conflict exists between this Directive and any state, local, or federal public health order related to the COVID-19 pandemic, including, without limitation, the Social Distancing Protocol, the most restrictive provision controls. Failure to carry out this Directive is a violation of the Stay-Safer-At-Home Order, constitutes an imminent threat and menace to public health, constitutes a public nuisance, and is a misdemeanor punishable by fine, imprisonment, or both.

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

Date: October 27, 2020



Exhibit A to Health Officer Directive No. 2020-31b
Interim Guidance: Gyms, and Fitness Centers (Indoor and Outdoor)
During the COVID-19 Pandemic

October 27, 2020

The following guidance was developed by the San Francisco Department of Public Health (SFPDH) for use by Gym and Fitness Centers and will be posted at <https://www.sfdcp.org/COVID19>. This guidance may change as information is updated.

AUDIENCE: Gyms and Fitness Centers operating indoors and/or outdoors, and their patrons. Patrons of Gyms and Fitness Centers should read this because it conveys the risks associated with indoor exercise versus outdoor exercise and relays best practices to help keep patrons and Personnel healthy and safe.

BACKGROUND: The [Stay Safer at Home Health Order \(C19-07\)](#) authorizes **Outdoor** Gyms and Fitness Centers and **Indoor** Gyms and Fitness Centers to operate. Outdoor and Indoor Gyms and Fitness Centers are required to adhere to these guidelines and must monitor forthcoming Health Orders and Directives which are posted at <https://www.sfdph.org/healthorders> and <https://sfdph.org/healthdirectives>.

Primary changes from previous versions:

- Increases allowed capacity in Indoor Gyms from 10% to 25%
- Permits climbing walls with additional requirements
- Amends signage requirements
- Combines “Updated Tip Sheet and FAQs for Businesses Offering **Outdoor** Gym Services” and “Interim Guidance: **Indoor** Gyms and Fitness Centers - During the COVID-19 Pandemic”

KEY POINTS:

- The number of people inside a gym must **never exceed 25% of the capacity** of that gym or fitness center, including Personnel.
- Exercise increases the rate and intensity of exhalation. Because this increases the risk of viral transmission, **at least 12 feet of distance must be maintained around those who are performing any physical activity that increases breathing rate or intensity for indoor exercise** and at least six feet of distance for outdoor exercise. The greater the distance, the safer, especially if you or those around you are breathing heavily.
- Personnel and patrons must maintain **at least six feet of distance** at all times from those who are not performing exercise that increases breathing rate or intensity.
- **Face coverings are mandatory at all times** except while hydrating with normal breathing intensity.
- Keep the space clean with enhanced disinfecting and sanitation procedures.
- **No one under the age of 18 is permitted**



Exercise and COVID-19 Information:

Exercising increases rate and intensity of exhalation and the risk of viral transmission. Indoor activities with people outside of your household have a much higher risk of COVID-19 transmission to you and your community than outdoor activities. You must consider the impact of this increased risk on yourself and your community.

How Does Covid-19 Spread?

Our current understanding is that COVID-19 is mostly spread from person-to-person in the air through virus-containing droplets in the breath of someone with COVID-19. These droplets enter the air when a person exhales (breathes out), including when they talk, sing, cough, or sneeze. People with COVID-19 may have no symptoms at all and can still be breathing out virus-containing droplets.

- Larger droplets are sometimes called “ballistic droplets” because they travel in straight lines and are pulled down by gravity. People nearby, usually within 6 feet, are infected when they breathe in these droplets or if the droplets land in their eyes, nose, or mouth.
- Smaller droplets or infectious particles can float in the air for a period of time and/or travel beyond 6 feet on indoor air currents, especially in enclosed spaces with poor ventilation. People sharing the same space are infected when they breathe in these smaller droplets and particles or the droplets or particles land on their eyes, nose, or mouth – even if they are further than 6 feet away. These droplets are sometimes referred to as “aerosols” or “bioaerosols”.

COVID-19 can also spread if a person touches their eyes, nose or mouth after touching a contaminated surface (also known as a fomite), however this is less common.

COVID-19 Prevention

- [Wash your hands often with soap and water](#). If soap and water are not available, use a hand sanitizer that contains at least 60% ethanol or 70 % isopropanol.
- [Avoid Close Contact](#). To the greatest extent, maintain at least six feet of social distancing between yourself and the people who don't live in your Household.
- [Wear a Face Covering](#). Cover your mouth and nose with a Face Covering in public settings and when around people who don't live in your Household.
- Routinely [clean and disinfect](#) frequently touched surfaces.

[Monitor Your Health Daily](#). Be alert of symptoms such as fever, cough, shortness of breath, or other symptoms. If you are experiencing any of these symptoms, stay home.

Flu vaccines

Flu vaccines are critical in the fight against COVID-19 by (1) keeping workers and communities healthy and (2) reducing strain on our healthcare and testing systems that are responding to COVID-19. **Strongly encourage all Personnel to get a flu shot.** Post signage to encourage flu vaccine among patrons, visitors, etc.



Additional Requirements for Gyms/Fitness Centers

For ANY activity that may increase breathing rate and/or intensity (including but not limited to cardio/aerobic activities or weight-lifting, facilities must ensure individuals are **at least 12 feet apart** from all others while engaging in those activities when indoors and at least six feet apart when outdoors. The greater the space between patrons who are breathing heavily, the safer. Maintain at least six feet distance for stationary activities that do not increase breathing rate or intensity, such as stretching, gentle yoga or meditation.

Fitness Centers and Gyms are allowed to open at up to 25% capacity and must adhere to the requirements relayed in this guidance. Gyms in locations such as apartment buildings, condominiums or offices may operate if they can be staffed to ensure adherence to all indoor gym protocols.

Indoor Activities Increase Covid-19 Risk

Gyms and Fitness Centers are **strongly encouraged to prioritize and use outdoor space** whenever feasible and may use outdoor AND indoor space as conditions allow under the current Order.

Scientists agree that the risk of transmitting COVID-19 is generally much greater indoors than outdoors. Consider the increased risk to yourself and your community before participating in indoor activities.

Please see Indoor Risk During the COVID-19 Pandemic at <https://www.sfc-dcp.org/indoorkisk>

PLANNING – Applicable to Outdoor and Indoor Establishments

- Indoor and Outdoor Gyms and Fitness Facilities must fill out the applicable **Health and Safety Plan** outlining what the facility will do to implement the requirements in this guidance and any relevant Health Officer Directives or Orders. Share this plan with Personnel, patrons, and other members of the facility. Gyms and Fitness Facilities operating indoor and outdoor must complete and post a Health and Safety Plan for each space being utilized. Health and Safety Plans can be found at <https://www.sfdph.org/dph/alerts/coronavirus-health-directives.asp#31>
- Post the Health and Safety Plan in a highly visible location for Personnel and patrons.
 - All mention of “Personnel” shall include but is not limited to salaried and hourly staff and independent vendors and contractors;
 - The Health and Safety Plan must also be posted on any gyms or fitness center’s public facing website.
- Prepare and post the Social Distancing Protocol (see Appendix A of the Stay-Safer-At-Home Order, posted at www.sfdph.org/healthorders).
 - The Social Distancing Protocol must also be posted on any gym or fitness center’s public facing website.
- Designate a COVID-19 staff liaison to be the single point of contact at each site for questions or concerns around practices, protocols, or potential exposure. This person will also serve as a liaison to SFDPH.



- It is strongly recommended that a reservation system be established to manage capacity for gym access and high-use equipment. Facilities should determine in advance how they will monitor in real time the capacity inside the facility and the steps to be taken to make sure it is not exceeded.
- Equip the front desk area with Plexiglas or other impermeable barriers, if feasible, to minimize the interaction between reception workers and patrons.
 - Implement virtual, touchless check-in tools, if possible, so that patrons do not have to utilize the reception space.
- Train staff on health and safety practices that must be followed.
 - Share information on [COVID-19, how to prevent it from spreading](#), and which [underlying health conditions](#) may make individuals more susceptible to contracting the virus.
 - All Personnel must wear face coverings AT ALL TIMES while in the gym and/or fitness center. [See the Face Covering Health Order No. C19-12c](#).
 - All Personnel must be screened prior to entering the facility every day. See www.sfc-dcp.org/screening-handout.
 - All Personnel must maintain a physical distance of at least six feet from others who are not exercising and **12 feet** from patrons performing any indoor activity that increase their breathing rate or intensity.
 - Consider having all staff development meetings remotely by using electronic means, such as email and teleconferencing, to the extent possible.
- Indoor retail spaces within an indoor fitness center can open and must follow all protocols detailed in [Health Officer Directive 2020-17](#). Any indoor workspace such as offices or employee break rooms that are physically part of the facility and required to operate the facility may be used but must follow all protocols detailed in [Health Officer Directive 2020-18](#). All office functions that can be done remotely must continue to be done so to the maximum extent possible. The number of office workers counts towards the 25% capacity limit for the facility.
- Personal care services, such as massage therapy, must follow all protocols detailed in [Health Officer Directive No. 2020-30](#).

Mandatory Signage Requirements

Indoor Gyms/Indoor Fitness Centers:

Beginning November 3, 2020, conspicuously post signage, including at all primary public entrances, indicating which of the following ventilation systems are used at the facility: open windows/doors; HVAC system that brings in outdoor air; HVAC system that recirculates filtered air; air purifiers; or none of the above. The County is making templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, and businesses are strongly urged to keep informed of those changes and update their signage accordingly.



For Indoor and Outdoor Gyms/Fitness Centers:

- Post all applicable COVID-19 related signage to the establishment as required by Sections 4.g and 4.h of the Stay-Safer-At-Home Order. The County is making available templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. Industry specific signage for gyms and fitness centers can be found here: <https://sf.gov/resource/2020/reopening-guidance-gyms-and-fitness-centers>.
- Display a set of clearly visible rules for patrons and Personnel at the entrance that are to be a condition of entry. The rules must include instructions to wear facial coverings at all times except when hydrating; maintain 6 feet of distance, and at least **12 feet of distance** from anyone **exercising indoors**; no eating; wash hands or use hand sanitizer; disinfect equipment; and to go home if you're sick. Whenever possible, these rules must also be available on the public facing website.
- **Beginning November 10, 2020** Post signage in break rooms or other Personnel common areas informing Personnel they can confidentially report violations of health orders by calling 311.

Face covering quality signage must communicate the following:

Best protection:

- Surgical mask or multi-layered cloth mask
- If using multi-layered cloth mask it should be tightly woven or high thread count cotton or cotton blend
- Good fit – securely fits over nose, mouth, and under the chin

Good protection:

- Single-layer cloth mask
- Double-layered neck gaiter
- Lower thread count cotton, silk, linen, polyester

Not recommended:

- Masks that are loosely woven/loosely knit, folded bandana, single-layer neck gator
- Unbreathable material such as plastic or leather
- Overly porous material such as nylon or fleece
- Poor fit – does not securely fit over nose, mouth, and under the chin

SETTING UP THE SPACE

The guidance below must be followed for Indoor AND Outdoor facilities except for when clearly stated.

Physical Distancing: Physical exertion from exercising can increase exhalation rate and intensity, making physical distancing even more important to lower the risks of transmitting the virus that causes COVID-19. **12 feet is the minimum distance** required around patrons performing any activity that increases breathing rate or intensity for indoor exercise and at least six feet of distance for outdoor exercise. **Six feet is the minimum distance** that is required **between those who are not performing exercise that**



increases breathing rate or intensity. Whenever possible increase the distance.

- The maximum number of people, including Personnel and Patrons, allowed inside the indoor facility at any time is the number that can maintain **at least** six feet of physical distance at all times AND 12 feet physical distance around exercising patrons – up to 25% of normal capacity. The 25% capacity limit applies to discrete spaces within the facility. For example, a gym’s 25% capacity for an entire facility may be 50 people, but 25% capacity for a smaller room or space within the gym may only be two or three people.
- Physical Distancing for Outdoor Gyms and Fitness Centers:
 - Evaluate the outdoor space to determine the number of people (including patrons and Personnel) who may safely fit in the Outdoor Gym area.
 - Use signage, floor tape and/or directional guidance to ensure physical distancing as Personnel and patrons move around the space.
- Patrons must maintain physical distancing of **at least** six feet from people outside their household at ALL TIMES AND **12 feet** around patrons engaged in indoor exercise that increases breathing rate or intensity. Use signage, floor tape and/or directional guidance to help to ensure physical distancing as Personnel and patrons move around the space.
- Use signage and on-going monitoring to ensure that individual rooms and spaces within a facility and the outdoor space do not exceed their capacity.
- Arrange the space and/or develop processes to monitor and maintain required physical distancing at all times. Consider one or more of the methods below:
 - Arrange equipment **at least** six feet apart (for example, for stretching) or 12 feet apart (for example for stationary bike usage) where required by indoor activity.
 - Arrange equipment in an “X” pattern to provide greater distancing.
 - Block off every other machine or move equipment so that they are farther apart.
 - Develop a monitoring plan for which machines are in use at any time to maintain 12 feet of distance where needed for indoor establishments and six feet for outdoor establishments. Implement a reservation or sign up system for individual machines.
 - Physical barriers can be helpful to minimize exposure between patrons and Personnel or to segregate exercise areas but should not significantly block overall airflow in the space.
- Outdoor Gyms must address potential hazards and comply with state and local laws, regulations and permitting requirements.
 - For more information about setting up your outdoor space please visit San Francisco’s Shared Spaces Program at <https://sf.gov/shared-spaces>.
 - Outdoor Gyms must be in compliance with the [Cal/OSHA Guide to Electrical Safety](#) and the [Cal/OSHA standards for heat illness prevention](#).
- Patrons may engage in self-directed fitness. For example, patrons may individually use free weights or other fitness equipment. Patron pathways to and from equipment must allow required physical distance be maintained at all times (for example, 12 feet of distance is



required for a pathway that passes a cardio machine indoors and six feet for outdoors).

- One-On-One Personal Training is allowed when at least six feet of physical distancing can be maintained, or 12 feet if any indoor activity that increases breathing rate or intensity is performed.
- Patrons are not permitted to engage in activities that require others to be within 6 feet for safety reasons or otherwise, such as spotting while lifting weights.

Activity and Space Considerations

- Climbing Walls are permitted.
 - Additional requirements for Climbing Walls include:
 - Patrons must wash hands with soap and water for at least 20 seconds or use a hand sanitizer that contains at least 60% ethanol or 70 % isopropanol before and after each climb (Patrons do not have to wash or disinfect hands when repeating a climb if no one outside of their Household used the same holds or equipment between climbs) ;
 - Climbing walls must be separated by tape or other visual cues so climbers stay in their “lanes” and maintain required six feet of distance;
 - No shared chalk;
 - Renting equipment to patrons is allowed. 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 guidelines found in Section 5 of Appendix C-1 of the latest update to the Stay-Safer-At-Home Order ([Health Order C19-07](#)), which may be modified by the Health Officer as new information becomes available;
 - Encourage climbers to limit their climbing partners to a select few;
 - Highly recommend belay partners or spotters wear eye protection and encourage facilities to provide and sanitize between use. Small businesses can request free PPE from the City. See this link for more information: <https://oewd.org/free-ppe-available>;
 - Sanitize climbing walls as often as feasible.
- Group cardio/aerobic fitness classes (such as spinning, kickboxing, etc.) are not permitted indoors at this time. High contact activities that require close contact of less than six feet in distance are not allowed unless otherwise permitted under the Stay-Safer-At-Home Order. This would include activities such as group sporting events, organized intermural activities, pick-up basketball, handball, or organized races.
- Ventilation is important to prevent transmission. Rooms or spaces which are known to have poor ventilation, such as squash courts, are prohibited. Indoor courts and fitness rooms can be utilized only for activities currently permitted in an indoor gym setting IF physical distancing requirements can be maintained at all times, face coverings are worn continuously, and the room is not known to have poor ventilation. Each separate room must maintain a maximum of



25% of its specific capacity. Having poor ventilation in a shared space that is used for exercise, even if the exercise is non-aerobic, can substantially increase the risk of transmission.

- Outdoor Gyms may, subject to any applicable permit requirements, conduct their operations under a tent, canopy, or other sun or weather shelter, but only so long as not more than one side is closed, allowing sufficient outdoor air movement. Ventilation is key to mitigating the spread of COVID-19.
- For patrons using self-directed fitness equipment (excluding climbing walls which are subject to separate cleaning requirements, above), disinfectant spray and wipes must be conveniently located and available for patrons to wipe off equipment between usage by patrons (see Sanitizing and Disinfecting section, below). Take steps to ensure that another patron does not begin using self-directed fitness equipment before it has been disinfected. Personnel should monitor compliance with disinfecting self-directed fitness equipment and the availability of disinfecting supplies. Patrons and Personnel should be provided information, by signage or other means, about how to inform the facility's designated COVID-19 monitor of safety concerns in real time.
- Close locker rooms, showers, saunas, steam rooms, and other spaces not used specifically for physical fitness. These shall remain closed until further guidance is posted. (Note: Locker rooms may be open only to allow access to restroom areas; lockers, benches, and other locker room amenities must be closed). Businesses are encouraged to monitor use of restrooms by either requiring a key to access or stationing a restroom/locker room attendant nearby.
- Close childcare spaces, indoor playgrounds, and/or sensory walls/stations/tables.
- Closed areas/amenities must be made inaccessible to patrons by locking doors or using tape or other barriers to block off the area. At the entrance to each closed area and on each closed amenity, signage must be posted telling patrons that the area/amenity is off-limits.
- Gyms and fitness studios are encouraged to set aside spaces or times for use by community members who are vulnerable to poor health outcomes from COVID-19.
- Wherever possible, install touchless, automatic water dispensers for use with personal, reusable water bottles or single-use, disposable paper cups. Display signage reminding Personnel and patrons that the bottle or cups should not touch the water dispenser. If a touchless water dispenser is not feasible, remind workers and patrons to wash their hands or use proper hand sanitizer before and after touching the water release button on drinking fountains.

Face Coverings

Heavy breathing increases the risk of spreading and contracting the virus that causes COVID-19. **Face coverings protect the wearer AND those around them and are critically important in Gyms and Fitness Centers.**

Face masks and other cloth face coverings keep people from spreading the virus to others by trapping respiratory droplets before they can travel through the air. The most recent research shows that face coverings ALSO protect the wearer by reducing amount of virus that reaches the wearer and thus



decreases the risk of severe illness in the wearer. **Face coverings are one of the most important measures to protect Personnel and patrons from COVID-19.**

- All patrons **MUST** wear face coverings **AT ALL TIMES** while at the gym and/or fitness center except while hydrating with normal breathing. [See the Face Covering Health Order No. C19-12c.](#) Gyms must post signage reminding patrons that they must comply with the following rules. Sample signage is available at <https://sf.gov/outreach-toolkit-coronavirus-covid-19> .
 - Heavy exertion. Patrons must avoid exerting themselves to the point where they may want to remove their face covering. They must be able to wear the face covering continuously while exercising and should be advised to check with their health care professional if they are unsure what activities they can safely participate in while continuously wearing a face covering.
 - Hydration. Patrons should slow their breathing to a regular intensity before temporarily removing their face covering to hydrate and should then immediately replace their face covering, and wash or sanitize their hands if they touch their face.
 - Eating. Eating is not allowed in the gym or fitness center because it provides additional time that patrons may remove their face covering which leaves those around them at higher risk.
- Replacing soiled face coverings. Recommend patrons bring a replacement face covering in case their face covering becomes wet or soiled. Patrons are only allowed to remove and replace their face covering outdoors and they should wash or sanitize their hands afterward.
 - Consider providing face coverings for free or available to purchase for patrons.
- Types of face coverings:
 - Face covering with vents are **not** permitted. The facility must indicate in their Health and Safety Plan how they will train Personnel to monitor and respond to patrons wearing face coverings with vents.
 - See "[Face covering quality signage must communicate the following](#)" for best practices when choosing a face covering.

Health Screenings of Patrons

- Facilities must screen all patrons entering the indoor and/or outdoor facility with the questions about COVID-19 symptoms and exposure to COVID-19. Facilities must ask the questions and relay the information found at: <https://www.sfcddp.org/screeningvisitors>
- Facilities must exclude those who answer yes to any of the questions on the above form.

Sanitizing and Disinfecting

Gyms and Fitness Centers must develop a plan and implement sanitation requirements that **exceed** standard industry requirements. Protocols should include but are not limited to the following:

- All Personnel and patrons must wash or sanitize their hands upon entering the indoor and/or outdoor facility. Patrons must wash or sanitize their hands between before and after use of



shared equipment.

- Facilities must provide a washing station, hand sanitizer, or sanitizing wipes for patrons and Personnel.
- Require Personnel to regularly clean and disinfect high touch areas and surfaces, such as doorknobs, handles, rails, light switches, restrooms, sinks, toilets, benches, front desk areas, keyboards, computers, phones, fitness machines, gear, accessories, sanitation stations and other equipment throughout the day following CDC guidelines found at: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>
- Require patrons to disinfect any fitness machine, accessories, or other equipment before and after each use. Post signage to remind patrons of this requirement (climbing walls exempted). Make disinfectant spray and wipes available for patrons at convenient locations. Ensure that lined, non-touch trash receptacles are available.
 - If a patron is unable to wipe/disinfect equipment after exercise, provide “Ready to Clean” tags for members to place on equipment after use to alert Personnel that the equipment must be sanitized before the next patron may use the equipment.
 - Take steps to ensure that another patron does not begin using self-directed fitness equipment before it has been disinfected. Personnel should monitor compliance with disinfecting self-directed fitness equipment and the availability of disinfecting supplies. Patrons and Personnel should be provided information, by signage or other means, about how to inform the facility’s designated COVID-19 monitor of safety concerns in real time.
- Disinfecting products must be approved for use against COVID-19. An approved list can be found at: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>

Good Ventilation Can Reduce COVID-19 Transmission

The Role of Ventilation

All indoor gyms and fitness centers must comply with the ventilation protocols at Section 4.i of the Stay-Safer-At-Home Order. Review SFDPH’s guidance for improved ventilation available at: <https://www.sfdcp.org/COVID-ventilation>.

Good ventilation controls droplets and infectious particles to prevent COVID-19 transmission by:

- removing air containing droplets and particles from the room,
- diluting the concentration of droplets and particles by adding fresh, uncontaminated air,
- filtering room air, removing droplets and particles from the air.



Make Necessary Ventilation Improvements, If Feasible, Including:

- HVAC systems (if one is present)
 - Ensure HVAC systems are serviced and functioning properly.
 - Evaluate possibilities for upgrading air filters to the highest efficiency possible.
 - Increase the percentage of outdoor air through the HVAC system, readjusting or overriding recirculation (“economizer”) dampers.
 - Disable “demand controls” on ventilation systems so that fans operate continuously, independently of heating or cooling needs.
 - Evaluate running the building ventilation system even when the building is unoccupied to maximize ventilation. At the minimum, reset timer-operated ventilation systems so that they start operating 1-2 hours before the building opens and 2-3 hours after the building is closed.
- Increase natural ventilation by opening windows and doors when environmental conditions and building requirements allow.
- Consider installing portable air cleaners (“HEPA filters”).
- If the establishment uses pedestal fans or hard mounted fans, adjust the direction of fans to minimize air blowing from one individual’s space to another’s space.

For more information and additional resources, please see the following: San Francisco Department of Public Health (SFPDH): <https://www.sfgdcp.org/COVID-ventilation>

Contact Tracing:

The San Francisco Department of Public Health, in partnership with community, including gyms and fitness centers, helps identify those who have had close contact with anyone who has COVID-19. People can transmit the virus 48 hours before they develop symptoms. Some people never develop symptoms and can still transmit the virus. **We can help prevent COVID-19 transmission by contact tracing which helps identify people who may have been exposed and helping them quarantine so they don’t inadvertently spread the disease.** We do this whenever there is an outbreak of infectious diseases like measles, tuberculosis, and others to protect the community’s health.

Help ensure the health of your Personnel, patrons, and our community. Retain the attendance/schedules of all personnel at your organization for up to three weeks. It is recommended that organizations maintain a list of patrons willing to voluntarily provide their name and contact information for contact tracing purposes. Any lists should be discarded after three weeks. Patrons are not required to provide contact information.

If Personnel or a patron tests positive for COVID-19, the organization must assist the Department of Public Health in identifying other Personnel or patrons who may have been exposed.

Cover your face, test early, and trace! Find out more at <https://covid19.ca.gov/contact-tracing>.



Frequently Asked Questions

What if someone at my Gym or Fitness Center tests positive for COVID-19?

People may be able to transmit the virus 48 hours before they develop symptoms of COVID-19. Some people **never** develop symptoms and can still transmit the virus. See SFDPH guidance on [What to do if Someone at the Workplace Has COVID-19](#) which can be found at: www.sfdcp.org/covid19-positive-workplace.

Some of our patrons use gloves for weightlifting and other exercise activities. Are they allowed?

Patrons may wear their gloves while working out but should be reminded about disinfecting and hand washing. Gloves do not replace disinfecting, hand washing or other sanitizing protocols.

What about towels?

Encourage guests to bring their own towels. If your establishment decides to provide towel service, used towels will need to be stored in a lidded container. Launder items according to the manufacturer's instructions. Use the warmest appropriate water setting and dry items completely. Towels, whether provided by the establishment or brought by the guests, do not replace the requirement to disinfect fitness machines, accessories, or other equipment used by the patrons.

Should we encourage the use of face shields?

Highly recommended for belay partners and spotters using climbing walls. There is currently no recommendation that the general public wear eye protection for most day to day activities. However, your eyes can theoretically be a route of infection for COVID-19. A face shield or goggles (but not regular glasses) could provide protection against these types of exposures. Therefore, individuals, particularly those at high risk of exposure or serious disease from COVID, may decide to wear eye protection in addition to face covering as an extra layer of protection against acquiring COVID-19 infection.



Resources

Stay informed. Information is changing rapidly. Useful resources can be found at:

- San Francisco Department of Public Health (SFPDH)
<https://www.sfdcp.org/covid19>
- Printable resources from SF.GOV for businesses, Including signage
<https://sf.gov/outreach-toolkit-coronavirus-covid-19>
- <https://sf.gov/resource/2020/reopening-guidance-gyms-and-fitness-centers> California Blueprint for a Safer Economy issued by the State of California
<https://covid19.ca.gov/safer-economy/#reopening-data>
- California Department of Public Health (CDPH) Industry Guidance for Fitness Facilities
<https://files.covid19.ca.gov/pdf/guidance-fitness.pdf>
- Centers for Disease Control and Prevention (CDC)
- List of Guidance documents (searchable)
<https://www.cdc.gov/coronavirus/2019-ncov/communication/guidance-list.html>

Health Officer Directive No. 2020-31b (Exhibit B)
Health and Safety Plan (issued 10/27/2020)**Checklist**

Each Indoor Gym or Fitness Center must complete, post onsite, and follow this Health and Safety Plan.

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

Business/Entity name:

Contact name:

Facility Address:

Email / telephone:

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

- Prepared and posted onsite and online the Social Distancing Protocol (see Appendix A of the Shelter in Place Health Order, posted at www.sfdph.org/healthorders)
- Designated a COVID-19 staff liaison to be the single point of contact at each site for questions or concerns around practices, protocols, or potential exposure. This person will also serve as a liaison to SFDPH. Name: _____
- Trained staff on health and safety practices that must be followed.
- Personnel screened prior to entering the facility every day. See www.sfcddcp.org/screening-handout.
- Completed any required adjustments and plans (including layout of the business, posted signage, and developing compliance monitoring plans) to ensure proper physical distancing and maintenance of 25% capacity limits. Please note **six feet** is the **minimum distance** that is required **between everyone** in the facility, and **12 feet** is required around anyone performing activities that increase breathing rate or intensity.
- Completed any necessary adjustments to the business to clarify unpermitted spaces and activities, including (1) posting all signage required by the Stay-Safer-At-Home Order and Health Officer Directive 2020-31b including signage regarding which ventilation system the Indoor Gym is using and (2) removing, taping off, or blocking unpermitted spaces. See Guidance for Indoor Gyms and Fitness Centers available at www.sfcddcp.org/businesses for a list of unpermitted spaces and activities and required signage.
- Review <https://www.sfcddcp.org/COVID-ventilation> and implement all appropriate ventilation best practices in the facility.
- Plumbing is functioning and, if the facility was dormant, then the pipes are flushed.
- Require patrons to wear a Face Covering at all times except when hydrating with normal breathing intensity. Personnel are required to wear Face Coverings according to the [Face Covering Health Order No. C19-12c](#).
- Trained Personnel in the requirements of the Health Officer Directive 2020-31b and attached DPH guidance and this Health and Safety Plan (HSP), including their obligation to monitor patron compliance with Face Covering requirements.
- Ensure daily COVID-19 symptom self-verifications are completed for all Personnel as required by the Social Distancing Protocol. Ensure that all Patrons complete COVID-19 screening before entering the gym or fitness center space. Anyone who answers "yes" to a screening question must be prevented from entry.

Health Officer Directive No. 2020-31b (Exhibit B)
Health and Safety Plan (issued 10/27/2020)

Checklist

Each Indoor Gym or Fitness Center must complete, post onsite, and follow this Health and Safety Plan.

- Provide hand washing stations or hand sanitizer at convenient locations throughout the gym or fitness center space.
- Implement all sanitization requirements as described in the Guidance for Indoor Gyms and Fitness Centers available at www.sfcddcp.org/businesses, including requirement that patrons clean equipment before and after use.
- Personnel and patrons have access to cleaning supplies so that they can clean surfaces as required.
- High touch surfaces in common areas are cleaned and disinfected routinely throughout the day.

Additional Measures:

Summary of October 27, 2020 Health Order (COVID-19)

On October 27, 2020 the Health Officer issued an amendment to the Stay-Safer-At-Home Order, No. C19-071 (the "Order"), together with various related health directives,ⁱ and as long as the local health indicators stay stable or improve the Health Officer plans to follow that revision with the issuance of additional amendments next week providing for a further phased reopening. This document provides an overview of the current and planned amendments to the Order and a summary of the key changes in the October 27 Order and companion directives.

This summary is for information purposes and is not a substitute for reading the Order and directives to help ensure full compliance. In the event of any inconsistency between any part of this summary and the legal text of the Order or directives, the legal text controls.

OVERVIEW

On October 20, 2020 the State of California reassigned San Francisco's risk level for community transmission of COVID-19 under the State's four-tier, color coded framework, to tier four—minimal (yellow).ⁱⁱ That reassignment moved San Francisco to the least restrictive tier for reopening under the State's framework, based on a new accelerated equity metric.ⁱⁱⁱ Just three weeks earlier San Francisco had moved to tier three moderate (orange) from the tier it was initially placed in (i.e., tier two—substantial, or red). Together we have been successful in managing virus transmission and decreasing community transmission rates. San Francisco continues to have the lowest COVID-19 positive case rate and test percentage positivity of any Bay Area County. San Francisco has the lowest State equity metric (meaning the lowest positive case rates for its most disadvantaged census tracts) of any Bay Area County. And, San Francisco is one of only two counties in the State that has met the accelerated health equity criteria to move to a lower tier^{iv} and is the only Bay Area County in the minimal (yellow) tier and the only yellow-designated county that is urban in the State. The Bay Area as a region is doing well, with reproductive rates generally below one and hospitalizations and case rates relatively low.

San Francisco's re-opening roadmap^v is guided by the State's framework. But the Health Officer's assessment of San Francisco's current epidemiological status with COVID-19, considering all of the local health indicators, is that San Francisco's risk level still falls most appropriately under moderate transmission (orange).^{vi} Most of its neighboring counties are either moderate (orange) or substantial (red); one Bay Area county is widespread (purple). And even though San Francisco has been assigned to the minimal (yellow) tier because of the State's accelerated equity criteria and also due to the State's downward adjustment to San Francisco's case rate for testing above the State's benchmark, the Health Officer is continuing to take a careful incremental approach. Much of the country is experiencing a third surge in virus transmission, and San Francisco needs to remain vigilant to avoid that happening here. Indeed, if San Francisco's cases rise, the State could reclassify San Francisco's risk level as moderate (orange) or even substantial (red) once again, moving us back. If the State moves San Francisco back to a more restrictive tier, the Health Officer may suspend or roll back some or all of the openings allowed under the Order. Any reversals will depend on State mandates as well as the Health Officer's assessment of local health indicators, any traceable sources for the surge, and what is required to combat the pandemic and protect public health and safety.

Accordingly, in light of these guiding public health and safety considerations the Health Officer is amending the Order to allow for the phased opening or expansion of certain activities that the State categorizes in its framework under the moderate (orange) tier. This first phase in that expansion begins

four weeks after the last major re-opening (on September 30). A four-week interval between major reopening phases is considered an appropriate period to assess any significant increase in virus transmission. The Order—consistent with the State’s baseline for counties in the moderate (orange) tier—makes these eight main changes, all beginning on October 27:

- Opens non-essential offices up to 25% capacity but with a strong encouragement for such offices to continue to allow teleworking. Non-essential offices with fewer than 20 employees will be permitted to bring back the number of employees who can maintain six-feet of distance at all times.
- Allows gyms and fitness centers to increase capacity from 10% to 25% (including in hotels and other lodging facilities).
- Allows indoor climbing walls (as part of gyms or as stand-alone facilities) to open also at 25% capacity.
- Increases the capacity limit on outdoor classes for higher education programs from 14 people to 25 people and provides for a process to increase the current two-hour time limit on indoor classes, where necessary for educational opportunities, and subject to ventilation and other safety requirements.
- Eases the restrictions on certain personal care services to allow for the brief removal of face coverings for patrons receiving certain treatments (such as facials, skin treatments, waxing, and mustache and beard trims), with additional safety protocols.
- Revises the restrictions for golf, tennis and pickleball to allow for outdoor clinics consistent with the capacity limits and safety protocols for outdoor fitness classes (i.e., up to 25 people including instructions and no shared equipment), and also allowing tournaments without live spectators and restrictions against gathering by players or personnel.
- Allows out of school times to have special two-week winter break programs.
- Places in the Order the provision allowing for parking garages that is currently in the published FAQs.

Assuming the local indicators still remain stable or improve, and consistent with emerging scientific data, information, and evidence, the Health Officer plans for a broader reopening with amendments to the Order on November 3. Many of those changes would allow for doubling indoor capacity limits across a variety of sectors from 25% to 50%, subject to safety protocols and conditions. Those planned November 3 amendments, which reflect business and other activities that the State allows in the moderate (orange) tier, include:

- Expanding indoor dining occupancy restrictions to 50% or 200 people, whichever is fewer, and relaxing time limit for each seating from two to three hours. The increased capacity limit remains subject to the requirement that tables be spaced at least six feet apart and that there be no more than six people per table if they are from different households.
 - Food courts in indoor shopping centers can similarly expand to up to 50% occupancy or 200 people, whichever is fewer and subject to social distancing requirements, with an updated health and safety plan;
 - Restaurants in hotels and other lodging facilities can similarly expand their occupancy to up to 50% or 200 people, whichever is fewer, and subject to social distancing requirements; and
 - Restaurants in indoor museums, aquariums and zoos can open at up to 50% occupancy or 200 people, whichever is fewer, subject to social distancing requirements, with safety requirements for controlled access similar to what is required for food courts in indoor shopping centers.

- Expanding capacity for indoor museums, aquariums and zoos to up to 50%, subject to social distancing requirements.
- Allowing indoor swimming pools to open (including stand-alone pools and pools in gyms and fitness centers and in apartment and condominium buildings and hotels and lodging facilities), subject to an updated health directive for pools setting forth best practices for indoor pools. Those best practices would build on the safety requirements for outdoor pools.
- Allowing locker rooms and showers to open in gyms and fitness centers, including for hotels and lodging facilities and pools and hotel fitness centers, pools, etc.), subject to safety protocols including partitions and physical distancing signage as required by State guidance, and encouraging users to shower instead at home.
- Expanding capacity for indoor movie theaters to up to 50% or 200 people, whichever is fewer, and subject to social distancing requirements, but still temporarily prohibiting food and beverage concessions.
- Modifying outdoor drive-in gatherings to allow some additional live performances, such as lectures and theatrical, musical or other arts performances, by up to six people and subject to face coverings and distancing. But only one performer at a time can sing, chant or shout or play a wind or brass instrument as long as that person is at least 12 feet away from anyone else and the person signing, chanting or shouting is wearing a face covering or the person playing a wind or brass instrument uses a face or other covering over the open end of the instrument.
- Modifying film production safety protocols to ease capacity limits, allowing up to 50 people to be involved in film production at a location outdoors and also easing capacity limits for indoor film production and also allowing talent to remove face coverings indoors all with a health and safety plan.
- Allowing additional indoor family entertainment centers to open, such as indoor bowling alleys, to open at 25% capacity. (But indoor arcade games, indoor ice-and roller-skating rinks and indoor playgrounds remain closed.)
- Expanding capacity limits for houses of worship holding religious services or cultural ceremonies, by increasing indoor capacity to 50% or 200 people, whichever is fewer, and subject to social distancing requirements, and expanding the capacity for outdoor gatherings for these purposes to 300 people.
- Expanding the limit for outdoor political protests to 300 people.
- Allowing bars to operate without serving food, outdoors only, beginning by mid-November (so long as local health indicators are stable or improving) and subject to the issuance of a health directive establishing best practices and safety protocols for these bars to operate.
- Also beginning by mid-November (so long as local health indicators are stable or improving, and consistent with recent State interim guidance), allowing outdoor live musical, theatrical and arts performances with up to 50 people in the audience, subject to a health and safety plan approved in advance by DPH and advance notice to State DPH. Also, these events would be subject to safety protocols that would be developed, including requiring face coverings and distancing (with a limited exception for one performer signing, chanting, shouting or playing a wind or brass instrument consistent with the restrictions for other similar events like drive-in gatherings), advance ticket sales and assigned seating, prohibiting food or beverage concessions, requiring a dedicated compliance monitor and health screening for all performers, patrons and staff before they enter the venue, and prohibiting simultaneous events at the same location but allowing sequential events with specified interval and cleaning requirements between events.

Remaining business and other activities that the State allows in its framework under the moderate (orange) tier would be phased in later, when local indicators support doing so. The Health Officer does not have any immediate plans to open activities that are allowed under the minimal (yellow) tier. This phase and the planned November 3 phase are subject to possible further modifications, including being paused if changed health circumstances warrant. Also, in connection with the November 3 amendments, the Health Officer intends to revise the description of COVID-19 symptoms and the definition of close contacts in consideration of recent updates by the Center for Disease Control and Prevention (CDC).

San Francisco is the second densest major city in the U.S. and has taken a cautious, incremental approach based on a careful analysis of key local indicators to reopening to provide for a safer, sustained recovery^{vi}. San Francisco's careful approach to date has helped prevent its hospitals from being overwhelmed and resulted in the lowest COVID-19 death rate of any major city in the country. Still, there is mounting evidence that aerosols—a form of airborne transmission—is a principal pathway for transmission of COVID-19. Particularly with the recent opening of higher-risk indoor activities, adherence by businesses, institutions and individuals to the safety protocols for all these openings is critical to lowering virus transmission risk and helping contain outbreaks. Consistent with San Francisco's measured approach, certain of the openings are beginning with greater safety restrictions that can be re-evaluated over time. According to the Health Officer and the Department of Public Health (DPH), San Francisco, like much of the rest of the country, may experience another surge this Fall in COVID-19 cases and hospitalizations. San Francisco is also opening schools and many other activities, increasing transmission risk.^{viii}

To continue with the City's reopening roadmap, including moving on to allow other higher risk activities and avoid having to suspend or roll back allowed activities if the State moves San Francisco to a more restrictive tier or if local indicators worsen, we need to continue to keep the community transmission low and get them even lower. San Francisco's key health indicators, including case and hospitalization data, need to remain stable or improve. And everyone needs to continue to do their part, including wearing face coverings when outside their homes, abiding by physical distancing with people who are not in their household, washing their hands frequently, striving to avoid social gatherings with other households, engaging in activities outdoors instead of indoors when possible, avoiding crowded spaces (especially inside with poor ventilation), and staying home if they are sick or have recently been in close contact with someone who has COVID-19. To help avoid a "twindemic" the City also strongly encourages people to get a flu shot.

LIST OF ATTACHED DOCUMENTS

The attached documents include:

[Order No. C19-07I](#)

[Updated Directives with attached DPH Information and Guidance:](#)

- [Offices Directive \(No. 2020-18b\)](#)
- [Indoor Gyms and Fitness Centers Directive \(No. 2020-31b\)](#)
- [Golf and Tennis Directive \(No. 2020-15c\)](#)
- [Indoor Personal Services Directive \(No. 2020-30b\)](#)
- [Outdoor Personal Services Directive \(No. 2020-23b\)](#)

- Out of School Times Directive (No. 2020-21d)
- Higher Education Programs Directive (No. 2020-22d)

The FAQs relating to COVID-19 posted on the City’s website will be updated, but those updates will trail issuance of the Order and directives.

SUMMARY OF MAIN CHANGES

Here are highlights of the main changes under the October 27 amendments:

The Order:

- Ventilation Guidelines for Indoor Businesses. Revises the provisions requiring that all businesses that are allowed to be open indoors implement as many measures in DPH’s ventilation guidance document as feasible.^{ix} Adds a requirement that they must keep a hand-annotated copy of the ventilation guidance showing which improvements were considered and implemented. Ventilation guidance from recognized authorities such as the CDC, ASHRAE, or the state of California can be used as an alternate to the DPH ventilation guidance, with an annotated version of the alternate guidance on hand. The DPH guidance has been revised to make it easier for businesses to annotate.
- Ventilation Checklist Signage Requirement for Certain Indoor Businesses. Adds a new requirement beginning November 3 for businesses that offer indoor dining, indoor gyms or fitness centers, or indoor personal care services where patrons may temporarily remove their face coverings as allowed by changes to the Order for treatment (and any other indoor businesses that may be required in the future through industry-specific directives), to conspicuously post signage, including at all primary public entrances, indicating which of the following ventilation systems are used at the facility: (1) open windows or doors; (2) HVAC system that brings in outdoor air; (3) HVAC system that recirculates filtered air with an appropriate filter; (4) air purifiers with an appropriate filter; or (5) none of the above. Templates for the signage will be available online.^x The templates may be updated from time to time, and businesses are strongly urged to keep informed of those changes and update their signage as needed.
- Extension of Operational Date for Employee Signage Requirement. Extends the operational date to November 10 for the new requirement (in the October 20 Order) for businesses to post signs in employee break rooms or similar areas informing employees how they can report to the City unsafe working conditions related to COVID-19.
- Data. Updates COVID-19 statistics for San Francisco.

Additional Businesses (Appendix C-1 to the Order):

- [NEW/REMOVES SUSPENSION]: Non-Essential Offices. Opens non-essential offices up to 25% capacity but with a strong encouragement for such offices to continue to allow teleworking to the greatest extent possible. Non-essential offices with fewer than 20 employees will be permitted to bring back the number of employees who can maintain six-feet of distance at all times. Those with 20 or more employees will be permitted up to 25% capacity.
 - Non-essential offices were previously allowed at 20% capacity under certain conditions but have been suspended since June when the State placed San Francisco on the watch list. This change lifts the suspension and increases the capacity limit to 25%, subject to the new ventilation guidance and other safety protocols.

- For clarity, the capacity limits for non-essential office apply to each office tenant. For instance, if an office tenant in a large office building is a business with only ten employees and occupies a suite on part of a floor with eight individual offices, that business can, subject to the recommendation to continue teleworking to the greatest extent feasible, occupy all those offices if it can meet the physical distancing requirements for its employees (since the business has fewer than 20 employees). And these capacity limits do not affect offices that are essential businesses under the Order.
- Also, for clarity, this reopening of non-essential offices does not affect the City’s plan or process for opening City government offices. Many City offices providing essential services are already open subject to safety protocols (and, as with essential business offices under the Order, without the 25% restriction but with social distancing requirements). Other City offices are not anticipated to open before June 2021. City departments seeking to re-open offices or resume public-facing services still must submit a site-specific health and safety plan to the City Administrator at CityAdminDOC@sfgov.org before doing so.
- The Health Officer also issued an update to the companion directive for offices, covering both essential offices and non-essential offices:
 - Requires that all offices comply with DPH’s new ventilation guidelines that apply generally to all indoor businesses and activities and implement them to the extent feasible.
 - Updates signage requirements consistent with the October 20 amendments to the Order, with the extended November 10 operational deadline for the employee signage.
 - Clarifies safety protocols for eating and drinking in offices, including:
 - encouraging workers to eat outdoors or if they eat indoors to do so as far away from others as possible and not to congregate in breakrooms or other areas;
 - encouraging offices to provide options for workers to eat outside rather than inside; and
 - limiting capacity in employee cafeterias to 25% (i.e., the same as the maximum office capacity) and requiring those cafeterias to otherwise follow the indoor dining safety protocols in the health directive for dining, and encouraging offices with on-site food service to provide items to go that can be eaten outside or away from others.
 - Clarifies safety protocols for meetings and using conference rooms, including:
 - strongly encouraging remote meetings, such as tele- or video-conferencing from separate offices, instead of in-person meetings and where in-person meetings occur strongly encouraging limiting the number of people who attend a meeting in person to the maximum extent possible; and
 - limiting in-person meetings in conference rooms to 25% capacity and also prohibiting eating or drinking during those meetings and providing for windows and doors to be left open where feasible.
- [REVISED] Recreation Activity Equipment Rental. Expands businesses that may operate to rent recreation equipment to cover equipment rental for indoor recreational activities allowed under the Order, as well as outdoor activities.

- [REVISED] Gyms and Fitness Centers. Allows indoor gyms and fitness centers to increase capacity from 10% to 25%, including in hotels and other lodging facilities. The increase is also allowed for apartment and condominium buildings with gyms and fitness centers that are staffed to monitor compliance with the required safety protocols.
 - The Health Officer also issued an update to the companion directive for gyms and fitness centers making parallel changes and also:
 - Requires that all indoor gyms and fitness centers comply with DPH’s new ventilation guidelines that apply generally to all indoor businesses and activities and implement them to the extent feasible.
 - Updates signage requirements consistent with the October 20 amendments to the Order, with the extended November 10 operational deadline for the employee signage.
 - The directive for hotels and other lodging facilities refers to the gyms and fitness center directive for requirements for operating gyms in lodging facilities.
- [NEW] Indoor Climbing Walls. Allows indoor climbing walls in gyms or fitness centers or stand-alone facilities to open at 25% capacity.
 - While the State classifies indoor climbing walls under family entertainment centers, the Health Officer and DPH consider them more properly under gyms and fitness centers and allow their operation subject to health requirements for gyms and fitness centers. Additional health requirements specific to climbing walls include:
 - Patrons must wear face coverings at all times and wash or sanitize their hands before and after each climb.
 - Climbing walls or routes must be separated by tape or other visual cues to assist patrons in maintaining physical distance.
 - Patrons must not share chalk and should limit climbing partners to the smallest group possible.
 - Climbing walls must be cleaned and sanitized as often as feasible.
- [REVISED] Institutions of Higher Education and Adult Vocational Programs. Increases the capacity limit on outdoor classes for institutions of higher education and adult vocational programs from 14 people to 25 people (including instructors) and provides for a process to increase the two-hour time limit on indoor classes, where necessary for educational opportunities, and subject to ventilation requirements.
 - Higher education programs that seek to offer indoor courses exceeding the two-hour limit may submit a written request to do so at schools-childcaresites@sfdph.org. The request must include the following information: (1) the type of class(es) the program is seeking to hold that will exceed the two-hour time limit; (2) the number of students proposed for each class; (3) an explanation as to why the class cannot be limited to two-hours, such as any State-mandated course requirements; (4) a statement that the program has reviewed and is complying with DPH ventilation requirements; (5) a statement that the program is enforcing social distancing and face covering requirements; and (6) a statement that students will not be permitted to eat or drink, except as medically necessary, during any class exceeding the two-hour time limit.. The programs may exceed the two-hour limit only upon receiving approval in writing by DPH and upon satisfying any conditions of approval.
 - The Health Officer also issued an update to the companion directive for these programs making parallel changes, and also:
 - Requires that all higher education programs with classes indoors comply with DPH’s new ventilation guidelines that apply generally to all indoor businesses

- and activities and implement them to the extent feasible.
 - Updates signage requirements consistent with the October 20 amendments to the Order, with the extended November 10 operational deadline for the employee signage.
- [REVISED] Personal Care Services. Eases the restrictions on certain personal care services to allow for the brief removal of face coverings by patrons for treatment (such as facials, skin treatments, waxing, and mustache and beard trims), with additional safety protocols.
 - The Health Officer also issued an update to the companion directives (indoor personal services and outdoor personal services) for these activities making parallel changes, and also:
 - Strongly encourages personal service providers who will be within three feet of a customer for more than 15 minutes to wear a non-vented N95 mask.
 - For services requiring the removal of a customer’s face covering (indoors or outdoors), requiring service providers to take the following special safety precautions:
 - The provider conducting the service must wear a face shield or eye protection (in addition to a face covering) when they are providing services that do not enable the client to wear a face covering.
 - Providers must wear a non-vented N95 mask to provide maximum protection during procedures that require the customer to remove their face covering.
 - The customer’s face covering may only be removed as long as necessary to complete the part of the service requiring removal.
 - The service must be conducted at least six-feet from other personnel and customers. Where feasible, when performed indoors the service should take place in a separate room or other area enclosed by curtains or other barrier.
 - Request that the customer not speak unnecessarily during the period that their face covering is removed.
 - Keep face tissues or a towel available for the customer to use in the event they need to sneeze or cough while their face covering is off. The customer should dispose of the tissue or place the towel into a laundry bin at the end of the service
 - But, as the State order mandates, face coverings cannot be removed for body art services, such as tattoo, piercings, or massage in a non-healthcare setting.
 - (Services that provide tattoos, piercings and electrolysis are still prohibited outdoors, per the State order.)
 - Requires that all indoor service providers comply with DPH’s new ventilation guidelines that apply generally to all indoor businesses and activities and implement them to the extent feasible.
 - Updates signage requirements for indoor providers consistent with the October 20 amendments to the Order, with the extended November 10 operational deadline for the employee signage.
- [REVISED] Out of School Time Programs. Allows out of school times to have special two-week winter break programs.
 - The Health Officer also issued an update to the companion directive for these programs making parallel changes, and also:
 - Requires that all programs with activities indoors comply with DPH’s new ventilation guidelines that apply generally to all indoor businesses and activities and implement them to the extent feasible.
 - Updates signage requirements consistent with the October 20 amendments to

the Order, with the extended November 10 operational deadline for the employee signage.

- Out of school time programs remain subject to the group size limits that the State order still mandates of a maximum configuration of no more than 16 individuals total (children and youth or adults).

Additional Activities (Appendix C-2 of the Order and Applicable Directive):

- [REVISED] Golf, Tennis and Pickleball. Eases the restrictions in the health directive for golf, tennis and pickleball to allow for outdoor clinics consistent with the capacity limits and safety protocols for outdoor fitness classes (i.e. up to 25 people including instructions and no shared equipment. Also modifies the directive to allow golf, tennis and pickleball tournaments, without in person spectators, so long as there is no congregating, grouping or other gathering of players or personnel at the facility and all other required health and safety protocols are followed.

ⁱ San Francisco COVID-19 Health Orders: <https://www.sfdph.org/dph/alerts/coronavirus-healthorders.asp>; and San Francisco COVID-19 Health Directives, including Sector Guidance: <https://www.sfdph.org/dph/alerts/coronavirus-health-directives.asp>

ⁱⁱ State of California Blueprint for Safer Economy: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx#>

ⁱⁱⁱ State equity metric: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/CaliforniaHealthEquityMetric.aspx>

^{iv} Humboldt County is the only other county in the State besides San Francisco to meet the accelerated equity metric, but Humboldt was already in the minimal (yellow) tier. See the link to the California Blueprint Data Chart (Excel document) under the heading “Additional information about the Blueprint” in: <https://www.cdph.ca.gov/Programs/CID/DCDC/Pages/COVID-19/COVID19CountyMonitoringOverview.aspx>

^v San Francisco Reopening Roadmap: <https://sf.gov/step-by-step/reopening-san-francisco>

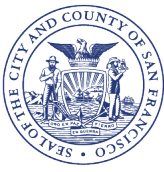
^{vi} State Blueprint Chart: https://www.cdph.ca.gov/Programs/CID/DCDC/CDPH%20Document%20Library/COVID-19/Dimmer-Framework-August_2020.pdf

^{vii} Key Local Health Indicators: <https://data.sfgov.org/stories/s/epem-wyzb#hospital-system>

^{viii} Schools Reopening Dashboard: <https://data.sfgov.org/stories/s/School-Reopening/ccmh-3avz/>

^{ix} SFDPH’s Guidance on “Ventilation for Non-Healthcare Organizations During the COVID-19 Pandemic,” available online at <https://www.sfdcp.org/COVID-Ventilation>

^x Signage templates at outreach toolkit: <https://sf.gov/outreach-toolkit-coronavirus-covid-19>



Tips and Frequently Asked Questions for Opening Office Facilities During COVID-19

UPDATED October 27, 2020

The following guidance was developed by the San Francisco Department of Public Health (SFPDH) and is posted at <https://www.sfcdcp.org>. This interim guidance may change as knowledge, community transmission, and availability of PPE and testing change.

AUDIENCE: Businesses who bring Personnel back to office facilities during the COVID-19 pandemic.

BACKGROUND: On October 27, 2020, the Health Officer issued [Directive No. 2020-18b](#) authorizing and providing guidance for businesses operating office facilities.

PURPOSE: This document addresses major points in, but does not replace, the Directive.

Summary of Revisions since the 06/29/2020 Version

- Non-essential offices may open with up to 25% of capacity
- Offices may open for workers who would otherwise telecommute
- Offices may open employee cafeterias and break rooms
- New ventilation requirements and recommendations are included
- New signs are available
- New COVID-19 information and guidance is included

Preventing COVID-19 Transmission

How does COVID-19 Spread?

Our current understanding is that COVID-19 is mostly spread from person-to-person in the air through virus-containing droplets in the breath of someone with COVID-19. These droplets enter the air when a person exhales (breathes out), including when they talk, sing, cough, or sneeze. People with COVID-19 may have no symptoms at all and can still be breathing out virus-containing droplets.

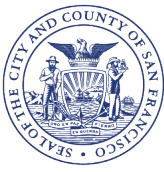
- Larger droplets are sometimes called “ballistic droplets” because they travel in straight lines and are pulled down by gravity. People nearby, usually within 6 feet, are infected when they breathe in these droplets or if the droplets land in their eyes, nose, or mouth.
- Smaller droplets or infectious particles can float in the air for a period of time and/or travel beyond 6 feet on indoor air currents, especially in enclosed spaces with poor ventilation. People sharing the same space are infected when they breathe in these smaller droplets and particles or the droplets or particles land on their eyes, nose, or mouth – even if they are further than 6 feet away. These droplets are sometimes referred to as “aerosols” or “bioaerosols”.

COVID-19 can also spread if a person touches their eyes, nose or mouth after touching a contaminated surface (also known as a fomite), however this is less common.

COVID-19 Prevention

To prevent transmission, everyone should:

- Wash your hands often with soap and water. If soap and water are not available, use a hand sanitizer that contains at least 60% ethanol or 70 % isopropanol.
- Avoid Close Contact. To the greatest extent, maintain at least six feet of social distancing between



yourself and the people who don't live in your Household.

- Wear a Face Covering. Cover your mouth and nose with a Face Covering in public settings and when around people who don't live in your Household.
- Routinely clean and disinfect frequently touched surfaces.
- Monitor Your Health Daily. Be alert of symptoms such as fever, cough, shortness of breath, or other symptoms. If you are experiencing any of these symptoms, stay home.

Indoor Risk

Scientists agree that the risk of transmitting COVID-19 is generally much greater indoors than outdoors. Consider the increased risk to yourself and your community while planning for office opening or expansion. Any increase in the number of people indoors or the length of time spent indoors increases risk. Small rooms, narrow hallways, small elevators, weak ventilation all increase indoor risk. Each activity that can be done outdoors, remotely, by teleconference reduces risk. Consider outdoor covered walkway to avoid line to check in. Consider having a single person come to the office to represent a group that teleconferences.

The Role Of Ventilation

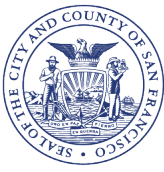
Good ventilation controls droplets and infectious particles to prevent COVID-19 transmission by:

- removing air containing droplets and particles from the room,
- diluting the concentration of droplets and particles by adding fresh, uncontaminated air.
- filtering room air, removing droplets and particles from the air.

Make Necessary Ventilation Improvements, If Feasible, Including

- HVAC systems (if one is present)
 - Ensure HVAC systems are serviced and functioning properly.
 - Evaluate possibilities for upgrading air filters to the highest efficiency possible.
 - Increase the percentage of outdoor air through the HVAC system, readjusting or overriding recirculation ("economizer") dampers.
 - Disable "demand controls" on ventilation systems so that fans operate continuously, independently of heating or cooling needs.
 - Evaluate running the building ventilation system even when the building is unoccupied to maximize ventilation. At the minimum, reset timer-operated ventilation systems so that they start operating 1-2 hours before the building opens and 2-3 hours after the building is closed.
- Increase natural ventilation by opening windows and doors when environmental conditions and building requirements allow.
- Consider installing portable air cleaners ("HEPA filters").
- If the establishment uses pedestal fans or hard mounted fans, adjust the direction of fans to minimize air blowing from one individual's space to another's space.

For more information and additional resources, please see the [SFDPH ventilation guidance](#).



Conference Rooms and Meetings

Conference and meeting rooms may open up to 25% of the posted occupancy, and no more than the number of people who can safely maintain six feet of physical distance at all times.

- Face to face meetings increase risk and are highly discouraged in indoor environments.
- Video and phone conferencing are significantly safer.
- Video conferencing also allows full participation by workers who are off site.
- If a meeting cannot be avoided, notify participants in advance that socializing before and after the meeting is an unacceptable risk.
- Limit the number of in person invitees by integrating video and phone conferencing.
- Eating and drinking are prohibited in meetings because face covering are removed.
- Activate conference room ventilation 1-2 hours before people enter the room. Open doors and windows if possible.
- Post COVID-19 occupancy and safety signs in conference and meeting rooms.
- Conference and meeting rooms that are used must receive frequent cleaning and disinfecting.

Eating in the Cafeteria, Break Room, Outdoors or at a Desk

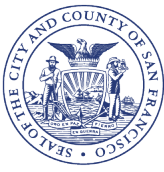
Office Cafeterias may open and should follow the [COVID-19 dining guidance](#). In addition employee cafeterias should:

- Strongly encourage outdoor dining,
- Limit capacity to the number of people who can maintain six feet of physical distance, up to 25% of occupancy,
- Post signage about occupancy, face coverings, social distancing, and hand hygiene,
- Offer grab-and-go food if possible, and
- Not allow socializing or group dining.
- Provide sheltered outdoor space if at all possible.
- Use scheduling, furniture and signs to eliminate lines and crowding, and to reduce the time that anyone spends in the cafeteria or eating area.

Eating requires removing face coverings, placing people at increased risk. Stay safe while eating by:

- Eating outdoors, weather permitting and with at least six feet of space in every direction
- Opening doors and window whenever possible
- Eating at your desk or alone in a room/office
- Not socializing while eating
- Replacing face covering as soon as you are done eating

Break rooms are generally not a good choice for eating when others are present. At a minimum, be sure there is six feet of physical distance between people, good ventilation, good hygiene and appropriate dining signage.



Mandatory Signage Requirements and Resources

Add all COVID-19 related signage to the Office as required by [Sections 4.g and 4.h of the Stay-Safer-At-Home Order](#). Complete signage requirements are described starting with Best Practices [Section 1.5 of Health Officer Directive 20-18b](#).

The [Outreach Toolkit](#) includes printable resources including many of the signs required or suggested to open offices. Signs about proper hygiene, social distancing, Face Coverings, health screening, the risks of indoor transmission, testing and getting vaccinated for the flu are all available.

Promoting Workplace COVID-19 Safety

Employers and management should actively promote safe COVID-19 habits. Businesses have successfully used small incentives such as decorative face coverings and public recognition to reduce COVID-19 transmission. Intervening and noticing lapses may well prevent costly illness. An educational approach to confrontation has generally been the most successful. Recognition and intervention work best when done at both a group level and an individual level. Managers and supervisors should always model safe practices.

Flu Vaccination

Flu vaccines are critical in the fight against COVID-19 by (1) keeping workers and communities healthy and (2) reducing strain on our healthcare and testing systems that are responding to COVID-19. Strongly encourage all personnel to get a flu shot. Post signage to encourage flu vaccine among customers, visitors, etc.

Contact Tracing

SFDPH, in partnership with community, including businesses, helps identify those who have had close contact with anyone who has COVID-19. People can transmit the virus 48 hours before they develop symptoms. Some people never develop symptoms and can still transmit the virus. We can help prevent COVID-19 transmission by contact tracing which helps identify people who may have been exposed and helping them quarantine so they don't inadvertently spread the disease. We do this whenever there is an outbreak of infectious diseases like measles, tuberculosis, and others to protect the community's health.

Help ensure the health of your personnel and our community. Retain the attendance/schedules of all Personnel for up to three weeks. It is recommended that organizations maintain a list of your office users willing to voluntarily provide their name and contact information for contact tracing purposes. Any lists should be discarded after three weeks. Patrons are not required to provide contact information.

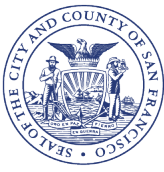
If Personnel, a contractor, delivery person, or visitor tests positive for COVID-19, the organization must assist the SFDPH in identifying other personnel or others who may have been exposed.

Cover your face, test early, and trace! Find out more at <https://covid19.ca.gov/contact-tracing>

Scheduling and Commuting

To manage occupancy in the office and ease pressure on the transit system, offices should provide information and flexibility to help Personnel make the best choices for commuting to work. Effective measures to reduce individual risk of COVID-19, limit community transmission and aid in economic recovery include:

- Allow employees to continue working remotely as much as possible;
- Adopt alternative work schedules so Personnel are not all in the office at the same time;
- Stagger working hours to shift travel to off-peak times;



- If applicable, encourage Personnel to use alternative transportation such as walking or biking;
- Provide flexibility to Personnel who may be late if they need to wait for a less crowded public transit vehicle.

For information and resources visit <https://SFMTA.com/TransportationGuidance>

FAQ

What do I need to do in order to comply with the Directive?

Before returning employees to the office, be sure you have read the entire Directive and best practices and take at least the following steps: complete adjustments to the layout of your office to be sure employees can remain at least six feet apart at all times; check plumbing to be sure it is functioning properly and flush pipes if necessary; make any necessary improvements to ventilation; add necessary signage to elevators, stairs, break rooms, and cafeterias; implement daily COVID-19 self-verifications for all personnel; and implement sanitization protocols.

You are required to create and consistently implement the following two documents, which will help you ensure you are following all the mandated steps.

- Health and Safety Plan (see [Exhibit B of Directive No. 2020-18b](#)) which may be amended.
- Social Distancing Protocol (see [Appendix A of the Stay-Safer-At-Home Health Order C19-071](#)), which may be amended. You will need to ensure these documents are available for all Personnel. They should be posted at the entrance to the office site. If other Directives apply to your business, you may need to complete more than one Health and Safety Plan.

I've created the plans, so am I done now?

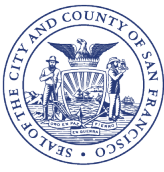
At least on a weekly basis, think about how your Business and Personnel are doing, how well you are complying with your Health and Safety Plan and your Social Distancing Protocol, and what changes are needed to improve your response to the COVID-19 pandemic. Look for new guidance from the SFDPH Communicable Disease Control and Prevention site (<https://www.sfcddcp.org/covid19>) or the frequently updated page at <https://sf.gov/topics/business-during-coronavirus-pandemic> which has comprehensive resources for businesses during the COVID-19 pandemic.

May all of my staff return to my non-essential office facility if I can keep them socially distanced?

It depends on how many staff members you have. For non-essential office facilities with fewer than 20 personnel, the business must reduce the maximum occupancy to the number of people who can maintain at least six feet of physical distance from each other in the office facility at all times. For non-essential office facilities with more than 20 personnel, the business must reduce the maximum occupancy to the lesser of 25% of the facility's normal maximum occupancy or the number of people who can maintain at least six feet of physical distance from each other in the facility at all times. Telecommuting is still strongly encouraged whenever feasible.

Is my employee required to wear a Face Covering while in their private office alone, or while sitting at their desk around which I have installed Plexiglas dividers?

You do not need to wear a Face Covering if you are alone in a private office that is not shared with others and is not likely to be visited by others without prior warning, such as an office with a closed door. If another person enters the area, both of you must immediately put on a Face Covering during the interaction.



What should I do if Personnel answer “Yes” to any of the [daily screening questions](#)?

The Health and Safety Plan should include your plan for safe transport of Personnel who become sick while at work to home or a healthcare provider. Further information is available on:

- [what to do if personnel have a positive COVID-19 test](#), and
- [when personnel can return to work](#) after COVID-19 symptoms, testing, or close contact.

If my employee tests positive for COVID-19 will SFPDH tell me? If they test positive in a county outside of SF will I be notified?

SFPDH or another county health department may contact employers to trace contacts, but the identity of the person who has tested positive for COVID-19 is protected health information, and typically cannot be shared except in select circumstances.

What should I be prepared to tell SFPDH to assist with contact tracing if my employee tells me that they have tested positive for COVID-19?

You should determine the last day that the person who was diagnosed with COVID-19 was present at the workplace. Be prepared to identify any close contacts the person had at the workplace. In an office setting, close contacts are defined as someone who was within 6 feet of the person diagnosed with COVID-19 for more than 10 minutes while the person with COVID-19 was not wearing a facemask.

Can I provide more business space outdoors?

Outdoor work environments generally have much less risk of COVID-19 transmission. Some businesses have been able to use patios, awnings, canopies, tents and covered walkways to expand space while reducing risk of indoor transmission. SFPDH has developed [guidance for creating outdoor shelters](#) that may be useful for offices.

Resources

Local:

Information for businesses at <https://www.sfcddp.org/businesses>

How to [get tested for COVID-19 in San Francisco](#)

Downloadable [signage to print](#) yourself, or to request [printed posters](#)

Information from the [San Francisco Office of Economic and Workforce Development about COVID-19](#), such as employer requirements, employee benefits, and resources; [Avoiding discrimination and retaliation during COVID-19](#).

California:

[State of California Resilience Roadmap](#)

CAL OSHA [information on protecting workers from COVID-19](#)

National:

[AIHA- Reopening: Guidance for General Office Settings](#)

CDC: Resuming Business Toolkit: [CDC Resuming Business Toolkit](#)

[CDC Return to Work Guidance](#)

[CDC COVID-19 Employer Information for Office Buildings](#)



Tip Sheet for Operating Indoors: Personal Services

UPDATED October 27, 2020

The following Tip Sheet was developed by the San Francisco Department of Public Health (SFDPH) based on recommendations and guidance from the US Centers for Disease Control and Prevention (CDC), the State of California, and Personal Service Providers licensing and industry groups. This guidance is posted at <https://www.sfdcp.org>.

AUDIENCE: **Indoor Personal service providers**, including hair salons, barber shops, nail salons, body art practitioners, electrology services, massage (in a non-healthcare setting), tanning salons, estheticians, skin care, and cosmetology services.

BACKGROUND: On October 27, 2020, the Health Officer issued [Directive No. 2020-30b](#) authorizing and providing guidance for Personal Services and amended [Appendix C-1 Additional Businesses Permitted to Operate](#). This document summarizes the main action items from the Directive. All personal service providers must adhere to all state and local regulations.

Primary changes from previous versions:

- This updated TIP Sheet includes best practices for personal service providers who offer services that require the removal of the client's face covering, e.g., facials, hair removal, or beard trims.
- Most indoor personal services may be provided with modifications except body art services for the mouth and nose area. In accordance with the state, body art services around the mouth and nose area are not allowed at this time. All clients must wear their face coverings through the entire service unless otherwise noted.
- Requires providers to wear eye protection and an N95 respirator (commonly known as an N95 mask) while providing services that require the client to remove their face covering.
- Strongly recommends providers to wear eye protection and an N95 respirator when providing services that require the provider and client to be within three feet of each other for more than 15 minutes or when providing services that occur around the head and neck.
- Eye protection and other [PPE can be obtained for free](#) from the San Francisco Office of Economic and Workforce Development.
- Please follow these Tips to keep you, your clients and your Personnel safer.

Indoor Activities Increase COVID-19 Risk

Scientists agree that the risk of transmitting COVID-19 is generally higher indoors than outdoors. Consider the increased risk to yourself and your community before participating in indoor activities.

The COVID-19 virus can travel in the air more than 6 feet and builds up indoors. Generally, whenever possible, choose outdoor activities over indoor activities, and if you need to go indoors, limit your time indoors if you are with people who are not in your household. Avoid enclosed spaces that are crowded and have poor ventilation.



How Does COVID-19 Spread?

Our current understanding is that COVID-19 is mostly spread from person-to-person in the air through virus-containing droplets in the breath of someone with COVID-19. These droplets enter the air when a person exhales (breathes out), including when they talk, sing, cough, or sneeze. People with COVID-19 may have no symptoms at all and can still be breathing out virus-containing droplets.

- Larger droplets are sometimes called “ballistic droplets” because they travel in straight lines and are pulled down by gravity. People nearby, usually within 6 feet, are infected when they breathe in these droplets or if the droplets land in their eyes, nose, or mouth.
- Smaller droplets or infectious particles can float in the air for a period of time and/or travel beyond 6 feet on indoor air currents, especially in enclosed spaces with poor ventilation. People sharing the same space are infected when they breathe in these smaller droplets and particles or the droplets or particles land on their eyes, nose, or mouth – even if they are further than 6 feet away. These droplets are sometimes referred to as “aerosols” or “bioaerosols”.

COVID-19 can also spread if a person touches their eyes, nose or mouth after touching a contaminated surface (also known as a fomite), however this is less common.

Basic Covid-19 prevention

- **Wash your hands often with soap and water.** If soap and water are not available, use a hand sanitizer that contains at least 60% ethanol or 70 % isopropanol.
- **Avoid Close Contact.** To the greatest extent, maintain at least six feet of social distancing between yourself and the people who don’t live in your Household.
- **Wear a Face Covering.** Cover your mouth and nose with a Face Covering in public settings and when around people who don’t live in your Household.
- Routinely **clean and disinfect frequently touched surfaces.**

Monitor Your Health Daily. Be alert of symptoms such as fever, cough, shortness of breath, or other symptoms. If you are experiencing any of these symptoms, stay home.

Flu vaccines

Flu vaccines are critical in the fight against COVID-19 by (1) keeping workers and communities healthy and (2) reducing strain on our healthcare and testing systems that are responding to COVID-19. **Those over the age of 6 months are strongly encouraged to get a flu shot.** Find out how to get one at www.sfcdcp.org/flu

Plan and Prepare your space

Review the Tip Sheet for Safer Interactions During COVID-19 Pandemic at www.sfcdcp.org/safersocial

Capacity

- Calculate your capacity limits using FEMA’s [Understanding the impact of social distancing on occupancy](#). It is approximately 1 person per 113 -150 square feet to maintain social distancing.
- Redesign layout to allow for proper social distancing. Space workstations at least six feet apart.



The Role of Ventilation

Good ventilation controls droplets and infectious particles to prevent COVID-19 transmission by:

- removing air containing droplets and particles from the room,
- diluting the concentration of droplets and particles by adding fresh, uncontaminated air,
- filtering room air, removing droplets and particles from the air.

Make Necessary Ventilation Improvements, If Feasible, Including

- HVAC systems (if one is present)
 - Ensure HVAC systems are serviced and functioning properly.
 - Evaluate possibilities for upgrading air filters to the highest efficiency possible.
 - Increase the percentage of outdoor air through the HVAC system, readjusting or overriding recirculation (“economizer”) dampers.
 - Disable “demand controls” on ventilation systems so that fans operate continuously, independently of heating or cooling needs.
 - Evaluate running the building ventilation system even when the building is unoccupied to maximize ventilation. At the minimum, reset timer-operated ventilation systems so that they start operating 1-2 hours before the building opens and 2-3 hours after the building is closed.
- Increase natural ventilation by opening windows and doors when environmental conditions and building requirements allow.
- Consider installing portable air cleaners (“HEPA filters”).
- If the establishment uses pedestal fans or hard mounted fans, adjust the direction of fans to minimize air blowing from one individual’s space to another’s space.

For more information and additional resources, please see the [SFDPH Ventilation Guidance](#)

New Signage Requirement for Providers Offering Services that Require Removal of Face Covering

Beginning November 3, 2020, Personal Service Providers that offer services to customers that require the customer to remove their Face Covering must conspicuously post signage, including at all primary public entrances, indicating which of the following ventilation systems are used at the facility.

The County is making templates for the signage available online at <https://sf.gov/outreach-toolkit-coronavirus-covid-19>. The templates may be updated from time to time, as we learn more about COVID-19 and transmission. Businesses are strongly urged to keep informed of those changes and update their signage accordingly.

Plumbing

If your business or workplace has been vacant during the Shelter In Place ordinance, check that your plumbing is working properly and flush stagnant water from the pipes. [See the PUC guidance here.](#)



Supplies

- Provide approved disinfectants for uses against COVID-19. The approved products are listed [on the Environmental Protection Agency's website](#).
- Provide handwashing/hand sanitizing stations for both Personnel and clients.
- Provide a non-porous chair or plastic basket or paper bag for client's clothing or belongings.
- Provide proper Personal Protection Equipment (PPE) for all Personnel. Eye protection and/or gloves may be required when performing specific services. See the Cal/OSHA guidance on [Expanded Personal Care Services](#).
- Personnel must wear a face covering at all times.
- Personnel providing services that require the clients to remove their face covering, must be supplied eye protection (goggles or face shield) and an N95 respirator (commonly referred to as an N95 mask). See resources for information on obtaining free PPE.
- If you don't already have a touchless payment system, consider installing one.

Cleaning and Sanitation

- Follow all sanitation requirements. All equipment must be properly disinfected between clients. This includes but is not limited to, chairs, tables, combs, brushes, scissors, etc. Review the directive for specific COVID-19 sanitation requirements.
- All linens must be washed between clients; even if your client does not get under them.
- Personnel handling soiled linens should wear gloves and follow proper glove removal and hand washing protocols.
- Wash your hands frequently and between clients.
- If feasible, Personal Service Providers should consider changing their own clothes after each client or wearing scrubs or a clean, launderable or disposable smock.

Mandatory Signage Requirements

Add all COVID-19 related signage as required by [Sections 4.g and 4.h of the Stay-Safer-At-Home Order](#). Complete signage requirements are described in [Directive 20-30b](#).

The [Outreach Toolkit](#) includes printable resources including many of the signs required or suggested to open Personal Services. Signs about proper hygiene, social distancing, Face Coverings, health screening, the risks of indoor transmission, testing and getting vaccinated for the flu are all available.

Protect Personnel and Clients

Conduct wellness checks for everyone (Personnel and clients) before they enter the building. [Instructions for screening clients](#) is attached to the Directive. Screening instructions for Personnel are similar, and may be found at <https://www.sfcddp.org/screening-handout>

- Encourage your clients to conduct a self-screening before they arrive for their appointment.

Scheduling

- In accordance with the State of California guidance, Hair Salons and Barbershops may see clients



by appointment only. Walk-ins are not permitted at this time. Other Personal Services providers are also strongly encouraged to see clients by appointment only.

- Schedule your clients to allow enough time between appointments so workspaces and tools can be properly cleaned and disinfected. Consider servicing fewer clients each day or expanding operating hours to allow for more time for sanitation between clients.
- Consider pausing strict cancellation policies to encourage sick clients to stay home. Clients must be allowed to reschedule due to symptoms of COVID-19 without charge.
- Remind clients not to arrive too early for an appointment. Clients may need to wait outside depending on the capacity of the space.

Contact Tracing

- The San Francisco Department of Public Health, in partnership with community, including businesses helps identify those who have had close contact with anyone who has COVID-19. People can transmit the virus 48 hours before they develop symptoms. Some people never develop symptoms and can still transmit the virus. **We can help prevent COVID-19 transmission by contact tracing which helps identify people who may have been exposed and helping them quarantine so they do not inadvertently spread the disease.** We do this whenever there is an outbreak of infectious diseases like measles, tuberculosis, and others to protect the community's health.
- Help ensure the health of your Personnel, clients, and our community. Retain the attendance/schedules of all Personnel at your organization for up to three weeks. It is recommended that organizations maintain a list of clients willing to voluntarily provide their name and contact information [or consent to retain their credit card information] for contact tracing purposes. Any lists should be discarded after three weeks. Patrons are not required to provide contact information.
- If Personnel or a client tests positive for COVID-19, the organization must assist the Department of Public Health in identifying other Personnel or clients who may have been exposed.
- **Cover your face, test early, and trace!** Find out more at <https://covid19.ca.gov/contact-tracing>

Special considerations for Specific Service Types

[Cal/OSHA provides additional requirements and guidance](#) for Personal Services providers and includes the tips listed below.

Barber services

- When providing services that require the client to remove their face covering, providers **must** wear eye protection such as a face shield or goggles and an N95 respirator (mask) without a valve.
- It is strongly recommended that providers wear eye protection when providing services to head and neck area and/or if the provider is within three feet of the client for more than 15 minutes.
- Ask your client to limit conversation while they are unmasked. Not speaking is safer.
- Provide your client with a tissue or towel in case they need to cough or sneeze while their face covering is removed.



Esthetic, Skin Care and Cosmetology

- When providing services that require the client to remove their face covering, providers **must** wear eye protection such as a face shield or goggles **and** an N95 respirator.
- It is strongly recommended that providers wear eye protection when providing services to head and neck area and if the provider is within three feet of the client for more than 15 minutes.
- Limit conversation while your client is unmasked. Not speaking is safer.
- Provide your client with a tissue or towel in case they need to cough or sneeze while their face covering is removed. Have the client dispose dirty tissues or towels in a lidded container.
- Disposable gloves should be worn throughout the entire esthetic service, and while performing cleaning and disinfection of all implements and surfaces after each client session.
- Single use applicators should be disposed of immediately in a lidded container lined with a plastic bag.

Electrology

- Electrologist must wear disposable gloves.
- When providing services that require the client to remove their face covering, providers **must** wear eye protection such as a face shield or goggles AND an N95 mask.
- It is strongly recommended that providers wear eye protection when providing services to head and neck area and/or if the provider is within three feet of the client for more than 15 minutes.
- Tweezers, rollers, and needle holder caps should be properly cleaned and sterilized between each client.
- Needles used for electrolysis must be single-use, disposable, prepackaged, and sterile and disposed of in an approved sharps container immediately after use.

Massage Therapists (in non-healthcare settings)

- Ask the client to clean their hands with hand sanitizer or by washing their hands with soap and water prior to service.
- The massage therapist and client must wear a face covering at all times.
- Facial massages are not permitted (per the state) if it requires your client to remove their face covering.
- Barriers such as washable sheets and pillowcases are not a substitution for cleaning and disinfecting protocols. Massage tables and chairs must be properly disinfected between clients.
- Hand treatments should be provided as the last part of the massage and hands should be washed immediately upon finishing the massage.
- You may do outcalls if you have an [Outcall Massage Permit](#).

Nail Services

- Ask client to clean hands with hand sanitizer prior to service.
- Portable tubs/bowls must be disinfected with an EPA-registered liquid disinfectant that is labeled as a bactericide, fungicide and virucide. All water must be disposed of properly inside.



Do not use the storm drain to dump any wastewater or other debris.

- Use disposable tools as much as you can. All disposable items should be thrown away in lined and lidded trash can.
- Do not allow clients to get multiple services at the same time, such as a manicure and pedicure.
- All providers must always wear a face covering or a respirator when required. Please see the Cal/OSHA guidance on [Expanded Personal Care Services](#).
- All nail providers must wear disposable gloves during the service and while cleaning and disinfecting all tools and surfaces after each client.

Frequently Asked Questions

Q. Is it safe for me to get a massage/haircut/facial/etc?

A. All activities that bring you within six feet of individuals outside of your household, particularly those indoors or for a sustained period of time (more than 15 minutes), carry risk. You can decrease that risk by being vigilant in your personal hygiene and going to a service provider who also takes health and safety precautions seriously.

- Wear a face covering as required. Use a face covering with ear-loops to keep your mask from interfering with your services.
- You must cancel/reschedule an appointment if they have COVID-19 symptoms. The Health Directive prohibits your Personal Service Provider from charging an extra fee if you have to reschedule due to COVID-19 symptoms.
- Consider limiting the amount of time spent at personal care service appointments to decrease your exposure and the exposure of those around you.

Q. I bring my own tools/polish to my appointments; can I do that?

A. Not at this time and it is strongly advised to minimize the number of items you bring inside to your appointment. Keep to essentials only (wallet, keys, small purse).

Q. Are N95 masks required?

A. N95 masks are not required for clients. N95s and eye protection are now required for Personnel who provide allowable services that require a client to remove their face covering. Additionally, continue to follow your industry regulations and use an N95 mask or respirator when required. If you use an N95 mask or respirator with a valve, you must cover the valve with a face covering.

Q. Are gloves required?

A. Esthetic, skin care, cosmetology and nail services are required to wear gloves throughout the service and while cleaning and disinfecting tools. If possible, have latex-free gloves on hand for both clients and staff with latex allergies. Wearing gloves is not a substitute for hand washing.

Q. Am I allowed to operate both indoor and outdoor personal services?

A. Yes. Operating outdoors is highly encouraged.

Q. I am a practitioner who offers Reiki, Cupping, or Rolfing. Where do I fit in?

A. This is the correct guidance to follow. You should also review the [Directive on Ambulatory Care](#).

Q. I am a body art practitioner; may I continue to offer my full menu of services?

A. Current state guidance does not allow piercing of the nose or mouth or any service that requires



the client to remove their face covering.

Q. I provide personal care services out of my home; can I start doing that again? Or - I provide personal care services in clients' homes, can I start doing that again?

A. Yes, if you were able to do this pre-COVID-19, you may start operating your business again. You must adhere to the current directive and guidance.

Q. Can I provide a service where the client need remove their mask?

A. Yes. Facials, face waxing, beard trims, etc. are allowed with modifications. Providers must wear eye protection and an N95 mask while providing these services. Body Art and Massage Practitioners may not perform services that require a client to remove their face coverings.

Q. Should we vacuum or sweep hair?

A. Vacuuming with a HEPA filter is recommended over sweeping. If you do not have a vacuum with a HEPA filter, consider carefully sweeping during a period when the fewest people are occupying the space. Consider waiting to sweep/vacuum as part of the disinfection protocols between clients. Wear a face covering and sweep gently to minimize movement and spread of particles.

Q. I'm a Business Owner. How do I make sure Personnel are not sick when they work?

A. Please see SFDPH guidance on [Asking COVID-19 Screening Questions](#), posted at www.sfcddcp.org/screen.

Q. What if a service provider or client tests positive for COVID-19?

A. People may be able to transmit the virus 48 hours before they develop symptoms of COVID-19. They may also transmit the virus even if they never develop symptoms.

Please see SFDPH guidance [What to do if Someone at the Workplace Has COVID-19](#).

Providers should keep a list of Personnel and Clients, which will help SFDPH with contact tracing.

Resources

You can find printable resources such as signage in the [COVID-19 toolkit](#).

Cal/OSHA guidance:

- [Indoor Personal Services Guidance](#) and [Personal Services checklist](#)
- [Indoor Hair Salons and Barber shops Guidance](#) and [checklist](#)

Free eye protection and other PPE:

- <https://oewd.org/free-ppe-available>

From: [Mchugh, Eileen \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS-Administrative Aides](#)
Cc: [Calvillo, Angela \(BOS\)](#); [Somera, Alisa \(BOS\)](#); [Young, Victor \(BOS\)](#); [BOS Legislation, \(BOS\)](#); [PEARSON, ANNE \(CAT\)](#); [Kittler, Sophia \(MYR\)](#); [Krell, Rebekah \(DEM\)](#)
Subject: Mayoral Nomination - City Hall Preservation Advisory Committee
Date: Friday, October 23, 2020 6:20:00 PM
Attachments: [Clerk's Memo 10.23.2020.pdf](#)
[2020-Ellen Schumer-CHPAC-Appt Letter.pdf](#)
[Ellen Schumer-Resume.pdf](#)
[2020-Patrick Carney-Resume.pdf](#)
[2020-Patrick Carney-CHPAC-Appt Letter.pdf](#)
[2020-James Haas-Resume.odt](#)
[2020-James Haas-CHPAC-Appt Letter.pdf](#)
[2020-Mae Woo-CHPAC-Appt Letter.pdf](#)
[2020-Mae Woo-Bio.docx](#)
[2020-Robert Vergara-Resume.pdf](#)
[2020-Robert Vergara-CHPAC-Appt Letter.pdf](#)

Hello Supervisors,

The Office of the Mayor submitted the attached complete nomination packages. Please see the memo from the Clerk of the Board for more information and instructions.

Thank you,

Eileen McHugh
Executive Assistant
Board of Supervisors
1 Dr. Carlton B. Goodlett Place, City Hall, Room 244
San Francisco, CA 94102-4689
Phone: (415) 554-5184 | Fax: (415) 554-5163
eileen.e.mchugh@sfgov.org | www.sfbos.org

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. 554-5184
Fax No. 554-5163
TDD/TTY No. 554-5227

MEMORANDUM

Date: October 23, 2020
To: Members, Board of Supervisors
From: *ACC* Angela Calvillo, Clerk of the Board
Subject: (Re)nominations by the Mayor - City Hall Preservation Advisory Committee

On October 21, 2020, the Mayor submitted the following complete (re)nomination packages pursuant to Administrative Code, Section 5.240. Pursuant to Campaign and Government Code, Section 3.1-103, this body does not require a Form 700. Appointments in this category are subject to confirmation by a majority of the Board of Supervisors and are not effective until the Board takes action.

- Robert Vergara - term ending January 13, 2024 (Nomination)
- Ellen Schumer - term ending January 13, 2022 (Renomination)
- James Haas - term ending January 13, 2024 (Renomination)
- Patrick Carney - term ending January 13, 2024 (Renomination)
- Mae Woo - term ending January 13, 2022 (Renomination)

The Office of the Clerk of the Board will open files for these nominations and the hearings will be scheduled before the Rules Committee.

(Attachments)

c: Hillary Ronen - Rules Committee Chair
Alisa Somera - Legislative Deputy
Victor Young - Rules Clerk
Anne Pearson - Deputy City Attorney
Sophia Kittler - Mayor's Legislative Liaison

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

Notice of Nomination of Appointment

October 21, 2020

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

Honorable Board of Supervisors,

Pursuant to Administrative Code §5.240-5.244, of the City and County of San Francisco, I make the following nomination:

Robert Vergara, for appointment to the City Hall Preservation Advisory Commission for a four-year term ending January 13, 2024, to the seat previously held by Maureen "Pat" Kelley.

I am confident that Mr. Vergara will serve our community well. Attached are his qualifications to serve, which demonstrate how his appointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of this appointment nomination. Should you have any question about this appointment nomination, please contact my Director of Commission Affairs, Tyra Fennell, at 415-554-6696.

Sincerely,

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

London N. Breed
Mayor, City and County of San Francisco

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

Notice of Nomination of Reappointment

October 21, 2020

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

Honorable Board of Supervisors,

Pursuant to Administrative Code §5.240-5.244, of the City and County of San Francisco, I make the following nomination:

Ellen Schumer, for reappointment to the City Hall Preservation Advisory Committee for a four-year term ending January 13, 2022.

I am confident that Ms. Schumer will continue to serve our community well. Attached are her qualifications to serve, which demonstrate how her reappointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of this appointment nomination. Should you have any question about this appointment nomination, please contact my Director of Commission Affairs, Tyra Fennell, at 415-554-6696.

Sincerely,

A handwritten signature in blue ink that reads "London N. Breed".

London N. Breed
Mayor, City and County of San Francisco

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

Notice of Nomination of Reappointment

October 21, 2020

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

Honorable Board of Supervisors,

Pursuant to Administrative Code §5.240-5.244, of the City and County of San Francisco, I make the following nomination:

James Haas, for reappointment to the City Hall Preservation Advisory Committee for a four-year term ending January 13, 2024.

I am confident that Mr. Haas will continue to serve our community well. Attached are his qualifications to serve, which demonstrate how his reappointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of this appointment nomination. Should you have any question about this appointment nomination, please contact my Director of Commission Affairs, Tyra Fennell, at 415-554-6696.

Sincerely,

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

London N. Breed
Mayor, City and County of San Francisco

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

Notice of Nomination of Reappointment

October 21, 2020

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

Honorable Board of Supervisors,

Pursuant to Administrative Code §5.240-5.244, of the City and County of San Francisco, I make the following nomination:

Patrick Carney, for reappointment to the City Hall Preservation Advisory Committee for a four-year term ending January 13, 2024.

I am confident that Mr. Carney will continue to serve our community well. Attached are his qualifications to serve, which demonstrate how his reappointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of this appointment nomination. Should you have any question about this appointment nomination, please contact my Director of Commission Affairs, Tyra Fennell, at 415-554-6696.

Sincerely,

A handwritten signature in blue ink that reads "London N. Breed".

London N. Breed
Mayor, City and County of San Francisco

OFFICE OF THE MAYOR
SAN FRANCISCO



LONDON N. BREED
MAYOR

Notice of Nomination of Reappointment

October 21, 2020

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

Honorable Board of Supervisors,

Pursuant to Administrative Code §5.240-5.244, of the City and County of San Francisco, I make the following nomination:

Mae Woo, for reappointment to the City Hall Preservation Advisory Committee for a four-year term ending January 13, 2022.

I am confident that Ms. Woo will continue to serve our community well. Attached are her qualifications to serve, which demonstrate how her reappointment represents the communities of interest, neighborhoods and diverse populations of the City and County of San Francisco.

I encourage your support and am pleased to advise you of this appointment nomination. Should you have any question about this appointment nomination, please contact my Director of Commission Affairs, Tyra Fennell, at 415-554-6696.

Sincerely,

A handwritten signature in blue ink that reads "London N. Breed".

London N. Breed
Mayor, City and County of San Francisco

From: Board of Supervisors, (BOS)
To: [BOS-Supervisors](#)
Subject: FW: Annual Low Carbon Fuel Standard (LCFS) Credit Sales Fund Report
Date: Wednesday, October 28, 2020 10:59:00 AM
Attachments: [Fiscal Year 2020 Annual Low Carbon Fuel Standard \(LCFS\) Credit Sales Fund Report Pursuant to Ordinance 199-19.pdf](#)

From: Imperial, Megan M <MImperial@sfgwater.org>
Sent: Wednesday, October 28, 2020 10:37 AM
To: Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>; Lane, Maura (CON) <maura.lane@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Sandler, Risa (CON) <risa.sandler@sfgov.org>; de Asis, Edward (CON) <edward.deasis@sfgov.org>
Cc: Scarpulla, John (PUC) <JScarpulla@sfgwater.org>; Carr, Barbara (PUC) <BCarr@sfgwater.org>; Clark, Michael (PUC) <MLClark@sfgwater.org>
Subject: Annual Low Carbon Fuel Standard (LCFS) Credit Sales Fund Report

Dear Board of Supervisors staff,

Attached please find the San Francisco Public Utilities Commission Annual Report to the Board of Supervisors (dated October 19, 2020) on the Low Carbon Fuel Standard (LCFS) Credit Sales in accordance with Ordinance No. 199-19.

The following is a list of accompanying documents:

1. Annual Low Carbon Fuel Standard (LCFS) Credit Sales Fund Report

Thanks in advance
Megan


Megan M. Imperial 竜芽願
Policy & Government Affairs, Local Analyst
San Francisco Public Utilities Commission
mimperial@sfgwater.org
Mobile: 415-654-1654
Pronouns: She, Her, Hers, Ella


"Radical simply means "grasping things at the root." - Angela Davis



DATE: October 19, 2020

TO: Clerk of the Board of Supervisors
 Office of the Controller

THROUGH: Harlan L. Kelly Jr., General Manager 

FROM: Barbara Hale, Assistant General Manager, Power 

SUBJECT: Annual Report on the Low Carbon Fuel Standard Credit Sales Fund Pursuant to Ordinance 199-19

The following annual report has been prepared for the Board of Supervisors (Board) in accordance with Ordinance No. 199-19.

In Ordinance No. 199-19, the Board established the Low Carbon Fuel Standard (LCFS) Credits Sales Fund (Fund #25455) and authorized the General Manager of the San Francisco Public Utilities Commission (SFPUC) to enter into one or more agreements to sell LCFS Credits. The Board also required the SFPUC to report to the Board on “the protocols the SFPUC has developed for selling Low Carbon Fuel Standard Credits.” Additionally, the SFPUC is required to “submit an annual written report to the Board of Supervisors and the Controller: (1) specifying the number of Low Carbon Fuel Standard Credits sold during the previous fiscal year, the price received for each credit, and the total amount of the sales; and (2) describing the expenditures made from the Low Carbon Fuel Standard Credits Sales Fund during the previous fiscal year.”

This report meets the reporting requirements established by Ordinance No. 199-19 for Fiscal Year 2020, the first year that LCFS Credits were sold.

BACKGROUND

The City’s LCSF credits

In Assembly Bill 32,¹ entitled the Global Warming Solutions Act of 2006, the Legislature required California to reduce its greenhouse gas (GHG) emissions to 1990 levels by 2020.

To achieve this goal, the California Air Resources Board (CARB) has adopted a number of measures and programs to reduce GHG emissions from all sectors of the California economy. In 2009, at the direction of then Governor Schwarzenegger, CARB adopted LCFS regulations as one of these programs (LCFS Regulations). The LCFS Regulations seek to reduce the GHG-intensity² of transportation fuels by 20% by 2030. The regulations set benchmarks for GHG emissions for each type of transportation fuel that are increasingly reduced over time. Transportation providers

- London N. Breed**
Mayor
- Sophie Maxwell**
President
- Anson Moran**
Vice President
- Tim Paulson**
Commissioner
- Ed Harrington**
Commissioner
- Harlan L. Kelly, Jr.**
General Manager

¹ Statutes 2006, Ch. 488.

² The LCFS regulations use the term “Carbon Intensity” instead of GHG intensity.



that use fuels with a carbon intensity (or greenhouse gas emissions) lower than the benchmark established by CARB generate LCFS credits that can then be sold.

The San Francisco Municipal Transportation Agency (SFMTA) uses greenhouse gas-free electric energy provided by Hetch Hetchy Power to operate its electric public transit fleet (electric trolley buses, cable cars and light rail vehicles). Because this fleet operates with a carbon intensity significantly below the LCFS target, the SFMTA accumulates credits that can be sold.

In October 2017, the SFPUC and SFMTA entered into a Memorandum of Understanding approved by the SFPUC in Resolution 17-0199 that: (i) would have the SFPUC handle the sale of SFMTA's LCFS credits; (ii) share equally the net revenues from these sales; and (iii) use the revenues generated from selling the LCFS credits to support general operations that reduce San Francisco's carbon footprint and/or advance the City's sustainability goals.

Protocols for selling LCFS credits

The SFPUC has implemented several protocols and safeguards around the sales of LCFS credits.

All buyers of LCFS credits must register with CARB. To ensure maximum participation in the auction, SFPUC used the list of buyers registered with CARB to create a list of over 300 eligible purchasers to notify of the release of a Request for Bids (RFB) of its offer to sell some 69,293 LCFS credits on behalf of the SFMTA.

The RFB SFPUC used for the LCFS Credit Sales was based on similar RFBs routinely used by SFPUC for purchasing and selling energy and was reviewed and approved by the City Attorney. The RFB retained to SFPUC full discretion to accept or reject bids for any reason including insufficient bids, prices significantly below current prices, anomalous bidding, etc.

All sales of LCFS credits must be reported to CARB, which publicly releases the sales price. This allowed SFPUC to evaluate submitted bids to the RFB against recent market prices. Accepted bids were consistent with current market prices.

The sales contract for the LCFS credits used the Leadership for Energy Automated Processing (LEAP) standardized sales agreement and form as required by Ordinance 0199-19.³ This is the standard form used for these type of sales.

Finally, LCFS credits must be transferred in CARB's reporting system. Credits are transferred only after payment has been received and processed, negating any risk of non-payment or non-performance.

FY20 LCFS credit sales

For Fiscal Year 2020, the number of credits sold, price received for each credit, and total amount of the sales is set forth in the table below.

³ Section 2(c) of the Ordinance required that contracts had to be "substantially in the form of the LEAP Master Agreement; provided, however, that the City Attorney and SFPUC General Manager may determine that certain non-material changes to that form agreement are necessary to effectuate the LCFS credits sales authorized herein and/or to adequately protect the City's interests" could be made. No changes were made to the LEAP Master Agreement for this sale.

Quantity	Credits Sold	Price Received	Amount	Date
Q1	20,000	\$202	\$4,040,000.00	12/19/2019
Q2	20,000	\$200	\$4,000,000.00	12/19/2019
Q3	14,800	\$198	\$2,930,400.00	12/23/2019
Q4	7,493	\$198	\$1,483,614.00	1/2/2020
Q5	7,000	\$198	\$1,386,000.00	3/31/2020
Total	69,293		\$13,840,014.00	

FY20 LCFS Expenditures

Per the MOU between the SFPUC and SFMTA, half of the LCFS credit sales proceeds, or \$6,920,007.00, was transferred to SFMTA. The remaining \$6,920,007.00 was retained by the SFPUC. The SFPUC allocated these funds to the following projects:

- \$1,500,000.00 budgeted for Power Retail Customer Programs. These programs promote emission reductions and decarbonization through electrification, energy efficiency, and improved utilization of Hetch Hetchy electricity within customer facilities and buildings. Program activities support customer participation in CARB's LCFS program, and development work has begun for promoting electric vehicle charger installations at Hetch Hetchy Power customer sites.
- \$1,500,000.00 budgeted for Solar Energy Incentive Fund. This exclusively funds the GoSolarSF program as administered by the SFPUC according to the Board of Supervisors-sponsored Solar Ordinance. The program supports the local solar industry and environmental goals with incentive offerings for customer adoption of rooftop solar throughout San Francisco, as well as addressing social and equity goals with a workforce program and low income and non-profit incentives.
- \$3,000,000.00 budgeted for the Moscone West Solar Electric project. This project will allow for the installation of an 800kW rooftop mounted photovoltaic generation system owned and operated by Power Enterprise.
- The remaining \$920,007.00 will be distributed to projects in Fiscal Year 2021

Actual expenditures in FY20 were \$4,750.05, all of which were used for the Moscone West Solar Electric project. Unspent funds from Fiscal Year 2020 will carryforward to future fiscal years.

The SFMTA allocated its portion of the proceeds to operate the motor coach and trolley bus Muni service for the City of San Francisco. SFMTA transferred these funds to their operating budget to adjust to circumstances presented by the COVID-19 pandemic, ensuring they could keep their budget balanced and deliver crucial transit service for the City of San Francisco.

Should you have any questions, please contact Barbara Hale, SFPUC Assistant General Manager for Power, at BHale@sfwater.org and 415-554-2483.

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: The Department of Elections Urges Voters to Return Their Vote-By-Mail Ballots
Date: Tuesday, October 27, 2020 8:33:00 AM

From: SFVote, (REG) <sfvote@sfgov.org>
Sent: Monday, October 26, 2020 12:55 PM
Subject: The Department of Elections Urges Voters to Return Their Vote-By-Mail Ballots

Department of Elections
 City and County of San Francisco
 John Arntz, Director

For Immediate Release

SAN FRANCISCO, Monday, October 26, 2020 –The Department of Elections reminds voters who have not yet returned their vote-by-mail ballots of several return options.

“Approximately 215,000 voters already cast their ballots — nearly 42 percent a week from the election,” said Director John Arntz. “If you have been holding onto your ballot, act now and vote from the comfort and safety of your home. Seal your completed ballot inside the return envelope, sign the envelope, and return it by mail or in person. Voters who plan to mail their ballots are reminded that ballot envelopes must be postmarked or date stamped by a delivery company on or before Election Day, Tuesday, November 3.”

Voters may return their voted ballots in one of the following ways:

By mail

No stamp is required to return the ballot through the United States Postal Service (USPS). Ballots that are returned by mail must be postmarked before or on Election Day, November 3. To search for convenient locations of USPS boxes and pickup times, voters can go to usps.com/locator.

In person to one of the official ballot drop-off stations or a polling place

There are several ballot drop-off stations set up near the Voting Center at 99 Grove St. allowing for convenient access for pedestrians, drivers, and bicyclists. These ballot drop-off stations are open as follows:

- Monday-Friday, 8 a.m. to 5 p.m.
- This weekend, October 31–November 1, 10 a.m. to 4 p.m.
- Election Day, Tuesday, November 3, 7 a.m. to 8 p.m.

Starting October 31, the Department will open 11 additional drop-off stations in the City, one in each Supervisorial District. In Supervisorial Districts 1-2, 4-5, and 7-11, the drop-off stations will be located outside public library branches, in District 3 at the Portsmouth Square, and in District 6 at the Chase Center.

A list of official San Francisco ballot drop-off stations can be found at sfelections.org/balлотdropofflocations.

On Election Day, voters may return their ballots to any of the 588 drop-off stations set up at polling places. Ballots that are personally returned must be delivered no later than the close of polls at 8:00 p.m.

on Election Day, November 3. To check polling place locations, get directions, and view wait times, voters can go to sfelections.org/myvotinglocation.

By authorizing someone to return the ballot on voter's behalf

Anyone who is unable to mail or personally return the ballot may designate someone else to return the ballot by providing the required information on the back of the return envelope.

The Department encourages voters to check the status of their returned ballots at sfelections.org/VoterPortal. If there is an issue preventing the Department from counting a voter's ballot, the tool provides the reason and actions the voter must take to resolve the issue so that the ballot can be counted.

Additionally, in these situations, the Department will make every effort to contact the voter to explain how to correct the issue in time for the ballot to be counted. Voters who need to correct information on their ballot envelope will receive a notice that includes various options to submit the required information to the Department. Department staff will also contact these voters via email and telephone if the voter has provided such contact information.

For more information about the upcoming election, contact the Department of Elections at (415) 554-4375 or sfvote@sfgov.org.

###

Department of Elections
City and County of San Francisco
1 Dr. Carlton B. Goodlett Place
City Hall, Room 48
San Francisco, CA 94102
(415) 554-4375
sfelections.org



Follow the San Francisco Department of Elections on [Facebook](#) and [Twitter](#)!

Your feedback is important to us! Please take our [Customer Service Survey](#)

From: [Board of Supervisors \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS-Administrative Aides](#)
Subject: FW: Issued – The Office of the Chief Medical Examiner Must Improve Inventory Management to More Effectively Safeguard and Track Its Drug Evidence
Date: Thursday, October 22, 2020 12:11:00 PM

From: San Francisco Controller's Office Reports <controller.reports@sfgov.org>
Sent: Thursday, October 22, 2020 12:00 PM
To: Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>
Subject: Issued – The Office of the Chief Medical Examiner Must Improve Inventory Management to More Effectively Safeguard and Track Its Drug Evidence

Office of the Controller

City Services Auditor



Report Issued

The Office of the Controller's City Services Auditor (CSA) today issued a memorandum on its assessment of the pharmaceutical (drug) evidence inventory of the Office of the Chief Medical Examiner (OCME). We assessed whether all the drug evidence, which includes prescription and illicit drugs, that should be present is present, properly sealed in bags, securely stored, and logged by OCME. We found that virtually all (99.9 percent) of the drug evidence listed in the log is present at OCME's office and almost all of it is properly sealed in bags. However, of the 1,738 bags of drug evidence we tested, 2 are missing and 10 are unsealed. Further, OCME's documentation is insufficient to determine a complete inventory of the drug evidence stored, and departmental policies are inadequate to ensure the proper handling, tracking, and documenting of drug evidence.

[Download the full report](#)



This is a send-only e-mail address.

Sign up to receive news and updates



For questions about the report, please contact Acting Director of Audits Mark de la Rosa at mark.p.delarosa@sfgov.org or (415) 554-7574 or the Audits Division at (415) 554-7469.

For media queries, please contact Communications Manager Alyssa Sewlal at alyssa.sewlal@sfgov.org or (415) 694-3261.

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[1 Dr. Carlton B. Goodlett Place](#)
[San Francisco, CA | 94102 US](#)

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OFFICE OF THE CONTROLLER

CITY AND COUNTY OF SAN FRANCISCO

Ben Rosenfield
Controller
Todd Rydstrom
Deputy Controller

MEMORANDUM

TO: Naomi M. Kelly, City Administrator
Office of the City Administrator

FROM: Mark de la Rosa, Acting Director of Audits
Audits Division, City Services Auditor 

DATE: October 22, 2020

SUBJECT: **The Office of the Chief Medical Examiner Must Improve Inventory Management to More Effectively Safeguard and Track Its Drug Evidence**

EXECUTIVE SUMMARY

The Office of the Controller's City Services Auditor (CSA) assessed whether all the pharmaceutical (drug) evidence, which includes prescription and illicit drugs, that should be present is present, properly sealed in bags, securely stored, and logged by the Office of the Chief Medical Examiner (OCME). The assessment found that virtually all (99.9 percent) of the drug evidence that was included in the log is present at OCME's office and almost all of it is properly sealed in bags. However, of the 1,738 bags of drug evidence we tested, 2 are missing and 10 are unsealed. Further, OCME documentation is insufficient to determine a complete inventory of the drug evidence stored, and departmental policies are inadequate to ensure the proper handling, tracking, and documenting of drug evidence.

BACKGROUND, OBJECTIVE & METHODOLOGY

Background

CSA conducted this assessment at the Office of the City Administrator's request.

Office of the Chief Medical Examiner

OCME provides forensic death investigation services for the public and the agencies of the City and County of San Francisco (City). OCME investigates sudden, unexpected, or violent deaths. OCME's Forensic Laboratory Division is the testing center for postmortem specimens from cases investigated by OCME and does human performance testing in living persons, such as tests related to public intoxication, driving under the influence, and drug-facilitated sexual assaults.

2 | The Office of the Chief Medical Examiner Must Improve Inventory Management to More Effectively Safeguard and Track Its Drug Evidence

Inventory

Drug evidence includes prescription pharmaceuticals, illicit drugs, and drug paraphernalia. OCME investigators are to collect drug evidence at death scenes and bring it back to the office. According to OCME staff this evidence may be found in the possession of or near a deceased person. When the evidence first arrives at the office, it is sorted in a room on the first floor. Once evidence is sorted, staff is to place drug evidence in sealed evidence bags and label each with a case number. Staff is then supposed to log information about any drug evidence into the case management system. Once drug evidence is bagged and labeled, investigators are to place it in evidence lockers outside of the evidence room and indicate in the handwritten Laboratory's Pharmaceutical Evidence Logbook (drug evidence log or simply log) that this has occurred.

Evidence bags are to be stored in boxes labeled by case number. According to the department's Pharmaceutical Evidence Receipt, Storage, and Disposal Policy (policy), two employees should review the drug evidence log weekly and store in boxes any drug evidence bags that have not yet been stored. The responsible employee is to indicate storage completion by noting their initials in the log.

Departmental policy also requires the Forensic Laboratory Division to maintain all drug evidence for at least one year from the date of receipt and then send it for disposal. The policy provides specific instructions for drug evidence disposal, including that two employees in different job classifications must sort evidence and identify the items that should be disposed of (because they are no longer needed). A city vendor is then to professionally remove and dispose of the drug evidence. After the vendor collects the evidence for disposal, the policy requires staff to note in the log the evidence disposed of and date of disposal.

Objective, Scope, and Methodology

The objective of this assessment is to determine whether all the drug evidence, including prescription and illicit drugs, that should be present is present, properly sealed in bags, securely stored, and accounted for in the drug evidence log. The assessment also considered whether drug evidence that OCME should have destroyed was still in storage.

The assessment considered all evidence stored and logged as having been received during January 1, 2016, through September 13, 2020. To achieve the objective, we:

- Reviewed policy and procedures related to the receipt, storage, and disposal of drug evidence.
- Reviewed OCME's drug evidence log for January 1, 2016, through September 13, 2020.
- Visited the facility where drug evidence is stored.
- Observed in-person all evidence stored in the high-density storage area.
- Tested OCME's drug evidence log for January 1, 2016, through September 13, 2020, to determine whether all drug evidence listed in the log that should be present is present, is properly sealed in bags, and is securely stored.
- Tested that all drug evidence in storage is accounted for in the log.
- Documented the results of the fieldwork.

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We could not determine—and, thus, will not attest to—what is in the evidence bags we observed. The assessment only determined the presence or absence of those evidence bags that OCME logged as containing prescription or illicit drugs. We did not break evidence seals or open evidence bags and did not quantify the contents of evidence bags.

This assessment is a nonaudit service. Generally accepted government auditing standards do not cover nonaudit services, which are defined as professional services other than audits or attestation engagements. Therefore, OCME is responsible for the substantive outcomes of the work performed during this assessment and is responsible to be in a position, in fact and appearance, to make an informed judgment on the results of the nonaudit service.

RESULTS

Finding 1: Of 1,738 bags of drug evidence tested, 2 are unaccounted for and the seals on 10 are missing or compromised.

We tested 1,738 drug evidence entries in OCME's log and found that:

- Two drug evidence bags, both of which appear to have contained illicit substances, are missing from inventory.
- The seals on 10 drug evidence bags were either missing or compromised, indicating that some or all of the drugs that were in these bags were removed or may have been removed. One unsealed bag was empty.
- In some instances, seals on drug evidence bags were not initialed or dated, which decreases the value of using seals as a control to prevent or detect evidence being stolen or tampered with.

We also found that the department has inadequate internal controls to manage its drug evidence and department policy does not require regular review of its drug evidence inventory.

Two evidence bags that appear to have contained illicit drugs are missing from inventory. Two (0.12 percent) of 1,738 drug evidence bags identified in OCME's log are missing from the inventory we reviewed. According to the log and case management system, both evidence bags appear to have contained illicit drugs. One contained a "plastic baggie w/ Crystal substance" and the other a "bindle w/ crystalline substance."

We did not find an additional 3 evidence bags. Of these, the department stated that 2 were in refrigerated storage, which we did not search, and the other had been sent to the San Francisco Police Department. The log does not document that any evidence is in refrigerated storage or was released to an outside agency. According to the International Association for Property and Evidence, Inc., (IAPE), when drug evidence is moved, there should be documentation noting that the evidence has been checked out and by whom. Ideally, such documentation should also include when (date and time) and why the evidence was removed. Exhibit 1 summarizes the number of drug evidence log entries we tested and how many corresponding drug evidence bags we found.

Exhibit 1: Of the 1,738 drug evidence bags logged as being on site as of September 20, 2020, 2 are missing and 3 are reported as located elsewhere.

Description of Evidence Bags	Amount
Tested	1,733
In Refrigerated Storage, per OCME	2
Sent to an Outside Agency, per OCME	1
Not Found in Inventory	2
Total	1,738

Source: CSA review of OCME drug inventory; OCME drug inventory log

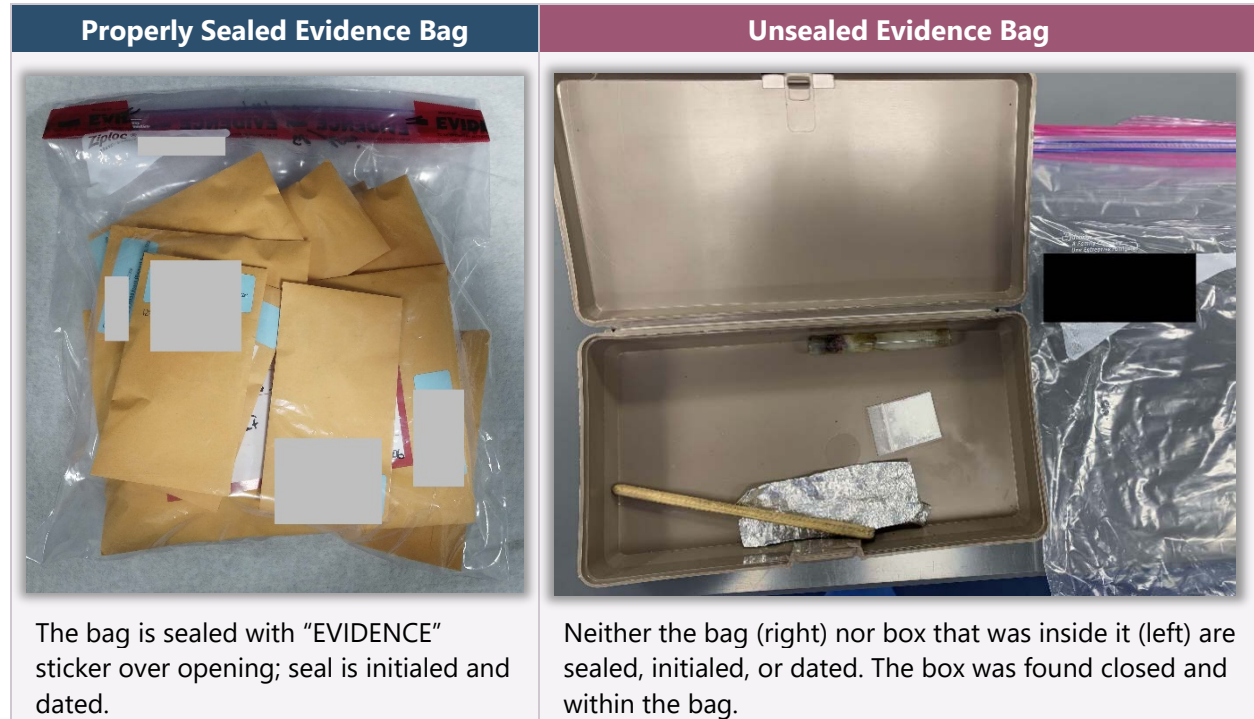
According to an article published by the National Institutes of Health, proper documentation of a chain of custody is required for evidence to be admissible in legal proceedings, including in court.¹ Without such documentation, drug evidence may be inadmissible. According to OCME staff, all stored evidence containers should include all items indicated in the log. During the site visit we conducted at OCME to assess its drug evidence logging and storage process, department staff noted that drug evidence is kept only in the evidence room.

Ten drug evidence bags were unsealed or had seals that were compromised. Of the 1,738 drug evidence bags reviewed, 10 (0.6%) were unsealed or their seals were compromised. Of the 10 bags, 1 was empty. According to the department's log, the empty bag appears to have contained illicit substances. Further, we observed that seals on some of the uncompromised drug evidence bags were not properly initialed or dated by an OCME employee.

According to department staff, each bag must be sealed and each seal must be initialed by the sealer. It is impossible to verify that nothing is missing from an evidence bag when it is unsealed or when its seal is compromised because OCME does not routinely record the quantities of each bag's original contents. An unsealed drug evidence bag, a bag with a compromised seal, or a seal with no indication of who placed it on the bag leaves a missing link in the chain of custody. Exhibit 2 shows examples of a properly sealed drug evidence bag and an unsealed drug evidence bag that we observed at OCME.

¹ A. Badiye, N. Kapoor, and R.G Menezes, "Chain of Custody (Chain of Evidence);" National Library of Medicine, National Institutes of Health, Last update 9/2/2020.

Exhibit 2: Examples of a properly sealed evidence bag and an unsealed evidence bag



Source: Photo of unsealed evidence bag taken by CSA on 9/20/20 and photo of properly sealed evidence bag taken by OCME on 10/16/20.

The IAPE, California Department of Justice, and California Commission on Peace Officer Standards and Training state that evidence containers should be completely sealed and the seals should be initialed and dated by the sealer. And, as stated above, for evidence to be used in legal proceedings, the chain of custody must be properly documented. The OCME policies we reviewed do not describe how to properly seal drug evidence, whether employees who seal evidence containers must initial and date the seals, or what to do if evidence bags must be opened and resealed.

Finding 2: OCME's documentation is insufficient to determine the complete inventory and contents of the department's drug evidence.

The department's drug evidence log is not sufficiently accurate or detailed to properly account for all drug evidence. Without a full and accurate description of the contents of each evidence bag, OCME cannot determine that all the drugs that were received, bagged, and stored are still present days, months, or years later.

The drug evidence log includes items that are not drugs or drug-related, drug evidence is insufficiently described, and at least one piece of drug evidence was logged but not received. Although some entries of non-drug evidence were appropriately canceled (crossed out) in the log, seven such items are listed in the log for the period tested. These items include a gunshot residue kit, handcuffs, and blood evidence. There is no indication in the log, such as a supervisor's note, that these items should not have been entered there. For legal and inventory purposes, OCME investigators should sufficiently describe all drug and drug-related evidence in the log and exclude

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evidence unrelated to drugs. However, this has not occurred—and evidence is insufficiently described—because the department does not appropriately oversee the log. Also, because entries in the log are handwritten, OCME misses the opportunity to use a digital intake procedure that could ensure the log only includes drug evidence. Further, the department lacks a policy to instruct investigators on how to handle items that have been listed in the incorrect log.²

We found that one drug evidence item (noted on the log as “RX”) was logged, but apparently not received or stored. According to OCME, the evidence item was never stored in an evidence box. Whether this evidence was lost, stolen, or simply erroneously recorded is unclear. OCME policy dictates that the department should investigate any evidence that is logged but not received into storage. According to department management, it has no record of this case having been investigated and cited this as an area for improvement in the future.

Few drug evidence log entries adequately describe the evidence bag’s contents; specific quantities, such as numbers of pills or weights of substances, are almost never stated. For example, many log entries describe the evidence as “1 Rx” or similar, making it unclear if this is one bottle of prescription medication, one pill, or something else. Other log entries simply describe the evidence as “drugs” with no amount or weight stated.³ OCME requires its investigators to document in the appropriate log all drug or drug-related evidence brought to the office, but policy does not specify what information must be included in descriptions of the evidence logged. Without descriptions that include specific quantities, such as amounts or weights, OCME cannot determine whether all of the drugs that were logged are still in the corresponding evidence bags.

Some log entries do not indicate the presence of drugs or unknown substances in the evidence description. For example, some log entries describe the evidence only as “drug paraphernalia,” but we found the corresponding evidence bag held baggies of white powder. Further, one of the two evidence bags identified as unaccounted for in Finding 1 has the description of “drug para” (drug paraphernalia) in the log, but OCME’s case management system lists its contents as “plastic baggie w/ Crystal substance.”

Although the case management system has more detailed descriptions of the contents of some evidence bags than does the drug evidence log, according to OCME, no comparison is done between the log and the case management system. As stated above, departmental policy requires OCME investigators to document all drug or drug-related evidence brought to the office. However, departmental policy neither specifies the information that must be included in the log’s evidence bag descriptions nor requires Forensic Laboratory Division staff to reconcile descriptions in the log with the case management system. Without an accurate description of an evidence bag’s contents or a comparison of the description in the log to that in the case management system, OCME cannot determine whether all of the drugs logged are still in the corresponding evidence bag.

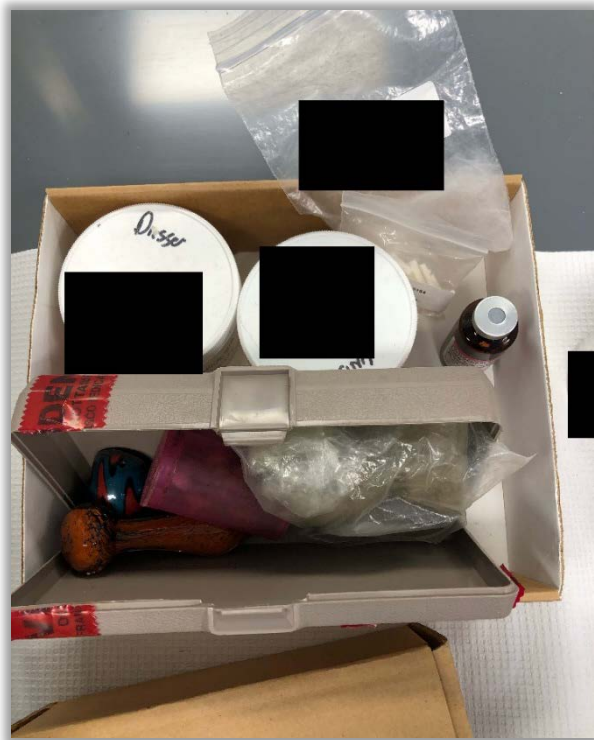
² We cannot determine whether non-drug evidence has been logged and stored appropriately because our assessment was limited to drug evidence.

³ This also raises the question of what types of drugs are present and how OCME staff determined the evidence is a drug.

Finding 3: OCME’s drug evidence retention policies and procedures are inadequate and not always followed. One drug evidence bag has been held for more than 20 years.

OCME has stored some drug evidence for many years—for more than two decades in at least one instance—based on outside requests regarding legal cases. OCME has not attempted to determine whether it can destroy the oldest evidence we found and lacks appropriate policies and procedures to document, handle, or decide when it can destroy such evidence.

Exhibit 3: Drug evidence containers in a box dedicated to outside requests for retention are not properly sealed.



Source: CSA photo taken on 9/20/20

OCME has some very old drug evidence. While looking for evidence bags corresponding to entries in the drug evidence log, we observed a box of drug evidence, shown in Exhibit 3, containing items with case numbers that did not correspond to any entries in the drug evidence log for the assessment period with the exception of one case. The box contains at least seven evidence bags that are not sealed or have seals that are broken.

According to OCME, all evidence with case numbers preceding 2016-0914 (a number assigned approximately four years ago) were destroyed. However, this box contains evidence with case numbers predating the destruction cutoff, with some items from as long ago as 1999. OCME stated that it had kept this evidence because outside stakeholders, such as courts or law enforcement agencies, had requested that it not be destroyed.

When we asked, OCME could not provide documentation to justify all the evidence that it has been asked not to destroy or even documentation to justify its retention of the

evidence in the box pictured in Exhibit 3. According to OCME, the pre-2017 documentation of requests for extended retention is unclear.⁴ Management also stated that, after its move to 1 Newhall Street (in 2017), the department stopped discarding evidence to ensure it was fulfilling previous requests for extended retention. OCME stated that it will include this box the next time it discards evidence after it contacts the relevant requestors and confirms that the evidence is no longer needed. Until such confirmation is obtained, according to OCME, extended retention items, such as those in the box, are not to be discarded.

Some drug evidence may have been tested and the bags not resealed. Although OCME did not provide documentation to support this, it is possible that the drug evidence we observed in the box

⁴ Our assessment did not examine this documentation.

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pictured in Exhibit 3 had to be tested, so the bags had to be opened. However, according to OCME, if this occurred, the original seal should not have been removed. Instead, management stated, bags should be opened in a way that does not compromise the original seal whenever possible. Per management, after the evidence needed for testing is removed, the bag should be immediately resealed, initialed, and placed back into inventory. Although these steps described are sound, they are not in the written policy or procedures OCME provided to us and were not followed in the case of the seven unsealed evidence bags we found.

There is no indication in OCME policy or procedures of how staff is to document, handle, or track drug evidence that is retained indefinitely due to outside requests. OCME's lack of systematic tracking (including inventorying), handling, and disposal of this evidence increases the risk that drug evidence is unaccounted for. When drug evidence is not strictly accounted for, this increases the opportunity for it to be mishandled, tampered with, lost, or stolen. The IAPE recommends that documentation should record all persons who have handled drug evidence and include storage locations and transaction dates and times.⁵

OCME does not follow its policy on the storage and handling of "no-case" evidence. We observed a box that contains "no-case" evidence, which is drug evidence that OCME staff collects but that is later determined not to be within OCME's jurisdiction. The case numbers on the containers indicate that the items in the box were logged from January 2016 through September 2019.

According to OCME policy and procedures, the "no-case" boxes should be closed at the end of each calendar year, and a new box should be started at the beginning of a new year even if the last box is not full. The document also states that the drug evidence log should contain a separate section for "no cases." However, we found "no-case" entries scattered throughout the log.⁶ Because OCME has not followed either of these procedures, it is difficult to trace "no-case" evidence, increasing the likelihood that it could be lost or stolen.

Finding 4: The department has not disposed of any drug evidence since 2017. OCME should strengthen its controls to ensure drug evidence is destroyed when no longer needed and stored securely as long as it is needed to decrease the risk that it could be tampered with, lost, or stolen.

OCME has not disposed of any drug evidence since 2017. Departmental policy requires the Forensic Laboratory Division to maintain all drug evidence for at least one year from the date of receipt. This policy is unclear in terms of retention duration and is incomplete: it states that evidence should be kept for *at least* one year but does not state when evidence should be destroyed. The IAPE suggests that an organization's policy should define a threshold for evidence destruction, based on either storage duration or evidence quantity, to ensure consistency in how a lab handles evidence and to promote accountability for the evidence a lab has or had in its custody. By infrequently arranging for

⁵ International Association for Property and Evidence, Inc., *Professional Standards*, 2016, p. 42.

⁶ This conclusion is based on OCME's statement that "no-case" evidence is typically denoted in the log with a case number beginning with NC or *Pend @*. We did not observe any other physical "no-case" evidence.

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the destruction of unneeded evidence, OCME is retaining over 1,200 bags of drug evidence longer than required, which puts its drug evidence at greater risk of being tampered with, lost, or stolen.⁷

The evidence storage room's only security camera does not provide a view of the area where drug evidence is stored. The camera is aimed at the lockers where evidence handoffs are made, but most of OCME's drug evidence is stored in shelves that are beyond the camera's view. Further, OCME stated that no one regularly monitors the video from any of the security cameras in the lab area, including the camera in the evidence storage room. The IAPE and California Commission on Peace Officer Standards and Training recommend video monitoring of drug storage areas to record the activities there and in entry and exit areas connected to such areas. Because OCME's drug evidence storage shelves are not in the security camera's view, any employee with access to the room could tamper with or take drug evidence stored there without this being recorded.

Recommendations

The Office of the Chief Medical Examiner should:

1. Investigate all missing drug evidence and unsealed drug evidence identified in this assessment, including the evidence in the box dedicated to outside requests for retention described in this report.
2. Periodically inventory all drug evidence to ensure it is accounted for and in properly sealed bags or boxes. Immediately investigate any missing drug evidence or drug evidence containers with seals that are broken or otherwise compromised.
3. Revise its policy and procedures to require employees who seal drug evidence containers to write their initials and the date on each seal. A seal should be applied when the evidence is first packaged and whenever the container is unsealed and resealed.
4. Cease using a handwritten log for the intake of drug evidence. To ensure all drug evidence is accounted for, use the case management system or another electronic system for evidence intake.
5. Revise its policy and procedures to specify:
 - a. That staff must note the entire contents of a drug evidence bag in the description field of the system of record that will succeed the handwritten log.
 - b. The information that staff must include in the description field of a drug evidence bag's contents when the bag is logged for storage. This information should be listed in detail and include, at a minimum, descriptions and quantities of each substance, such as the color of pills or tablets, any markings on them, the number of pills in a container, the number of containers, and the weights of loose substances such as crystals or powders. The procedure should note that descriptions such as "1 Rx" or "drugs" are insufficient.

⁷ Our assessment did not attempt to determine how many of OCME's drug evidence items are unneeded and should be destroyed.

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6. Add to its policy and procedures to specify how drug evidence that will be retained indefinitely, including “no-case” evidence, should be documented, handled, stored, and eventually approved for destruction.
7. Revise its policy to mandate that drug evidence that is no longer needed be destroyed periodically—not less often than yearly—and create and follow a written procedure to arrange for the destruction of such evidence.
8. Consider adding one or more video security cameras in the evidence storage room. Whether or not a camera or cameras can be added there, at least one should have a view of the shelves where drug evidence is stored. Otherwise, add a compensating control, such as requiring that no employee be allowed in the evidence storage room alone; at least two must be present.
9. Create and follow a procedure that requires a supervisor to periodically—not less often than monthly—review video recorded in the evidence storage room to check for any irregularities in evidence handling that may be observed.

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cc: City Administrator/OCME

Naomi Kelly
Ken Bukowski
Jennifer Johnston
Dr. Luke Rodda

Controller

Ben Rosenfield
Todd Rydstrom
Kate Chalk
Todd Ojo
Dave Jensen
Eryl Karr
Alice Duncan-Graves
Matthew Thomas
Elena Rein

Board of Supervisors
Budget Analyst
Citizens Audit Review Board
City Attorney
Civil Grand Jury
Mayor
Public Library

Attachment

Department Response



OFFICE OF THE CITY ADMINISTRATOR



London N. Breed, Mayor
Naomi M. Kelly, City Administrator

October 19, 2020

Mark de la Rosa
Acting Director of Audits
City Hall, Room 476
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Re: Office of the Chief Medical Examiner Inventory Management

Dear Mr. de la Rosa:

Thank you for the work performed by the Controller's City Services Auditor team to complete the requested assessment of drug evidence at the Office of the Chief Medical Examiner (OCME). I concur or partially concur with each of your recommendations and have directed the OCME to implement them beginning immediately. We expect to implement the first phase of recommendations, including establishing new policies, by November 1, 2020.

I am thankful for your finding that 99.9% of drug evidence was present. We will implement your recommendations to increase confidence in the drug evidence process as swiftly as possible. Due to their complexity, some recommendations will require additional funding or a longer implementation schedule and these are noted in the attached Recommendations and Response Form.

Please contact me or Deputy City Administrator Ken Bukowski if you have any questions or need additional information.

Sincerely,

A handwritten signature in black ink that reads "Naomi M. Kelly".

Naomi M. Kelly
City Administrator

Attachment

cc: Todd Ojo
Ken Bukowski
Luke Rodda
Amy Hart
Thomas McDonald

Recommendations and Responses

For each recommendation, the responsible agency should indicate in the column labeled Agency Response whether it concurs, does not concur, or partially concurs and provide a brief explanation. If it concurs with the recommendation, it should indicate the expected implementation date and implementation plan. If the responsible agency does not concur or partially concurs, it should provide an explanation and an alternate plan of action to address the identified issue.

Recommendation	Agency Response	CSA Use Only Status Determination*
The Office of the Chief Medical Examiner should:		
<p>1. Investigate all missing drug evidence and unsealed drug evidence identified in this assessment, including the evidence in the box dedicated to outside requests for retention described in this report.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>As of 10/06/20, the OCME has investigated all missing drug evidence and unsealed drug evidence identified in this assessment. All unsealed or improperly packaged items have been addressed. No records exist for the extended retention requests for the items described in this report and the items are slated for disposal. Disposal, following review of and solicitation of key stakeholders for extended evidence retention requests, will be scheduled to be completed by 12/31/20.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>
<p>2. Periodically inventory all drug evidence to ensure it is accounted for and in properly sealed bags or boxes. Immediately investigate any missing drug evidence or drug evidence containers with seals that are broken or otherwise compromised.</p>	<p><input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur</p> <p>The OCME has begun a revision of existing policy to include detailed evidence submission guidelines to more clearly define categories of evidence, selection of appropriate packaging, description of evidence submissions, documentation of submissions collected and submitted, and proper use of evidence seals. To minimize exposure of drug evidence to tampering or theft, the in-progress revision also includes contemporaneous sealing of storage boxes such that no more than one of each type of storage box is unsealed at any time. Monthly supervisory review and inventory of storage boxes will also be required. The first draft of the revised policy is targeted for 11/01/20 completion.</p>	<p><input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested</p>

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Recommendation	Agency Response	CSA Use Only Status Determination*
The Office of the Chief Medical Examiner should:		
	As part of OCME’s work on the final implementation stages of the electronic case management system, we will assess the system’s ability to facilitate evidence control, inventory management and disposal requirements of the department.	
3. Revise its policy and procedures to require employees who seal drug evidence containers to write their initials and the date on each seal. A seal should be applied when the evidence is first packaged and whenever the container is unsealed and resealed.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur As described in #2, the first draft of the revised policies and procedures, including initial and subsequent packaging and sealing requirements, is targeted for 11/01/20 completion. The draft will also be updated to reflect recent existing practices requiring the appropriate documentation following retrieval, analysis of, and return of pharmaceutical evidence.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
4. Cease using a handwritten log for the intake of drug evidence. To ensure all drug evidence is accounted for, use the case management system or another electronic system for evidence intake.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur Existing OCME policy requires two authorized staff members to access pharmaceutical evidence storage and to receive, retrieve or prepare for disposal of pharmaceutical evidence for each evidence submission. However, existing documentation only records one of the two individuals. Effective 10/09/20, the practice now requires documentation of both participating individuals. The in-progress policy revision will reflect this change in the first draft, targeted for 11/01/20 completion. In advance of final and full implementation of the electronic case management system, this revision improves evidence control.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested

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Recommendation	Agency Response	CSA Use Only Status Determination*
The Office of the Chief Medical Examiner should:		
<p>5. Revise its policy and procedures to specify:</p> <ul style="list-style-type: none"> a. That staff must note the entire contents of a drug evidence bag in the description field of the system of record that will succeed the handwritten log. b. The information that staff must include in the description field of a drug evidence bag's contents when the bag is logged for storage. This information should be listed in detail and include, at a minimum, descriptions and quantities of each substance, such as the color of pills or tablets, any markings on them, the number of pills in a container, the number of containers, and the weights of loose substances such as crystals or powders. The procedure should note that descriptions such as "1 Rx" or "drugs" are insufficient. 	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>Contents of pharmaceutical evidence submissions are currently described in the OCME online case record. The narrow purpose of the pharmaceutical log is to facilitate the transfer and not to provide a full account of the contents.</p> <p>The OCME will create a list of abbreviations providing additional description as part of the drug evidence storage submission process to facilitate the transfer while the need for a transfer log persists.</p> <p>As discussed during this assessment process, even in the OCME case record, the number of pills and the weights of loose substances are not critical to the intent and purpose of pharmaceutical evidence submission in death investigation. Identifying the quantities of each substance, such as the color of pills or tablets, markings on them, the number of pills in a container, and the weights of loose substances such as crystals or powders may typically be standard procedure for a Police Crime Lab as a necessary part of criminal investigations but the drug evidence stored as part of the OCME death investigations does not require this detailed level of documentation. Pharmaceutical evidence in homicide cases is typically collected by Police at the scene and not by OCME Investigators.</p> <p>Nonetheless, the OCME will implement alternative strategies to streamline documentation of drug evidence bag contents. One example strategy is to require additional photo documentation of drug evidence prior to packaging and submission to visually represent the complete contents. The specific descriptors required for evidence</p>	<p><input checked="" type="checkbox"/> Open</p> <p><input type="checkbox"/> Closed</p> <p><input type="checkbox"/> Contested</p>

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Recommendation	Agency Response	CSA Use Only Status Determination*
The Office of the Chief Medical Examiner should:		
	collected, such that the item(s) can be visualized without physical examination, will be defined in OCME policy revisions.	
6. Add to its policy and procedures to specify how drug evidence that will be retained indefinitely, including “no-case” evidence, should be documented, handled, stored, and eventually approved for destruction.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur As mentioned in #2, the first draft of revised policies and procedures is targeted for 11/01/20 completion and will include procedures for the documentation, handling, storage and destruction of extended evidence retention requests procedure, including “no-case” pharmaceutical evidence.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
7. Revise its policy to mandate that drug evidence that is no longer needed be destroyed periodically—not less often than yearly—and create and follow a written procedure to arrange for the destruction of such evidence.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur As mentioned in #2, the first draft of revised policies and procedures is targeted for 11/01/20 completion and will include a defined time threshold of not less often than yearly. Further, a disposal event, following review of and solicitation of key stakeholders for extended evidence retention requests, will be planned by 12/31/20.	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested
8. Consider adding one or more video security cameras in the evidence storage room. Whether or not a camera or cameras can be added there, at least one should have a view of the shelves where drug evidence is stored. Otherwise, add a compensating control, such as requiring that no employee be allowed in the evidence storage room alone; at least two must be present.	<input checked="" type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input type="checkbox"/> Partially Concur Cameras already exist to capture the entry and exit of the evidence storage room. Further, this room has particularly limited access, only available to necessary job classifications. The OCME will consider the effectiveness of additional cameras, which will also require a budget request to pay for additional cameras. Existing internal policy requires two authorized staff members to access pharmaceutical evidence storage and to receive, retrieve or prepare for disposal pharmaceutical evidence for each evidence submission. However, the storage room contains other non-	<input checked="" type="checkbox"/> Open <input type="checkbox"/> Closed <input type="checkbox"/> Contested

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Recommendation	Agency Response	CSA Use Only Status Determination*
The Office of the Chief Medical Examiner should:		
	<p>pharmaceutical evidence. While the suggested compensating control may be effective, the effectiveness is limited to compliance with such a policy, consistent with current practices.</p>	
<p>9. Create and follow a procedure that requires a supervisor to periodically—not less often than monthly—review video recorded in the evidence storage room to check for any irregularities in evidence handling that may be observed.</p>	<p><input type="checkbox"/> Concur <input type="checkbox"/> Do Not Concur <input checked="" type="checkbox"/> Partially Concur</p> <p>As described in #2, the contemporaneous sealing of storage boxes and required monthly supervisory review of storage boxes are among the revisions planned. By requiring submissions to be sealed prior to receipt, sealing boxes as they are filled, periodically reviewing storage boxes, and regularly discarding drug evidence beyond retention, OCME strengthens the existing procedures and increases the controls for tracking and safeguarding pharmaceutical evidence. We will consider a regular review of video footage, but it is believed that these other strategies will be more effective than a monthly review of all video footage for the room. Video footage will be reviewed should an irregularity be identified through the monthly review of storage boxes conducted by supervisors.</p>	<p><input checked="" type="checkbox"/> Open</p> <p><input type="checkbox"/> Closed</p> <p><input type="checkbox"/> Contested</p>

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: SFO Follow-up to October 15th GAO Committee Meeting (File No. 181229)
Date: Monday, October 26, 2020 8:18:00 AM
Attachments: [image001.png](#)
[SFO Response to Supervisor Walton re Oct. 15 GAO Meeting 10-23-20.pdf](#)

From: Ivar Satero (AIR) <Ivar.Satero@flysfo.com>
Sent: Friday, October 23, 2020 9:12 AM
To: Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Gee, Natalie (BOS) <natalie.gee@sfgov.org>
Cc: Wright, Edward (BOS) <edward.w.wright@sfgov.org>; Angulo, Sunny (BOS) <sunny.angulo@sfgov.org>; RivamonteMesa, Abigail (BOS) <abigail.rivamontemesa@sfgov.org>; Carroll, John (BOS) <john.carroll@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Subject: SFO Follow-up to October 15th GAO Committee Meeting

Good morning, Supervisor Walton:

Attached please find SFO's response to follow-up questions asked at the October 15, 2020 Government Audit and Oversight Committee meeting.

Please do not hesitate to let me know if you have further questions or if there is any additional information I can provide.

Very truly yours,

Ivar C. Satero
Airport Director



Ivar C. Satero
Airport Director
San Francisco International Airport | P.O. Box 8097 | San Francisco, CA 94128
Office: 650-821-5004 | Email: ivar.satero@flysfo.com
Cell: 650-302-7643

Executive Assistant: Chris Arrigale
Direct: 650-821-5004 | Email: chris.arrigale@flysfo.com



San Francisco International Airport

October 23, 2020

The Honorable Shamann Walton
San Francisco Board of Supervisors
City Hall, 1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

TRANSMITTED VIA EMAIL
Shamann.Walton@sfgov.org
Natalie.Gee@sfgov.org

SUBJECT: Government Audit and Oversight Committee Meeting Follow-up

Dear Supervisor Walton:

Thank you for the opportunity to share San Francisco International Airport’s (SFO) commitment to racial equity at the Government Audit and Oversight Committee meeting on October 15, 2020. While the Airport has implemented many initiatives, we acknowledge that there is more to be done.

In response to your question regarding the reduction of disciplinary actions, the Airport has continued this downward trend in Fiscal Year 20/21. As I mentioned at the meeting, in Fiscal Year 18/19, Black employees received 38.10% of the disciplinary actions, many of which were related to attendance. After reviewing this data, we trained supervisors and provided tools for early warning signs of attendance concerns. This provided supervisors an opportunity to review expectations and offer information on leave options if needed. In Fiscal Year 19/20, the number of disciplinary actions given to Black employees reduced by almost half to 19.44%. This trend has continued, and no disciplinary actions have been given to Black employees this Fiscal Year-to-date. Please note that the number of disciplinary actions given to employees is relatively small: Fiscal Year 18/19 – 21; Fiscal Year 19/20 – 35; and Fiscal Year 20/21 (Q1) – 3. (See Attachment 1, Table A for information on the percentage of corrective and disciplinary actions by race/ethnicity.)

In response to your question regarding promotions, SFO continues to support employee development and professional growth. Black employees accounted for 10.66% and 11.21% of our promotions for Fiscal Years 17/18 and 18/19 respectively. In Fiscal Year 19/20, Black employees accounted for 1.75% of our promotions. The COVID-19 pandemic impacted our hiring significantly in Fiscal Year 19/20 with only 267 hires. The Airport limited hiring to essential positions only, and as a result hired almost 50% fewer employees in comparison to Fiscal Year 18/19 (531 hires). While the Airport continues to focus on filling essential positions during this time, Black employees account for 33.33% of the promotions this Fiscal Year-to-date. (See Attachment 1, Table B for information on the percentage of promotions by race/ethnicity.)

At SFO, we have focused on building a culture of inclusion and respect, which is the foundation upon which we have built a successful organization. Although we continue to make strides in the areas of diversity and equity, we understand we need to do more. We are committed to taking a closer look at existing systems, policies, and our programs and practices through an equity lens and identifying where improvements need to be made.

Please do not hesitate to contact me if you have questions or would like additional information.

Very truly yours,

Ivar C. Satero
Airport Director

Attachment

cc: Chair Gordon Mar, Government Audit and Oversight Committee (edward.w.wright@sfgov.org)
Vice Chair Aaron Peskin, Government Audit and Oversight Committee (sunny.angulo@sfgov.org)
Supervisor Matt Haney, Government Audit and Oversight Committee (Abigail.rivamontemesa@sfgov.org)
John Carroll, Clerk, Government Audit and Oversight Committee (john.carroll@sfgov.org)
Angela Calvillo, Clerk, San Francisco Board of Supervisors (board.of.supervisors@sfgov.org)

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR LARRY MAZZOLA PRESIDENT ELEANOR JOHNS VICE PRESIDENT RICHARD J. GUGGENHIME EVERETT A. HEWLETT, JR. MALCOLM YEUNG IVAR C. SATERO AIRPORT DIRECTOR

Attachment 1

Table A:

Percentage of Corrective and Disciplinary Actions by Race/Ethnicity at SFO <i>Permanent Civil Service Employees</i>							
	White	Black	Hispanic	Asian	Filipino	American Indian or Alaskan Native	Multiracial
FY18/19	28.57%	38.10%	4.76%	23.81%	4.76%	0.00%	0.00%
FY19/20	36.11%	19.44%	5.56%	22.22%	13.89%	0.00%	2.78%
FY20/21	33.33%	0.00%	0.00%	66.67%	0.00%	0.00%	0.00%
<i>data as of 10/15/2020</i>							

Table B:

Percentage of Promotions by Race/Ethnicity at SFO							
	White	Black	Hispanic	Asian	Filipino	American Indian or Alaskan Native	Multiracial
FY17/18	32.00%	10.67%	8.00%	40.00%	5.33%	1.33%	2.67%
FY18/19	24.30%	11.21%	11.21%	42.99%	8.41%	0.00%	1.87%
FY19/20	26.32%	1.75%	10.53%	43.86%	12.28%	1.75%	3.51%
FY20/21	0.00%	33.33%	66.67%	0.00%	0.00%	0.00%	0.00%
<i>data as of 10/15/2020</i>							

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Quarterly Green Infrastructure Grant Program Report - October 2020
Date: Wednesday, October 28, 2020 4:34:00 PM
Attachments: [Quarterly Green Infrastructure Grant Program Report - October 2020.pdf](#)

From: Imperial, Megan M <MImperial@sfgwater.org>
Sent: Monday, October 26, 2020 2:43 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>
Cc: Scarpulla, John (PUC) <JScarpulla@sfgwater.org>; BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: Quarterly Green Infrastructure Grant Program Report - October 2020

Dear Board of Supervisors staff,

Attached please find the San Francisco Public Utilities Commission's (SFPUC) Quarterly Report to the Board of Supervisors (July 2020 – September 2020) on the Status of Green Infrastructure Grant Program. Additionally, the SFPUC has posted this quarterly written report for public distribution on our website located [here](#). This report is being submitted in accordance with Ordinance No. 101-20.

The following is a list of accompanying documents:

1. Quarterly Green Infrastructure Grant Program Report – October 2020

Hard copies of the quarterly report will be delivered to the Clerk's Office and your offices once the Shelter-in Place order has been lifted.

Thanks in advance
Megan

Megan M. Imperial 竜芽願
Policy & Government Affairs, Local Analyst
San Francisco Public Utilities Commission
mimperial@sfgwater.org
Mobile: 415-654-1654
Pronouns: She, Her, Hers

"Radical simply means "grasping things at the root." - Angela Davis



Green Infrastructure Grant Program: Board of Supervisor's Update

July – September 2020

Program Summary

The San Francisco Public Utilities Commission's (SFPUC) Green Infrastructure Grant Program (Grant Program) is designed to encourage San Francisco property owners to design, build, and maintain performance-based green stormwater infrastructure (Green Infrastructure or GI), including but not limited to: permeable pavement, rainwater harvesting, rain gardens, and vegetated roofs. The goal of this program is to reduce the amount of stormwater runoff entering SFPUC's sewer system and improve system performance while also providing co-benefits such as non-potable reuse, groundwater recharge, and educational opportunities.

To receive funding under the Grant Program each project must:

1. Be located on a parcel that is connected to an SFPUC-owned and operated sewer system service area.
2. Manage stormwater runoff from a minimum impervious area of 0.5 acres.
3. Capture the 90th percentile storm (0.75-inch depth) with the proposed green infrastructure features.
4. Provide at least two (2) of the identified co-benefits from the program list, which can be found in the [Grantee Guidebook](#).
5. Have a grant team that collectively demonstrates a history of successful project implementation and has previous experience designing, constructing, and/or maintaining green infrastructure.

More information on the Grant Program can be found at www.sfwater.org/gigrants.

Quarterly Highlights

During the third quarter of 2020, one new project was awarded a Green Infrastructure Grant. Crocker Amazon Park was awarded by the SFPUC General Manager on September 28th. One new application was submitted during the third quarter, which the SFPUC GI Grants team is currently reviewing along with two applications submitted at the end of the second quarter. Both Lafayette Elementary School and Bessie Carmichael Middle School continued construction during the third quarter of 2020 and plan to complete construction later this year. Two awarded projects, St. Thomas More School and Lycee Francais SF Ortega Campus started project design during the third quarter.

The SFPUC technical assistance team began performing socially distanced site visits, completing seven new site visits and three new site opportunities assessments during the third quarter!

On September 9th, the SFPUC GI Grants team virtually presented highlights and lessons learned from implementing the program at the professional stormwater management conference, StormCon!

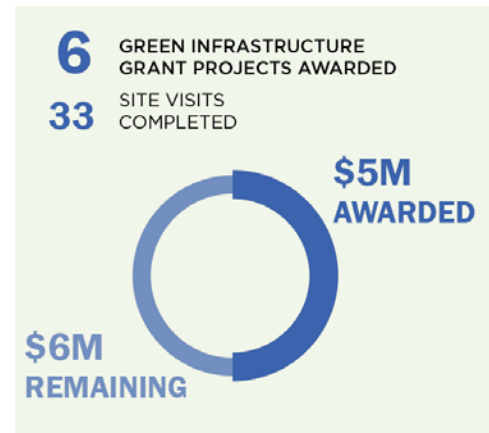
Partnership with San Francisco Unified School District

SFPUC and SFUSD are actively working on completion of the district-wide stormwater suitability assessment and alternative project delivery models to support SFUSD delivery of grant projects. SFPUC completed the first draft of the suitability assessment and it is currently under review by SFUSD. Executive management from both agencies have been briefed on different project delivery models and work over the next quarter will include diving deeper into the top options that have resulted from engagement with district and SFPUC staff.

Program Statistics (February 2019 – September 2020)

Since the launch of the Green Infrastructure Grant Program in February 2019, the SFPUC has awarded grants to 6 projects with a total of approximately \$4,950,000 in funding. The following program summary statistics are as of September 30, 2020:

- Applications Received: **9**
- Projects Awarded: **6**
- Total Funding Awarded: **\$5M**
- Potential Stormwater Captured by Awarded Projects: **3.7 million gallons per year**
- Property Site Visits Conducted by Technical Team: **33**
- Site Opportunities Assessments Completed: **17**
- Presentations Given to Stakeholders: **9**
- Publications and Media pick-ups: **2**



Awarded Projects to Date

Project Name	Watershed	Grant Award	Impervious Area Managed (acres)	Estimated Stormwater Volume Managed (gal/yr)
Lafayette Elementary School	Sunset	\$489,142	0.6	346,000
St. Thomas More School	Lake Merced	\$1,118,958	1.5	782,000
Bessie Carmichael Middle School	Channel	\$428,075	0.6	276,000
Lycee Francais SF Ortega Campus	Sunset	\$480,958	0.6	383,000
Holy Trinity Greek Orthodox Church	Lake Merced	\$1,577,161	2.6	1,319,000
Crocker Amazon Park	Sunnydale	\$859,151	1.1	593,000

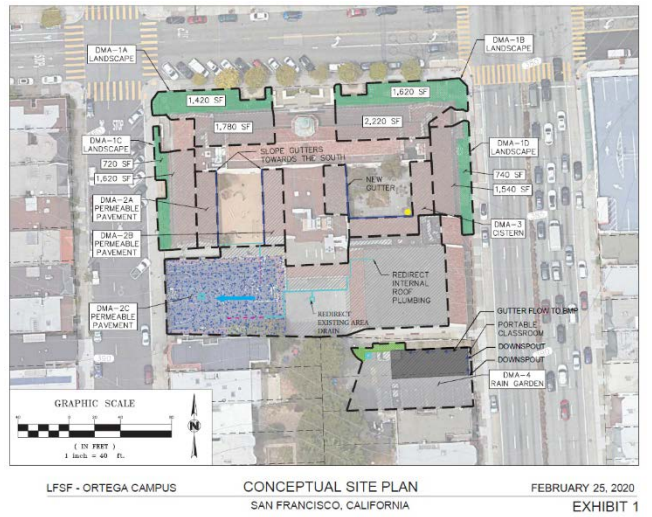
Lafayette Elementary School – in construction!



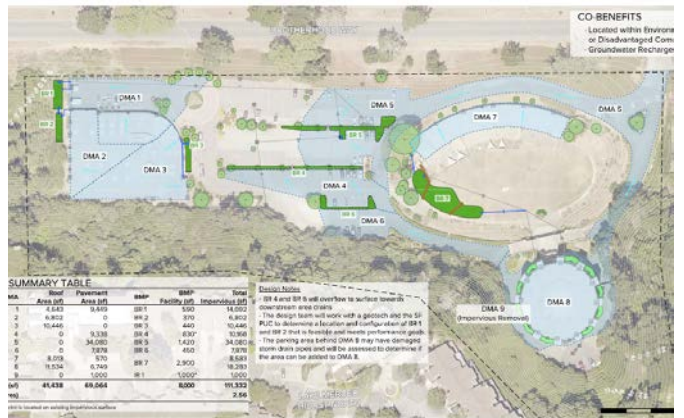
Bessie Carmichael Middle School – in construction!



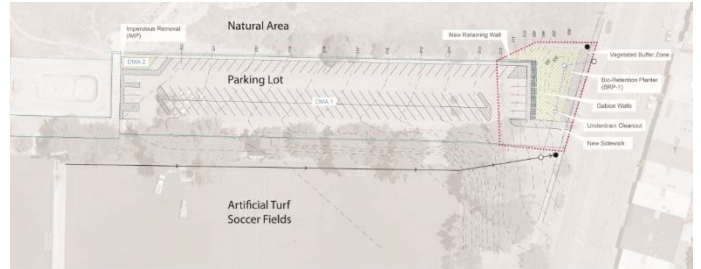
Lycee Francais de San Francisco School – awarded project



Holy Trinity Greek Orthodox Church – awarded project



Crocker Amazon Park – newly awarded project



From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: HSH FY19-20 Annual Eviction from Subsidized Housing Report
Date: Tuesday, October 27, 2020 1:45:00 PM
Attachments: [09282020_FY19-20 HSH Eviction Report.pdf](#)

From: Schneider, Dylan (HOM) <dylan.schneider@sfgov.org>
Sent: Friday, October 2, 2020 5:11 PM
To: Sawyer, Amy (MYR) <amy.sawyer@sfgov.org>; Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Mchugh, Eileen (BOS) <eileen.e.mchugh@sfgov.org>
Subject: HSH FY19-20 Annual Eviction from Subsidized Housing Report

Good afternoon,

Attached please find HSH's FY19-20 Annual Evictions from Subsidized Housing Report. We appreciate the extension.

Please let me know if there is a general email for the clerk of the board (board.of.supervisors@sfgov.org) I should be submitting these annual reports to in the future so as to not overwhelm your inboxes.

Thank you,
Dylan

Dylan Schneider (she/her), MPA
Acting Director of Strategy and External Affairs
San Francisco Department of Homelessness & Supportive Housing
Dylan.schneider@sfgov.org | C: 415.961.8257

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DEPARTMENT OF
HOMELESSNESS AND
SUPPORTIVE HOUSING

September 28, 2020

Mayor London N. Breed
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B Goodlett Pl.
San Francisco, CA 94102

Re: Annual Report on Evictions from Subsidized Housing for Fiscal Year 2019-20.

Dear Mayor Breed and Members of the Board of Supervisors,

Attached is the report required by Article XIV, the Tenant Eviction Annual Reports Ordinance. The report documents evictions from the subsidized housing programs that were funded by the Department of Homelessness and Supportive Housing for the past fiscal year from July 1, 2019 through June 30, 2020.

The report documents the number of unlawful detainer filings, evictions filed, and evictions completed within the City's Permanent Supportive Housing portfolio. Below is a basic overview of our findings for FY 19-20. More detail can be found in the attached report.

If you have questions regarding the FY19-20 report, please contact Dylan Schneider, HSH's Acting Director of Strategy and External Affairs at dylan.schneider@sfgov.org

FY 2019-20

	PSH Sites	Households	# of Unlawful Detainer Filings	# of Evictions	% of Households Evicted
HSH	138	9,684	302	168	1.73%

Sincerely,

Abigail Stewart-Kahn
Interim Director



Department of Homelessness and Supportive Housing Reporting/Fiscal Year: 7/1/2019 - 6/30/2020		TENANTS and HOUSEHOLDS		NUMBER of WRITTEN NOTICES Issued and the REASONS FOR EACH			
Site Name	Number of tenants (adults only) who lived in the housing facility at any time during this period	Number of households who lived in the housing facility at any time during this period	Total number of households who were issued one or more written Notices of Eviction	Number of written Notices of Eviction for non-payment of rent only	Number of written Notices of Eviction for lease violations only	Number of written Notices of Eviction for a COMBINATION of non-payment of rent and lease violations	
Bristol Hotel	62	60	4	5	0	0	
Flexible Housing Subsidy Pool: General Fund	41	41	0	0	0	0	
Mainstream Voucher Program-HUD 811	61	54	0	0	0	0	
864 Ellis	24	24	3	1	2	0	
Aarti Hotel	40	40	2	1	1	1	
Larkin Street YAC Collaborative	10	1	0				
1100 Ocean Avenue	32	25	0	0	0	0	
5th Street Apartments	7	7	1	0	1	0	
Edward II	24	24	2		2		
Alder Hotel	142	116	28	4	19	7	
All Star Hotel	94	93	24	35	0	0	
Allen Hotel	65	65	3	2	1	0	
Aranda Hotel	122	122	6	2	6	0	
Boyd Hotel	87	86	50	102	0	0	
CalDrake Hotel	55	51	15	32	0	0	
Crosby Hotel	147	124	2	2	0	0	
Dalt Hotel	10	10	1	0	1	0	
Edgeworth Hotel	45	43	14	38	0	0	
Elk Hotel	97	94	24	29	0	0	
Elm Hotel	94	80	7	2	2	3	
Graystone Hotel	80	78	17	33	0	0	
Hartland Hotel	146	143	34	56	0	0	
Henry Hotel	138	121	15	10	5	5	
Hillsdale Hotel	91	75	2	0	2	0	
Jefferson Hotel	138	136	38	60	0	0	
Mayfair Hotel	53	50	11	15	0	0	
McAllister Hotel	90	90	14	6	8	0	
Mentone Hotel	94	80	4	1	0	3	
Mission Hotel	286	283	100	169	0	0	
Pierre Hotel	98	97	21	35	0	0	
Raman Hotel	101	91	9	13	0	0	
Ritz Hotel	88	88	0	0	0	0	
Royan Hotel	72	72	28	50	0	0	
Seneca Hotel	210	208	68	116	0	0	
Union Hotel	62	61	13	17	0	0	
Vincent Hotel	109	109	35	74	0	0	
Civic Center Hotel - Permanent Tenants Only	35	28	0	0	0	0	
Franciscan Towers - Scattered Sites	29	29	0	0	0	0	
Arlington Residence	151	149	5	4	1	0	
Coronado Hotel	72	72	12	9	3	0	
Coronet Senior Housing	27	24	0	0	0	0	
Dr. Davis Senior Community	110	109	3	2	1	0	
Dudley Apartments	81	67	0	0	0	0	
Eddy Street Apartments	15	15	0	0	0	0	
Edith Witt Senior Community	27	27	0	0	0	0	
Hamlin Hotel	65	63	0	0	0	0	
Hotel Isabel	85	85	1	0	1	1	
Iroquois Hotel	62	62	6	5	1	0	
Kelly Cullen Community	174	174	15	2	13	0	
Knox Hotel	165	152	17	11	4	2	
Mission Creek Senior Community	51	50	1	0	1	1	
Parkview Terrace Apartments	21	21	0	0	0	0	
San Cristina Hotel [includes scattered sites]	54	54	1	0	1	0	
Senator Hotel	87	80	2	0	1	1	
Vera Haile Senior Community	124	89	0	0	0	0	

Department of Homelessness and Supportive Housing Reporting/Fiscal Year: 7/1/2019 - 6/30/2020		TENANTS and HOUSEHOLDS		NUMBER of WRITTEN NOTICES Issued and the REASONS FOR EACH			
Site Name	Number of tenants (adults only) who lived in the housing facility at any time during this period	Number of households who lived in the housing facility at any time during this period	Total number of households who were issued one or more written Notices of Eviction	Number of written Notices of Eviction for non-payment of rent only	Number of written Notices of Eviction for lease violations only	Number of written Notices of Eviction for a COMBINATION of non-payment of rent and lease violations	
West Hotel	40	40	6	2	0	4	4
William Penn Hotel	100	99	1	0	1	0	0
Willie B. Kennedy Senior Housing	20	20	1	0	1	0	0
Armstrong Place Senior Housing	27	23	1	1	0	0	0
Bavanihan House	192	169	8	6	2	8	8
149 Mason Street	55	55	0	0	0	0	0
Cecil Williams - Glide Community House	75	48	3	0	3	0	0
Dolores Hotel/Casa Quezada	53	53	1	1	0	0	0
Mary Elizabeth Inn	78	78	10	10	1	0	0
Plaza Apartments	104	101	9	1	8	0	0
Railton Place	107	107	2	0	2	0	0
Verona Hotel	53	53	30	30	0	0	0
Bishop Swing Community House	135	135	7	5	2	0	0
Stanford Hotel	170	168	6	1	5	0	0
990 Polk Street	21	21	1	0	1	0	0
Camelot Hotel	61	61	5	2	2	1	1
Empress Hotel	95	95	5	5	0	0	0
Hotel LeNain	102	102	1	1	0	0	0
JJ Richardson Apartments	114	114	1	0	5	0	0
Minna Lee Hotel	53	53	6	6	0	0	0
Mosaica	74	35	0	0	0	0	0
Pacific Bay Inn	80	80	1	1	0	0	0
Rene Cazenave Apartments	118	118	2	1	1	0	0
Star Hotel	59	59	0	0	0	0	0
Windsor Hotel	95	95	0	0	0	0	0
Essex Hotel	78	78	8	8	0	0	0
Auburn	83	83	3	3	0	0	0
Baldwin Hotel	189	186	60	104	0	0	0
Zygmunt Arendt House	47	47	0	0	0	0	0
Folsom/Dore Apartments	32	32	1	0	1	0	0
Crown Hotel	49	49	5	5	0	0	0
National	97	95	28	53	0	0	0
Winton	102	99	37	47	0	0	0
Richardson Hall	8	8	0	0	1	0	0
1296 Shotwell	123	94	0	0	0	0	0
95 Laguna	21	21	0	0	0	0	0
Canon Kip Community House	111	111	2	2	1	0	0
Catholic Charities - Scattered Sites	86	34	0	0	0	0	0
CHP Scattered Site	93	90	0	0	0	0	0
El Dorado Hotel	11	11	2	0	1	1	1
Hazel Betsey Community	9	9	0	0	0	0	0
Leland House	48	48	1	0	1	0	0
Midori Hotel	90	90	1	1	0	0	0
Rose Hotel	77	75	33	33	0	0	0
Veterans Hope House I	8	0	0	0	0	0	0
Veterans Hope House II	7	0	0	0	0	0	0
Cadillac Hotel	144	144	3	0	1	2	2
Mary Helen Rogers Senior Community	20	20	0	0	0	0	0
Rita da Cascia	5	0	0	0	0	0	0
Edwin M. Lee	225	119	0	0	0	0	0
Treasure Island Phase 1 & 2	122	65	73	73	0	0	0
10th & Mission	44	44	13	0	66	66	66
Bayview Commons	52	29	0	0	0	0	0
Bernal Gateway	150	110	0	0	0	0	0
Broadway/Sansome	143	75	1	1	0	0	0

Department of Homelessness and Supportive Housing Reporting/Fiscal Year: 7/1/2019 - 6/30/2020	TENANTS and HOUSEHOLDS		NUMBER of WRITTEN NOTICES Issued and the REASONS FOR EACH			
Site Name	Number of tenants (adults only) who lived in the housing facility at any time during this period	Number of households who lived in the housing facility at any time during this period	Total number of households who were issued one or more written Notices of Eviction	Number of written Notices of Eviction for non-payment of rent only	Number of written Notices of Eviction for lease violations only	Number of written Notices of Eviction for a COMBINATION of non-payment of rent and lease violations
Monterey Blvd Apts - Scattered Sites	4	4	0	0	0	0
One Church Street Apartments	177	92	0	0	0	0
1180 4th Street	80	80	5	2	1	2
Arnett Watson Apartments	126	82	4	4	0	0
1036 Mission	108	40	0	0	0	0
626 Mission Bay	174	29	0	0	0	0
Bayview Hill Gardens	29	22	0	0	0	0
Canon Barcus Community House	116	47	0	0	0	0
Island Bay Homes	239	106	169	169	0	0
455 Fell Street	161	107	0	0	0	0
Eddy and Taylor	64	30	2	0	2	2
Ambassador Hotel	58	58	3	1	2	0
2524 Mission	24	24	0	0	0	0
Altamont Hotel	88	88	9	0	8	1
Apollo Hotel	80	80	5	0	5	0
Curran House	111	58	0	0	0	0
Franciscan Towers	35	35	0	0	0	0
Hope House - Scattered Sites	77	77	8	7	1	0
Juan Pifarre Apartments	4	4	0	0	0	0
Lyric Hotel	58	58	1	0	1	2
South Park Residence - Hotel Madrid	45	45	0	0	0	0
South Park Residence - Parkview	40	40	0	0	0	0
Veterans Academy	116	116	0	0	0	0
Veterans Commons	75	75	0	0	0	0
Fairfax Hotel	22	22	0	0	0	0
John Burton Advocates for Youth Housing	25	25	12	12	0	0
Treasure Island - S-t-P	40	40	1	0	1	1
Cambridge Hotel [includes scattered sites]	60	60	3	1	2	0
Total	11141	9684	1258	1542	206	114

Department of Homelessness and Supportive Housing Reporting/Fiscal Year: 7/1/2019 - 6/30/2020	NUMBER of UNLAWFUL DETAINER ACTIONS filed and the REASONS FOR EACH				NUMBER of EVICTIONS (writ of possession stage or		
	Site Name	Total number of households who were issued one or more Unlawful Detainer Filings	Number of Unlawful Detainer Filings for non-payment of rent only	Number of Unlawful Detainer Filings for lease violations only	Number of unique Unlawful Detainer Filings for a COMBINATION of non-payment of rent and lease violations	Total number of households evicted	Number of evictions for non-payment of rent only
Bristol Hotel	0	0	0	0	0	0	0
Flexible Housing Subsidy Pool: General Fund	0	0	0	0	0	0	0
Mainstream Voucher Program-HUD 811	0	0	0	0	0	0	0
864 Ellis	10	10	0	0	3	3	1
Aarti Hotel	10	10	2	2	2	2	1
Larkin Street YAC Collaborative	0	0	0	0	0	0	0
1100 Ocean Avenue	0	0	0	0	0	0	0
5th Street Apartments	1	0	1	0	1	1	0
Edward II	8	4	4	4	2	2	0
Alder Hotel	0	0	0	0	0	2	1
All Star Hotel	3	0	3	0	1	1	0
Allen Hotel	7	2	5	0	3	3	2
Aranda Hotel	12	3	9	0	6	6	1
Boyd Hotel	1	1	0	0	1	1	1
CalDrake Hotel	0	0	0	0	0	0	0
Crosby Hotel	0	0	0	0	2	2	2
Dalt Hotel	1	0	1	0	1	1	0
Edgeworth Hotel	0	0	0	0	0	0	0
Elk Hotel	3	2	1	0	0	0	0
Elm Hotel	7	2	2	3	7	7	2
Graystone Hotel	3	2	1	0	1	1	1
Hartland Hotel	3	1	2	0	1	1	0
Henry Hotel	10	6	4	0	13	13	10
Hillsdale Hotel	2	0	2	0	2	2	0
Jefferson Hotel	6	2	4	0	1	1	1
Mayfair Hotel	0	0	0	0	0	0	0
McAllister Hotel	10	3	7	0	4	4	1
Mentone Hotel	4	1	0	3	4	4	1
Mission Hotel	11	4	7	0	7	7	3
Pierre Hotel	4	1	3	0	1	1	0
Raman Hotel	0	0	0	0	1	1	1
Ritz Hotel	0	0	0	0	0	0	0
Royan Hotel	1	1	0	0	1	1	1
Seneca Hotel	17	13	4	0	8	8	5
Union Hotel	0	0	0	0	0	0	0
Vincent Hotel	2	2	0	0	2	2	2
Civic Center Hotel - Permanent Tenants Only	0	0	0	0	0	0	0
Franciscan Towers - Scattered Sites	0	0	0	0	0	0	0
Arlington Residence	2	2	0	0	0	0	0
Coronado Hotel	11	8	3	0	3	3	2
Coronet Senior Housing	0	0	0	0	0	0	0
Dr. Davis Senior Community	2	2	0	0	1	1	0
Dudley Apartments	0	0	0	0	0	0	0
Eddy Street Apartments	0	0	0	0	0	0	0
Edith Witt Senior Community	0	0	0	0	0	0	0
Hamlin Hotel	0	0	0	0	1	1	1
Hotel Isabel	1	0	1	1	0	0	0
Iroquois Hotel	0	0	0	0	0	0	0
Kelly Cullen Community	14	1	13	0	4	4	0
Knox Hotel	4	2	2	0	2	2	0
Mission Creek Senior Community	1	0	1	1	0	0	0
Parkview Terrace Apartments	0	0	0	0	0	0	0
San Cristina Hotel [includes scattered sites]	0	0	0	0	1	1	0
Senator Hotel	2	0	1	1	0	0	0
Vera Haile Senior Community	0	0	0	0	0	0	0

Department of Homelessness and Supportive Housing Reporting/Fiscal Year: 7/1/2019 - 6/30/2020	NUMBER of UNLAWFUL DETAINER ACTIONS filed and the REASONS FOR EACH				NUMBER of EVICTIONS (writ of possession stage or	
	Site Name	Total number of households who were issued one or more Unlawful Detainer Filings	Number of Unlawful Detainer Filings for non-payment of rent only	Number of Unlawful Detainer Filings for lease violations only	Number of unique Unlawful Detainer Filings for a COMBINATION of non-payment of rent and lease violations	Total number of households evicted
West Hotel	0	0	0	0	6	2
William Penn Hotel	0	0	0	0	0	0
Willie B. Kennedy Senior Housing	1	0	1	0	1	0
Armstrong Place Senior Housing	0	0	0	0	0	0
Bayanihan House	4	2	2	4	2	0
149 Mason Street	0	0	0	0	0	0
Cecil Williams - Glide Community House	2	0	2	0	1	0
Dolores Hotel/Casa Quezada	1	1	0	0	1	1
Mary Elizabeth Inn	2	0	2	0	2	0
Plaza Apartments	5	0	5	0	1	0
Railton Place	2	0	2	0	1	0
Verona Hotel	2	2	0	0	1	1
Bishop Swing Community House	4	2	2	0	2	1
Stanford Hotel	3	1	2	0	6	1
990 Polk Street	0	0	0	0	1	0
Camelot Hotel	1	0	1	0	1	0
Empress Hotel	3	0	3	0	1	0
Hotel LeNain	3	0	3	0	1	0
JJ Richardson Apartments	0	0	0	0	3	0
Minna Lee Hotel	1	0	1	0	1	1
Mosaica	0	0	0	0	0	0
Pacific Bay Inn	5	0	5	0	2	0
Rene Cazenave Apartments	1	0	1	0	1	1
Star Hotel	1	1	0	0	1	1
Windsor Hotel	2	0	2	0	1	1
Essex Hotel	1	1	0	0	1	1
Auburn	5	0	5	0	5	3
Baldwin Hotel	9	1	8	0	4	1
Zygmunt Arendt House	4	0	2	0	0	0
Folsom/Dore Apartments	2	0	2	0	1	0
Crown Hotel	3	2	1	0	1	1
National	3	2	1	0	3	2
Winton	8	4	4	0	3	2
Richardson Hall	1	0	1	0	0	0
1296 Shotwell	0	0	0	0	0	0
95 Laguna	0	0	0	0	0	0
Canon Kip Community House	0	0	0	0	2	1
Catholic Charities - Scattered Sites	0	0	0	0	0	0
CHP Scattered Site	0	0	0	0	0	0
El Dorado Hotel	2	0	1	0	1	0
Hazel Betsey Community	0	0	0	0	0	0
Leland House	1	0	1	0	1	0
Midori Hotel	3	2	1	0	1	1
Rose Hotel	2	2	0	0	0	0
Veterans Hope House I	0	0	0	0	0	0
Veterans Hope House II	0	0	0	0	0	0
Cadillac Hotel	3	0	1	2	3	0
Mary Helen Rogers Senior Community	0	0	0	0	0	0
Rita da Cascia	0	0	0	0	0	0
Edwin M. Lee	0	0	0	0	0	0
Treasure Island Phase 1 & 2	3	3	0	0	1	1
10th & Mission	0	0	0	0	0	0
Bayview Commons	0	0	0	0	0	0
Bernal Gateway	0	0	0	0	0	0
Broadway/Sansome	0	0	0	0	0	0

Department of Homelessness and Supportive Housing Reporting/Fiscal Year: 7/1/2019 - 6/30/2020	NUMBER of UNLAWFUL DETAINER ACTIONS filed and the REASONS FOR EACH				NUMBER of EVICTIONS (writ of possession stage or		
	Site Name	Total number of households who were issued one or more Unlawful Detainer Filings	Number of Unlawful Detainer Filings for non-payment of rent only	Number of Unlawful Detainer Filings for lease violations only	Number of unique Unlawful Detainer Filings for a COMBINATION of non-payment of rent and lease violations	Total number of households evicted	Number of evictions for non-payment of rent only
Monterey Blvd Apts - Scattered Sites	0	0	0	0	0	0	0
One Church Street Apartments	0	0	0	0	0	0	0
1180 4th Street	2	0	2	0	0	0	0
Arnett Watson Apartments	4	4	0	0	0	1	1
1036 Mission	0	0	0	0	0	0	0
626 Mission Bay	0	0	0	0	0	0	0
Bayview Hill Gardens	0	2	2	0	0	0	0
Canon Barcus Community House	0	0	0	0	0	0	0
Island Bay Homes	3	3	0	0	0	1	1
455 Fell Street	0	0	0	0	0	0	0
Eddy and Taylor	0	0	0	0	0	0	0
Ambassador Hotel	0	0	0	0	0	3	1
2524 Mission	0	0	0	0	0	0	0
Altamont Hotel	9	0	8	1	5	0	0
Apollo Hotel	5	0	5	0	1	0	0
Curran House	0	0	0	0	0	0	0
Franciscan Towers	0	0	0	0	0	0	0
Hope House - Scattered Sites	1	0	1	0	0	0	0
Juan Pifarre Apartments	0	0	0	0	0	0	0
Lyric Hotel	1	0	1	2	1	0	0
South Park Residence - Hotel Madrid	0	0	0	0	0	0	0
South Park Residence - Parkview	0	0	0	0	0	0	0
Veterans Academy	7	1	5	1	2	0	0
Veterans Commons	1	0	1	0	0	0	0
Fairfax Hotel	1	1	1	2	0	0	0
John Burton Advocates for Youth Housing	0	0	0	0	0	0	0
Treasure Island - S-t-P	1	0	0	1	1	0	0
Cambridge Hotel [includes scattered sites]	1	0	1	0	0	0	0
Total	302	122	172	27	168	65	

Department of Homelessness and Supportive Housing Reporting/Fiscal Year: 7/1/2019 - 6/30/2020		court-issued eviction) and the REASONS FOR EACH	
Site Name	Number of evictions for lease violations only	Number of unique evictions for a COMBINATION of non-payment of rent and lease violations	
Bristol Hotel	0	0	0
Flexible Housing Subsidy Pool: General Fund	0	0	0
Mainstream Voucher Program-HUD 811	0	0	0
864 Ellis	2	0	0
Aarti Hotel	1	0	0
Larkin Street YAC Collaborative			
1100 Ocean Avenue	0	0	0
5th Street Apartments	1	0	0
Edward II	2		
Alder Hotel	1	0	0
All Star Hotel	1	0	0
Allen Hotel	1	0	0
Aranda Hotel	5	0	0
Bovd Hotel	0	0	0
CalDrake Hotel	0	0	0
Crosby Hotel	0	0	0
Dalt Hotel	1	0	0
Edgeworth Hotel	0	0	0
Elk Hotel	0	0	0
Elm Hotel	2	3	3
Gravstone Hotel	0	0	0
Hartland Hotel	1	0	0
Henry Hotel	2	1	1
Hillsdale Hotel	2	0	0
Jefferson Hotel	0	0	0
Mayfair Hotel	0	0	0
McAllister Hotel	3	0	0
Mentone Hotel	0	3	3
Mission Hotel	4	0	0
Pierre Hotel	1	0	0
Raman Hotel	0	0	0
Ritz Hotel	0	0	0
Royan Hotel	0	0	0
Seneca Hotel	3	0	0
Union Hotel	0	0	0
Vincent Hotel	0	0	0
Civic Center Hotel - Permanent Tenants Only	0	0	0
Franciscan Towers - Scattered Sites	0	0	0
Arlington Residence	0	0	0
Coronado Hotel	1	0	0
Coronet Senior Housing	0	0	0
Dr. Davis Senior Community	1	0	0
Dudley Apartments	0	0	0
Eddy Street Apartments	0	0	0
Edith Witt Senior Community	0	0	0
Hamlin Hotel	0	0	0
Hotel Isabel	0	0	0
Iroquois Hotel	0	0	0
Kelly Cullen Community	4		
Knox Hotel	2	0	0
Mission Creek Senior Community	0	0	0
Parkview Terrace Apartments	0	0	0
San Cristina Hotel [includes scattered sites]	1	0	0
Senator Hotel	0	0	0
Vera Haile Senior Community	0	0	0

Department of Homelessness and Supportive Housing Reporting/Fiscal Year: 7/1/2019 - 6/30/2020		court-issued eviction) and the REASONS FOR EACH	
Site Name	Number of evictions for lease violations only	Number of unique evictions for a COMBINATION of non-payment of rent and lease violations	
West Hotel	0	0	4
William Penn Hotel	0	0	0
Willie B. Kennedy Senior Housing	1	0	0
Armstrong Place Senior Housing	0	0	0
Bayanihan House	2	0	0
149 Mason Street	0	0	0
Cecil Williams - Glide Community House	1	0	0
Dolores Hotel/Casa Quezada	0	0	0
Mary Elizabeth Inn	2	0	0
Plaza Apartments	1	0	0
Railton Place	1	0	0
Verona Hotel	0	0	0
Bishop Swing Community House	1	0	0
Stanford Hotel	5	0	0
990 Polk Street	1	0	0
Camelot Hotel	1	0	0
Empress Hotel	1	0	0
Hotel LeNain	1	0	0
JJ Richardson Apartments	3	0	0
Minna Lee Hotel	0	0	0
Mosaica	0	0	0
Pacific Bay Inn	2	0	0
Rene Cazenave Apartments	1	0	0
Star Hotel	0	0	0
Windsor Hotel	0	0	0
Essex Hotel	0	0	0
Auburn	2	0	0
Baldwin Hotel	3	0	0
Zygmunt Arendt House	0	0	0
Folsom/Dore Apartments	1	0	0
Crown Hotel	0	0	0
National	1	0	0
Winton	1	0	0
Richardson Hall	0	0	0
1296 Shotwell	0	0	0
95 Laguna	0	0	0
Canon Kip Community House	1	0	0
Catholic Charities - Scattered Sites	0	0	0
CHP Scattered Site	0	0	0
El Dorado Hotel	0	0	1
Hazel Betsey Community	0	0	0
Leland House	1	0	0
Midori Hotel	0	0	0
Rose Hotel	0	0	0
Veterans Hope House I	0	0	0
Veterans Hope House II	0	0	0
Cadillac Hotel	1	0	2
Mary Helen Rogers Senior Community	0	0	0
Rita da Cascia	0	0	0
Edwin M. Lee	0	0	0
Treasure Island Phase 1 & 2	0	0	0
10th & Mission	0	0	0
Bayview Commons	0	0	0
Bernal Gateway	0	0	0
Broadway/Sansome	0	0	0

Department of Homelessness and Supportive Housing Reporting/Fiscal Year: 7/1/2019 - 6/30/2020		court-issued eviction) and the REASONS FOR EACH	
Site Name	Number of evictions for lease violations only	Number of unique evictions for a COMBINATION of non-payment of rent and lease violations	
Monterey Blvd Apts - Scattered Sites	0	0	0
One Church Street Apartments	0	0	0
1180 4th Street	0	0	0
Arnett Watson Apartments	0	0	0
1036 Mission	0	0	0
626 Mission Bay	0	0	0
Bayview Hill Gardens	0	0	0
Canon Barcus Community House	0	0	0
Island Bay Homes	0	0	0
455 Fell Street	0	0	0
Eddy and Taylor	0	0	0
Ambassador Hotel	2	0	0
2524 Mission	0	0	0
Altamont Hotel	4	1	1
Apollo Hotel	1	0	0
Curran House	0	0	0
Franciscan Towers	0	0	0
Hope House - Scattered Sites	0	0	0
Juan Pifare Apartments	0	0	0
Lyric Hotel	1	0	0
South Park Residence - Hotel Madrid	0	0	0
South Park Residence - Parkview	0	0	0
Veterans Academy	1	1	1
Veterans Commons	0	0	0
Fairfax Hotel	0	0	0
John Burton Advocates for Youth Housing	0	0	0
Treasure Island - S-t-P	0	0	1
Cambridge Hotel [includes scattered sites]	0	0	0
Total	86		17

BOS-11

Commissioners
Eric Sklar, President
Saint Helena

Samantha Murray, Vice President
Del Mar

Jacque Hostler-Carmesin, Member
McKinleyville

Peter S. Silva, Member
Jamul

Vacant, Member

STATE OF CALIFORNIA
Gavin Newsom, Governor

Fish and Game Commission



*Celebrating 150 Years of
Wildlife Heritage and Conservation!*

October 9, 2020

NOTICE OF PROPOSED EMERGENCY ACTION

Emergency Action to Add Section 749.10, Title 14, California Code of Regulations
Re: Take of Western Joshua Tree

Melissa Miller-Henson
Executive Director
P.O. Box 944209
Sacramento, CA 94244-2090
(916) 653-4899
fgc@fgc.ca.gov
www.fgc.ca.gov

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO
2020 OCT 22 PM 3:55
BY [Signature]

Pursuant to the requirements of Government Code Section 11346.1(a)(1), the Fish and Game Commission (Commission) is providing notice of proposed emergency action with regard to the above-entitled emergency regulation.

SUBMITTING COMMENTS

Government Code Section 11346.1(a)(2) requires that, at least five working days prior to submitting the proposed emergency action to the Office of Administrative Law (OAL), the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submitting the proposed emergency to OAL, OAL shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code Section 11349.6.

Any interested person may present statements, arguments or contentions, in writing, submitted via U.S. mail, fax or e-mail, relevant to the proposed emergency regulatory action. Written comments submitted via U.S. mail, fax or e-mail must be received at OAL within five days after the Commission submits the emergency regulations to OAL for review.

Any person who submits comments concerning emergency regulations to OAL must simultaneously transmit a complete copy of the comments to the Commission's contact person noted below. Written comments may be submitted to the Commission via U.S. mail or email.

Please reference submitted comments as regarding "Emergency Regulations: Take of Western Joshua Tree" addressed to:

Agency:	Reference Attorney Office of Administrative Law	California Fish and Game Commission Attn: David Thesell
Mailing Address:	300 Capitol Mall, Suite 1250 Sacramento, CA 95814	P.O. Box 944209 Sacramento, CA 94244-2090
E-mail Address:	staff@oal.ca.gov	fgc@fgc.ca.gov
Fax No.:	916-323-6826	n/a

For the status of the Commission's submittal to OAL for review, and the end of the five-day written submittal period, please consult OAL's website at <http://www.oal.ca.gov> under the heading "Emergency Regulations."

CALIFORNIA FISH AND GAME COMMISSION
FINDING OF EMERGENCY AND
STATEMENT OF PROPOSED EMERGENCY REGULATORY ACTION

Emergency Action to
Add Section 749.10,
Title 14, California Code of Regulations
Re: Take of Western Joshua Tree

Date of Emergency Statement: October 9, 2020

I. Statement of Facts Constituting the Need for Emergency Regulatory Action

On October 21, 2019, the Fish and Game Commission (Commission) received a petition from the Center for Biological Diversity to list the western Joshua tree (*Yucca brevifolia*; WJT) as threatened under the California Endangered Species Act (CESA). California Fish and Game Code (F&G Code) Section 2073.5 requires that the California Department of Fish and Wildlife (Department) evaluate the petition and submit a written evaluation with a recommendation to the Commission, which was received at the Commission's April 2020 meeting. CESA, and case law interpreting it, make clear that the Commission must accept a petition when the petition contains sufficient information to lead a reasonable person to conclude that there is a substantial possibility the requested listing could occur. Based upon the information contained in the petition and other relevant information, the Department determined in its 90-day evaluation that there is sufficient scientific information available to indicate that the petitioned action may be warranted.

On September 22, 2020, the Commission determined that listing may be warranted (the "may be warranted" vote) pursuant to F&G Code Section 2074.2. Western Joshua tree became a candidate species under CESA, effective upon publication of the notice of findings on October 9, 2020 (Office of Administrative Law notice number Z2020-0924-01). Pursuant to F&G Code Section 2074.6, the Department will undertake a one-year status review. After the Commission receives the Department's status review, the Commission will make a final decision on listing. Candidate species are protected under CESA pursuant to F&G Code Section 2085 during the remainder of the CESA listing.

CESA also provides that the Commission may adopt regulations to authorize take of candidate species under F&G Code Section 2084 (Section 2084). At its August 19, 2020 meeting, the Commission heard testimony from several stakeholders expressing concern about the inability to proceed with projects related to critical infrastructure and renewable energy during the candidacy period, however, the Commission was not provided specifics about those projects and so did not have enough information to determine whether action under Section 2084 might be appropriate. Department staff indicated that there was the possibility to provide an exemption for certain projects under Section 2084, and that the option could be explored in this case. The Commission requested that either the industry directly or through the Department provide

more specifics about the prospective impacts and a proposed regulation addressing those impacts.

Following the August 2020 meeting, several renewable energy project proponents contacted the Department to express concern about projects that had already completed environmental permitting and review and were projected to initiate and complete construction activities during the western Joshua tree candidacy period. The proponents asserted that proceeding as quickly as possible with their projects is imperative as those projects will provide renewable energy sources needed to meet California's goals in reducing fossil fuel use and their contribution to climate change impacts. Because climate change is the principal threat to western Joshua tree identified in the listing petition, the projects will also contribute to the species recovery in the long-term.

The Department subsequently requested that stakeholders interested in the 2084 incidental take option submit their projects for consideration. The Department met with stakeholders representing 24 renewable energy projects in Kern and San Bernardino counties to determine whether each of the projects met the criteria of having completed or nearly completed permitting processes and anticipated near-term ground-breaking activities.

After consultation with renewable energy developers and local governments, the Department and stakeholders agreed on a list of 16 renewable energy projects to include in this proposed Section 2084 regulation. Throughout this process, the Department also consulted the Center for Biological Diversity, which filed the listing petition for western Joshua tree.

Climate change impacts in California will include more frequent and intense droughts and flood events; increasing extreme heat days; increased wildfire intensity, extent and frequency; worsening air quality; and higher electricity demand resulting from these impacts (Pierce et al. 2018). The impacts are a clear threat to public health in California. The Department therefore agrees that the 15 projects included in the 2084 regulation should move forward to stay on track to meet climate change goals during the western Joshua tree candidacy period, if mitigation occurs for any unavoidable impacts.

The Commission received a proposed draft regulation from the Department on September 18, 2020, which identified 16 large-scale renewable energy projects and a process for identifying impacts to western Joshua trees on the site of each of the projects and allowing take with mitigation.

The Commission received oral testimony at its September 22, 2020 meeting explaining that 15 of the 16 large-scale renewable energy projects identified in the Department's draft regulation will add approximately 20,000 megawatts of renewable energy to California's power grid when they are completed. Even minimal delays in these projects would jeopardize the ability to meet California's greenhouse gas reduction goals and result in additional shortfalls in the energy grid. Further the effort to address the greenhouse gas reduction goals is in part an effort to mitigate climate change, which is the primary threat to the western Joshua tree and other species.

In particular, the viability of nine of the large-scale renewable energy projects comprising more than 3,000 megawatts of renewable energy will be put at grave risk if incidental take authorization for western Joshua tree is not provided by an emergency regulation within the next several weeks. This risk is based on not just when construction needs to commence in order to meet deadlines to deliver electricity under power purchase agreements (contracts to generate and purchase electricity), but also the need to obtain financing to construct projects in an already-difficult economic environment. Tax equity and other financing and investment are extremely difficult and prohibitively expensive to secure absent the regulatory certainty that emergency regulation would provide. For nearly 1/3 of the 3000 megawatts, a tax equity letter of intent must be obtained within the next 30 days to facilitate project financing. Without such financing, which must be secured months prior to construction, projects cannot go forward. This would result in a cascade of injuries to workers, contractors, counties, developers, investors, and California's climate and renewable energy mandates.

In sum, an emergency exists as a consequence of the application of candidacy protections on western Joshua tree (protections which were not certain until the Commission's "may be warranted" vote on September 22, 2020) and the impact of those protections on the identified large-scale renewable energy projects coupled with the needed specificity on how to address the regulation not being known by the Commission until September 18, 2020.

The proposed addition of Section 749.10, Title 14, California Code of Regulations (CCR) creates a special order allowing incidental take of western Joshua tree during CESA candidacy for identified renewable energy projects that have met the above qualifications and continuation with planned development activities as well as take for research and monitoring.

The Commission considered the following factors in determining whether an emergency exists: the magnitude of potential harm; the existence of a crisis situation; the immediacy of the need; and whether the anticipation of harm has a basis firmer than simple speculation and determined that an emergency regulation authorized under F&G Code Section 2084 is needed.

II. Proposed Emergency Regulations

Incidental take of western Joshua tree during the candidacy period that may result from activities related to authorized renewable energy projects

The Commission will authorize the incidental take of western Joshua tree during the candidacy period that may result from activities related to authorized renewable energy projects. This authorization will only apply to the projects listed in the regulation.

Tree Census Report

Understanding the number of trees and the age classes of trees removed during grading and project implementation provides the basis for comparing and contrasting the functional qualities of project areas to support, sustain, and

enhance western Joshua tree with the amount and functional quality of compensatory habitat needed to ensure the take of individual western Joshua tree is minimized and mitigated.

Even small western Joshua trees are relatively easy to inventory (although some may be obscured by nurse plants). There is some evidence that plants that have grown to be at least one meter in height have a much greater likelihood of survival (and therefore, eventually reproduction) than plants that are less than this height (DeFalco et al. 2010, p. 246; Esque et al. 2015, p. 89). Western Joshua trees that are over one meter in height therefore represent a reasonable approximation of the future population, even if they may take several more years or decades to reproduce.

Western Joshua trees are capable of clonal growth, which can lead to clumps of genetically identical plants, growing together very closely. This could confound counting efforts, but because these plants are capable of surviving and reproducing independently, plants that appear to be separate should be considered as separate western Joshua tree plants for the purposes of the census. Western Joshua trees that have one or more secondary axes (branches) are generally considered to be reproductive adult plants, because branching usually occurs after flowering. Flowering has been observed in plants as short as one meter, but adult plants are typically taller, often greater than five meters in height.

Implementation of project activities may result in the incidental take of individuals in the form of mortality ("kill") as a result of tree removal, habitat loss, and modification; trampling by construction workers or earthmoving equipment; removal of soil that renders living seeds in the soil inviable or causes them to be killed; erosion of substrates supporting individuals which could cause uprooting, washing away, and burying of individuals and/or could make substrates unstable for growth; death of living seeds due to mold, disease, or other reasons that cause inviability; and pesticide application.

Potential indirect and long-term indirect impacts to western Joshua tree and its habitat include introduction or spread of invasive species; altering or eliminating seed dispersal mechanisms; changes in drainage patterns that favor different vegetative growth; construction related fugitive dust that can coat individuals and reduce photosynthesis and evapotranspiration efficiency; pesticide application; increased edge effects; altered drainage patterns, and reduced input of water necessary to create and maintain appropriate soil moisture, vegetation cover, and humidity requirements that make western Joshua tree more vulnerable to competition, disease, or reduced fecundity. Individuals displaced due to habitat loss and degradation may be unable to survive in adjacent areas if these areas are already at carrying capacity or are unsuitable for dispersal.

A complete census of the western Joshua trees present within an impact area is the most straightforward and efficient methodology to obtain robust data to directly quantify take of western Joshua tree within a project area. As part of approval for incidental take under this 2084 emergency regulation, project proponents must prepare a tree census report and submit it to the Department

for review and approval prior to removing any western Joshua tree or engaging in ground-breaking activities within the project site. The tree census report must be conducted by one or more qualified biologists and by walking transect surveys to ensure a complete and accurate report is achieved. In the context of the specific projects listed in this regulation, the project proponents understand how the fact-specific determination will be made regarding what constitutes a qualified biologist and what that phrase means. To ensure that the project can start during the western Joshua tree candidacy period, the tree census report must be submitted to the Department within six months of the effective date of the regulation. Within 15 days of receipt, the Department shall either approve the tree census report or inform the project proponent in writing of any additional information required for its approval.

Project Impact Area

Three size classes of western Joshua trees are identified in the proposed regulation; trees less than one meter in height; trees one meter or greater but less than five meters in height; and trees five meters or greater in height. Of these three size classes, trees that are five meters or greater in height represents the greatest impact to western Joshua tree populations. Trees of this height are typically considered to be adults with multiple branches. Not only does it take many decades for western Joshua trees to reach this size and become reproductive, but when flowering does occur, trees with multiple branches produce significantly more flower clusters and therefore produce significantly more seeds than the trees in the other size classes. These larger trees can be over 100 years old and are critically important for the persistence of the population.

Western Joshua trees that are one meter or greater in height but less than five meters in height are also very important to conserve, because they represent the trees that have already become established, and that are already reproductive, or are likely to survive to become reproductive adults in the future. These trees represent the future of the population, but do not yet produce as significant of a contribution to the reproductive output of the population as the trees that are already five meters or greater in height.

Western Joshua trees that are less than one meter in height are less likely to survive (and therefore, eventually reproduce) than plants that have exceeded this height.

For this regulation, project impact area means all areas in which there will be permanent or temporary impacts to an individual live western Joshua tree and the area around each live western Joshua tree, defined by a radius, as measured from a single point at its trunk, of:

- 40 feet for western Joshua trees five meters or greater in height.
- 12 feet for western Joshua trees one meter or greater but less than five meters in height.
- 6 feet for western Joshua trees less than one meter in height.

Herbicide Use

The proposed regulation states that the project proponent shall limit herbicide use for invasive plant species and shall use herbicides only after it has documented that hand or mechanical efforts are infeasible and submitted that documentation to the Department. Limiting herbicide use will help to protect the other native plants and wildlife in the project area and directly adjacent to the project area.

As-built Development Plans

To ensure the Department is aware of the final outcomes of a project, and can confirm that the project contains only the approved elements and that the elements are sited in the locations where the Department was informed they would go, each project proponent shall submit as-built development plans in portable document format (PDF) to the Department within 90 days of completing all construction and ground-disturbing activities.

Mitigation

The compensatory mitigation ratio for impacts to western Joshua tree shall be determined by the functional quality of the habitat based on the size and reproductive class of trees within the project impact area as confirmed in the Department-approved tree census report. The compensatory mitigation ratio for impacts to western Joshua tree shall be at 1.5:1 of the project impact area.

To satisfy the compensatory mitigation requirement, prior to commencing any project activities in areas that may contain western Joshua trees, the project proponent shall pay a mitigation fee of \$10,521.95 per acre to be deposited into the Western Joshua Tree Mitigation Fund (to be established by the Department). The fee accounts for biological monitoring, infrastructure, short- and long-term habitat maintenance, and reporting activities (as shown in Table 1. Western Joshua Tree Management Fee Estimate.)

The fee estimate is a per acre mitigation cost for the purpose of calculating the individual project mitigation fee. The fee estimate was derived by the average number of acres and cost per acre of recent sales (previous six months) of lands that contained western Joshua trees in the Mojave desert; the prevailing wage rates for qualified biologists and land managers to conduct biological monitoring and other land management activities such as trash clean-up and removal; the cost (in 2020 dollars) of fencing materials, signage, and prevailing wage rates for fencing installation and repair, and equipment and materials for invasive species control; and the cost based on prevailing wage rates for data management and to produce an annual land management report. The cost per acre-fee is to be multiplied by the number of acres required as mitigation to offset the impacts of the individual project and will yield the total fee to be deposited into the Western Joshua Tree Mitigation Fund. For example, if the project is required to provide 15 acres of compensatory mitigation (based on 10 acres of project impact area at a mitigation ratio of 1.5:1) the project proponent will pay \$157,829.25 into the Western Joshua Tree Mitigation Fund.

Additionally, prior to removing any western Joshua tree or engaging in ground-breaking activities within project impact areas, each participating project must contribute \$10,000 to cover the cost of account fees and retaining a land acquisition specialist to assist the Department in locating, acquiring, and conserving the mitigation lands.

Credit for Existing Mitigation

Some projects included in this proposed regulation are already obligated by other permits issued by the Department or other federal, state, or local agencies to complete mitigation for take of western Joshua tree. In consideration of projects that have already completed or are legally obligated to complete compensatory mitigation for take of or impacts to western Joshua tree woodlands, or take of or impacts to a species other than western Joshua tree where the mitigation for that species will also benefit western Joshua tree, the project proponent may elect to provide the Department with information about the project impacts, the mitigation obligation, and all compensatory mitigation land acquired and conserved. If, after assessment of the information, the Department determines that the mitigation land has comparable western Joshua tree density as the density in the project or is reasonably comparable in western Joshua tree habitat quality to the project impact area, and is subject to a conservation easement or reasonably comparable instrument with adequate management funding, the Department shall credit the project at a 1:1 ratio for all such mitigation lands acquired by the project proponent.

Limitations

To ensure clarity and transparency, it is imperative that nothing in Section 749.10 be construed as a general project approval. Each project proponent receiving take authorization is responsible for obtaining all necessary permits and approvals and must comply with all applicable federal, state, and local laws. The project proponents may also elect to obtain incidental take coverage through F&G Code Section 2081, subdivision (b). Nothing in Section 749.10 is intended to limit the terms and conditions that the Department includes in incidental take permits for western Joshua tree under Section 2081.

Research and Monitoring

Continued research of the western Joshua tree is important for monitoring the impact of projects on the tree and its habitat as well as the effectiveness of restoration programs. Take of western Joshua tree in the course of ongoing research and monitoring by public agencies other than the Department and by private parties is authorized provided that a written, detailed project progress report describing objectives, methods (gear, sampling schedules and locations), efforts to minimize adverse effects to the species, and estimated level of take of the species shall be provided to the Department's Habitat Conservation Planning Branch chief. All take in the course of research and monitoring by public agencies other than the Department and by private parties is authorized subject to the same restrictions applicable to ongoing research and monitoring. Pursuant

to F&G Code Section 2081, the Department may also authorize take of western Joshua tree for research and monitoring activities not addressed above.

Table 1. Western Joshua Tree Management Fee Estimate (2020\$)

Biological Monitoring	\$ 237,885.43
Transects (100% coverage, 4 people, 16 hours each, plus travel)	
Vegetation Baseline (100% coverage - # trees, map invasives)	
Travel = (1 hour each way* each person, 45 miles)*2/per day	
Habitat Feature Maintenance	\$ 151,795.74
Invasive Species Control (2 people, 1 day, plus travel)	
Follow-up Surveys (2 people, 1 day, plus travel)	
Invasive Species Removal (2 people, 2 days, plus travel)	
Equipment - Start-up (Backpack Sprayers, herbicide, hand tools)	
Equipment - Long-term (Backpack Sprayers, herbicide, tools)	
Infrastructure	\$ 229,569.80
Establish Fence (Contract)	
Fence Maintenance (2 people, 4 days, plus travel)	
Fence Replacement (Contract)	
Trash Clean-up (2 people, 1 day, plus travel)	
Materials for Fence Replacement - Interim	
Materials for Fence Replacement - Long-term	
Signage	
Signage - Maintenance	
Powder River Gate	
Reporting	\$ 191,954.29
Annual Report	
Data Management	
Stewardship Subtotal	\$ 811,205.26
Contingency	\$ 81,120.53
Administrative Cost	\$ 276,620.99
Grand Total	\$ 1,168,946.78
Cost/Acre	\$ 5,844.73
Total Endowment with Land	\$ 2,104,390.78
Mean Cost/Acre	\$ 4,677.22
Mitigation Cost/Acre	\$ 10,521.95

Source: Department Habitat Conservation and Planning Branch

III. Identification of Reports or Documents Supporting Regulation Change

A summary of general scientific information on the life history of western Joshua tree is presented in the United States Fish and Wildlife Service *Joshua Tree Species Status Assessment*, dated October 23, 2018, and available online at: <https://ecos.fws.gov/ServCat/DownloadFile/169734>. Specific sources cited above are listed below:

DeFalco, L.A., T.C. Esque, S.J. Scoles-Sciulla, and J. Rodgers. 2010. Desert wildfire and severe drought diminish survivorship of the long-lived Joshua tree (*Yucca brevifolia*; Agavaceae). *American Journal of Botany* 97:243–250.

Esque, T.C., P.A. Medica, D.F. Shrylock, L.A. DeFalco, R.H. Webb, and R.B. Hunter. 2015. Direct and indirect effects of environmental variability on growth and survivorship of prereproductive Joshua trees, *Yucca brevifolia* Engelm. (Agavaceae). *American Journal of Botany*. 102:85–91.

Pierce, D.W., J.F. Kalansky, and D. R. Cayan. 2018. Climate, drought, and sea level rise scenarios for California’s fourth climate change assessment. Available online at https://www.energy.ca.gov/sites/default/files/2019-11/Projections_CCCA4-CEC-2018-006_ADA.pdf

IV. Impact of Regulatory Action

The potential for significant statewide adverse economic impacts that might result from the proposed regulatory action has been assessed, and the following determinations relative to the required statutory categories have been made:

- (a) Costs or Savings to State Agencies or Costs/Savings in Federal Funding to the State:

The Commission anticipates that there will be costs to the State, specifically the Department for program startup and implementation as shown in Table 2. Startup costs are estimated to be \$4,227.23 and the implementation costs per project are estimated to be \$11,467.72. The Department anticipates approximately 15 separate projects, resulting in total program costs of \$176,243.09 over the 180 days of the proposed action. The identified program costs are within existing budgets.

Table 2. Estimated Department Startup and Implementation Costs per Project for Western Joshua Tree (WJT) Take During Candidacy (2020\$)

STARTUP

Department Classification	Activity/Task	Hourly Rate ¹	Hours per Task	Projected Cost
Associate Budget Analyst	Setup WJT Mitigation Fund	\$55.42	4	\$221.68
Attorney IV	Setup WJT Mitigation Fund	\$110.72	20	\$2,214.40

Department Classification	Activity/Task	Hourly Rate ¹	Hours per Task	Projected Cost
Senior Environmental Scientist (Supervisory)	Setup WJT Mitigation Fund	\$96.42	10	\$964.20
	Subtotal			\$3,400.28
	Overhead ²	24.32%		\$826.95
	Total Startup			\$4,227.23

ONGOING IMPLEMENTATION (per Project)

Department Classification	Activity/Task	Hourly Rate ¹	Hours per Task	Projected Cost
Senior Environmental Scientist	Approve qualified biologist in writing; work with Project Proponent	\$70.93	2	\$141.86
Senior Environmental Scientist	Review and approve tree census report; work with Project Proponent	\$70.93	8	\$567.44
Senior Environmental Scientist	Review as-built plans 45 d. of completing ground-disturbing activities	\$70.93	2	\$141.86
Senior Environmental Scientist	Work on compensatory mitigation, work with mitigation banks; ensure payments are made; approve compensatory mitigation lands	\$70.93	40	\$2,837.20
Attorney IV	Ensure all requirements met	\$110.72	50	\$5,536.00
	Subtotal	Per project		\$9,224.36
	Overhead ²	24.32%		\$2,243.36
	Total per Project Costs			\$11,467.72
	Total for 15 Projects			\$172,015.80
	Grand Total Costs			\$176,243.03

¹ Hourly Rate includes wages per CalHR payscale 2020-21 and Department benefit rates.

² Non-Federal Project Overhead rate for FY 2020-2021 is 24.32% per Department Budget Branch.

(b) Nondiscretionary Costs/Savings to Local Agencies:

This emergency regulation is not anticipated to impact costs or savings to local agencies because this action would not prevent the continuation of current activities.

(c) Programs Mandated on Local Agencies or School Districts:

None.

(d) Costs Imposed on Any Local Agency or School District that is Required to be Reimbursed Under Part 7 (commencing with Section 17500) of Division 4, Government Code:

None.

V. Authority and Reference

The Commission adopts this emergency action pursuant to the authority vested by sections 399 and 2084 of F&G Code and to implement, interpret, or make specific sections 399 and 2084 of F&G Code.

VI. Section 399 Finding

Climate change impacts in California pose a clear threat to public health and are identified in the petition as a primary threat to the western Joshua tree. The proposed emergency regulation is necessary to allow renewable energy projects that have completed or nearly completed the permitting and review process to proceed with groundbreaking activities during western Joshua tree candidacy under CESA. The projects are integral components in California's strategy to achieve greenhouse gas reduction goals and the State's contribution to global climate change. The allowance of incidental take of western Joshua tree specific to the included renewable energy projects will contribute to the species' recovery in the long-term.

Pursuant to Section 399, subdivision (b), of F&G Code, the Commission finds, based on the information above, that adopting this regulation is necessary for the immediate preservation of the public peace, health and safety, and general welfare.

VII. Compliance with Govt Code 11346.1

Government Code section 11346.1(a)(2) requires that, at least five working days prior to submission of the proposed emergency action to the Office of Administrative Law, the adopting agency provide a notice of the proposed emergency action to every person who has filed a request for notice of regulatory action with the agency. After submission of the proposed emergency to the Office of Administrative Law, the Office of Administrative Law shall allow interested persons five calendar days to submit comments on the proposed emergency regulations as set forth in Government Code section 11349.6.

Informative Digest (Plain English Overview)

On October 21, 2019, the California Fish and Game Commission (Commission) received a petition from the Center for Biological Diversity to list the western Joshua tree (*Yucca brevifolia*, WJT) as threatened under the California Endangered Species Act (CESA). California Fish and Game Code (F&G Code) Section 2073.5 requires that the California Department of Fish and Wildlife (Department) evaluate the petition and submit a written evaluation with a recommendation to the Commission, which was received at the Commission's April 2020 meeting. Based upon the information contained in the petition and other relevant information, the Department determined and informed the Commission that there is sufficient scientific information available to indicate that the petitioned action may be warranted.

On September 22, 2020, the Commission determined that listing may be warranted pursuant to F&G Code Section 2074.2, and therefore western Joshua tree will become a candidate species and the Department will undertake a one-year status review. After it receives the Department's status review, the Commission will make a final decision on listing. Candidate species are protected under CESA pursuant to F&G Code Section 2085 during the remainder of the CESA listing.

CESA also provides that the Commission may adopt regulations to authorize take of certain threatened or endangered species and candidate species under F&G Code Section 2084. At its August 19, 2020 meeting, the Commission heard testimony from several stakeholders expressing concern about the inability to proceed with projects related to protecting public health during the candidacy period. The proposed addition of subsection 749.10(a), Title 14, California Code of Regulations creates a special order allowing incidental take of western Joshua tree during CESA candidacy for certain renewable energy projects that will provide renewable energy sources needed to meet California's goals in reducing fossil fuels use and their contribution to climate change impacts. Because climate change is the principal threat to western Joshua tree identified in the listing petition, these projects will also contribute to the species' recovery in the long-term. However, mitigation must occur for any unavoidable impacts.

Project proponents will be required to comply with the terms and conditions specified in the regulation:

- A tree census report must be conducted by a qualified biologist who is approved in advance by the Department.
- Restrictions on herbicide use.
- As-built development plans must be submitted to the Department within 90 days of completion of all construction and ground-disturbing activities.
- Payment of a mitigation fee based on the number of acres to be mitigated.

Each project proponent will also be required to contribute \$10,000 to cover account fees and the cost of retaining a land acquisition specialist. Credit for existing mitigation may be provided.

Each project proponent receiving take authorization is responsible for obtaining all necessary permits and approvals and must comply with all applicable federal, state, and local laws.

The proposed addition of subsection 749.10(b) provides for take of western Joshua tree in the course of ongoing research and monitoring by public agencies other than the Department and by private parties provided that a written, detailed project progress report is provided to the Department's Habitat Conservation Planning Branch chief. All incidental take in the course of research and monitoring by public agencies other than the Department and by private parties is authorized subject to the same restrictions applicable to ongoing research and monitoring.

Commission staff has searched the California Code of Regulations and has found no other state regulation relating to the take of western Joshua tree during its candidacy under CESA, and therefore concludes that the proposed regulations are neither inconsistent nor incompatible with existing state regulations.

Emergency Regulatory Language

Section 749.10 Title 14, CCR, is added to read:

749.10 Special Order Relating to Take of Western Joshua Tree (*Yucca brevifolia*) During Candidacy Period.

The commission authorizes the take of western Joshua tree during the candidacy period for each of the activities described in this section, subject to the terms and conditions specified for each activity.

(a) Incidental take associated with development of solar energy projects in Kern and San Bernardino counties.

(1) Project list.

(A) Aratina Solar Farm, 8minute Solar Energy/64NB 8ME LLC, Kern County.

(B) Bellefield Solar Farm, 8minute Solar Energy/50LW 8ME LLC, Kern County.

(C) Big Beau Solar, EDF Renewables, Inc./Big Beau Solar, LLC, Kern County.

(D) Camino Solar, Avangrid Renewables, LLC/Aurora Solar, LLC, Kern County.

(E) Chaparral Solar, First Solar, Inc./Chaparral Solar, LLC/Chaparral Springs, LLC, Kern County.

(F) Edwards AFB Solar, Terra-Gen Power Holdings II, LLC/Edwards Solar, LLC, Kern County.

(G) Kudu Solar Farm, 8minute Solar Energy/69SV 8ME LLC, Kern County.

(H) Rabbitbrush Solar, First Solar, Inc./Rabbitbrush Solar, LLC, Kern County.

(I) RE Gaskell West 2, Recurrent Energy, LLC/ RE Gaskell West 2 LLC, Kern County.

(J) RE Gaskell West 3, Recurrent Energy, LLC/ RE Gaskell West 3 LLC, Kern County.

(K) RE Gaskell West 4, Recurrent Energy, LLC/ RE Gaskell West 4 LLC, Kern County.

(L) RE Gaskell West 5, Recurrent Energy, LLC/ RE Gaskell West 5 LLC, Kern County.

(M) Rubita Solar, SF Rubita, LLC, San Bernardino County.

(N) Willow Springs Solar 3, First Solar, Inc./Willow Springs Solar 3, LLC/Chaparral Springs, LLC, Kern County.

(O) Windhub Solar B, First Solar, Inc./Windhub Solar B, LLC, Kern County.

(2) Definitions.

(A) Project impact area means all areas in which there will be permanent or temporary impacts to an individual western Joshua tree and the area around each western Joshua tree, defined by a radius, as measured from a single point at its trunk, of:

1. 40 feet for western Joshua trees five meters or greater in height.
2. 12 feet for western Joshua trees one meter or greater but less than five meters in height.
3. 6 feet for western Joshua trees less than one meter in height.

If the areas around individual western Joshua trees overlap, the area of overlap shall be counted only once to avoid over-counting in assessing the project impact area.

(3) Take authorization.

The commission authorizes each solar project listed in subsection (a)(1) to take western Joshua tree on the project site, in accordance with the project specifications provided to the department pursuant to this section and subject to the terms and conditions set forth in subsection (a)(4).

(4) Take of western Joshua tree.

(A) Prior to removing any western Joshua tree or engaging in ground-breaking activities within a project site, each project proponent shall conduct a complete census (count) of all western Joshua trees within the project site.

1. The census shall be conducted by one or more qualified biologist(s), approved in advance in writing by the department, which approval shall not be unreasonably withheld or delayed.

2. The census shall be conducted by walking transect surveys so that 100 percent visual coverage of the project impact areas is achieved.

3. For purposes of calculating the number of acres to be mitigated and for purposes of providing information for the department's status review of western Joshua tree to be prepared pursuant to Fish and Game Code Section 2074.6, the census shall count and classify western Joshua trees by height into the following three categories: trees less than one meter in height, trees one meter or greater but less than five meters in height, and trees five meters or greater in height.

(B) Within six months of the effective date of this section and prior to removing any western Joshua tree or engaging in ground-breaking activities within project impact areas, the qualified biologist shall prepare, and the project proponent shall submit to the department, a Tree Census Report for department review and approval. Within 15 days of receipt, the department shall either approve the Tree Census Report or inform the project proponent in writing of any additional information required for its approval. The Tree Census Report shall contain, at a minimum, the following:

1. The name(s) and affiliation of the qualified biologist(s) who conducted the census.
2. The date(s) of the census.

3. A map of the project site, indicating the total project footprint and all project impact areas.

4. The number of acres in the census area.

5. The distance between transects.

6. A map of the census area that depicts the number and location of western Joshua trees visually identified.

7. Photographs of the project impact area, including at a minimum two photographs per acre depicting different aspects, such as east and south orientation, and a visual representation of the scale of the height of the trees in the photographs.

8. The number of western Joshua trees in each of the three height categories defined in subsection (a)(4)(A)3.

9. The total number of acres to be mitigated, as calculated pursuant to subsection (a)(4)(F).

(C) The project proponent shall limit herbicide use for invasive plant species and shall use herbicides only after it has documented that hand or mechanical efforts are infeasible and submitted that documentation to the department. To prevent drift, the project proponent shall apply herbicides only when wind speeds are less than seven miles per hour. All herbicide application shall be done by a licensed applicator in accordance with this subsection and all applicable federal, state, and local laws and regulations.

(D) The project proponent shall submit as-built development plans in portable document format (PDF) to the department at CESA@wildlife.ca.gov within 90 days of completing all construction and ground-disturbing activities. The as-built plans shall:

1. Delineate and quantify the extent of permanent project features, including roads, utilities, and all other facilities associated with the project.

2. Include an estimate of the permanent disturbance area.

3. Be at a scale of 1":250' (one inch to 250 feet) or smaller.

4. Be derived from survey data acquired after project construction has been completed and shall be verified by the project proponent and the qualified biologist(s).

(E) Compensatory mitigation ratios for impacts to western Joshua tree shall be determined by the functional quality of the habitat based on the size and reproductive class of trees within the project impact area as confirmed in the department-approved census. The compensatory mitigation ratio for impacts to western Joshua tree shall be at 1.5:1 of the project impact area as confirmed in the department-approved census.

(F) The number of acres to be mitigated shall be calculated by multiplying the total number of acres of the project impact area by the applicable mitigation ratio set forth in subsection (a)(4)(E).

(G) To satisfy the compensatory mitigation requirement, prior to commencing any project activities in areas that may contain western Joshua trees, the project proponent shall pay a mitigation fee to be deposited into the Western Joshua Tree Mitigation Fund established pursuant to subsection (a)(5). The fee for each project shall be \$10,521.95 per acre to be mitigated, as calculated pursuant to subsection (a)(4)(F).

(5) The department shall establish a Western Joshua Tree Mitigation Fund to receive project fees required by subsection (a)(4)(G). The department shall ensure the fund is expended for the purpose of addressing threats to western Joshua tree, including but not limited to, acquiring and conserving western Joshua tree mitigation lands to offset impacts of the projects listed in subsection (a)(1). Prior to removing any western Joshua tree or engaging in ground-breaking activities within project impact areas, each participating project listed in subsection (a)(1) shall contribute the sum of \$10,000 to cover the account fees and the cost of retaining a land acquisition specialist to assist the department in locating, acquiring, and conserving the mitigation lands.

(6) Credit for existing mitigation.

(A) If a project listed in subsection (a)(1) has already completed or is legally obligated to complete compensatory mitigation for take of or impacts to western Joshua tree woodlands, the project proponent may elect to provide the department with information about the project impacts, the mitigation obligation, and all compensatory mitigation land acquired and conserved. The department shall assess this information and, if it determines in its reasonable discretion that the mitigation land has comparable western Joshua tree density as the density in the project impact area or is otherwise reasonably comparable in western Joshua tree habitat quality to the project impact area and is subject to a conservation easement or reasonably comparable instrument with adequate management funding, the department shall credit the project at a 1:1 ratio for all such mitigation lands acquired by the project proponent.

(B) If a project listed in subsection (a)(1) has already completed or is legally obligated to complete compensatory mitigation for take of or impacts to a species other than western Joshua tree, the project proponent may elect to provide the department with information about the project impacts, the mitigation obligation, all compensatory mitigation acquired and conserved, and the existence of suitable habitat for and individual western Joshua trees on the mitigation land. The department shall assess this information and, if it determines in its reasonable discretion that the mitigation land has comparable western Joshua tree density as the density in the project impact area or is otherwise reasonably comparable in western Joshua tree habitat quality to the project impact area and is subject to a conservation easement or reasonably comparable instrument with adequate management funding, the department shall credit the project at a 1:1 ratio for all such mitigation lands acquired by the project proponent.

(7) Limitations.

(A) Nothing in this section is intended to be or shall be construed to be a general project approval. It shall be the responsibility of each project proponent receiving take authorization for a project listed in subsection (a)(1) to obtain all necessary permits and approvals and to comply with all applicable federal, state, and local laws.

(B) Nothing in this section is intended to be or shall be construed to prohibit any of the projects listed in subsection (a)(1) from electing to obtain incidental take coverage through Fish and Game Code Section 2081, subdivision (b).

(C) Nothing in this section is intended to or shall be construed to limit the terms and conditions, including those relating to mitigation ratios and compensatory mitigation, the department includes in incidental take permits for western Joshua tree.

(b) Ongoing research and monitoring.

(1) Public agencies and private parties.

(A) Take of western Joshua tree in the course of ongoing research and monitoring for this species by public agencies other than the department and by private parties is authorized provided that a written, detailed project progress report describing objectives, methods (gear, sampling schedules and locations), efforts to minimize adverse effects to the species, and estimated level of take of the species shall be provided to the department's Habitat Conservation Planning Branch chief.

(B) Take of western Joshua tree incidental to the course of research and monitoring by public agencies other than the department and by private parties is authorized subject to the restrictions in subsection (b)(1)(A).

(C) Research and monitoring activities not addressed by the procedures in subsections (b)(1)(A) and (B) may receive separate authorization for take of western Joshua tree pursuant to Fish and Game Code Section 2081.

Note: Authority cited: Sections 399 and 2084, Fish and Game Code. Reference: Sections 399 and 2084, Fish and Game Code.

From: [aeboken](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#)
Subject: SUPPORTING Government Audit and Oversight Committee Agenda Item #4 Administrative Code - Workforce Education and Recovery Fund. File #200761
Date: Tuesday, October 27, 2020 3:12:15 AM

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 workforce education and recovery fund.

Eileen Boken
Coalition for San Francisco Neighborhoods*

* For identification purposes only.

Sent from my Verizon, Samsung Galaxy smartphone

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Letter of Support for Treasure Island Development Authority (TIDA), Julia Prochnik (File No. 201038)
Date: Monday, October 26, 2020 9:18:00 AM
Attachments: [TIDA Support Letter_JuliaProchnik.pages](#)

From: Tim Chan <timchansf@yahoo.com>
Sent: Friday, October 23, 2020 2:48 PM
To: Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Letter of Support for Treasure Island Development Authority (TIDA), Julia Prochnik

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

Dear Supervisors, attached, please find my Letter of Support for Julia Prochnik to serve on the TIDA.

Thank you,

Tim Chan/SF League of Conservations Voter

October 23, 2020

San Francisco Board of Supervisors
Attn: Rules Committee
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102-4689

Re: Letter of Support for Treasure Island Development Authority (TIDA), Julia Prochnik

Dear Members of the Board of Supervisors,

My name is Tim Chan, and as a Board Member of the San Francisco League of Conservation Voters (SFLCV), I am writing in strong support of Julia Prochnik for the Treasure Island Development Authority (TIDA).

You are all are aware of the environmental work that we do at SFLCV, but in my day job, I also lead the Station Area Planning team at BART and have worked on many transit, land use and quality of life initiatives in San Francisco.

As you may know, Julia has over 20 years in executive public policy management and a wealth of knowledge in the electric industry. She understands the challenges facing the U.S. electricity sector in reducing carbon emissions, building renewable energy, creating markets and implementing a new clean energy vision. She is passionate about promoting energy, equity and leadership focusing on market and energy policy creation and implementation, while interpreting real-time grid operations and transmission planning. All skills that can help further TIDA's mission of promoting *planning, redevelopment, reconstruction, rehabilitation, reuse and conversion of the former Naval Station Treasure Island*.

But I would also like to talk about her time at the SFLCV. When she joined our organization, she immediately contributed and provide much needed expertise on energy and sustainability issues, something she will continue to bring to TIDA if selected. She also brought her positive energy to every single Board meeting, which we greatly appreciated. We miss her on the Board, but she will be a great asset to TIDA.

In addition to seeing her stellar work in the environmental sector, she is deeply involved in her community including her work as president of the Lower Haight Merchants and Neighborhood Association. She also helped to spearhead ArtTrailSF, connecting neighborhoods with volunteers from Alamo Square, Divisadero, Hayes Valley and the Lower Haight. Their app on [Outerspatial](#) also creates the ultimate experience in traversing these unique neighborhoods and merchant corridors.

Welcoming her to TIDA will be a huge asset to the Treasure Island community and the overall ecosystem of commissioners who care about the future of San Francisco.

I whole heartedly support Julia's nomination to the Treasure Island Development Authority.

Sincerely,

Tim Chan

Board Member/SFLCV

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: BASF Letter re: SFPOA Meet & Confer
Date: Thursday, October 22, 2020 10:45:00 AM
Attachments: [Oct 22 BASF ltr re SFPOA M&C - Final - Signed.pdf](#)
Importance: High

From: Mikele Lewis-Nelson <mlewis@sfbare.org>
Sent: Thursday, October 22, 2020 9:45 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; SFPD, Commission (POL) <SFPD.Commission@sfgov.org>
Cc: 'Nancy.Beninati@doj.ca.gov' <Nancy.Beninati@doj.ca.gov>; SFPD, Chief (POL) <sfpdchief@sfgov.org>; Cityattorney <Cityattorney@sfcityatty.org>; Isen, Carol (HRD) <carol.isen@sfgov.org>
Subject: BASF Letter re: SFPOA Meet & Confer
Importance: High

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

Good morning,

Please see the attached letter, *sent on behalf of Stuart Plunkett, President of the Bar Association of San Francisco.*

Thank you,
Mikele Nelson

Mikele Lewis-Nelson | Executive Assistant
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October 22, 2020

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San Francisco, CA 94158
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Dear San Francisco Supervisors and Police Commissioners:

The Bar Association of San Francisco's Criminal Justice Task Force ("BASF-CJTF"¹) writes regarding our concern about the tentative Memorandum of Understanding ("MOU") reached between the S.F. Department of Human Resources ("DHR") and the S.F. Police Officers' Association ("SFPOA") that is subject to SFPOA membership and the S.F. Board of Supervisors approval. . BASF-CJTF proposes long overdue reforms to DHR's practices in conducting collective bargaining meet-and-confer sessions with SFPOA.

Executive Summary

BASF-CJTF is concerned because this MOU was negotiated without consulting the Police Commission, S.F. Department of Police Accountability ("DPA"), the District Attorney's Office ("DA"), or other key stakeholders in San Francisco Police Department's ("SFPD") collaborative reform process.² The new MOU that extends the SFPD contract does not

¹ The Bar Association of San Francisco ("BASF") represents 7,500 members and is the largest legal organization in Northern California dedicated to criminal justice reform. In 2015, BASF established the Criminal Justice Task Force ("CJTF"), consisting of judges, prosecutors, public defenders, law enforcement, private defense counsel, civil liberties advocates, and others, to advance systemic reforms in San Francisco.

² In connection with our concerns, we are simultaneously serving requests on DHR for materials related to the negotiation of the MOU under the California Public Record Act (Govt. Code § 6250 *et seq.*; "CPRA").

advance any of the objectives of the collaborative reform process. These significant omissions counsel against your approval of the MOU. At a minimum, we call upon you to delay a vote on ratification of the MOU until November, (1) to enable the development of accompanying reforms (proposed herein) to the City's relationship with the SFPOA, and (2) to assess the relative financial cost of rejecting the MOU after the November election, given that the election results could strengthen the City's financial outlook.

Instead, we propose a slate of structural reforms to the City's collective bargaining process with SFPOA, in particular, to the meet-and-confer process. For many years, BASF-CJTF has fielded complaints from criminal justice agencies, community groups, and other stakeholders familiar with the negotiations, that SFPOA substantially delays reform by drawing out negotiations with DHR, by arguing to include management matters that are not properly the subject of bargaining.

Thus, reforms to collective bargaining with SFPOA are long overdue. The City must prioritize transparency, timeliness, and the advancement of substantive police reforms. The law supports these principles: it recognizes that formulating policies that promote public safety and trust between police agencies and the communities they serve is a fundamental duty of local government that must not be encumbered with undue delays, or worse, bargained away behind closed doors. *State law permits far greater transparency in collective bargaining than DHR's current practices.*

We propose the following immediate changes:

- (1) DHR must stop agreeing to meet and confer with SFPOA over management matters that are not subject to collective bargaining under California law;
- (2) DHR must set clear boundaries to the meet-and-confer process to end unreasonable delays on reforms for matters within the scope of representation;
- (3) meet-and-confer meetings and related correspondence between DHR and SFPOA should be public and transparent; and,
- (4) DHR should consult with key stakeholders concerning reform objectives throughout negotiations with SFPOA.

The first three of these changes could be memorialized in the MOU, although agreement between the parties is not necessarily required. The last reform simply requires changes to the manner in which DHR

interacts with stakeholders. All of these reforms could be implemented without any changes to the MOU because, these proposals are consistent with California law and none requires agreement with SFPOA (*see infra.*) *Thus, all of these reforms could be achieved by legislative action by the Board of Supervisors, or by directive from the Police Commission.*

I. The City must reform the meet-and-confer process between DHR and SFPOA before approving the MOU.

The existing meet-and-confer process between DHR and SFPOA urgently needs reform. In 2016, the U.S. Department of Justice (“USDOJ”) identified the problem with Recommendation 3.2:

The SFPD should work with the Police Commission to obtain input from the stakeholder groups and conduct an after-action review of the meet-and-confer process to identify ways to improve input and expedite the process in the future for other policy development.

USDOJ made this particular recommendation following the meet-and-confer between DHR and SFPOA over Department General Order (“DGO”) 5.01 (“Use of Force”). That high-profile negotiation was drawn out over six months, despite USDOJ’s urgent pleas for it to conclude.

SFPD claims to be in “substantial compliance” with Recommendation 3.2’s requirements.³ In a July 2020 memo to the Police Commission, SFPD claimed that it had solicited input from stakeholders in the 2016 use-of-force policy negotiations, conducted an after-action review in 2017, and identified and implemented ways to streamline the meet-and-confer process with Commission staff in 2018-19.⁴ However, a recent report from the California Department of Justice (“Cal DOJ”) and Hillard Heintze, reveals that SFPD consulted with the Police Commission regarding Recommendation 3.2, but has not met its required

³ See Ex. A. Sgt. Kilshaw Email to Police Commission, re: “protocols when receiving DGOs/policies for Commission adoption,” July 7, 2020 (asserting, “Recommendation 3.2 achieved substantial compliance in May 2020.”).

⁴ See Ex. B. SFPD Collaborative Reform Completion Memorandum (March 3, 2020).

stakeholders' input, conducted an after-action review, or identified ways to expedite the meet-and-confer process.⁵

SFPD's efforts have not been effective. Since 2016, the meet-and-confer process has delayed—*by months to years*—a number of policy reforms that promote public safety and reinforce public trust in SFPD. For example, DHR's meet-and-confer negotiations with SFPOA have delayed *for years* proposed changes to DGO 10.11 ("Body Worn Cameras" (BWC)) that were approved by the Police Commission in January 2018. More recently, implementations of DGO 5.17 ("Bias-Free Policing Policy") and DGO 5.23 ("Interactions with Deaf and Hard of Hearing Individuals") also were delayed as a result of the meet-and-confer process.

BASF-CJTF will submit California Public Records Act ("CPRA") requests to DHR for materials related to the meet-and-confer processes for each of these DGOs. Remarkably, the public, and even the Police Commission, DPA, the DA's Office, and other stakeholders in the collaborative reform process, *are often unaware of when or why DHR is conducting meet-and-confer meetings with SFPOA* over policies that the Police Commission has already approved. As set forth below, greater expediency and transparency in the process would comport with California law and lead to superior policy outcomes for San Francisco.

II. California law requires the City to meet-and-confer over working conditions; negotiation of management matters is neither required nor appropriate.

DHR must stop voluntarily negotiating over management matters with SFPOA, and instead limit negotiations to working conditions and, under limited circumstances, the "effects" of management decisions on working conditions. *See* Govt. Code §3504. Contrary to the law, the Police Commission's explicit direction, as well as SFPD's representations to Cal DOJ, DHR's steady practice has been to negotiate exhaustively over any matter SFPOA wishes to discuss.⁶ Since reform efforts began in 2016,

⁵ *See* Cal DOJ & Hillard Heintze, SFPD Collaborative Reform Initiative, Phase II (March 4, 2020) – 18 Month Progress Report, App'x C at 3, available at <https://oag.ca.gov/system/files/attachments/press-docs/Final%20Hillard%20Heintze%20Phase%20II%20Report%20for%20the%20San%20Francisco%20Police%20Department-1.pdf>.

⁶ The current MOU states that the City or DHR "shall give reasonable written notice to the Association of *any proposed change in general orders* or other matters within the scope of representation as specified by

SFPOA has exploited this practice repeatedly to delay management reforms that never should have been the subject of collective bargaining in the first place.

California’s Meyers-Milias-Brown Act (Govt. Code § 3500, *et seq.*; “MMBA”) governs labor relations with public sector employees, including peace officers. The MMBA requires management to meet-and-confer in good faith with union representatives over matters that are within the “scope of [union] representation,” *i.e.*, “all matters relating to employment conditions and employer-employee relations, including, but not limited to, wages, hours, and other terms and conditions of employment, *except, however*, the scope of representation shall not include consideration of the merits, necessity, or organization of any service or activity provided by law or executive order.” (Govt. Code § 3504 (emphasis added).)

Thus, management matters are the clear exception to meet-and-confer. Importantly, the MMBA recognizes “the right of employers to make unconstrained decisions when fundamental management or policy choices are made.” *Claremont Police Officers Ass’n v. City of Claremont* (2006) 39 Cal. 4th 623, 632. “To require public officials to meet and confer with their employees regarding fundamental policy decisions . . . would place an intolerable burden upon fair and efficient administration of state and local government.” *Berkeley Police Ass’n v. City of Berkeley* (1977) 76 Cal. App. 3d 931, 937. Indeed, at least as to some core management issues—such as placing policy limits on the use-of-force, or other management functions that maintain public confidence in law enforcement—negotiation, even if purportedly “voluntary” and non-binding, is inappropriate and inconsistent with the law. *San Jose Peace Officer’s Ass’n v. City of San Jose* (1978) 78 Cal. App. 3d 935, 947 (local “government agency may not suspend, bargain or contract away its police power” arising under the California Constitution, which

Government Code Section 3504.5.” See MOU between City and County of San Francisco and SFPOA Units P-1 and P-2A (July 1, 2018-June 30, 2021) (emphasis added), *available at* <https://sfdhr.org/sites/default/files/documents/MOUs/POA-2018-2021.pdf>. We do not believe that the parties intended the MOU to obligate the City and DHR to negotiate over “any proposed change to a general order,” regardless of whether the change falls within the scope of representation. As set forth below, such a purported obligation would far exceed, and arguably violate, California law. This language must be struck from the MOU to comply with the limitations placed by law on the scope of collective bargaining negotiations.

encompasses, among other things, the “power of a city to enact and enforce regulations relating to the use of firearms by police officers”).

Where management decisions have a significant adverse *effect* on wages, hours, or working conditions, the California Supreme Court has adopted a balancing test to determine whether those effects must be subject to the meet-and-confer requirement. *Building Material and Const. Teamsters’ Union, Local 216 v. Farrell* (1986) 41 Cal. 3d 651, 660; *Claremont*, 39 Cal. 4th at 638. The test asks whether “the employer’s need for unencumbered decision making in managing its operations is outweighed by the benefit to employer-employee relations of bargaining about the action in question.” *Building Material*, 41 Cal. 3d at 660; *Claremont*, 39 Cal. 4th at 630.

In balancing these factors, “a court may also consider whether the ‘transactional cost of the bargaining process outweighs its value.’” *Building Materials* 41 Cal. 3d at 660; *Claremont*, 39 Cal. 4th at 638 (“We believe this ‘transactional cost’ factor is not only consistent with the *Building Material* balancing test, *but its application also helps to ensure that a duty to meet and confer is invoked only when it will serve its purpose.*” (emphasis added)). Delays caused by extended bargaining and the legal process are an important “transactional cost” incurred by management under this analysis. The Court of Appeal, in a 2018 ruling on SFPD’s use-of-force policy, reasoned that the City is not required to meet-and-confer over, let alone arbitrate, changes to the use-of-force policy, because such a requirement “would defeat the purpose of requiring cities to make fundamental managerial or policy decisions independently” and because “*it would essentially allow the Association to hold the policy in abeyance indefinitely by claiming the City acted in bad faith when it ended its voluntary negotiations without conferring over certain unstated impacts the policy might have on police officers.*” *San Francisco Police Officers’ Ass’n v. San Francisco Police Comm’n* (2018) 238 Cal.Rptr.3d 753, 764 (emphasis added).

SFPD entirely overlooked the *Building Materials* balancing test entirely in its “Completion Memorandum” for Recommendation 3.2.⁷ The City

⁷ See Ex. B. SFPD Collaborative Reform Completion Memorandum (March 3, 2020) (“However, even in those instances where the decision is squarely a managerial prerogative, those decisions may have effects - for example on employee training and discipline - that are subject to meet and confer.”).

Attorney's Office has also taken a very restrictive view of the law perhaps to avoid litigation, but this has been at the cost of needed reforms. For example, in 2018 the City Attorney's Office and DHR apparently advised the Police Commission that the City was legally obligated to meet and confer with SFPOA over the DGO 10.11 (BWC) restriction prohibiting officers from reviewing BWC footage before making a statement to investigators regarding an officer-involved shooting or an in-custody death. The ensuing meet-and-confer process took *2.5 years* and resulted in the addition of a *single, non-binding sentence* to the policy (*see infra*).

In fact, the law is clear that such a restriction is within management's prerogative and is not an appropriate subject for collective bargaining. In *Ass'n of Orange Cnty. Deputy Sheriffs v. Cnty. of Orange* (2013) 217 Cal. App. 4th 29, the Court of Appeal held the county had no obligation to negotiate with the union over a policy that prohibited deputies from accessing the department's investigation file prior to being interviewed as part of the investigation. *Id.* at 44-45. The decision noted that the policy implemented "best practices" in investigations and was designed "to ensure the integrity and reliability of future internal affairs investigations." *Id.* at 45. Very similarly, in *Ass'n for Los Angeles Deputy Sheriffs v. Cnty. of Los Angeles* (2008) 166 Cal. App. 4th 1625, the Court of Appeal found that a policy prohibiting deputies from speaking with each other about an officer-involved shooting before being interviewed about the incident by investigators was a fundamental policy decision excluded from mandatory bargaining. *Id.* at 1644. The Court noted that the policy's objective "was to collect accurate information regarding deputy-involved shootings," and thus "foster greater public trust in the investigatory process." *Id.*

It is impossible to distinguish these decisions materially from DGO 10.11's restriction prohibiting officers from reviewing their BWC footage prior to making a statement to investigators in officer-involved shootings and in-custody deaths. The City Attorney was aware of these decisions during the meet-and-confer process because they were raised in the 2018 use-of-force litigation, yet the negotiations were allowed to proceed.⁸

⁸ The cases were discussed by the League of California Cities in an *amicus* brief filed in support of the City Attorney's Office during the litigation brought by SFPOA against SFPD's use-of-force policy. See Br. of Amicus Curiae League of California Cities, et al., (January 30, 2018), available at <https://www.cacities.org/Resources-Documents/Member->

In 2019, recognizing that DHR’s willingness to collectively bargain over any matter was impeding reform efforts, former Police Commission President Robert Hirsch memorialized the Commission’s prior directive from 2018 to DHR “to only meet and confer over mandatory subjects of bargaining.”⁹ SFPD also cites this directive in support of its claim to Cal DOJ that it has complied with Recommendation 3.2. Unfortunately, it is clear that DHR has not complied with the Commission’s orders and that SFPD’s representation to Cal DOJ continues to be false.

For example, the Police Commission recently released meet-and-confer correspondence from SFPOA to DHR concerning DGO 5.17, the bias policy.¹⁰ The bias policy is a classic management matter that should not be the subject of collective bargaining. DHR, however, describes SFPOA’s communication as a “counterproposal” to DGO 5.17. SFPOA’s letter to DHR states: “On behalf of the San Francisco POA we want to thank you and the members of the City meet and confer team for discussing the proposed modifications to DGO 5.07 [sic], Bias-Free Policing. During our meet and confer session we raised a number of questions regarding the proposed language.” *Id.* What follows are a variety of proposed changes to the bias policy that have no conceivable relation to working conditions. *Id.* For example, SFPOA requested that reference to the Fourth Amendment be removed from the introductory passage of the bias policy. *Id.*

That DHR elected to meet-and-confer over DGO 5.17 raises troubling questions about what other matters DHR has negotiated in the past several years. It also raises serious questions about the soundness of the City Attorney’s legal advice concerning the scope of mandatory

[Engagement/Professional-Departments/City-Attorneys/Request-Amicus-Support/Recent-Filings/Briefs-\(1\)/San-Francisco-POA-v-San-Francisco-Police-Commissi](#).

⁹ Ex. C. R. Hirsch Ltr. to Cmdr. Walsh (June 19, 2019).

¹⁰ Ex. D. L. Preston Memo to Police Comm., Re: DGO 5.17 Policy Prohibiting Biased Policing

(July 6, 2020) (attaching R. Lucia Ltr. to L. Preston, Re: DGO 5.17 Bias-Free Policing / Meet & Confer (June 25, 2020)), *available at* https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/Memorandum%20-%20DGO%205.17%20Policy%20Prohibiting%20Biased%20Policing%20%2807.06.20%29_1.pdf.

bargaining under the MMBA. Sadly, this approach to collective bargaining is the norm, not the exception, even after SFPD claims to have “substantially complied” with Recommendation 3.2, in part by supposedly limiting bargaining to mandatory subjects only.

SFPOA has should not be permitted to slow down the implementation of reforms such as DGO 5.17 by engaging DHR in extended, unauthorized and inappropriate meet-and-confer processes. The Police Commission, the Board of Supervisors, and the Mayor should demand that DHR abide by the Commission’s directive to negotiate only over matters that are mandatory subjects of bargaining. Likewise, the Police Commission should consider seeking independent counsel if the City Attorney continues to misadvise on the parameters of mandatory collective bargaining, thereby enabling inappropriate discussions over management matters. Finally, we note that releasing all meet-and-confer correspondence between DHR and SFPOA, and making the meetings publicly accessible and transparent to key stakeholders will ensure that DHR ceases negotiating matters that are management’s prerogative.

III. California law requires a good faith effort to discuss working conditions with the union within a reasonable timeframe, but not over extended periods.

A second problem identified by USDOJ in Recommendation 3.2—and not adequately addressed by SFPD or DHR—has been the unreasonable length of the meet-and-confer process. This problem has stalled numerous reforms. DHR should negotiate reasonable schedules and deadlines with SFPOA for meet-and-confer sessions, and if SFPOA refuses to do so, *DHR must promptly declare impasse on matters rather than indulging in delays.*

DHR has not done so. For example, it met and conferred with SFPOA over DGO 10.11 (BWC) policy, for *nearly two and a half years* over a *single non-binding sentence* after the policy was approved by the Police Commission. In January 2018, the Police Commission adopted changes forbidding officer review of BWC footage in officer-involved shootings and in-custody deaths. Stakeholders have been advocating for such changes since 2016, when the original policy was passed. In a process completely hidden from public view, the revised policy resulting from this meet-and-

confer was not made public until very recently.¹¹ After years of negotiation, DHR revealed that the change from the meet-and-confer process constituted *one non-binding sentence*. In the meantime, implementation of the restrictions on officer review of BWC footage—a matter implicating public trust in law enforcement that is clearly within management’s prerogative under California law (*see supra*)—was delayed for years. No further changes to the policy could be considered until the existing amendments were finalized. Thus, this basic reform has been unacceptably stalled.

Not only are these delays are not mandated by state law, such an extended process is contrary to the law—particularly as to matters, which implicate public trust in law enforcement. *See Building Materials* 41 Cal. 3d at 660; *Claremont*, 39 Cal. 4th at 638. SFPD’s “Completion Memorandum” states: “Placing arbitrary deadlines on the meet and confer process at the onset of negotiations would be viewed by the courts as bargaining in bad faith.”¹² Placing *arbitrary* deadlines on negotiations might evince bad faith, but adhering to reasonable timelines and seeking negotiated deadlines certainly does not.

The MMBA broadly defines the “good faith” bargaining requirement as follows:

“Meet and confer in good faith” means that a public agency, or such representatives as it may designate, and representatives of recognized employee organizations, shall have the mutual obligation personally to meet and confer promptly upon request by either party and continue for a reasonable period of time in order to exchange freely information, opinions, and proposals, and to endeavor to reach agreement on matters within the scope of representation prior to the adoption by the public agency of its final budget for the ensuing year. The process should include adequate time for the resolution of impasses where specific procedures for such resolution are contained in local rule,

¹¹ See DGO 10.11 (Eff. 01/10/18) (redline), available at <https://sfgov.org/policecommission/sites/default/files/Documents/PoliceCommission/PoliceCommission100720-DGO10.11BodyWornCamerasback%20from%20m%26c.pdf>.

¹² See Ex. B. SFPD Collaborative Reform Completion Memorandum (March 3, 2020).

regulation, or ordinance, or when such procedures are utilized by mutual consent.

See Gov't Code § 3505. Notably, the statute does not require secrecy, or any specific or extended time frame for negotiations. And, according to the California Supreme Court, conducting the required meet-and-confer in good faith should place a "minimal" burden on the democratic functions of local government. *People ex rel. Seal Beach Police Officers Ass'n v. City of Seal Beach* (1984) 36 Cal. 3d 591, 599.

The courts have interpreted "good faith" to require, from both sides, "a genuine desire to reach agreement. The parties must make a serious attempt to resolve differences and reach a common ground." *Santa Clara Cnty. Corr. Peace Officers' Ass'n, Inc. v. Cty. of Santa Clara* (2014) 224 Cal. App. 4th 1016, 1044. However, "[e]ven if the parties meet and confer, they are not required to reach an agreement because the employer has 'the ultimate power to refuse to agree on any particular issue.'" *Claremont*, 39 Cal. 4th at 630 (quoting *Building Material*, 41 Cal. 3d at 665). Thus, even "adamantly insisting on a position does not necessarily establish bad faith." *Santa Clara Cnty. Corr. Peace Officers' Ass'n*, 224 Cal. App. 4th at 1044 (citing *Public Employees Ass'n v. Bd. of Supervisors* (1985) 167 Cal. App. 3d 797, 805-806).

"The MMBA does not attempt to specify how long or how frequently parties must meet in order to establish prima facie good faith or when impasse may be declared." *Santa Clara Cty. Corr. Peace Officers' Ass'n*, 224 Cal. App. 4th at 1038. The parties, however, are "free to agree in advance on a period of time that they consider reasonable to allow them to freely exchange information and proposals and endeavor to reach agreement." *Id.* at 1038-39 (union agreed to 45-day period following notice).

Notably, California courts have been fairly reluctant to find that public employers have "rushed to impasse" based on the supposed failure to allow sufficient time for bargaining. See, e.g., *Vallejo Police Officers Ass'n v. City of Vallejo* (2017) 15 Cal. App. 5th 601, 628 (rejecting such claim). Although the California Public Employment Relations Board (PERB) has proven more willing to do so, that administrative board's purported jurisdiction over claims of unfair labor practices brought by unions representing peace officers has not been tested in the courts, and in any case, its opinions are also subject to judicial review. See *Ass'n of Orange Cnty Deputy Sheriffs v. Cnty of Orange*, PERB Dec. No. 2657-M (PERB

decision purporting to claim jurisdiction over such claims, a ruling which was not appealed to the courts).

We are aware that DHR's attempt to reduce the *notification period* to SFPOA for USDOJ-recommended reforms that fall within the scope of representation, from 30 to 14 days, was rejected by an arbitration panel in 2018. That limited arbitration decision should not dissuade the City and DHR from pressing for changes to the MOU to implement reasonable timelines and deadlines for the meet-and-confer process. As then-arbitrator Carol Isen wrote in support of that proposal to change the MOU: "I believe the City's proposal strikes a reasonable balance between the City's desire for swift implementation of reform measures recommended by the DOJ and [SFPOA's] right to have a meaningful say over any impacts on its members' terms and conditions of employment with [SFPD]." ¹³

DHR must make it a priority to negotiate timelines that enable the Police Commission to deliver needed reforms. Deadlines should be set forth in the MOU. *Santa Clara Cty. Corr. Peace Officers' Ass'n*, 224 Cal. App. 4th at 1038-39. If SFPOA refuses to agree to reasonable deadlines, DHR must be prepared to declare impasse on matters where SFPOA delays and evinces bad faith in the meet-and-confer. The City Attorney may caution that doing so could risk litigation, but it is the right thing to do, there is support in the law, and the community expects it.

According to SFPD, in an apparent effort to comply with Recommendation 3.2, DHR has now implemented standing meetings with SFPOA and detailed to SFPD the same negotiator who permitted long delays in prior meet-and-confer processes.¹⁴ Simply scheduling more meetings for collective bargaining, untethered to any particular subject or policy, will not speed the process—especially given that SFPOA has demonstrated its ability to drag out the meet-and-confer process over months and years with DHR's negotiators. Scheduling more standing meetings between DHR and SFPOA does not support a finding that SFPD has "substantially complied" with Recommendation 3.2.

¹³ See *In re: City and Cnty. of San Francisco and SFPOA* (Arb. Award, May 4, 2018) at 23, available at <https://sfdhr.org/sites/default/files/documents/Notices/POA-Final-Award.pdf>.

¹⁴ See Ex. B. SFPD Collaborative Reform Completion Memorandum (March 3, 2020).

Consistent with California law, meet-and-confer meetings concerning reform that matters that fall within the scope of representation should be scheduled quickly, placed on the agenda, focused in scope, and brought to resolution expeditiously. Otherwise, SFPD reform is unnecessarily delayed and the public trust irreparably harmed.

IV. California law permits a meet-and-confer process that is publicly-accessible and open to stakeholder input; transparency and inclusion measures would improve negotiations.

DHR's meet-and-confer process with SFPOA occurs behind closed doors. Such secrecy is not legally required and is not the norm across all jurisdictions. Greater transparency would improve the process and advance substantive police reforms.

BASF-CJTF urges the City to adopt the following changes:

- (1) DHR should publicly notice meet-and-confer meetings in advance for public attendance;
- (2) all meet-and-confer correspondence and communications between the parties should be posted publicly in a timely fashion in advance of meetings; and
- (3) DHR should consult with key public agencies and other stakeholders regarding reform objectives, before, during, and after the meet-and-confer process.

Various experts have argued in favor of increasing public participation in bargaining, or at least improving the transparency of such negotiations. Professor Stephen Rushin recently urged policymakers to “make collective bargaining sessions over police disciplinary procedures open to the public,” noting that “[t]he collective bargaining process generally excludes individuals most at risk of experiencing police misconduct.”¹⁵ Not only are communities of color excluded from the process, so are affinity groups within the ranks of SFPD (such as Officers for Justice SF), whose interests may not be well represented by SFPOA. Likewise, key stakeholders, such as the DA's office, DPA, and even the Police

¹⁵ Stephen Rushin, *Police Union Contracts*, Duke Law Journal vol. 66, no. 6 (March 2017) at 1244-45, available at <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=3890&context=dlj>.

Commission, often have little to no visibility into, much less influence over, the substance or course of meet-and-confer negotiations. Excluding these viewpoints has led to secretive negotiations between DHR and SFPOA that have failed to advance reform objectives—witness the recently negotiated MOU.

San Francisco deserves better. Notably, a number of states (Alabama, Arizona, Arkansas, Colorado, Florida, Georgia, Idaho, Mississippi, Missouri, Montana, Nebraska, North Dakota, Oregon, Tennessee, and Texas) already require public employee collective bargaining to occur in open public meetings.¹⁶ In Texas, for example, state law requires that meet-and-confer deliberations between public employers and police unions “shall be open to the public.”¹⁷

In 2016, community groups and advocates in Austin, Texas, took advantage of these laws to attend meet-and-confer meetings and advocate for reform positions.¹⁸ Those who led the campaign related their experiences recently in *The New York Times*:

[A]lmost every week in 2017, our coalition attended meetings between the city and the police association. [¶] We packed chairs around the periphery of the room, took detailed notes and then cross-referenced every change to the previous contract. Then we’d return to the offices of council members and city negotiators to urge them to support our reforms. [¶] Negotiators from the city told us that our presence changed the dynamics of the bargaining by compelling real dialogue between the city and the association. In previous years, the union had railroaded the city for exorbitant

¹⁶ See generally Eric Shannon, Washington Policy Center, Policy Brief, *Transparency in public employee collective bargaining: How Washington compares to other states* (December 2018) (“Opening public employee collective bargaining is clearly working in many states in creating more open, honest, and accountable government.”), available at <https://www.washingtonpolicy.org/library/doclib/Shannon-Transparency-in-public-employee-collective-bargaining.pdf>.

¹⁷ See Tex. Local Govt. Code § 174.108, available at www.statutes.legis.state.tx.us/SOTWDocs/LG/htm/LG.174.htm.

¹⁸ Mark Wilson, “Meet-and-confer negotiations with police ineffective, groups say,” *Austin Statesman*, August 8, 2017 (updated September 25, 2018), available at <https://www.statesman.com/news/20170808/meet-and-confer-negotiations-with-police-ineffective-groups-say>.

pay increases and stipends in exchange for negligible improvements in oversight.¹⁹

As it turned out, greater transparency and public participation in Austin's meet-and-confer meetings prompted sea changes in an otherwise entrenched system. First, the city council rejected the re-negotiated MOU because it did not include meaningful reforms, and instead sent the negotiators back to the bargaining table; then, after initially backing out, the union relented and replaced its chief negotiator with a representative who was receptive to community input; ultimately, the city council voted to approve a revised MOU that saved the city almost \$40 million and included reform measures.²⁰ Similar community engagement here in San Francisco could lead to similar dramatic benefits.

Nothing in the MMBA or any other provision of California law requires meet-and-confer discussions to occur behind closed doors, or compels DHR to maintain meet-and-confer correspondence in confidence. *See* 61 Ops. Cal. Atty. Gen. 1, 2-3 (Jan. 4, 1978) (California Attorney General legal opinion noting that the MMBA "is silent as to whether 'meet and confer' sessions may be private, or must be open to the public"). To the contrary, the meet-and-confer sessions are not confidential, and independent summaries of what was discussed at the meetings, as well as the communications between the parties, may be provided to the public as well as other stakeholders.

The Brown Act generally does *not* govern meet-and-confer sessions with unions, unless a quorum of members of the relevant legislative body (such as the Police Commission) attend the bargaining session, thereby triggering the Act's open meeting requirements. *Id.* at 4-5. However, the Brown Act still implicates the transparency of the meet-and-confer process in several ways. First, it limits legislative bodies to conferring in closed session with their bargaining representatives regarding the "salaries, salary schedules, or ... fringe benefits" paid to employees, as well as "any other matter within the statutorily provided scope of representation." *See* Gov't Code § 54957.6(a). Such closed sessions must

¹⁹ Sukyi McMahon, Chas Moore, "To Reform the Police, Target Their Union Contract" *N.Y. Times*, April 8, 2019, *available at* <https://www.nytimes.com/2019/04/08/opinion/austin-police-union-contract.html>.

²⁰ *Id.*

be for “the purpose of reviewing [the agency’s] position and instructing the local agency’s designated representatives.” *Id.*; *Shapiro v. San Diego City Council* (2002) 96 Cal. App. 4th 904, 917 (statutory exceptions permitted closed session must be narrowly construed). Second, the Brown Act does *not* permit legislative bodies to go into closed session to discuss matters that are not subject to bargaining under the MMBA, *i.e.*, beyond of the scope of union representation.²¹ (Govt. Code § 54957.6(a).) It is thus inappropriate and contrary to statute for the Police Commission to discuss management issues related to ongoing reforms, in closed session. *San Jose Peace Officer’s Ass’n*, 78 Cal. App. 3d at 947.

Meet-and-confer correspondence between the parties—*i.e.*, opening bargaining offers, counters, and any other communications between the parties—may also be released to the public and other stakeholders. The MMBA is silent as to such communications between the parties, and thus does not prohibit their disclosure. The MOU does not contain any relevant confidentiality provisions. No legal privilege or protection applies to arms-length negotiations.²² The Brown Act expressly permits legislative bodies to authorize the release of information that is acquired during closed session, *see* Gov’t Code §54963—and, as noted above, the Police Commission has actually exercised this authority fairly recently, to release meet-and-confer communications received from SFPOA regarding DGO 5.17.

The CPRA also permits disclosure of arms-length correspondence between DHR and SFPOA. As SFPD’s “Completion Memorandum” notes, the CPRA exempts from disclosure records “related to activities governed by [the MMBA] that reveal a local agency’s deliberative processes, impressions, evaluations, opinions, recommendations, meeting minutes, research, work products, theories, or strategy...” Gov’t Code § 6254(p)(2). However, the same provision goes on: “This paragraph shall not be construed to limit the disclosure duties of a local agency with respect to any other records relating to the activities governed by the employee

²¹ BASF-CJTF is very concerned that, in the past, the Police Commission may have discussed in closed sessions with DHR meet-and-confer negotiations “voluntarily” undertaken regarding matters, such as the use-of-force policy, that are not within the scope of representation. This practice must end, as it violates the Brown Act.

²² Notably, SFPOA has never agreed to maintain confidentiality in its discussions with DHR, and its leadership has not hesitated to speak to the news media about negotiations whenever it deems doing so to be strategically advantageous.



relations act referred to in this paragraph.” *Id.* Here, as with the Brown Act, the statutory exceptions are to be narrowly construed. *Bd. of Trustees of Cal. State Univ. v. Super. Ct.* (2005) 132 Cal. App. 4th 889, 896; *see also* Gov’t Code § 6254(p)(2) (“This paragraph shall not be construed to limit the disclosure duties of a local agency with respect to any other records relating to the activities governed by the employee relations act referred to in this paragraph.”)

In sum, California law allows greater transparency and inclusion in the meet-and-confer process, and recent experiences in other jurisdictions suggest that opening the meetings and negotiations to the public can advance reform efforts. Indeed, BASF-CJTF’s experience in the USDOJ collaborative reform process has consistently taught that greater transparency and community participation in police policymaking improves outcomes, advances reforms, and reinforces public trust in law enforcement.

Conclusion

We know the Board of Supervisors and Police Commission remain committed to timely and meaningful reform of SFPD, including the relationship between the City and SFPOA. As the recent national demonstrations and calls for police reform reveal, the stakes for San Francisco could not be greater. We stand in partnership with the Board of Supervisors, the Police Commission, the SFPD, and the City to achieve our shared goals for police reform.

Sincerely,

Stuart Plunkett
President, Bar Association of San Francisco



THE BAR ASSOCIATION OF
SAN FRANCISCO

cc:

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Exhibit A

From: [Kilshaw, Rachael \(POL\)](#)
To: [SFPD, Commission \(POL\)](#)
Cc: [Youngblood, Stacy \(POL\)](#); [Lohaus, Phillip \(POL\)](#); [CABRERA, ALICIA \(CAT\)](#); [Preston, Darryelle \(POL\)](#)
Subject: protocols when receiving DGOs/policies for Commission adoption
Date: Tuesday, July 7, 2020 12:59:44 PM
Attachments: [proceess for handling DGOs.doc](#)
[Hirsh letter.pdf](#)
[response to 3.2.pdf](#)

Dear Commissioners:

During last week's meeting there was a request to calendar a discussion about the process of how and why DGOs/policies are handled with respect to the meet and confer process. The Commission office can provide some information about the process at this time.

In 2016 the US DOJ recommended that the "SFPD work with the Police Commission to obtain input from the stakeholder group and conduct an after-action review of the meet and confer process to identify ways to improve input and expedite the process in the future for other policy development." (rec 3.2) To address one part of the recommendation the Commission President Hirsch and members of the Commission staff worked with the SFPD, the City Attorney's Office ("CAO") and the Department of Human Resources ("DHR") to develop protocols for the handling of DGOs/policies when received from the SFPD. The internal protocols were developed in 2018 and revised in 2019. I have attached a copy of the current Protocols for your review (first attachment).

In 2018 then Commission President Hirsch instructed DHR in closed session to only meet and confer over mandatory subjects of bargaining. Commission President Hirsh memorialized this directive in a letter to the SFPD. (second attachment)

In 2020, Commission staff submitted the cover letter to Hillard Heintz regarding recommendation 3.2 outlining the steps the SFPD, the Commission, DHR and the CAO have taken to expedite the meet and confer process. It provides additional information about the steps taken to expedite meet and confer. I have attached that letter for your review (third attachment). Recommendation 3.2 achieved substantial compliance in May 2020.

Regarding the status of outstanding policies still in meet and confer, there are 5:

- DGO 5.17
- Protocols for in person disciplinary hearings
- BWC policy
- Disciplinary Matrix
- SB 1421 protocols

The Commission staff tracks the items in meet and confer and routinely asks DHR (now Ms. Preston) and/or CAO about the status.

Of the 5 items in meet and confer, you will be addressing 4 in closed session on Wednesday. Contrary to public statements, the Commission Office has not been notified that meet and confer has concluded on the BWC policy, which is why the Commission will be provided an update in closed session. As you can see in attachment #1, once DHR, (now Ms. Preston – SFPD Director of Labor

Relations and DHR Liaison) concludes the meet and confer process, they notify the Commission Office and request that the item be placed on the agenda for adoption in open session. That notification has not happened.

I know this information only explains the “how” part of your questions regarding policies getting to meet and confer. The Commission staff will defer to DHR, CAO or Ms. Preston to explain the “why” each policy is identified for meet and confer.

Please let me know if you have any questions.

Rachael

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The Police Commission

CITY AND COUNTY OF SAN FRANCISCO

Protocols for Commission Office Staff for Department General Orders As of March 25, 2019

ROBERT HIRSCH
President

DAMALI TAYLOR
Vice President

PETRA DeJESUS
Commissioner

THOMAS MAZZUCCO
Commissioner

JOHN HAMASAKI
Commissioner

CINDY ELIAS
Commissioner

DION-JAY BROOKTER
Commissioner

Sergeant Jayme Campbell
Secretary

When the Commission Office receives a Department General Order from The Written Directives Unit (WD) advising the DGO is ready to go to the Commission for a vote:

- 1) Make sure WD sends a red-lined edited version tracking the changes from the current version of the DGO. If it is a new DGO this is not necessary. Also ask for a Word version in case the Commission staff needs to make edits. Edits may come in the form of friendly amendments the night when the Commission votes to adopt.
- 2) Call the President and ask if the DGO is one that the CAL DOJ needs to review. This will likely change once the list of DGOs that have to go to Hillard Heintze get finalized.
- 3) If the DGO has to go to CAL DOJ, advise WD to send to the CAL DOJ team and ask WD to track for time limits. CAL DOJ is allowed 45 days to review a DGO. From this point the Commission Office waits to get word from WD that the DGO is ready again. When this happens, ensure WD sends a red-lined edited version. If the DGO does not need to be reviewed by CAL DOJ, proceed to step 4.
- 4) Send the DGO (wait for the CAL DOJ reviewed copy, if that step is needed) to DHR asking if the DGO is subject to meet and confer. This can take some time to get a response. Send a reminder, if no response from DHR after 2 weeks).
- 5) Once DHR has responded and the Commission office has a version from WD, the DGO is ready to move forward. Post the draft on the Commission home page under announcements for at least 10 days prior to the date the item will be on the Commission agenda. The announcement reads, "Draft DGO XX.XX, name of the DGO, will be on the Commission's agenda on XX, XX, 20XX for discussion and possible action." Don't post the policy until you have a response from DHR. Use the red-lined edited version in PDF.
- 6) Regarding the language for posting on the Commission agenda:
 - If the DGO does not need to go through meet and confer, the item reads "for adoption"
 - If the DGO does need to go through meet and confer, the item reads, "for approval for the meet and confer process, as required by law."
- 7) For DGOs on the calendar for adoption:
 - a. If the Commission votes to adopt the DGO without amendment, Risa sends the Resolution to the Written Directives Unit along with the Word version of the DGO.
 - b. If the Commission votes to adopt the DGO, but makes amendments, the Police Commission Secretary makes the changes to the document and sends the updated Word version to Risa. Risa will send to WD as described in #7a.
 - c. If the Commission votes not to adopt the DGO or does not vote on the DGO at all, because the Commission wants the Department to continue working on the DGO, the entire process starts from the beginning, except for steps #2 and #3, when you get the new version. The person who makes the presentation is responsible for bringing any new version back

- 8) For DGOs on the calendar for approval for meet and confer:
 - a. If the Commission votes to approve the DGO without amendments, the Police Commission Secretary sends the DGO to DHR and advises them that the Commission voted to approve the meet and confer process. Risa sends the DGO to the President of the POA notifying them that the DGO has been sent to DHR to begin the meet and confer process. The meet and confer process may take some time so check in with DHR every month or so about the progress. Risa also tracks the DGOs that are with DHR. Risa sends the Resolution to the Written Directives Unit along with the Word version of the DGO.
 - b. If the Commission votes to approve the DGO with amendments, the Police Commission Secretary makes the changes to the document, sends the amended DGO to DHR, and advises them that the Commission voted to approve the meet and confer process. Risa sends the DGO to the President of the POA notifying them that the DGO has been sent to DHR to begin the meet and confer process. The meet and confer process may take some time so check in with DHR every month or so about the progress. Risa also tracks the DGOs that are with DHR. Risa sends the Resolution to the Written Directives Unit along with the Word version of the DGO.
- 9) Sometime the POA, upon notification from the Commission Office that the DGO has been sent to DHR to begin the meet and confer process, will notify the Commission that they sign off on the DGO without the need to meet and confer. If this happens, go back to step #5
- 10) Once DHR advises the Commission Office that meet and confer has completed, go back to step #5.
 - a. When listing on the agenda for step #6, it will read “for adoption.”
 - b. Complete the process with step #7.

Exhibit B



Collaborative Reform Completion Memorandum

Finding # 3: The SFPD and the Police Commission collaboratively worked with community stakeholders to update Department General Order 5.01 - Use of Force policy.

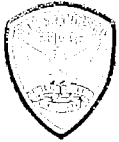
Recommendation # 3.2 The SFPD should work with the Police Commission to obtain input from the stakeholder group and conduct an after-action review of the meet and confer process to identify ways to improve input and expedite the process in the future for other policy development.

Response Date: March 3, 2020

Executive Summary: Department General Order 5.01 had last been revised in 1995. In late 2015 the Police Commission ("Commission") directed the San Francisco Police Department ("Department") to present a revised Use of Force policy to the Commission for adoption no later than February 2016. The Commission convened a working group and identified various stakeholders that included Department members, members of community-based organizations, members of the community and members of other City agencies for the purpose of developing an updated Use of Force policy. The process to revise DGO 5.01 began on December 9, 2015. Members of the working group felt the February 2016 deadline was arbitrary and did not allow enough time to develop a Use of Force policy and requested that the meetings continue past the Commission's due date of February 2016. The Commission agreed to the request, and the working group completed the draft policy in June 2016. During the seven-month period the group developed two versions of a Use of Force policy that reflected policy enhancements, and included recommendations from the Final Report of the President's Task Force on 21st Century Policing, the Police Executive Research Forum, and the U.S. DOJ-COPs Office. On June 22, 2016 the Department presented the two policies to the Commission, at which time the Commission voted to approve one version of the Use of Force policy for the purposes of engaging in the "meet and confer" process with the San Francisco Police Officers' Association ("POA"), as required by California Government Code § 3500 et seq., also known as the Meyers-Milias-Brown Act ("MMBA").

The MMBA requires public agencies to provide notice to recognized employee organizations, and upon request, to meet with them over changes on matters within the scope of representation before implementing the changes. The MMBA excludes from the meet and confer obligation fundamental managerial decisions addressing the merits, necessity, or organization of any service or activity provided by law or executive order ("managerial decisions"). However, the MMBA does require the agency to meet and confer over the impact of managerial decision on employees ("effects bargaining") before implementing managerial decisions. The San Francisco Charter ("Charter") and the Memorandum of Understanding between the City and the POA ("MOU") impose equivalent meet and confer obligations.

The Charter authorizes the Commission to adopt rules and regulations, and other policies, procedures and Department General Orders (collectively, "DGOs"), governing the Department. (Charter § 4.104.) Managerial decisions are not subject to meet and



Collaborative Reform Completion Memorandum

confer. However, even in those instances where the decision is squarely a managerial prerogative, those decisions may have effects – for example on employee training and discipline – that are subject to meet and confer. Accordingly, under the MMBA, Charter and MOU, the City as the public employer must engage in effects bargaining with the POA before implementing a managerial decision. As the policy decision maker on all DGOs, the Commission has an essential role in that meet and confer process, working with the City's Department of Human Resources ("DHR") on the negotiations. That process cannot end until the City completes the effects bargaining. Placing arbitrary deadlines on the meet and confer process at the onset of negotiations would be viewed by the courts as bargaining in bad faith

Compliance Measures:

1) Work with the Police Commission.

The Department worked with members of the Commission staff to develop a survey (see exhibit 1 – survey to Use of Force stakeholders) to send to various members of the community, members of community-based organizations, and members of other City agencies to obtain input on ways to improve input into policy development and expedite the meet and confer process for future policy development. While the questions were about the process for the Use of Force policy, they were purposely broad so the answers could be used to improve the process for future policy development.

The following questions were developed by the Department and the Commission staff and were included in the survey:

- 1) What did you value about the re-engineering of [Use of Force] DGO 5.01 and what areas could be improved?
- 2) Re-engineering the Use of Force policy was a lengthy process. Can you suggest ways to expedite this process in the future?
- 3) In reference to DGO 5.01, the SFPD sought input via stakeholder and Police Commission meetings. How else can we encourage thoughtful input?
- 4) Any additional thoughts and comments as we continue to improve policies and related negotiations are conducted.

2) Obtain input from all relevant stakeholder groups.

On July 17, 2017, the above referenced survey was sent via email to approximately 20 members of the Use of Force working group (see exhibit 2 – list of working group members who received survey and July 17, 2017 email to working group members with survey attached). While these members worked on the Use of Force policy, many who received the survey have been members of other Department/Commission working groups that developed other Department General Orders – both before and after the Use of Force working group. The survey was sent to:

Joyce Hicks*
Samara Marion*
Marty Halloran*
Teresa Ewins*

Director of the Department of Police Accountability
Policy Director at the Department of Police Accountability
President SFPOA
President Pride Alliance



Collaborative Reform Completion Memorandum

Mark Marquez*	Latin Police Officers Association
Yulanda Williams	President of the Officers for Justice
Brian Kneuker*	Asian Police Officers Association
LaWanna Preston	Department of Human Resources
Michael Ulrich	Department of Human Resources
Sheryl Davis*	Director of the Human Rights Commission
Jennifer Friedenbach*	Director of the Coalition on Homelessness
Jeff Adachi*	Public Defender
Rebecca Young*	Assistant Public Defender
Sharon Woo*	Assistant District Attorney
Colin West	Blue Ribbon Panel
Kevin Benedicto*	Blue Ribbon Panel
Terri Boher*	CIT working group
Julie Traun*	Bar Association of San Francisco
Alan Schlosser*	ACLU
Cecile O'Connor	CIT working group

*in addition to working on the Use of Force policy, these individuals have worked on additional policy development working groups (either before or after the UOF working group, or both)

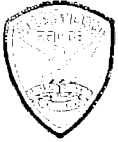
On July 31, 2017 the Department sent a reminder email (see exhibit 3 – follow up email to stakeholders) to the recipients asking for a response to the survey.

The Department received four responses – the POA, the DPA, the Coalition on Homelessness and the San Francisco Bar Association. In addition, although the ACLU – Northern California did not send in a response to the July 17, 2017 or the July 31, 2017 request to complete the survey, it had submitted a February 29, 2016 letter to the Police Commission during the Use of Force working group process that includes recommendations regarding the meet and confer process. The ACLU's letter is included in this response. (See exhibit 4 – responses from POA, DPA, Coalition on Homelessness, San Francisco Bar Association, and ACLU – Northern California)

3) Conduct an after-action review of the meet-and-confer process.

The Commission and the Department conducted an after-action review of the meet and confer process:

- A. Both agencies reviewed the responses to the survey questions and the February 29, 2016 letter (see again exhibit 4 – responses from POA, DPA, Coalition on Homelessness, San Francisco Bar Association, and ACLU – Northern California) about the meet and confer process. The suggestions included:
- The POA recommended 1) the Department have a final decision maker with the authority to agree to proposals present during all negotiations, 2) the Department should engage with the POA on early drafts of policy revisions before presenting a draft of the policy to the working group, 3) the Department should revise its policies on a more



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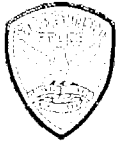
frequent schedule and not wait two decades, and 4) the Police Commission should comply with MMBA by fulfilling its duty to meet and confer in good faith.

- The DPA recommended 1) that all meet and confer issues are identified before discussions begin, 2) reasonable timelines are adhered to, and 3) "more collaboration and strategy be committed to how the new policy and training are rolled out so that reasons for the changes and the officers' concerns are addressed in a manner that advances and not undermines reforms."
- The Coalition on Homelessness did not have any specific recommendations but stated that in their opinion the POA's decision to claim labor issues in meet and confer was an incorrect assessment.
- The San Francisco Bar Association recommended 1) that the POA not have such a large and prominent role in the policy drafting because it is unfair that they will have another opportunity during meet and confer, 2) the role of DHR needs to be revisited, and there needs to be a bright line between policy and working conditions, and not negotiate over non-work related conditions, and 3) there needs to be more clarity on the definition of "working conditions," which is too broadly defined.
- The ACLU recommended that the Commission clarify 1) whether fundamental policy decisions are a mandatory subject of bargaining under MMBA, and if not, clarify if the City voluntarily agrees to meet and confer under these circumstances, 2) the scope of the matters discussed in meet and confer and the procedures when there is an impasse, and 3) whether, through the meet and confer process, the policies approved by the Commission are subject to revision once in the meet and confer process.

B. With the Use of Force process and the survey responses in mind, the Commission met with members of DHR and the City Attorney's Office ("CAO") on June 13, 2018 in a closed session meeting to discuss ways to expedite the meet and confer process within the provisions of the MMBA, the City Charter and the MOU. The Commission and the Department are not able to release the minutes or the audio recording from closed session item 7a as the Commission voted in item 8 not to disclose any portion of the closed session meeting pursuant to San Francisco Administrative Code section 67.12. (See exhibit 5 – agenda including closed session item 7a and open session item 8 from the June 13, 2018 Commission meeting, and language from San Francisco Administrative Code 67.12 (a)).

C. On June 28, 2018 members of the SFPD, the Commission staff and a member of DHR met (see exhibit 6 – calendar invite to meeting and agenda) to discuss ways to streamline the process of 1) providing draft DGOs to DHR, 2) DHR providing an opinion on whether the draft DGO is subject to meet and confer or whether the DGO can be placed on the Commission agenda for adoption without meet and confer, and 3) DHR conducting the meet and confer with the POA.

D. In a series of emails from December 11, 2019 through January 2, 2020, members of the Department, DHR and the POA discussed scheduling regular meetings (see exhibit 7 – emails among SFPD, DHR and POA) to ensure meet and confer negotiations among the three parties are consistent and regularly scheduled.



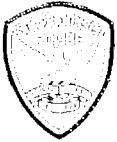
Collaborative Reform Completion Memorandum

The Department and the Commission considered all the recommendations from the stakeholders and were able to implement many of them. Others recommendations were not implemented. For example, not allowing the POA to have a "large and prominent role in the policy drafting because it is unfair that they will have another opportunity during meet and confer" was not implemented. The POA and other employee groups are welcome to attend any working group meeting, as are all members of the public.

4) Identify ways to improve input and expedite the process in the future for other policy development and implementation.

Based on the after-action review and discussions, DHR, the Department and the Commission have done the following in an attempt to expedite the meet and confer process for future DGOs:

1. The Commission has instructed DHR to meet and confer only over mandatory subjects of bargaining. (See exhibit 8 – letter from Commission President Hirsch to Commander Walsh).
2. The Commission staff, the Department and DHR developed a process in an attempt to streamline the meet and confer timeline: 1) The Commission staff providing DHR/CAO a copy of the draft DGO prior to the DGO being placed on the agenda so DHR/CAO can provide an opinion on whether the draft DGO is subject to meet and confer, 2) providing DHR with an "order of priority" list of DGOs when they are sent to DHR for meet and confer, and 3) providing the Department's training plan, if available, to DHR along with the DGO for inclusion in the discussions during meet and confer. The group developed the following protocols (see exhibit 9 - Police Commission Protocols for DGOs):
 - Once the Police Commission Secretary receives a draft DGO from Written Directives requesting it be calendared on the Commission agenda, the Police Commission Secretary emails the draft DGO to a designated DHR representative, with a courtesy copy to a designated Deputy City Attorney ("DCA"), asking for an opinion on whether the draft DGO as written is subject to meet and confer. The DHR representative or the DCA provides an opinion on whether the DGO is subject to meet and confer. These emails are subject to the attorney client privilege, and the official information privilege (California Evidence Code 1040) outlined in the MOU between the CAL DOJ, the Department, and the Commission will not protect the attorney client privilege, which would be waived upon the release of these emails. However, this procedure is outlined in step 4 of the Police Commission Protocols for DGOs. (see again exhibit 9 – Police Commission Protocols for DGOs, step #4)
 - If DHR/DCA opines that the DGO is **not subject** to meet and confer, the Police Commission Secretary posts the DGO for members of the public for at least 10 days prior to the Commission voting on the DGO, and places the DGO on the agenda as "Discussion and possible action for adoption of DGO XX.XX." (See exhibit 10 –



Collaborative Reform Completion Memorandum

examples of agendas with DGOs with no need for meet and confer.) The DGO is effective the date of the Commission vote.

- If DHR/DCA opines that the DGO **is subject** to meet and confer, the Police Commission Secretary posts the DGO for members of the public for at least 10 days, and places the DGO on the agenda as “Discussion and possible action to approve revised Department General Order XX.XX for purposes of engaging in the meet-and-confer process with the Police Officers Association, as required by law.” (See exhibit 11 – examples of agendas DGOs with a need for meet and confer.) The DGO is not effective until after meet and confer is finalized.
 - After the vote to approve a DGO for meet and confer, the Police Commission Secretary emails the draft DGO along with the training plan, if available, to a designated DHR representative, with a courtesy copy to a designated DCA, directing DHR to begin negotiations and notify the Police Commission staff when negotiations are complete, or in the alternative, advise if they need direction in a closed session meeting from the Commission during negotiations. (see exhibit 12 – samples of emails to DHR with the DGO for meet and confer.)
 - DHR has requested that the Commission prioritize the DGOs in order of importance.
 - The Commission staff requests quarterly status updates from DHR on the progress of the DGOs in the meet and confer process. (see exhibit 13 – samples of emails to DHR asking for status updates)
 - Once DHR notifies the Commission staff that the negotiations have concluded and provides the Office with the final version for the Commission to vote on, the Police Commission Secretary posts the DGO for members of the public for at least 10 days, and places the DGO on the agenda as “Discussion and possible action to adopt revised Department General Order XX.XX.” (see exhibit 14 – examples of agendas with DGOs that had been subject to meet and confer being placed on the agenda for a vote to adopt.) The DGO is effective the date of the Commission vote.
3. The Department, DHR and the POA have a standing four-hour meeting each month (see exhibit 15 – Chief’s calendar with scheduled meetings) dedicated to conducting negotiations on DGOs that are subject to meet and confer. The agendas for the February 2020 and the March 2020 meetings are attached. (see exhibit 16 – agendas for the February 25, 2020, March 11, 2020 and March 16, 2020 meetings and email from DHR regarding agenda setting). DRH has explained that the agendas for upcoming meetings are set at the end of each meeting. To date, the agenda has been set for the upcoming March 11, 2020 and March 16, 2020 meetings, and no agendas for meetings after that date have been set. There are no official minutes taken for meet and confer meetings. The Department does not maintain any notes from the meet and confer sessions. DHR does take bargaining notes which are privileged and not subject to release pursuant to Government Code 6254(p)(2). DHR holds the privilege and declines to release the bargaining notes to the Department or the Commission. (see exhibit 17 – language from Government Code 6254(p)(2)).

Exhibit C



The Police Commission
CITY AND COUNTY OF SAN FRANCISCO

ROBERT HIRSCH
President

June 19, 2019

Commander Peter Walsh
San Francisco Police Department
1245 3rd Street, 4th Floor
San Francisco, CA 94158

Re: U.S. Department of Justice Recommendation 3.2

Dear Commander Walsh:

The Commission has previously instructed the City and County of San Francisco's Department of Human Resources, the City's bargaining representative, to only meet and confer over mandatory subjects of bargaining.

Please feel free to contact me should you have any questions.

Sincerely,

A handwritten signature in black ink, appearing to read "R. Hirsch", is written over a horizontal line.

Robert Hirsch
President
San Francisco Police Commission

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Please Support #30RightNow (File: 201185)
Date: Thursday, October 29, 2020 11:30:00 AM

From: Laksh Bhasin <lakshbhasindeveloper@gmail.com>
Sent: Thursday, October 29, 2020 11:18 AM
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>
Subject: Please Support #30RightNow (File: 201185)

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

Dear Supervisors and Mayor:

My name is Laksh, and I am writing to you all in support of Sup. Haney's legislation that would set a 30% standard for all supportive housing, introduced on October 20, 2020 (File: 201185). I am asking for the mayor to properly fund this by the 2021-2022 budget cycle.

Many formerly homeless tenants in city-contracted housing are starving and rent burdened, not by a private landlord, but by the city and county of San Francisco. Supervisor Haney's legislation would correct this injustice, which applies to supportive housing buildings which came online before 2016, when all new buildings would follow the 30% standard.

A significant number of these tenants (the vast majority of whom are disabled) are Black, seniors, and LGBTQ+. Those who care about racial justice need to find a way to correct these housing inequities, and COVID-19 only laid bare how economic inequality can hurt the most vulnerable and pose extra expenses for many supportive housing tenants.

A 30% of income standard is the least we can provide. In fact, the standard for affordability used to be 25% before a paradigm shift in the 1970s which has furthered real-estate profiteering. Thirty is enough, and 25 is better.

The #30RightNow Coalition ([policy statement viewable here](#)) is a tenant-led coalition consisting of many trusted organizations such as the Supportive Housing Providers Network, Homeless Emergency Services Providers Network, DISH, Episcopal Community Services SF, the Housing Rights Committee, the Coalition on Homelessness, and many more, and we are demanding that the City get a universal 30% standard in supportive housing by the 2021-2022 budget cycle. This is 20 years long overdue, it follows a long-standing federal standard, and would help so many weather this crisis and enhance their lives and prevent evictions.

Sincerely,
Laksh Bhasin

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Please Support #30RightNow (File: 201185)
Date: Thursday, October 29, 2020 11:34:00 AM

From: Harlo Pippenger <harlo.p.pippenger@gmail.com>
Sent: Thursday, October 29, 2020 11:29 AM
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Cohen, Emily (HOM) <emily.cohen@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Mandelman, Rafael (BOS) <rafael.mandelman@sfgov.org>; Major, Erica (BOS) <erica.major@sfgov.org>
Subject: Please Support #30RightNow (File: 201185)

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

Dear Supervisors and Mayor:

My name is Harlo Pippenger and I live in District 7, and I am writing to you all in support of Supervisor Matt Haney's legislation that would set a 30% standard for all supportive housing, introduced on October 20, 2020 (File: 201185), and for the mayor to properly fund this by the 2021-2022 budget cycle.

Many formerly homeless tenants in city contracted housing are starving and rent burdened, not by a private landlord, but by the city and county of San Francisco. Supervisor Haney's legislation would correct this injustice, which applies to supportive housing buildings which came online before 2016, when all new buildings would follow the 30% standard.

A significant number of these tenants (the vast majority of whom are disabled) are Black, seniors, and LGBTQ+. Those who care about racial justice need to find a way to correct these housing inequities, and COVID-19 only laid bare how economic inequality can hurt the most vulnerable and posed extra expenses for many supportive housing tenants.

The #30RightNow Coalition (policy statement viewable here: <https://medium.com/@30rightnow/we-are-the-30rightnow-coalition-fef2fde8c442>) is a tenant let coalition consisting of many trusted organizations such as the Supportive Housing Providers Network, Homeless Emergency Services Providers Network, DISH, Episcopal Community Services SF, The Housing Rights Committee, the Coalition on Homelessness, and many more, and we are demanding that the City go all out to get a universal 30% standard in supportive housing by the 2021-2022 budget cycle. This is 20 years long overdue, it follows a long-standing federal standard, and would help so many weather this crisis and enhance their lives and prevent evictions.

Sincerely,

Harlo Pippenger

District 7

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Thank you for your principal stand in confronting global terrorism and supporting Artsakh in its fight
Date: Wednesday, October 28, 2020 4:56:00 PM
Attachments: [image002.png](#)

From: Viktoria Ter-Nikoghosyan <tervika@live-in-harmony.com>
Sent: Wednesday, October 28, 2020 4:50 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Thank you for your principal stand in confronting global terrorism and supporting Artsakh in its fight

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

Dear Members of the San Francisco Board of Supervisors

Thank you so much for your principled stand in confronting global terrorism and supporting Artsakh in its fight. Thank you for your consistent support for the Armenian-American community of San Francisco.

Pleasanton, CA



Viktoria Ter-Nikoghosyan, PhD, MNLP, CH
Performance and Executive Coach
Author, Soft Skills Expert
+1 (646) 651-3432
[Live-in-Harmony.com](#)

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Re what is happening in Artsakh
Date: Thursday, October 29, 2020 8:37:00 AM

From: ani kevrnian <anik83@yahoo.com>
Sent: Wednesday, October 28, 2020 5:16 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Re what is happening in Artsakh

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

My name is Ani Kevranian and I'm a San Francisco local Union worker and a resident of Burlingame. Thank you so much for your stand condemning Turkey and Azerbaijan for its attacks on the Armenians of Artsakh, who are facing annihilation, and for urging Congress to pass a similar resolution

Take care!

[Sent from Yahoo Mail for iPhone](#)

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Supervisor Stefani
Date: Thursday, October 29, 2020 9:47:00 AM

From: missrlan@aol.com <missrlan@aol.com>
Sent: Wednesday, October 28, 2020 10:56 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Supervisor Stefani

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

Dear Supervisor Stefani,
Thank you for your stand against hatred and military action against Artsakth.
I am truly moved that people like you make your voice heard for the people of Artsakth. Let's hope the perpetrators are punished in SF and in Turkey and in Azerbadjian.
Sincerely,
Don Missirlian DDS

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Resolution Condemning Ongoing Attacks in Artsakh
Date: Thursday, October 29, 2020 11:57:00 AM

From: Tania Tour-Sarkissian <ttour33@hotmail.com>
Sent: Thursday, October 29, 2020 11:53 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Resolution Condemning Ongoing Attacks in Artsakh

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

Dear San Francisco Board of Supervisors: I am a resident of San Francisco. I want to thank you for passing the above resolution on October 27, 2020 condemning Turkey and Azerbaijan for their attacks on the Armenians in Artsakh, affirming your support of HR 1165, and urging the United States to help broker a peaceful resolution and ceasefire in the conflict. Your attention and support are very much appreciated. Regards, Tania Tour-Sarkissian

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Wong, Linda \(BOS\)](#)
Subject: FW: New SFO Report on File #201133
Date: Tuesday, October 27, 2020 9:03:00 AM
Attachments: [SFO Response HAO Committee - Healthy Airports Ordinance 10-23-20.pdf](#)

From: Emily Abraham <eabraham@sfchamber.com>
Sent: Monday, October 26, 2020 4:27 PM
To: Egan, Ted (CON) <ted.egan@sfgov.org>; Rosenfield, Ben (CON) <ben.rosenfield@sfgov.org>
Cc: DPH - cassandra <cassandra@sftravel.com>; Rodney Fong <rfong@sfchamber.com>; Kevin Carroll <kevin@hotelcouncilsf.org>; Matt Regan <mregan@bayareacouncil.org>
Subject: New SFO Report on File #201133

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

Ted and Ben,

I hope you both had a nice weekend.

I am reaching out regarding the San Francisco Chamber of Commerce's previously noted concern around the economic impact of File #201133 "Health Care Requirements for Certain Employers at San Francisco International Airport."

SFO has just come out with updated estimates around financial impacts. Please see attached, and below:

"Based on the 2019 Economic Impact Report, Airlines, Fixed Based Operators, General Aviation, and Service Providers employed 20,634 workers. Using these pre-pandemic worker numbers, the costs of offering qualifying family health plans under the proposed legislation (Option 1) would result in estimated additional annual costs ranging from approximately \$40.9 million to \$120 million, depending on the health plan. Under the proposed legislation, the costs of the \$9.50 per hour contribution (Option 2) would result in estimated additional annual costs of approximately \$163 million. "

The industries in SFO are essential to providing San Francisco with its tourism base, which generated \$819 million in taxes in fees to the City in 2019. It is imperative to know if this legislation would add further reduction in operations to SFO's ability to bring in tourists, considering that COVID travel will continue to only slowly recover.

With this new information, The San Francisco Chamber of Commerce, SF Travel, Hotel Council, and Bay Area Council urge you to consider an economic impact report on the city-wide impact this legislation would have on tourism.

Thank you for your time and consideration,
Emily Abraham

Emily Abraham

Public Policy Manager
SF Chamber of Commerce



San Francisco International Airport

October 23, 2020

Budget and Finance Committee
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

TRANSMITTED VIA EMAIL
Sandra.Fewer@sfgov.org
Shamann.Walton@sfgov.org
Rafael.Mandelman@sfgov.org

SUBJECT: File No. 201133, Administrative Code - Dependent Health Care Requirements for Certain Employers at San Francisco International Airport

Dear Chair Fewer, Vice Chair Walton, and Supervisor Mandelman:

I would like to take this opportunity to clarify some statements that were made at the October 21, 2020 Budget and Finance Committee hearing on the Healthy Airport Ordinance (File No. 201133).

All airlines and airline service providers are part of the San Francisco International Airport’s (SFO) Quality Standards Program (QSP), and all are required to provide the health care benefits as defined in the City’s Health Care Accountability Ordinance (HCAO). In some cases, such as with the catering service providers, we understand that the employers and the union have negotiated a waiver of the HCAO in their collective bargaining agreement. This waiver has apparently resulted in some QSP employees having health care coverage that may not meet the standards prescribed under the HCAO. The discussion of additional costs airlines may pass on to passengers as the result of the proposed legislation belies the greater financial impact of the ordinance – the increased cost of doing business at SFO. We estimate that implementing this proposal could double health care costs for airlines and their service providers. As you know, the pandemic has led to a substantial decline in passenger volumes. Fewer passengers means less non-airline revenue to SFO – from sources such as parking, concessions, and TNC trip fees – which results in a greater share of expenses the airlines must cover, based on SFO’s residual rate setting/“break-even” budgeting methodology. These increased costs, paired with reduced passenger demand and a doubling in health care costs at SFO, have the potential to slow SFO’s post-pandemic recovery relative to that of other airports.

Lastly, estimating the number of workers currently employed by the airlines and their service providers is challenging due to the dynamic nature of the pandemic. For the worker estimates we shared with the Budget and Legislative Analyst, we correlated projected passenger activity to the number of employees per category, based on our 2019 Economic Impact Report. Based on the 2019 Economic Impact Report, Airlines, Fixed Based Operators, General Aviation, and Service Providers employed 20,634 workers. Using these pre-pandemic worker numbers, the costs of offering qualifying family health plans under the proposed legislation (Option 1) would result in estimated additional annual costs ranging from approximately \$40.9 million to \$120 million, depending on the health plan. Under the proposed legislation, the costs of the \$9.50 per hour contribution (Option 2) would result in estimated additional annual costs of approximately \$163 million.

I hope this clarifies some of the context for the regional impacts that were referenced during the hearing. Please feel free to contact me if you need further background.

Very truly yours,

Ivar C. Satero
Airport Director

cc: Chelsea.Boilard@sfgov.org
Tracy.Gallardo@sfgov.org
Erin.Mundy@sfgov.org
Linda.Wong@sfgov.org

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR LARRY MAZZOLA PRESIDENT ELEANOR JOHNS VICE PRESIDENT RICHARD J. GUGGENHIME EVERETT A. HEWLETT, JR. MALCOLM YEUNG IVAR C. SATERO AIRPORT DIRECTOR

From: [Board of Supervisors \(BOS\)](#)
To: [BOS Supervisors](#)
Subject: FTR: Airlines for America Legal Opposition to Healthy Airport Ordinance No. 201133
Date: Tuesday, October 27, 2020 9:11:00 AM
Attachments: [BOS Letter Opposition Proposed Ordinance No. 201133.pdf](#)

From: Gabel, Molly <MGabel@seyfarth.com>
Sent: Monday, October 26, 2020 8:40 PM
To: Cityattorney <Cityattorney@sfcityatt.org>; Board of Supervisors, (BOS) <boardof.supervisors@sf.gov.org>
Cc: jperc@airlines.org <jperc@airlines.org>; Parker, Riva <rparker@airlines.org>; Casciani, Mark <MCasciani@seyfarth.com>; Conley, Ben <BConley@seyfarth.com>
Subject: Airlines for America Legal Opposition to Healthy Airport Ordinance No. 201133

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

Dear City Attorney Herrera and San Francisco Board of Supervisors:

Please find the attached letter, which contains Airlines for America's legal position in opposition to the proposed Healthy Airport Ordinance No. 201133.

Sincerely, Molly Gabel

Molly Gabel (formerly Eastman) | Partner | Seyfarth Shaw LLP
393 Third Avenue | Suite 4700 | Seattle, Washington 98104-4041
Direct: +1-206-446-4909 | Mobile: +1-312-286-3734

mogabel@seyfarth.com | <https://www.usf-protection.com/v1/wj2>

<https://www.seyfarth.com/sgp+T5aVx2M3d3h4NtM5Z2+8+3+M3OTNY+2YUwMD+3ODY0ZVZmM2M4MGE2NT0YyJkYTBhMDYwMzU1ODk5NTJfZTJlMmVwYy8lMlM7ZmNGEjZD0+8+YYA+QhNz2HqQmFZYW8b6evZm7oY2UzNVZV1haWw+XZVYVW5OmUjZDQ5NDU1MGJmNDU5NjIwMlM5MmQ5NlU3OTFlYXQ1OnYy>



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BY EMAIL, FAX, AND U.S. MAIL

October 26, 2020

Dennis J. Herrera
City Attorney
Office of the City Attorney
San Francisco City Hall, Room 234
1 Dr. Carlton B. Goodlett Pl.
San Francisco, CA 94102
cityattorney@sfcityatty.org
1-415-554-4715 (fax)

Re: *Proposed City Ordinance No. 201133*

Dear Mr. Herrera:

We are writing to contest the legality of proposed City Ordinance No. 201133 (“Ordinance”) on behalf of our client Airlines for America (A4A). The Airline Deregulation Act (“ADA”), Employee Retirement Income Security Act (“ERISA”), and Railway Labor Act (“RLA”) will preempt the Ordinance. The Ordinance further creates significant administrative problems for A4A members at a time when the industry is in dire financial straits and is fighting to save employees’ jobs. The actuarial valuation requirements in the current version of the Ordinance also could have the effect of employees losing health insurance because member carriers’ plan or other plans do not meet the Ordinance’s requirements, and therefore carriers will need to pay into the City fund. Ultimately, the Ordinance will not survive legal challenge and will have the opposite intended effect—workers not having health insurance because of the loss of additional airline industry jobs.

A4A Members’ SFO Operations

A4A is the principal trade and service organization of the United States-scheduled airline industry. Its members and affiliates account for more than 90% of the passenger and cargo traffic that United States-scheduled airlines carry annually and for a significant portion of traffic in and out of San Francisco International Airport (“SFO”). Together, United States-schedule and cargo airlines employed more than 750,000 at the end of 2019 with thousands employed at SFO. A4A is well positioned to provide information on the impact of laws and regulations on airline workers at SFO, including benefits laws.

A4A members employ Quality Standards Program (“QSP”) covered-employees at SFO, including ticket agents, gate agents, baggage handlers, fleet service workers, and maintenance technicians. Most of these employees are sited at SFO on a full-time or part-time basis. However, at least some A4A carriers send their employees who work at other Bay Area airports,

like Oakland International Airport (“OAK”) or San Jose International Airport (“SJC”), to work at SFO for a day(s)/shift(s), weeks, or months when there are irregular or other special operations or assignments at SFO.

A4A Members’ Health Insurance Benefits for SFO Employees

A4A members provide well-paying jobs with generous benefits to employees in every state in the Nation. A4A members have provided health insurance benefits for their employees for years, often through nationwide collective bargaining agreements. These bargained-for health insurance benefits typically require carriers to offer certain health insurance plans to employees throughout the United States with agreed-upon benefits and service offerings. The carriers who have employees not covered by a collective bargaining agreement also offer health insurance plans with benefits and service offerings, typically on a nationwide basis.

At SFO, A4A members have complied with SFO’s QSP and the City’s Healthcare Accountability Ordinance (“HCAO”) for years. A4A members offer single-coverage at no cost to employees under these programs. They also offer generous, significantly subsidized single-plus and family coverage to employees under the above-described collective bargaining agreements and employment policies. A4A members’ SFO employees already have ample access to no and low-cost health insurance for themselves and their family members.

Proposed Ordinance No. 201133

Under the Ordinance, employers who employ QSP-covered employees at SFO must (1) offer self- and dependent-healthcare coverage at no cost to those employees; or (2) pay at least \$9.50 per each hour worked by those employees into a medical reimbursement account for employees established by the City under Section 14.2 of the City’s Administrative Code. See Ordinance § 12.Q.3(d). The Ordinance applies to any QSP-covered employee who spends any amount of time working at SFO in a week. *Id.* at § 12.Q.2.9(a)(4).

Additionally, to avail themselves of option 1 described above, employers must provide a certain level of benefits to QSP-covered employees:

The health benefits offered shall include at least one plan that provides a level of coverage that is designed to provide benefits that are actuarially equivalent to at least 90% of the full actuarial value of the benefits provided under the plan and to provide coverage for all services described in the California Essential Health Benefit Benchmark Plan.

Id. at § 12.Q.3(d)(1)(B). An employee also must be eligible for these benefits within 30 days of the covered employee’s start of employment. *Id.* at § 12.Q.3(d)(1)(C).

The Ordinance further appears to place restrictions on other health insurance plans that employers may offer to their employees at SFO:

A Contracting Party may offer additional health benefit plans, provided that each such health benefit plan offered shall provide a level of coverage that is designed to provide benefits that are actuarially equivalent to at least 80% of the full actuarial

value of the benefits provided under the plan and to provide coverage for all services as described in the California Essential Health Benefit Benchmark Plan.

Id.

The above-described provisions of the Ordinance are not waivable by a union or through a collective bargaining agreement. *Id.* at § 12.Q.8. Covered employees may voluntarily waive the Ordinance’s requirements, but only if the covered employee provides a waiver form establishing proof of current health plan coverage for the employee’s dependents. *Id.* at § 12.Q.3(e).

Finally, it is our understanding that the Ordinance will apply only to airline, fixed-based operators/signature flight support, general aviation, and airline service provider employers. It will not apply to airport restaurant/retail, rental car, or airport commission employers.

The ADA, ERISA, and RLA Preempt the Ordinance

The Ordinance cannot survive legal challenge. It is preempted for the reasons described below.

1. *The ADA preempts the Ordinance because it affects rates, routes, and services.*

The ADA prohibits the enactment and enforcement of state and local laws “related to a price, route, or service of an air carrier.” 49 U.S.C. § 41713(b)(1). Congress included this “broad” express preemption provision to promote efficiency and to avoid “regulatory patchwork[s],” *Rowe v. N.H. Motor Transp. Ass’n*, 552 U.S. 364, 373 (2008), and to prevent states from “undo[ing] federal deregulation with regulation of their own,” *Morales v. Trans World Airlines, Inc.*, 504 U.S. 374, 378, 383-84 (1992). The breadth of this provision is reflected in the ADA’s “related to” language. It preempts any state law “having a connection” with air carrier “prices, routes, and services.” *Rowe*, 552 U.S. at 370-71 (quotations omitted). That connection need not be direct, *id.*, and it is not necessary that the state law “actually prescribe[] rates, routes, or services,” *Morales*, 504 U.S. at 385.

It is clear that the Ordinance will affect rates. The Board of Supervisors (“BOS”) Budget & Legislative Analyst (“BLA”) calculated that the Ordinance will cost air carriers between \$8.4M to \$33M annually, increasing ticket costs for passengers by \$1.83 per ticket. See BOS Budget & Finance Committee Meeting Transcript (Oct. 21, 2020). San Francisco International Airport Director Ivar Satero places the cost much higher—at between \$40.9M and \$163M (see enclosed letter dated October 23, 2020). A4A agrees with Director Satero in this respect and believes the BLA drastically understates the true costs of the Ordinance. The BLA’s admission that the Ordinance will affect rates *at all* is dispositive under the preemption analysis. The ADA preempts any state and local laws that affect rates, no matter how much or how little.

The Ordinance also will affect routes. SFO already is one of the most expensive airports to fly into and out of. The Ordinance’s cost, coupled with the pandemic, will cause air carriers to eliminate flights altogether or to use other airports instead. Carrier representatives testified to this fact during the BOS Budget and Finance Committee meeting on October 21, 2020:

I'm the managing director for state and local government based in the State of Hawaii representing Hawaiian Airlines. . . . I'm here to speak about the consequences of reduced services contemplated in the proposal by the healthy workers ordinance if passed this year and implemented in 2021. [A] [p]roposal such as this which target[s] the airline . . . industry [with] substantial cost increases will further devastate the impact of COVID-19 and could lead to sustained reduction [of flights] in SFO. This limits competition and restricts growth for smaller carriers. Hawaiian Airlines was poised for meaningful growth prior to the pandemic. If traffic returns to normal levels, these cost overruns make [growth] unlikely. . . . [A] [smaller carrier] cannot spread [costs] across multiple flights, and [the Ordinance] makes San Francisco prohibitively expensive.

I'm the director of government affairs [at jetBlue]. jetBlue is by no means the largest carrier at SFO, but we provide a critical role [and] historically [have had] passenger loads on jetBlue increase at SFO. [Our aircraft are a] finite resource [and] the cost of doing business at an airport is a leading factor [in where we fly]. The importance of keeping costs under control has only been exacerbated during the current COVID crisis. Higher costs due to policies [at] SFO could threaten new entrant[ts] like [jetBlue] from starting new service[,] decreasing competition and negatively impacting the traveling public in the process.

BOS Budget & Finance Committee Meeting Transcript (Oct. 21, 2020). Thus, the Ordinance is preempted under the ADA because it affects routes; it discourages carriers from flying into and out of SFO.

The Ordinance further will impact air carriers' service at SFO. The costs of the Ordinance will cause a decrease in headcount working flights:

I work for Southwest Airlines. . . . Southwest Airlines is proud of its record related to [] employees. . . . [If the Ordinance is approved], it would increase the cost of healthcare during financial[ly] challenging times and add[] millions of dollars in unnecessary healthcare costs [that] will hinder the recovery process and result in consequences. It would reduce headcounts in SFO or shift flights to other airports that are more cost effective. We go above and beyond for our employees and we ask the committee members to consider the unintended consequences of this proposal.

I'm [a] managing director at United Airlines. I'm here today to speak with you about jobs, or more accurately the loss of jobs at SFO which would occur if a proposal set forth by the healthy workers ordinance is to be passed this year and implemented in 2021. Proposals such as this that target the airline industry will only further exacerbate the financial impact of COVID-19. It could lead to massive job cuts. This is clearly not the intent of the proposal. As you know, United is the largest carrier at SFO.

BOS Budget & Finance Committee Meeting Transcript (Oct. 21, 2020).

Further headcount reduction will lead to longer lines and waiting times for customer assistance, aircraft maintenance, baggage loading and unloading, *etc.* Laws that lead to such reduced staffing are preempted by the ADA because these laws affect airline services. See, e.g., *Brindle v. R.I. Dep't of Labor & Training*, 211 A.3d 930 (R.I. 2019) (overtime law that would cause air carriers to staff flights with fewer employees was preempted by the ADA because it affected services and service levels), *cert denied*, 140 S.Ct. 908 (2020).

It is apparent that the Ordinance is seeking to regulate the airline industry. One of its primary stated goals is to protect the traveling public from the spread of COVID-19 and restore confidence in the safety of air travel, yet the City is excluding non-airline employers that operate at SFO and that have employees who have contact with the traveling public (when several of the covered employee classifications do not). We raise this not to suggest that those employers and their employees should be covered by the Ordinance, but to point out that the Ordinance is clearly regulation directed at the airline industry in violation of the ADA and inconsistent with the purported regulatory goals of the Ordinance to boot. No employers operating in and around SFO should be subject to this costly and unnecessary Ordinance at a time when all are trying to restore job loss from the pandemic.

2. *ERISA preempts the Ordinance because it relates to an ERISA-governed benefit plan.*

ERISA supersedes “any and all state laws insofar as they may now or hereafter relate to any benefit plan.” 29 U.S.C. § 1144(a). More specifically, ERISA preempts any state or local law that dictates the amount of employer contributions or the nature of required benefits. See, e.g., *Golden Gate Restaurant Ass'n v. City of San Francisco*, 546 F.3d 639, 658 (9th Cir. 2008) (finding that preemption of a state law is required when it “calculates its required payments based on the value or nature of the benefits”); *Local Union 598 v. J.A. Jones Const. Co.*, 846 F.2d 1213, 1219 (9th Cir. 1988) (a “statute which mandates employer contributions to benefit plans and which effectively dictates the level at which those required contributions must be made has a most direct connection with an employee benefit plan” and is “clearly preempted by ERISA”), *summarily aff'd*, 488 U.S. 881 (1988). The Ordinance dictates the level of benefits and services a covered employer must offer, to whom, and at 100% employer cost. It is thus preempted by ERISA.

An employer’s ability to pay into the City’s fund, rather than to provide these required benefits, does not save the Ordinance from ERISA preemption. The Ninth Circuit admittedly upheld a similar option in *Golden Gate*, but the rationale upon which *Golden Gate* was based is no longer valid in the Ninth Circuit or elsewhere. *Golden Gate* presumed ERISA preemption does not apply. The Supreme Court, however, has since stated that there can be no presumption against ERISA preemption because of the *express* nature of ERISA’s preemption provision. See *Gobeille v. Liberty Mut. Ins. Co.*, 136 S.Ct. 936, 946 (2016) (“Any presumption against preemption, whatever its force in other instances, cannot validate a state law that enters a fundamental area of ERISA regulation and thereby counters the federal purpose in the way this state law does.”); *Puerto Rico v. Franklin California Tax-Free Tr.*, 136 S.Ct. 1938, 1946 (2016) (“And because the statute ‘contains an express preemption clause,’ we do not invoke any presumption against preemption.”).

Moreover, the Ninth Circuit in *Golden Gate* and the Fourth Circuit in *Retail Industry Leaders Ass'n v. Fielder*, 475 F.3d 180 (4th Cir. 2007), have been at odds on this very issue. In *Fielder*, the Fourth Circuit concluded the exact opposite—that ERISA preempted a state law mandating employers to spend a certain level on healthcare and requiring an employer to pay into a state-run fund if the employer did not meet that level. The Fourth Circuit reasoned that allowing payment into a fund is really no option at all because it is highly unlikely that an employer would pay a government to run healthcare for some of its employees while having the option of covering them in a pre-existing ERISA plan. In other words, such state and local laws indirectly but effectively force an employer to amend its existing ERISA plan(s) to comply with the state and local law, and therefore are preempted by ERISA.

Upcoming decisions may resolve this circuit split or shed more light on the scope of ERISA preemption. For example, the Supreme Court is deciding *Rutledge v. Pharmaceutical Care Mgmt. Ass'n*, 891 F.3d 1109 (8th Cir. 2018), *cert granted*, 140 S.Ct. 812 (Jan. 10, 2020), likely in early 2021. This case should provide guidance on whether state or local regulation can be seen as a cost control or a control of ERISA plan terms or administration. The former may not be preempted, while the latter is preempted. The Court's decision may be dispositive or provide rationale important to determining the scope of ERISA preemption in the Ninth Circuit, including as to the Ordinance.

Even more specifically, *ERISA Indus. Comm. v. City of Seattle*, 2020 WL 2307481 (W.D.Wash. May 8, 2020), in which plaintiff challenged a law similar to the Ordinance, is pending before the Ninth Circuit, *ERISA Indus. Comm. v. City of Seattle*, Appeal No. 20-35472 (9th Cir.). Whether *Golden Gate* is still good law is at issue in this appeal. We believe that the Supreme Court and Ninth Circuit ultimately will resolve these issues in a way that shows the Ordinance is preempted. At the very least, rather than pass the Ordinance, at a time that would be devastating to air carriers who already provide generous healthcare coverage to their employees, the City should wait until these cases are decided and then re-evaluate the Ordinance.

3. *The RLA preempts the Ordinance because the Ordinance interferes with the negotiation of benefits and creates issues of contract interpretation.*

The RLA promotes the stability of labor relations in the air and rail industries by providing a federal framework for resolving labor disputes, including the negotiation of labor contracts. See, e.g., *Atchison, T. & S.F.R. Co. v. Buell*, 480 U.S. 557, 562 (1987). As the Supreme Court explained in *Lodge 76, Int'l Assoc. of Machinists and Aero. Workers v. Wisconsin Employment Relations Comm'n*, 427 U.S. 132, 147-48 (1976) ("*Machinists*"), this federal framework leads to the preemption of state and local labor laws that regulate in areas that Congress left to be controlled by the free play of economic forces. The negotiation of complex benefits provisions in a labor contract is one such area.

The carriers have explained to the BOS that their labor contracts contain generous, detailed health insurance provisions, negotiated with unions, and approved by employees. These provisions are the product of carefully negotiated language, some of which was arrived at in exchange for other items:

I work for Southwest Airlines. . . . Southwest Airlines is proud of its record related to employees. Over 82% of our workforce is unionized. . . . We have collective

bargaining agreements, negotiated across the country with extremely generous provisions that extend to family members. Currently, Southwest employees can choose between a free healthcare plan or a premium plan at a discounted rate, but it's important to note that Southwest employees and unions approved these healthcare plans [in] the bargaining process. . . .

* * *

[United Airlines] negotiate[s] collective bargaining agreements which are voted upon and approved by the employees. [They] include generous wage and benefit packages. We do not believe this legislation should supersede our collective bargaining agreements or interfere with our relationships with our labor partners...

BOS Budget and Finance Committee Hearing Transcript (Oct. 21, 2020).

The Ordinance may require these carriers to violate their labor contracts if, for example, a plan required by the CBA does not meet the valuation requirement established by the Ordinance. See, *infra*, *The Ordinance Creates Real Administrative Problems*, Number 3. The carrier would be forced to discontinue the plan under the Ordinance or to pay into the City fund, even though the employee already has health insurance. A complex benefits law that directly conflicts with a collective bargaining agreement in such a way that the carrier cannot comply with its CBA is preempted under the RLA. See, e.g., *San Diego Building Trades Council v. Garmon*, 359 U.S. 236 (1959).

Even if a carrier's health insurance language in a CBA does not conflict with the Ordinance, there is RLA preemption. Requiring benefits over and above those that carriers and their unions negotiated disrupts the bargaining process, placing a thumb on the scale in favor of the provision of certain levels of benefits instead of the provision of other terms and conditions of employment, such as wages or leaves. Such requirements also place a thumb on the scale in favor of labor by providing unions with benefits that they chose not to bargain for in exchange for more generous other terms and conditions of employment. Such governmental interference with bargaining is not allowed under the RLA. See, e.g., *Machinists*, 427 U.S. at 147-48.

Additionally, the carefully negotiated health insurance provisions in the CBA may conflict with the Ordinance in a way that requires interpretation of the labor contract. For example, if the language of an entire health insurance plan is negotiated and contained in the CBA, but the plan does not meet the Ordinance's requirement that the benefits be "at least 90% of the full actuarial value of the benefits provided under the plan" or required minimum benefits or service offerings, Ordinance at § 12.Q.3(d)(1)(B), then how can the plan be reconciled with the Ordinance? The nuances related to how to interpret the plan in this regard are not necessarily a question of interpretation of the Ordinance, but could be an interpretation of the CBA itself.

Such issues are questions for a labor arbitrator—not for the City's enforcement arm, administrative agency, or a court—to resolve. In such cases, the dispute would be a contract interpretation dispute (*i.e.*, a "minor dispute" in RLA parlance) and preempted by the RLA. *Caterpillar Inc. v. Williams*, 482 U.S. 386, 394 (1987) (state law cause of action that is "founded directly on rights created by collective-bargaining agreements" or that involves claims "substantially dependent on analysis of a collective-bargaining agreement," is governed by federal law) (quotations and citations omitted).

4. *The market-participant exception to preemption does not apply.*

The Ordinance contemplates amendments to the HCAO. Air carriers would not be bound only to the Ordinance or to their contracts with the City, but by the entire regulatory scheme of the HCAO as well. Therefore, the City cannot use the market-participant exception to escape preemption. See, e.g., *American Trucking Ass’n, Inc. v. City of Los Angeles*, 569 U.S. 641, 650 (“But that statutory reading gets the Port nothing, because it exercised classic regulatory authority—complete with the use of criminal penalties—in imposing the placard and parking requirements at issue here . . . So the contract here functions as part and parcel of a governmental program wielding coercive power over private parties, backed by the threat of criminal punishment.”).

This is particularly true where, as here, the City seeks to further policy goals. The Ninth Circuit applies a disjunctive test to determine whether the government can avail itself of the market-participant exception:

First, is the challenged governmental action undertaken in pursuit of the efficient procurement of needed goods and services, as one might expect of a private business in the same situation?

Second, does the narrow scope of the challenged action defeat an inference that its primary goal was to encourage a general policy rather than [to] address a specific proprietary problem?

Airline Serv. Providers Ass’n v. Los Angeles World Airports, 873 F.3d 1074, 1080 (9th Cir. 2017).

Neither prong applies to the Ordinance. First, the BOS has said that its interest in the Ordinance is to “[p]rotect[] the health of employees and their families” Ordinance at Section 2, Findings (k). While it is a noble goal, the statement reveals that it is not the economic interests of the BOS itself that is primarily at issue—the employees are the direct beneficiaries. The City is, at best, an indirect beneficiary. The first prong of the test is not met here.

Second, the Ordinance is not narrow. It effectively reaches employer conduct “unrelated to the employer’s performance of contractual obligations to the [City],” announces a regulatory policy, and brings complicated recordkeeping and litigation risks to employers if passed. This is quintessential regulation such that the City cannot avail itself of the market-participant exception. See, e.g., *Building & Const. Trades Council of Metro. Dist. v. Associated Builders & Contractors of Mass/R.I., Inc.*, 507 U.S. 218, 229 (1993); *Airline Serv. Providers Ass’n*, 873 F.3d at 1083. The second prong of the test also is not met here.

The Ordinance Creates Real Administrative Problems

The obvious problem with enacting the Ordinance at this time is that it seriously hinders the industry’s recovery efforts. See also Director Satero’s October 23, 2020 letter (enclosed). Setting aside that primary concern for the time being and instead addressing more tactical issues here, the City should be aware that there are major administrative problems for air carriers in implementing the Ordinance. As described below, these administrative burdens are

unreasonable and should give the City pause because the burdens could lead to the loss of health insurance for more workers.

1. *The 30-day limit on waiting periods is unreasonably short and creates huge trailing liability.*

Federal law permits employers to impose waiting periods of up to 90 days (or even longer in the context of “variable hour” employees who have not been determined to be full-time). The longer waiting periods allow employers who experience greater churn within their workforce to avoid the need to engage in the expensive and administratively cumbersome process of enrolling a new employee in health coverage, only to have that employee cycle out of the job a few weeks later.

Moreover, health plans are typically subject to either federal COBRA, Cal-COBRA, or both, which require 18 months of continuation coverage (at a minimum) if an employee (and/or the employee’s dependents) were covered under the employer’s plan for even a single day. While COBRA coverage is intended to be priced such that the full cost of coverage is charged to the employee, in reality COBRA participants have a much more adverse risk profile than the population as a whole (given the high cost of the coverage), meaning employers can regularly spend significant sums of money extending coverage to COBRA participants. Given these risks, this law has the potential to have a “chilling” effect, limiting employers’ willingness to bring on new workers, ultimately resulting in fewer employees having health insurance coverage.

2. *Required plan offerings under the Ordinance are out of step with employer plan benchmarks.*

In both the private and public sector marketplace, it is exceedingly rare to see a plan available to an employee at no cost. Even where low-cost plans exist, they are usually plans at lower actuarial value (e.g., a high-deductible health plan), rather than the richest offering of the employer (i.e., one with a 90% actuarial value). As such, this law creates a mandate that extends far beyond what even the most generous employers offer.

Additionally, the law mandates that the plan cover all California-determined essential health benefits. This mandate extends to no other self-insured or large group fully-sourced plan in the market. The essential health benefit coverage mandate only applies to individual and small-group insurance policies. These types of plans typically do not exist in the large employer group market and would require employers to create custom plans for what would only be a subset of their population.

3. *The Ordinance may impact the ability to offer other and more diverse and innovative healthcare offerings.*

The Ordinance appears to not only mandate that employers offer an incredibly rich coverage option to its covered employees, but it also restricts the other options that may be made available (requiring that they represent a value of at least 80% of the “platinum” option). While further actuarial analysis would be required, this may inhibit employers’ ability to offer a high-deductible health plan, which is a lower-value plan but one that offers employees the ability to contribute to tax-preferred Health Savings Accounts. It also may inhibit their ability to offer other plans, including bargained-for plans. As structured, the law denies employees this

freedom of choice and potentially prohibits employers from offering employees a valuable benefit offered to other employees or required by their collective bargaining agreement. It could lead to the loss of insurance for these employees.

4. *The Ordinance unreasonably impacts employees at other Bay Area airports.*

On occasion, A4A members send their employees from OAK, SJC, and other Bay Area airports during times of irregular operation or special assignment. Such work stints are often limited to short periods of time. The Ordinance, however, reaches to cover such employees' work at SFO because it covers any work in a week, no matter how short the amount of work is.

Air carriers are left with no choice in this situation but to pay into the City's fund under Ordinance Section 12.Q.3(d)(2). Air carriers are not likely to offer Ordinance-required plans at other airports, and these non-SFO employees cannot move into and out of healthcare plans on an hourly, daily, weekly, or even monthly basis. It is unreasonable for the City to require payment for these employees who are covered by health insurance plans in effect elsewhere.

5. *Ambiguous terms in the Ordinance make compliance difficult.*

The Ordinance contains numerous ambiguities that make it challenging for employers to assess what compliance would even entail. For instance, does the term "dependents" include only dependent children (consistent with federal guidelines) or something else? What other forms of coverage would suffice for an employee signing a coverage waiver? Individual coverage? Medicaid? Medicare? These ambiguities will create compliance questions and ultimately lead to more litigation. The Ordinance should, at the very least, be clarified accordingly.

The Ordinance Will Lead to Fewer Workers Having Access to Healthcare Coverage

As set forth above, airline employers already offer generous healthcare benefits to their employees. The carriers provided comments to the BOS Budget & Finance Committee explaining that the Ordinance will lead to further job loss at SFO:

[Hawaiian Airlines] SFO is already expensive for passengers. This will have a negative impact on the supply and demand for air service. And result in additional job losses. It will eliminate direct and indirect jobs and over \$300 million in annual income to the San Francisco region.

[United Airlines] I'm here today to speak with you about jobs, or more accurately the loss of jobs at SFO which would occur if a proposal set forth by the healthy workers ordinance is to be passed this year and implemented in 2021. Proposals such as this that target the airline industry will only further exacerbate the financial impact of COVID-19. It could lead to massive job cuts. This is clearly not the intent of the proposal. As you know, United is the largest carrier at SFO. Prior to COVID-19, just at the beginning of [2020], we employed over 12,000 workers throughout the airport. Unfortunately just a few weeks ago, we had to furlough approximately 3,000 employees at SFO and 13,000 [employees] nationwide due to the

pandemic's financial impact. . . . SFO has taken a huge hit and we expect a slow recovery in the future. Contrary to what I heard from some other [] comments, these cuts could[] continue. . . . SFO is among the most expensive in the country for airlines and passengers. Significantly increasing the cost of doing business at SFO will have a negative impact on the supply and demand for air service and result in additional job losses.

BOS Budget & Finance Committee Meeting Transcript (Oct. 21, 2020).

In fact, due to the pandemic, the four A4A members with the largest presence at SFO have been forced to reduce their SFO-based workforce by roughly 3,000 jobs, from 14,700 to 11,700. The higher costs incurred if the Ordinance is enacted will reduce air travel demand as airlines will attempt to pass the higher costs onto Bay Area constituents and visitors. As prices are forced up, demand will fall accordingly and these airlines will not be able to support as much payroll expense, so they will curtail hours worked and limit the number of employees otherwise rehired. A4A estimates that reduced demand and reduced profitability will ultimately result in a 6.2 percent reduction in capacity and associated airline full-time equivalent employees ("FTE"). This means a further reduction of 728 FTEs and \$97 million in lower salaries, wages, and benefits over the course of a single year. The cumulative effect of these direct effects plus indirect effects that would ripple through the supply chain and economy places the statewide impact at approximately 2,900 fewer jobs and \$306 million loss to the economy. This additional job loss will cause workers to lose health insurance altogether; the exact opposite of the stated goal of the Ordinance.

Moreover, as explained above in *The Ordinance Will Create Real Administrative Problems*, numbers 1 and 3, *supra*, the maximum 30-day waiting period requirement and the valuation requirements in the Ordinance may actually cause carriers to hesitate to hire employees or for existing employees to lose valued healthcare plan features, such as Healthcare Savings Accounts. Surely the City wants job gains and does not want employees to lose plans that they want and that, in many cases, they and their unions have bargained for and are entitled to receive in their CBAs.

In the end, the Ordinance makes no sense, especially at a time like this. The industry experienced massive job loss on or shortly after October 1, 2020. Additional job loss will occur if the industry does not recover or if costs drastically increase. This is especially true at an airport like SFO, where air carriers have the ability to fly elsewhere in the Bay Area. Why the City is considering an Ordinance that will lead to additional job loss, a hesitancy to hire new employees, and healthcare coverage loss defies comprehension.

Conclusion

The Ordinance is preempted, creates significant administrative problems, and ultimately will lead to fewer workers having health insurance coverage. It is unworkable and will lead to litigation at a time when airport employers, the City, and BOS should be focused on the pandemic and recovery from it. We strongly caution against its passage for all of these reasons. BOS should not pass the Ordinance.

Very Truly Yours,

SEYFARTH SHAW LLP

s/ Molly Gabel
s/ Mark Casciari
s/ Ben Conley

Molly Gabel, Partner
Mark Casciari, Senior Counsel
Ben Conley, Partner
Counsel for Airlines for America

cc: Patricia Vercelli, General Counsel, Airlines for America (by email)

Riva Parker, Vice President, Labor & Employment/Litigation, Airlines for America (by email)

City of San Francisco, Board of Supervisors (by email to board.of.supervisors@sf.gov.org and fax to 1-415-554-5163)

Enclosure



San Francisco International Airport

October 23, 2020

Budget and Finance Committee
San Francisco Board of Supervisors
City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102-4689

TRANSMITTED VIA EMAIL
Sandra.Fewer@sfgov.org
Shamann.Walton@sfgov.org
Rafael.Mandelman@sfgov.org

SUBJECT: File No. 201133, Administrative Code - Dependent Health Care Requirements for Certain Employers at San Francisco International Airport

Dear Chair Fewer, Vice Chair Walton, and Supervisor Mandelman:

I would like to take this opportunity to clarify some statements that were made at the October 21, 2020 Budget and Finance Committee hearing on the Healthy Airport Ordinance (File No. 201133).

All airlines and airline service providers are part of the San Francisco International Airport’s (SFO) Quality Standards Program (QSP), and all are required to provide the health care benefits as defined in the City’s Health Care Accountability Ordinance (HCAO). In some cases, such as with the catering service providers, we understand that the employers and the union have negotiated a waiver of the HCAO in their collective bargaining agreement. This waiver has apparently resulted in some QSP employees having health care coverage that may not meet the standards prescribed under the HCAO. The discussion of additional costs airlines may pass on to passengers as the result of the proposed legislation belies the greater financial impact of the ordinance – the increased cost of doing business at SFO. We estimate that implementing this proposal could double health care costs for airlines and their service providers. As you know, the pandemic has led to a substantial decline in passenger volumes. Fewer passengers means less non-airline revenue to SFO – from sources such as parking, concessions, and TNC trip fees – which results in a greater share of expenses the airlines must cover, based on SFO’s residual rate setting/“break-even” budgeting methodology. These increased costs, paired with reduced passenger demand and a doubling in health care costs at SFO, have the potential to slow SFO’s post-pandemic recovery relative to that of other airports.

Lastly, estimating the number of workers currently employed by the airlines and their service providers is challenging due to the dynamic nature of the pandemic. For the worker estimates we shared with the Budget and Legislative Analyst, we correlated projected passenger activity to the number of employees per category, based on our 2019 Economic Impact Report. Based on the 2019 Economic Impact Report, Airlines, Fixed Based Operators, General Aviation, and Service Providers employed 20,634 workers. Using these pre-pandemic worker numbers, the costs of offering qualifying family health plans under the proposed legislation (Option 1) would result in estimated additional annual costs ranging from approximately \$40.9 million to \$120 million, depending on the health plan. Under the proposed legislation, the costs of the \$9.50 per hour contribution (Option 2) would result in estimated additional annual costs of approximately \$163 million.

I hope this clarifies some of the context for the regional impacts that were referenced during the hearing. Please feel free to contact me if you need further background.

Very truly yours,

Ivar C. Satero
Airport Director

cc: Chelsea.Boilard@sfgov.org
Tracy.Gallardo@sfgov.org
Erin.Mundy@sfgov.org
Linda.Wong@sfgov.org

AIRPORT COMMISSION CITY AND COUNTY OF SAN FRANCISCO

LONDON N. BREED MAYOR LARRY MAZZOLA PRESIDENT ELEANOR JOHNS VICE PRESIDENT RICHARD J. GUGGENHIME EVERETT A. HEWLETT, JR. MALCOLM YEUNG IVAR C. SATERO AIRPORT DIRECTOR

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [BOS Legislation, \(BOS\)](#)
Subject: FW: BOS File Nos: 201112 & 201116 - Safeway's Brief in Support of Appeals
Date: Friday, October 23, 2020 1:33:00 PM
Attachments: [2020 Market - CEQA Appeal Brief \(2020.10.23\).pdf](#)

From: Justin A. Zucker <jzucker@reubenlaw.com>
Sent: Friday, October 23, 2020 11:07 AM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Cc: Calvillo, Angela (BOS) <angela.calvillo@sfgov.org>; Gibson, Lisa (CPC) <lisa.gibson@sfgov.org>; Natalie Mattei <Natalie.Mattei@albertsons.com>; Andrew Junius <ajunius@reubenlaw.com>
Subject: BOS File Nos: 201112 & 201116 - Safeway's Brief in Support of Appeals

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

Good Morning Board of Supervisors,

Attached please find Safeway's brief in support of its CEQA appeals, Board of Supervisors File Nos. 201112 and 201116. The exhibits are voluminous and are being transmitted via our large-file share system, Egnyte in two files, one with all exhibits document as a standalone document and in a brief with exhibits attached as one comprehensive document. Please advise if you are unable to access them here:

1. Exhibits: <https://reubenlaw.egnyte.com/dl/oZW3MU2npV>
2. Brief in Support with Exhibits: <https://reubenlaw.egnyte.com/dl/X4UZiFCC9y>

Best,

Justin

--

Please consider your needs before printing this.

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REUBEN, JUNIUS & ROSE, LLP

Justin A. Zucker
jzucker@reubenlaw.com

October 23, 2020

Delivered Via Messenger and E-Mail (bos.legislation@sfgov.org)

President Norman Yee and Supervisors
San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place
City Hall, Room 244
San Francisco, CA 94102

Re: Brief in Support of Appeals of CEQA Exemptions
Planning Dept. Case No.: 2020-007183ENV & 2020-007286ENV
BOS Hearing Date: November 3, 2020
BOS File Nos.: 201116 & 201112
Our File No.: 8776.07

Dear President Yee and Supervisors:

We are working with Safeway, Inc. (“Safeway”) property owner and ground lessee of the shopping center at the northeastern corner of Market and Church Streets, as well as operator of the Safeway grocery store at 2020 Market Street. Safeway appeals the two California Environmental Quality Act (“CEQA”) statutory exemption determinations made by the Planning Department regarding: (1) San Francisco Municipal Transportation Agency’s (“MTA”) Muni light rail service adjustments and associated street and parking changes, Planning Department Case No. 2020-007183ENV; and (2) MTA’s Muni bus service adjustments and associated stop, street, and park changes, Planning Department Case No. 2020-007286ENV as pertaining solely to the J Church Transfer Improvements Project (the “Project”).¹

The statutory exemptions relied upon by MTA are for multiple projects city-wide. However, from an implementation standpoint, Safeway is only concerned with the road closure and related vehicular turn restrictions on Church Street between Duboce Avenue and 15th Street. Use of the emergency and mass transit statutory exemptions described herein for the Project are not supported by substantial evidence and therefore an abuse of discretion. The Project cannot proceed until adequate CEQA review is completed.

¹ Copies of the two CEQA statutory exemptions, 2020-007183ENV (rail service) and 2020-007286ENV (bus service), are attached as **Exhibit A**.

I. BACKGROUND

a. Closure of Muni Light Rail System in 2020

On March 11, 2020, the World Health Organization declared the COVID-19 outbreak a global pandemic. On March 16, 2020, the City and County of San Francisco (the “City”) and five other Bay Area counties and the City of Berkeley implemented shelter-in-place orders in a collective effort to reduce the spread of the virus that causes COVID-19. The initial shelter-in-place orders 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.

Coinciding with the COVID-19 outbreak, the MTA saw a precipitous drop in its weekday ridership levels, approximately 87% from February to April. (MTA Muni Ridership, attached as **Exhibit B**.) On March 26, 2020, MTA announced it would suspend light rail services “in response to the shelter-in-place mandate, and loss in ridership.” (Starting March 30: New Muni Service Changes, MTA March 26, 2020, attached as **Exhibit C**.) At that time, a SFMTA spokesperson stated MTA would not be running their light rail vehicles. (Coronavirus Impact: Muni Suspending Some Service Due to COVID-19 Crisis, ABC7 San Francisco, March 26, 2020, attached as **Exhibit D**.) Instead they’ll be providing the same amount of service in the form of a bus instead of a train. (*Id.*)

On April 6, 2020, MTA began adjusting its services to match new travel patterns with available resources. (MTA Twitter Tweet, April 5, 2020, attached as **Exhibit E**.) In response to the April 6 service adjustments, MTA Director of Transportation Jeffrey Tumlin stated, “Muni in this emergency period is only for essential workers or for people making essential trips like getting to the grocery store or pharmacy.” (Coronavirus Impact: SFMTA to Suspend Muni Service on Most Lines due to COVID-19, ABC7 San Francisco, April 5, 2020, attached as **Exhibit F**.)

In the months after the initial reduction in services, MTA began assessing ways for resuming services as the economy slowly reopened. In an assessment “the SFMTA report[ed] it won’t be able to restore much of the pre-COVID service hours for at least six months through December 2020 or longer due to reduced revenues and budget constraints.” (Performance Audit of San Francisco Municipal Transportation Agency’s (SFMTA) Revenues, Ridership, and Congestion Management, July 13, 2020, attached as **Exhibit G**.)

b. Resumption of Rail Preparation and Roll Out

On June 30, 2020, the MTA Board of Directors held a public hearing regarding amendments to the San Francisco Transportation Code that were a condition precedent to advancing the Project. Item No. 10 on the June 30 agenda sought amendments to the Transportation Code to add Section 602 to designate six temporary transit-only areas on specific streets, to designate three corridors to be temporary transit-only areas, and to also add to Section 602 a temporary authorization to the City Traffic Engineer to approve temporary transit-only lanes

after a public hearing. (June 30, 2020, Item 10 Staff Report and Presentation, attached as **Exhibit H.**) The four directors of the MTA Board of Directors at that time – Gwyneth Borden, Cheryl Brinkman, Amanda Eaken, and Steve Heminger – heard and approved Item No. 10. (MTA Board of Directors Minutes, June 30, 2020, attached as **Exhibit I.**) As a result, Resolution No. 200630-062 was adopted by the MTA Board of Directors amending the Transportation Code to authorize temporary transit-only lanes and granting the City Traffic Engineer temporary authority to designate temporary transit-only lanes after a public hearing. (Resolution 200630-062, June 30, 2020, attached as **Exhibit J.**)

Resolution 200630-062 did not include Church Street between 15th and Market Streets as a temporary transit-only area. At the June 30 hearing, however, several public comments were made about the termination of the J Church Muni light rail line at Market Street, i.e., severing it from the downtown subway. The comments included one stating that terminating the J Church line at Church and Market Streets “must be ironed out before the change” and another stating that “there has to be a seamless connection for people with disabilities.” (June 30, 2020, MTA Board of Director Minutes, **Exhibit I.**)

This is not the first time severing of the J Church at the downtown subway has been raised. In November 2019, then soon to be Director of Transportation, Jeffrey Tumlin proposed severing the J Church light rail line at Market and Church. (We In Transportation Have to Clean up the Mess of Bad Housing Policy, Says New SFMTA Director, Curbed San Francisco, November 18, 2019, attached as **Exhibit K** [“[Mr. Tumlin] also wonders, ‘Can we give a better ride to J Church passengers if we take the J out of the subway?’ He says that part of the failure of the Muni system is that it tries to be everything for everyone. He suggests the possibility of having the troubled line terminate at Market and Church in lieu of going underground, which can often be a time suck.”].)

Exercising the delegation of authority granted under Resolution 200630-062, the Public Engineer held a virtual meeting and public hearing regarding the Project on Saturday, July 25, 2020. Safeway submitted written comments to MTA in advance of the hearing and attended the virtual hearing with the undersigned counsel, providing public comment on the proposal. The July 25 public hearing was the first public hearing MTA held regarding the Project and severing of the J Church from the downtown subway. (J Church Transfer Improvements July 25 Presentation, attached as **Exhibit L.**) The Project was presented as part of MTA’s Transportation Recovery Plan. (J Church Transfer Improvements Project Webpage; available at: <https://www.sfmta.com/projects/j-church-transfer-improvements>, last visited October 22, 2020, attached as **Exhibit M** [“This project is part of SFMTA’s broader COVID-19 transportation recovery plan and is designed to reduce crowding and travel times.”].) “The Plan includes meeting transportation needs driven by health crisis. *It also works to solve existing transportation problems so that they do not hamper recovery efforts.*” (Transportation Recovery Plan Webpage; available at: <https://www.sfmta.com/projects/transportation-recovery-plan>, last visited October 14, 2020, attached as **Exhibit N.**) The Transportation Recovery Plan, and in turn the Project, “[r]esponds to changes in permitted activities and as economic activity ramps up.” (*Id.*)

On August 12, 2020, the City Traffic Engineer issued Directive Order No. 6281, approving a portion of the Project. (SFMTA Directive Order No. 6281, attached as **Exhibit O**.) The Traffic Engineer's directive held that the changes to be implemented under the order were "environmentally cleared by the Planning Department on August 12, 2020, Case No. (2020-007183ENV)." (*Id.*) As a result, on August 20, 2020, Church Street between 15th and Market Streets was closed except for Muni, paratransit, taxis, bicycles, emergency vehicles, and commercial vehicles.

On August 22, 2020, MTA resumed Muni light rail services, including the J Church. Two days later, on August 24, MTA shut down Muni's light rail system. (Jeffrey Tumlin Tweet, August 24, 2020, attached as **Exhibit P**; Bungled: Muni Closes Light Rail Following Coronavirus Case and Equipment Failures, San Francisco Chronicle, August 26, 2020, attached as **Exhibit Q**.) As a result, Muni buses started serving all rail lines on August 25, 2020. (MTA Press Release, Muni Buses to Serve All Rail Lines Starting Today, August 25, 2020, attached as **Exhibit R**.) Shortly thereafter, MTA announced that the Muni light rail system "would remain shut down through the end of the year after abruptly closing last week due to a COVID-19 illness and mechanical issues." (San Francisco Muni Light Rail to Remain Closed Down Through End of 2020, CBS 5 KPIX, September 2, 2020, attached as **Exhibit S**.) At the end of August 2020, MTA's public transit system demand was down approximately 80%. (How San Francisco's Public Transit System is Weathering the Pandemic, WBUR.org, Jeremy Hobson, August 28, 2020, attached as **Exhibit T**.)

On September 15, 2020, the MTA Board of Directors held a public hearing with an action item regarding the Project. (MTA Board of Directors Hearing Agenda, Staff Report, and Staff Presentation, attached as **Exhibit U**.) At the hearing, the action item was changed to an informational presentation "so that staff can do additional outreach." (MTA Board of Directors September 15, 2020, Minutes, attached as **Exhibit V**.) Safeway submitted written comments to the MTA Board of Directors in advance of the hearing and attended the virtual hearing with the undersigned counsel, providing public comment on the proposal.

After the September 15, 2020, MTA Board of Directors hearing, the Castro Merchant's Association hosted a virtual Zoom meeting regarding the closure of Church Street between 15th and Market Streets. (September 25, 2020, Castro Merchant's Association Minutes, attached as **Exhibit W**.) Safeway was invited to the meeting and attended with the undersigned counsel. The Castro Merchant's Association hosted this meeting in response to a request from the MTA to (a) discuss the closure of Church Street between 15th and Market Streets as part of the Project and (b) come to some solution or unanimous agreement with respect to whether the recently-implemented street closure should remain closed, reopen, or if there are other alternative options. (*Id.*) Safeway provided comments during the Zoom meeting. (*Id.*) At the meeting, a poll of the small businesses was taken on what would be preferred. The result of the small businesses polled was a 3-2 vote in favor to reopen Church Street. (*Id.*)

c. Existing Neighborhood

The Project is within the Upper Market NCT zoning district. The Upper Market Street NCT district is located on Market Street from Church to Castro Streets and portions of the side streets that intersect Market Street, including Church Street between 15th Street and Duboce Avenue. This district is a multi-purpose commercial district that provides convenience goods to adjacent neighborhoods and also serves as a shopping district for a broader trade area. This district is well served by transit and is anchored by the Market Street light rail, with underground stations at Church Street and Castro Street. All light rail lines in the City travel through this district.

The Church Street corridor between Duboce Avenue and 15th Street is a commercial corridor with ground floor commercial retail uses and high concentration of residential uses. Safeway has operated a 65,692 square foot grocery store and pharmacy, Safeway Store #1507, at 2020 Market Street since 1954 (“Safeway #1507”). As an Essential Business, Safeway #1507 has remained open and operating during COVID-19. Church Street is the main north/south arterial to Safeway #1507, providing direct access to full-service grocery with pharmacy for numerous neighborhoods including the Castro, Duboce Triangle, Mission Dolores, Dolores Heights, and Noe Valley. Safeway serves a wide net of City residents, both geographically and demographically.

d. Church Street – Existing Conditions

Church Street is a heavily trafficked commercial corridor. In 2015, there were approximately 800 drivers per peak hour. (Church Street Transit Lanes Final Report, February 2015, attached as **Exhibit X**.) In the Market and Octavia Plan Environmental Impact Report (“**MOP EIR**,” attached as **Exhibit Y**), 32 intersections within the plan area were analyzed for traffic impacts. The MOP EIR identified significant traffic impacts at seven intersections, two of which are encompassed in the J Church Transfer Improvements Project. (**Exhibit Y** [MOP EIR].) The MOP EIR identified cumulatively considerable impacts at the intersections of Market, Church, and 14th Streets and Market, Sanchez, and 15th Streets. The MOP EIR proposed a specific mitigation measure No. 5.7.E for the Market, Church, and 14th Streets intersection and mitigation measure No. 5.7.D for the Market, Sanchez, and 15th Streets intersection that included minor changes to signal timing to allow for more time for impacted movements to improve intersection conditions. The MOP EIR noted that implementation of signal timing changes would be dependent on later assessments by the Metropolitan Transportation Agency of transit and traffic coordination along Market Street, to ensure that the changes would not substantially affect Muni bus operations, signal progressions, pedestrian minimum green time requirements, and programming limitations of signals.

The MOP EIR found that even with implementation of plan-level traffic management strategies, intersection and roadway improvements, and transit improvements to be implemented by the Planning Department, Department of Public Works, and MTA the significant adverse effects at the seven intersection could not be fully mitigated. Those identified impacts were found to be significant and unavoidable.

In addition, the length of Church Street between Dorland and Hermann Streets is on the Vision Zero High Injury Network. (Vision Zero High Injury Network: 2017 Map, attached as **Exhibit Z.**) The Project area is bustling and widely utilized by City residents, including seniors and people with disabilities. Given the volume of residents, pedestrians, and commuters and multimodal transportation means in the Project area, significant life safety concerns may be triggered by any modifications absent a clear record showing proper analysis of the changes have been undertaken pursuant to CEQA.

II. THE CALIFORNIA ENVIRONMENTAL QUALITY ACT

The California Environmental Quality Act of 1970 (“CEQA”), Public Resources Code Section 21000 *et seq.*, requires various state and local governmental agencies to conduct environmental review of a proposed project, which can include submitting an environmental impact report (“EIR”), before undertaking specified activity. An EIR compels state and local governmental entities to consider and identify the possible adverse consequences to the environment of the proposed activity. (*Friends of Mammoth v. Board of Supervisors* (1972) 8 Cal.3d 247, 255.) As noted by the *Friends of Mammoth* court:

In an era of commercial and industrial expansion in which the environment has been repeatedly violated by those who are oblivious to the ecological well-being of society, the significance of this legislative act cannot be understated. As section 21001, subdivision (g), clearly sets forth, the [C]EQA requires ‘governmental agencies at all levels to consider qualitative factors as well as economic and technical factors and long-term benefits and costs and to consider alternatives to proposed actions affecting the environment.’ (*Id.* at 255-56 [*quoting* Public Resources Code, Section 21000(g)].)

a. CEQA Background

CEQA “is to be interpreted broadly in order to afford the fullest protection to the environment consistent with the reasonable scope of the statutory language.” (*Id.* at 259.) Environmental review, which often includes an EIR, is an essential prerequisite of any project with a potential significant effect on the environment. (*Laurel Heights Improvement Association of San Francisco Inc. v. Regents of the University of California* (1988) 47 Cal.3d 376, 390.) An “EIR is ‘an informational document’ and that ‘the purpose of an environmental impact report is to provide public agencies and the public in general with detailed information about the effect which a proposed project is likely to have on the environment; to list ways in which the significant effects of such a project might be minimized; and to indicate alternatives to such a project.’” (*Laurel Heights* 47 Cal.3d at 391 [*quoting* Public Resources Code, Section 21061].)

Environmental review prior to taking action on a proposed project is the means of achieving “the Legislature’s considered declaration that it is the policy of this state to ‘take all

action necessary to protect, rehabilitate, and enhance the environmental quality of the state.” (*Id.* [quoting Public Resources Code Section 21001(a)].) The purpose of environmental review “is to alert the public and its responsible officials to environmental changes before they have reached ecological points of no return.” (*County of Inyo v. Forty* (1973) 32 Cal.App.3d 795, 810.) “The purpose of CEQA is not to generate paper, but to compel government at all levels to make decisions with environmental consequences in mind. CEQA does not, indeed cannot, guarantee that these decisions will always be those which favor environmental considerations.” (*Bozung v. Local Agency Formation Com.* (1975) 13 Cal.3d 263, 283; CEQA Guidelines, Section 15003(g).)

b. Statutory Exemptions

CEQA contains two classes of exemptions: statutory and categorical. Here, the Project was issued statutory exemptions. Statutory exemptions are projects specifically excluded from CEQA consideration as defined by the Legislature. (Public Resources Code, Section 21080.) A statutory exemption applies to any given project that falls under its definition, regardless of the project’s potential impacts to the environment. Projects that the Legislature has determined should be exempt from CEQA are found either in the statute itself or the CEQA Guidelines. The purposes of the various statutory exemptions are not necessarily consistent with CEQA’s general purposes.

Use of a statutory exemption to avoid CEQA’s requirements is subject to challenge if there is not substantial evidence in the record to support the use of the statutory exemption. (*Western Mun. Water Dist. v. Superior Court* (1986) 187 Cal.App.3d 1104, 1113 disapproved of by *Western States Petroleum Assn. v. Superior Court* (1995) 9 Cal.4th 559² (“*Western Municipal*”).)

c. Standard of Review

“If CEQA is scrupulously followed, the public will know the basis on which its responsible officials either approve or reject environmentally significant action, and the public, being duly informed, can respond accordingly to action with which it disagrees.” (*Laurel Heights* 47 Cal.3d at 392 [citing *People v. County of Kern* (1974) 39 Cal.App.3d 830, 842].) The key inquiry in an action to set aside an agency’s decision under CEQA “extend[s] only to whether there was a prejudicial abuse of discretion. Abuse of discretion is established if the agency has not proceeded in a manner required by law or if the determination or decision is not supported by substantial evidence.” (Public Resources Code, Section 21168.5.) The CEQA Guidelines define “substantial evidence” as “enough relevant information and reasonable inferences from this information that a fair argument can be made to support a conclusion, even though other conclusions might also be reached.” (CEQA Guidelines, Section 15384(a).) For the purposes of CEQA statutory exemptions found in Public Resources Code Section 21080, “substantial evidence includes fact, a reasonable

² *Western Municipal* was disapproved by *Western States Petroleum Association* with regards to a proposition of law regarding the admissibility of extra-record evidence in a mandamus action. *Western States Petroleum Association* did not disapprove *Western Municipal*’s propositions of law pertaining to the use of statutory exemptions and they remain good precedent.

assumption predicated upon fact, or expert opinion supported by fact.” (Public Resources Code, Section 21080(e)(1).)

The substantial evidence test governs the review of an agency’s factual determination that a project falls within a statutory CEQA exemption with the agency bearing the burden of establishing that substantial evidence supports its finding of a particular statutory exemption applying. (*Bus Riders Union v. Los Angeles County Metropolitan Transportation Agency* (2009) 179 Cal.App.4th 101, 107.)

III. STATUTORY EXEMPTIONS RELIED ON HERE BY MTA ARE NOT APPLICABLE

The rail service adjustments and bus service adjustments that are part of the Project rely upon statutory exemptions, and therefore bypass the typical environmental review requirements of CEQA. There is a lack of substantial evidence in the record to support MTA’s use of the statutory exemptions.³ Therefore, issuance of the exemptions for the rail service adjustments and bus service adjustments was an abuse of discretion and should be overturned.

a. To Prevent or Mitigate an Emergency

The rail service adjustments and bus service adjustments were considered to be statutorily exempt from CEQA as specific actions necessary to prevent or mitigate an emergency pursuant to CEQA Guidelines Section 15269(c), which holds:

(c) Specific actions necessary to prevent or mitigate an emergency.

This does not include long-term projects undertaken for the purpose of preventing or mitigating a situation that has a low probability of occurrence in the short-term, but this exclusion does not apply (i) if the anticipated period of time to conduct an environmental review of such a long-term project would create a risk to public health, safety or welfare, or (ii) if activities (such as fire or catastrophic risk mitigation or modifications to improve facility integrity) are proposed for existing facilities in response to an emergency at a similar existing facility.

(CEQA Guidelines, Section 15269(c), emphasis added.)

In addition to the emergency exemption in CEQA Guidelines Section 15269(c), the bus service adjustments that are part of the Project are also claimed to be statutorily exempt from

³ On October 8, 2020, Safeway submitted a Public Records Act Request to MTA (Request No. P000629-100820) seeking documents pertaining and/or relating to the Project. On October 20, 2020, MTA requested a fourteen-day extension to respond and provided a first set of responsive documents, and advised additional productions are forthcoming. Safeway incorporates by reference all documents produced in response to Request No. P000629-100820 and all prior communications it or its agents had with MTA regarding the Project.

CEQA pursuant to Public Resources Code Section 21080(b)(4), which applies to “Specific actions necessary to prevent or mitigate an emergency.” (Public Resources Code, Section 21080(b)(4).)

For the purposes of CEQA, “Emergency” is defined by Public Resources Code Section 21060.3 to mean:

a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property, or essential public services. ‘Emergency’ includes such occurrences as fire, flood, earthquake, or other soil or geologic movements, as well as such occurrences as riot, accident, or sabotage.
(Public Resources Code, Section 21060.3, emphasis added.)

i. The Claimed “Emergency” Does not Meet Statutory Definition

Case law addressing CEQA’s emergency statutory exemption does not support the issuance of an emergency exemption for the Project. In *Western Municipal*, the use of the emergency statutory exemption was found to be not applicable. In that case, the court found that the emergency exemption “is obviously extremely narrow.” (*Western Municipal* 187 Cal.App.3d at 1111.)

In *Western Municipal*, petitioners challenged the San Bernardino Valley Municipal Water District’s (“**San Bernardino Water District**”) decision to drill and operate two dewatering wells to pump ground water from a saturated pressure zone in the aquifer under the City of San Bernardino. San Bernardino Water District relied upon the emergency statutory exemption found in Public Resources Code Section 21080(b)(4) to bypass preparation of an environmental impact report. The dewatering wells and pumping of ground water was claimed to be needed to respond to the threat of liquefaction in the event of a major earthquake. The San Bernardino Water District contended that CEQA’s requirements did not apply to actions to prevent or mitigate earthquakes or other soil or geological movements. (*Id.*) In addressing the claimed emergency, the *Western Municipal* court found that such a position “completely ignores the limiting ideas of ‘sudden,’ ‘unexpected,’ ‘clear,’ ‘imminent’ and ‘demanding immediate action’ expressly included by the Legislature and would be in derogation of the canon that a construction should give meaning to each word of the statute.” (*Id.*)

The precedent in *Western Municipal* establishes that when a governmental agency seeks to bypass the environmental review process required by CEQA using the emergency statutory exemption, “a reviewing court on petition for mandate must determine if there exists substantial evidence in the record to support the agency finding of an emergency.” (*Id.* at 1113.) Further, “[a]t a minimum, the administrative record must disclose substantial evidence of every element of the contended exemption as defined in Section 21060.3.” In overturning the use of the emergency statutory exemption, the court found that the record was devoid of substantial evidence “that liquefaction is an *imminent* danger or that it demands immediate action.” (*Id.*, emphasis in original.) The record for use of the emergency statutory exemption included general publications

about earthquake planning and predicting the next big earthquake in California that contained “only generalized assumptions regarding the incidence of earthquakes and their imminence.” (*Id.* at 1115.) The *Western Municipal* court held that lack of substantial evidence to support the claimed statutory exemption was an abuse of discretion.

Conversely, in *CREED-21 v. City of San Diego*, the emergency statutory exemption was properly utilized to address a storm drain failure that was causing significant erosion along the adjacent steep slopes and undermining the hillside on which single-family residences were located. (*CREED-21 v. City of San Diego* (2015) 234 Cal.App.4th 488, 505.) In that case, the City established an “emergency” for the record through the City’s engineer who concluded “that if erosion continued unabated, it would present an imminent threat to public safety.” (*Id.* at 495-96.)

In this case, there is not substantial evidence in the record that establishes an emergency, as defined by Public Resources Code Section 21060.3. The Project’s claimed purpose does not fit within the statutorily-defined contours of the definition of “emergency” to respond to an imminent threat to public safety. COVID-19 is a health hazard. However, COVID-19 does not amount to an “emergency” as defined by the Public Resources Code for the purposes of CEQA as applied to the Project.

MTA asserts that the Project is being done to reduce the transmission of COVID-19 and to provide services for essential travel. But the record is devoid of any evidence to support MTA’s claims that the Project will reduce the transmission of COVID-19 as a result of MTA’s actions on Church Street between Duboce Avenue and 15th Street or that Muni is being exclusively used for essential travel. MTA stated that the closure of the northbound curbside lane of Church Street just south of Market Street is for a passenger loading zone to provide additional physical distancing space for approximately 30 people boarding and getting off the J Church train or buses. (**Exhibit U** [MTA Board of Directors Staff Report regarding Temporary Emergency Transit Lanes Staff Report]; **Exhibit A** [CEQA Statutory Exemption 2020-007183ENV (rail service)].) At the September 15, 2020, MTA Board of Director’s hearing on the closure of Church Street, however, Sean Kennedy from MTA indicated that only two to three people were exiting/entering per vehicle (i.e., a train when Muni light rail was operational August 22-24, 2020, or bus) and not the anticipated 30 people. And as of this summer 2020, there has been research indicating that the probability of contracting COVID-19 from use of public mass transit is low. (There is Little Evidence that Mass Transit Poses a Risk of Coronavirus Outbreaks, *Scientific American*, July 28, 2020, attached as **Exhibit AA** [“The epidemiologists also were unsure whether riding transit in America was riskier than other activities amid the pandemic, such as going to the gym or eating at a restaurant with outdoor seating”].) More recently, research has indicated no direct correlation between the use of public transit and contracting COVID-19. (Public Transit and COVID-19 Pandemic: Global Research and Best Practices, San Schwartz, September 2020, attached as **Exhibit BB** [“No direct correlation has been found between use of urban public transit and transmission of COVID-19”].) Likewise, there is no evidence in the record to substantiate the claim that Muni is being used for essential travel.

ii. Project Is Responding to Conditions; It Is Not Mitigating an Emergency

The Project is not being done to mitigate or prevent an “emergency” but rather to purportedly respond to the condition of Muni’s ridership and the City’s economic recovery. Muni’s low ridership and the economy are conditions and not themselves emergencies. In *Western Municipal*, the court held that the definition of emergency “*limits an emergency to an ‘occurrence,’ not a condition, and that the occurrence must involve a ‘clear and imminent danger, demanding immediate action.’*” (*Western Municipal*, 187 Cal.App.3d at 1111, emphasis added (citing Public Resources Code, Section 21060.3).) The impetus for the Project is to purportedly respond to Muni conditions and the City’s economic recovery, and not about preventing or mitigating an emergency. (**Exhibit M** [J Church Transfer Improvements Webpage].) “If just a fraction of the people riding transit before the crisis begin driving alone, traffic congestion will be so severe it could paralyze the city’s economic recovery.” (*Id.*) The rail services adjustment statutory exemption states that the adjustments are being made “[i]n order to respond to changes in travel demand *as conditions under the health order change* and transit trips are expected to increase.” (**Exhibit A** [CEQA Statutory Exemption 2020-007183ENV (rail service)], emphasis added.)

The Project is part of MTA’s broader transportation recovery plan. (*Id.*) A recovery plan that focuses on economic recovery and infrastructure improvements to address existing deficiencies does not qualify for the emergency statutory exemption. (*Castaic Lake Water Agency v. City of Santa Clarita* (1995) 41 Cal.App.4th 1257, 1268.) Since it is part of a recovery plan, the Project does not qualify for the emergency exemption. In *Castaic Lake Water Agency*, the City of Santa Clarita adopted a recovery plan in response to the Northridge earthquake that had the primary purpose to provide earthquake disaster relief, provide community infrastructure, conduct economic development/community revitalization activities as contained in the General Plan and undertake improvements in community housing. (*Id.* at 1261.) The court in *Castaic Lake Water Agency* found that the “administrative record ‘unmistakably shows a predominant focus’ on infrastructure and economic revitalization measures rather than the activities listed in the exemption statutes.” (*Id.* at 1267.)

In this case, MTA’s main focus with the Project is to alleviate existing infrastructure issues and to bolster economic revitalization similar to the City of Santa Clarita in *Castaic Lake Water Agency*. Before COVID-19, MTA was “running more trains per hour in subway than [it could] process.” (**Exhibit L** [J Church Improvements Public Hearing and Community Meeting Presentation, July 25, 2020].) In November 2019, MTA Transportation Director Jeffrey Tumlin first proposed severing the J Church line from the downtown subway, before any hint of COVID-19, because of the J Church’s longstanding infrastructure issues resulting in delays and unreliable service. (**Exhibit K** [We In Transportation Have to Clean up the Mess of Bad Housing Policy, Says New SFMTA Director].) The Project’s specific goals include to “[s]upport local businesses with outdoor dining space, increased foot traffic, reliable transit service, and efficient commercial loading.” (**Exhibit L** [J Church Improvements Public Hearing and Community Meeting Presentation, July 25, 2020].)

Further, MTA's Transportation Recovery Plan "*works to solve existing transportation problems so that they do not hamper recovery efforts;*" seeks to "[s]upport a transportation system with infrastructure and services that *drive economic activity;*" "*[a]ddresses longstanding problems and helps us plan for longer term recovery efforts; in short, it allows for transportation to return better than it was before;*" and to "*support a strong economic recovery.*" (**Exhibit N** [Transportation Recovery Plan Webpage].) Consequently, the Project's emergency statutory exemption is not supported by substantial evidence and the Project, to the extent already implemented, must be reversed and not advance until the proper environmental analysis is completed.

Finally, MTA has indicated that the grounds for evaluating the temporary transit lanes, which has resulted in the closure of Church Street between 15th and Market Street to through traffic, do not pertain to a sudden, unexpected occurrence. Rather, MTA is responding to conditions and "working with the community to evaluate and *adjust emergency measures like temporary transit lanes in real-time. Areas of evaluation include: health and safety benefits, equity, neighborhood impacts, transit performance and more.*" (Muni Transit Recovery, Fall 2020, emphasis added, attached as **Exhibit CC**.)

MTA has not provided substantial evidence supporting the claim that the Project is statutorily exempt from CEQA to mitigate or prevent an emergency. As a result, its actions with regards to the Project were an abuse of discretion and the Project to the extent implemented already must be reversed and not advance until the proper environmental review is completed.

b. Increase of Passenger or Commuter Service on Rail Lines

Both the rail services adjustments and bus services adjustments are claimed to be statutorily exempt from CEQA's requirements as a qualifying transportation project, specifically under Public Resources Code 21080(b)(10).

Public Resources Code Section 21080(b)(10) includes a statutory exemption for:

A project for the institution or increase of passenger or commuter services on rail or highway rights-of-way already in use, including modernization of existing stations and parking facilities. For purposes of this paragraph, "highway" shall have the same meaning as defined in Section 360 of the Vehicle Code.

(Public Resources Code, Section 21080(b)(10), emphasis added.)

The rail services adjustments are also claimed to be statutorily exempt as a mass transit project pursuant to CEQA Guidelines Section 15275. CEQA Guidelines Section 15275 is the corresponding guideline for implementation of Public Resources Code Section 21080(b)(10) and holds:

CEQA does not apply to the following mass transit projects:

- (a) *The institution or increase of passenger or commuter service on rail lines or high-occupancy vehicle lanes already in use*, including the modernization of existing stations and parking facilities;
 - (b) Facility extensions not to exceed four miles in length which are required for transfer of passengers from or to exclusive public mass transit guideway or busway public transit services.
- (CEQA Guidelines, Section 15275, emphasis added.)

Under the Vehicle Code, a “highway” is defined as “a way or place of whatever nature, publicly maintained *and open to the use of the public for purposes of vehicular travel*. Highway includes Street.” (Vehicle Code, Section 360, emphasis added.) In this case, the use of the mass transit exemption is not available because the Project disqualifies Church Street from being a “highway” as defined by the code. Under the Project, “the travel lanes on the block of Church between 15th and Market streets [sic] would be *restricted to Muni, paratransit, taxis, commercial vehicles, and bicycles only*.” (**Exhibit A** [CEQA Statutory Exemption 2020-007183ENV (rail service)], emphasis added.) That block of Church Street would not be “open to the use of the public for purposes of vehicular travel” as required by the Vehicle Code to qualify as a highway. As a result, use of the mass transit exemption is not available and reliance on it was an abuse of discretion that should be overturned.

Further, a key element required for application of the mass transit exemption is the “increase of passenger or commuter services.” This is not present here. Muni ridership levels are at approximately 20% pre-COVID-19 levels. (**Exhibit B** [MTA Muni Ridership Chart].) There has not been an increase in service provided by Muni to that existing pre-COVID-19 to result in an “increase of passenger or commuter services” as required by the mass transit exemption. To this end, MTA has acknowledged that it will not be able to provide the same level of services as pre-COVID-19. “[T]he SFMTA report[ed] it won’t be able to restore much of the pre-COVID service hours for at least six months through December 2020 or longer due to reduced revenues and budget constraints.” (**Exhibit G** [Performance Audit of San Francisco Municipal Transportation Agency’s (SFMTA) Revenues, Ridership, and Congestion Management, July 13, 2020].)

Finally, MTA has stated that “Transit lanes allow buses to complete routes in less time and return to service more quickly, enabling us to provide more service with the same number of buses.” (**Exhibit CC** [Muni Transit Recovery, Fall 2020].) However, Church Street between 15th and Duboce Avenue already has red “transit-only” lanes that were launched on March 23, 2013, as a pilot project that was later formalized in 2015. (**Exhibit X** [Church Street Transit Lanes Final Report, February 2015].) Buses traveling on Church Street between 15th and Market Streets already utilize the bus-only lanes and are likely able to traverse that area as quickly as they can

due to signal timing, especially at the intersection of Market, Church and 14th Streets. Accordingly, the Project will not result in an increase in bus services and the mass transit statutory exemption is not applicable. Absent from the record is substantial evidence establishing the Project results in an increase of service. As such, issuance of the mass transit statutory exemption was an abuse of discretion.

IV. SB288 CEQA EXEMPTION NOT APPLICABLE TO PROJECT

We acknowledge the recent passage of Senate Bill No. 288. (Senate Bill No. 288 attached as **Exhibit DD**.) This new statute amends CEQA in the area of exemptions for certain transportation related projects. While these new exemptions may apply to portions of various MTA transit projects, we do not believe it contemplated the type of street closure that is at issue here.

Public Resources Code Section 21080.25(b) provides that CEQA does not apply to nine specific types of transit projects. The Project's closure of Church Street between Market and 15th Streets does not appear to fall into any of those nine buckets/exemptions.

While the City may try to argue that subsection (b)(4) applies to the Project, that is not the case here. Subsection (b)(4) of Public Resources Code Section 21080.25 provides the following exemption for projects as follows:

On highways with existing public transit service or that will be implementing public transit service within six months of the conversion, a project *for the designation and conversion of general purpose lanes or highway shoulders to bus only lanes* for use either during peak congestion hours or all day.

(Public Resources Code, Section 21080.25(b)(4), emphasis added.)

The term "highway" as defined by the statute includes a city street. (Public Resources Code, Section 21080.25(a)(2).)

The complete closure of all lanes on the block of Church Street between Market and 15th Streets cannot be justified by this narrow exception. While it is true that this block of Church Street does have existing public transit service, the Project does not result in the "designation and conversion of general purpose lanes . . . to bus only lanes." The designation of "bus only lanes" already happened in the center lanes of Church Street in 2013 as a pilot program and made permanent in 2015. (**Exhibit X** [Church Street Transit Lanes Final Report, February 2015].) Closing the remaining traffic lanes to automobile traffic is the issue. This exemption cannot cover that change in the operational street grid. More analysis of the Project is required and needed.

V. CONCLUSION

The Muni service adjustments and bus service adjustments that are part of the J Church Transfer Improvements Project have been erroneously claimed to be statutorily exempt from

President Norman Yee and Supervisors
San Francisco Board of Supervisors
October 23, 2020
Page 15 of 15

CEQA. MTA's actions are not in fact being done in order to mitigate or prevent an "emergency" as defined by CEQA and the mass transit exemption is not applicable due to there being no increase in service. Based on the above, and on the record before you, MTA has not established that its actions are supported by substantial evidence and as such were an abuse of discretion. We respectfully request the Board of Supervisors to grant the present appeals and overturn the San Francisco Municipal Transportation Agency's actions relating to the J Church Transfer Improvements Project until the proper environmental review is completed. Thank you for your careful consideration of this.

Very truly yours,

REUBEN, JUNIUS & ROSE, LLP



Justin A. Zucker

Enclosures: Exhibits

cc: Supervisor Sandra Lee Fewer
Supervisor Catherine Stefani
Supervisor Aaron Peskin
Supervisor Gordon Mar
Supervisor Dean Preston
Supervisor Matt Haney
Supervisor Rafael Mandelman
Supervisor Hillary Ronen
Supervisor Shamann Walton
Supervisor Ahsha Safai
Angela Calvillo, Clerk of the Board
Lisa Gibson, Environmental Planner

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: BOS FILES 200903, 200987, 201000, 201024, ETC. DEMAND TO CURE AND CORRECT VIOLATIONS OF BROWN ACT
Date: Thursday, October 29, 2020 11:56:00 AM
Attachments: [10-28-20_DEMAND TO CURE AND CORRECT VIOLATIONS OF THE BROWN ACT.pdf](#)
[image001.png](#)

From: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Sent: Thursday, October 29, 2020 11:36 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: FW: BOS FILES 200903, 200987, 201000, 201024, ETC. DEMAND TO CURE AND CORRECT VIOLATIONS OF BROWN ACT

Hello,

The attached letter pertains to File Nos. 200903, 200987, 201000, 201024, which have been heard and filed on September 29, 2020. Kindly place in the upcoming c-pages.

Thanks you,

Jocelyn Wong

San Francisco Board of Supervisors
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco, CA 94102
T: 415.554.7702 | F: 415.554.5163
jocelyn.wong@sfgov.org | www.sfbos.org

(VIRTUAL APPOINTMENTS) To schedule a “virtual” meeting with me (on Microsoft Teams), please ask and I can answer your questions in real time.

Due to the current COVID-19 health emergency and the Shelter in Place Order, the Office of the Clerk of the Board is working remotely while providing complete access to the legislative process and our services



Click [here](#) to complete a Board of Supervisors Customer Service Satisfaction form

The [Legislative Research Center](#) provides 24-hour access to Board of Supervisors legislation, and archived matters since August 1998.

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From: Mary Miles <page364@earthlink.net>
Sent: Wednesday, October 28, 2020 4:56 PM
To: BOS Legislation, (BOS) <bos.legislation@sfgov.org>
Subject: BOS FILES 200903, 200987, 201000, 201024, ETC. DEMAND TO CURE AND CORRECT VIOLATIONS OF BROWN ACT

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

FROM:
Mary Miles (SB #230395)
Attorney at Law
for Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO:
Angela Calvillo, Clerk of the Board,
President Norman Yee and Members,
San Francisco Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102
BY E-MAIL TO: bos.legislation@sfgov.org

DATE: October 28, 2020

BOS FILE 200883 "Slow Streets – Phase 1"
BOS FILE 200903 "Temporary Emergency Transit Lanes"
BOS FILE 200987 "Panhandle Social Distancing and Safety Project"
BOS FILE 201000 "MTA DOC COVID-19 Emergency Temporary Street Changes
Program" Project
BOS FILE 201024 "Slow Streets - Phase 3"

RE: DEMAND TO CURE AND CORRECT VIOLATIONS OF THE BROWN ACT

PLEASE TAKE NOTICE that:

Appellant Coalition for Adequate Review hereby files and submits to the San Francisco Board of Supervisors Appellant's **DEMAND TO CURE AND CORRECT**

VIOLATIONS OF THE BROWN ACT, which is attached hereto in pdf format.

Please distribute the attached **DEMAND TO CURE AND CORRECT VIOLATIONS OF THE BROWN ACT** to each member of the Board of Supervisors and place copies of this **DEMAND** in all applicable files.

Mary Miles

Attorney for Coalition for Adequate Review

FROM:

Mary Miles (SB #230395)
Attorney at Law
for Coalition for Adequate Review
364 Page St., #36
San Francisco, CA 94102
(415) 863-2310

TO:

Angela Calvillo, Clerk of the Board,
President Norman Yee and Members,
San Francisco Board of Supervisors
City Hall, Room 244
San Francisco, CA 94102

BY E-MAIL TO: bos.legislation@sfgov.org

DATE: October 28, 2020

BOS FILE 200883 "Slow Streets – Phase 1"

BOS FILE 200903 "Temporary Emergency Transit Lanes"

BOS FILE 200987 "Panhandle Social Distancing and Safety Project"

**BOS FILE 201000 "MTA DOC COVID-19 Emergency Temporary Street Changes
Program" Project**

BOS FILE 201024 "Slow Streets - Phase 3"

DEMAND TO CURE AND CORRECT VIOLATIONS OF THE BROWN ACT

President Yee and Members of the Board:

I represent Appellant Coalition for Adequate Review (“Appellant”) in BOS File Nos. 200883, 200903, 200987, and 201024. This is Appellant’s DEMAND TO CURE AND CORRECT VIOLATIONS OF THE BROWN ACT, pursuant to California Government Code (“Gov. Code”) section 54960.1(b) on the latter three cases in File Nos. 200903, 200987, and 201024. Appellant includes BOS File No. 200883 as background and will separately request rehearing of that appeal.

While I do not represent the different Appellant in File No. 201000, the Board of Supervisors (“Board”) improperly merged that appeal with Appellant’s appeals, and disposed of all four appeals in BOS Files 200903, 200987, 201000, and 201024 at once on September 22 and September 29, 2020, improperly conflating the different issues in the appeals and shortening the time allowed for both Appellants and the public to speak and to submit briefs, comments and information on each of those appeals.

The Board violated the Brown Act (Gov. Code §§54950 *et seq.*) in its hearings of the above appeals of CEQA exemptions on September 22, and 29, 2020.

The merging of unrelated appeals also improperly conflates the issues of those appeals, effectively denying administrative review of each appeal as required by the California Environmental Quality Act (“CEQA”) (Pub. Res. Code [“PRC”] §§ 21000 *et seq.*).

The Board has also deprived Appellants of their rights by prejudicial scheduling and refusing to allow adequate time to brief and speak on the different appeals. The Board has also violated other statutes, ordinances and infringed fundamental rights, including but not limited to CEQA, the City’s Administrative Code §§31 and 67; California open meeting statutes, and the California and United States Constitutions.

On September 28, 2020, Appellant filed Procedural Objections, which are in the files in BOS File Nos. 200903, 200987, and 201024. That document is incorporated by reference into this Demand.

BACKGROUND FACTS

Between May, 2020 and the present, the San Francisco Municipal Transportation Agency (“MTA”) has implemented several projects closing streets, removing traffic lanes and parking, and changing the configuration and capacity of city streets without conducting public proceedings or complying with CEQA. The San Francisco Planning Department (“Planning”) issued *post hoc* “exemptions” from CEQA for those projects, which were not publicly available on its web site or elsewhere.

The Exemption documents each had different numbers and “approval dates.” Under CEQA, where a nonelected agency determines that a project is exempt from CEQA, that determination “may be appealed to the agency’s elected decisionmaking body.” (PRC, § 21151(c). Under the San Francisco Administrative Code (“SF Admin. Code”), those different environmental determinations had to be separately appealed, with the 30-day appeal deadline triggered by the “approval date” on the Exemption document. (SF Admin. Code, §31.16(b)(1), 31.16(e)(2)(B-C).)

By creating different exemptions with different “approval dates,” the Planning Department triggered the time for filing the separate appeals and raised the different issues in its environmental determinations that require that these appeals be separately heard. The Administrative Code requires filing such appeals within 30 days of the “approval date.” (SF Admin. Code §31.16(e)(2)(B - C).) Here, each Appeal had a different “approval date,” even where MTA conducted no public approval proceeding.¹

Two different parties filed five different appeals of Planning’s CEQA Exemptions of four different MTA Projects, all of which have different dates, different issues, and different claims of exemption from CEQA:

¹ Each Appeal filed by Appellant required advance payment of \$640.

--File No. 200903 is about two appeals filed July 30, 2020 by Coalition for Adequate Review and David Pilpel on the Planning Department Exemption No. 2020-005472ENV on MTA's "Temporary Emergency Transit Lanes" ("TETL") Project.

--File No. 200987 is the appeal filed August 14, 2020 by Coalition for Adequate Review of the Planning Department Exemption No. 2020-006678ENV on MTA's "Panhandle Social Distancing and Safety" Project.

--File No. 201000 is an appeal filed August 20, 2020 by David Pilpel on the Planning Department Exemption No. 2020-006458ENV on MTA's "DOC COVID-19 Emergency Temporary Street Changes" Project.

--File No. 201024 is an appeal filed August 20, 2020 by Coalition for Adequate Review of the Planning Department Exemption No. 2020-006251ENV on MTA's "Slow Streets-Phase 3" Project.

MTA and Planning have stated that each of these projects and each of their environmental determinations were separate and independent of one another. The fact that the Planning Department issued different exemptions indicates that it found it infeasible to combine them. (SF Admin. Code §31.05(g).) As noted, MTA has insisted that the exemptions at issue were on different projects.

On May 29, 2020, after Appellant filed the May 21, 2020 Appeal in File No. 200883, the Board of Supervisors suspended hearings on CEQA appeals claiming it could not conduct CEQA hearings due to the COVID-19 pandemic, although it did conduct "virtual hearings" on other appeals of land use matters and CEQA. On July 31, 2020 the Board issued a letter stating it would begin scheduling hearings on CEQA appeals but did not specify any hearing dates, claiming that hearings on all appeals filed after March 11, 2020 had been suspended, and that it had "until September 30, 2020, to schedule "the initial hearings."

On September 8, 2020, the Board issued Notices of Hearing on September 22, 2020, providing only 14 days notice on the all of the CEQA appeals in BOS File Nos. 200903, 200987, 201000, and 201024, cutting short the required time for submitting an address list of interested members of the public, preparing and submitting briefs, and submitting public comment.

Appellants were not allowed adequate time to submit address lists of interested parties for notice (requiring 20 days advance notice to the Board under Admin. Code §31.16(b)(4)), or to submit briefs and other information to the Board (requiring 11 days in advance of the hearing under Admin. Code §31.16(b)(4).). The Administrative Code also requires public comment to be submitted 11 days in advance, also effectively precluded by the Board's short notice. (Admin. Code §31.16(b)(5).) Thus the 14-day notice precluded both Appellant's and the public's rights to prepare and submit written materials, and Appellant's right to submit the address list for notices of the hearings.

BOS File No. 200883

On May 21, 2020, Appellant appealed the San Francisco Planning Department's exemption of the San Francisco Municipal Transportation Agency ("MTA") "Slow Streets- Phase 1" Project, BOS File No. 200883, Planning Case No. 2020-004631ENV.

On August 18, 2020, the Board of Supervisors emailed a "Notice of Hearing" setting a hearing date for September 1, 2020, allowing only 14 days notice, which did not allow Appellants adequate time to submit an address list for public notice, or time to brief and submit information on the appeal.

On August 24, 2020, Appellant submitted a Request for Continuance of the September 1, 2020 Hearing date on File No. 200883 to allow Appellant adequate time to prepare a brief and prepare for the hearing. The Board failed to place Appellant's Request for Continuance on its Agenda. The Board's Agenda for the September 1, 2020 meeting was issued late Thursday, August 27, 2020.

At the September 1, 2020 meeting, the Board refused to consider Appellant's Request for Continuance, refused to allow Appellant to address the Continuance Request, and refused to take calls from the public supporting the Request.

On another CEQA appeal immediately preceding Appellant's on the September 1, 2020 Agenda, the Board granted a second continuance totaling 60 to 90 days for that other appeal, while refusing to consider Appellant's Request for Continuance.

The Board's actions denied Appellant adequate time to submit a brief and other materials on the appeal and to prepare for the hearing in BOS File No. 200883.

On September 1, 2020, after allowing Appellant ten minutes to speak, the Board allowed the MTA 20 minutes and the Planning Department another 20 minutes. The Board allowed only 2 minutes for members of the public to speak. At least one member of the public was not allowed to call or address the Board by telephone.

The Board then voted unanimously to deny that Appeal.

BOS File 200903, filed July 30, 2020

On July 30, 2020 Appellant appealed the Planning Department's exemption of MTA's Temporary Emergency Transit Lanes ("TETL") Project, BOS File 200903, Planning Case No. 2020-005472ENV. Another appeal of this Project was filed by David Pilpel. The two appeals were assigned the same number, BOS File No. 200903.

On September 8, 2020, the Board of Supervisors mailed a "Notice of Hearing" setting a hearing date for both appeals under BOS File 200903 for September 22, 2020. The Notice had a highlighted box stating: "NOTE: The President may entertain a motion to continue this Hearing to a future Board of Supervisors Meeting date to be determined. Public Comment will be taken on the continuance only."

On September 10, 2020, Appellant filed a Request for Continuance of the appeal in File No. 200903 to November 10, 2020 to allow adequate time for Appellant to submit a brief

and additional information on the complex TETL Project, a massive citywide project that eliminates traffic lanes on 36 major traffic corridors, removes 837 parking spaces in its “initial phase,” and confers unlimited power on MTA’s “City Traffic Engineer” to make any other changes without public proceedings.

The Board refused to place Appellant’s Request for Continuance on the September 22, 2020 Agenda.

On September 22, 2020 after 5:00 p.m., the Board refused to hear the separate continuance requests, refused to allow Appellants to speak on each of the continuance requests, refused public comment on the separate continuance requests, and instead merged all five appeals into one item which was *not* on the Agenda, *i.e.*, the Board’s own motion to continue *all five appeals* to September 29, 2020 at 3:00 p.m., allowing less 7-day continuance on all of these appeals. At the same hearing, the Board allowed up to 90 days of multiple continuances on other individual CEQA appeals on its Agenda.

On September 24, 2020, Appellant submitted another Request for Continuance to November 10, 2020 on File No. 200903. The Board again refused to acknowledge or place Appellant’s Request for Continuance on the Agenda of the September 29, 2020 meeting.

On September 28, 2020, Appellant submitted Procedural Objections, which the Board refused to acknowledge or consider (as noted, incorporated by reference to this Demand).

On September 29, 2020, Appellant submitted a brief that was necessarily incomplete, which the Board refused to acknowledge, place in the Agenda Packet, or consider.

The following background facts apply to all of the appeals in File Nos. 200903, 200987, 201000, and 201024.

On September 24, 2020 at 5:55 p.m., the Board of Supervisors sent an e-mail to Appellant’s counsel with the “Subject”: “HEARING TIME LIMITS: APPEALS OF CEQA DETERMINATIONS – File Nos. 200903, 200987, 200100, 201024 – September 29, 2020,” which states:

“The President is expected to call all four appeals together and may propose the following time allotments:

“Appellant(s): 10 minutes each appellant

“Public comment in support of appellant: 2 minutes each

“Department (Planning Department): 20 minutes

“Project Sponsor (MTA): 20 minutes

“Public comment in opposition to the appeal: 2 minutes each

“Rebuttal by Appellant(s): 3 minutes each appellants.”

The time allowed under the Board Rules of Order is 10 minutes for each appeal. (Rules of Order Board of Supervisors City and County of San Francisco, March 10, 2020 [“Board Rules of Order”], §4.19, pp. 32-33.) The Board Rules of Order allow the “Agency representative” up to 10 minutes, and the “Leader of the opposition to the

granting of the appeal” up to 10 minutes, members of the public three minutes, and Appellant three minutes of rebuttal for each appeal. (*Id.*) The Board’s September 24, 2020 email allowed the “Agency representative,” the Planning Department, 20 minutes, and the MTA another 20 minutes.

The September 24, email allowed members of the public only 2 minutes for Appellant’s three appeals and the other party’s two appeals, or 24 seconds for each appeal. Appellant was allowed 10 minutes for three appeals (3.3 minutes each) and 3 minutes rebuttal time for three appeals (one minute each).

On September 25, 2020, the Board published the Agenda for the September 29, 2020 meeting. The Agenda lists each of the CEQA appeals before the Board separately at Items 60-63 (BOS File 200903); 64-67 (BOS File 200987); 68-71 (BOS File 201000); and 72-75 (BOS File 201024).

However, a notation in the September 29, 2020 Agenda at page 27 states: “The President is anticipated to request the following appeal hearings and associated motions (File Nos. 200903-200906 (MTA Emergency Transit Lanes CEQA Appeal); 201000-201003 (MTA Doc Program CEQA Appeal); and 201024-201027 (MTA Slow Streets CEQA Appeal)) **be called together and public comment taken for these appeals during the consolidated hearing.**” (Board Agenda, September 29, 2020, p. 27 [emphasis added].)

Thus in a secret, non-public proceeding, the Board “consolidated” all the appeals, an unprecedented action that merged four unrelated appeals, conflated the issues and facts of those appeals, and reduced Appellants’ and the public’s time to that provided normally for one appeal, allowing comment only on all the appeals at once and not on the separate appeals and the separate Agenda items.

Appellant filed Procedural Objections on each of the appeals in File Nos. 200903, 200987, and 201024 on September 28, 2020, which were ignored and unaddressed by the Board, and were not included in the Board’s packets.

On September 28, 2020 after 2:00 p.m., the Board sent an email to Appellant’s counsel that changed its September 24, 2020 e-mail, stating Appellant would be allowed 13 minutes for all three of Appellant’s appeals in File Nos. 200903, 200987, and 201024, or 4.3 minutes for each appeal, and that the public would be allowed three minutes for all five appeals in File Nos. 200903, 200987, 201000, and 201024, or 36 seconds for each appeal.

At the September 29, 2020 meeting, the Board merged all five appeals in File Nos. 200903, 200987, 201000, and 201024 into one item that was not on the Agenda. No opportunity was provided for Appellants or the public to comment on the “consolidation,” which was not on the Agenda and had been predetermined.

Although the Agenda listed each appeal as a separate Item, when the Board finally called the four appeals on the Agenda after 8:00 p.m. on September 29, 2020, the Board merged all of those appeals into one item, which was *not* on the Agenda, except in the notation on page 27 stating “The President is anticipated” to hear all of the appeals at once, which

was not on the Agenda and contradicted the items that were listed individually on the Agenda. Appellants and the public were not allowed to comment on the consolidation and merging of the appeals into one item, which was not on the Agenda.

At the September 29, 2020 meeting, the Board allowed Appellant 13 minutes for the secretly merged item (all of the appeals in File Nos. 200903, 200987, and 201024), 4.3 minutes for each appeal. One member of the public was allowed only two minutes to comment on all appeals in File Nos. 200903, 200987, 201000, and 201024, with the Board then later allowing that person one additional minute to speak on all of the appeals. After Planning's and MTA's 20 minutes each, and more public comment, Appellant was allowed a 3-minute rebuttal time for three appeals (one minute for each appeal).

The Board then unanimously voted to deny all of the appeals, pretending to vote on each Item, even though it had not allowed Appellants or the public to speak on each Item.

The Board's Minutes for September 29, 2020 then falsely stated that Appellant and the public were allowed to speak on each Agenda Item.

BOS File No. 200987

On August 14, 2020 Appellant appealed the Planning Department's exemption of MTA's "Panhandle Social Distancing and Safety Project," BOS File 200987, Planning Case No. 2020-006678ENV.

On September 8, 2020, the Board of Supervisors mailed a "Notice of Hearing" setting a hearing date for both appeals under BOS 200903 for September 22, 2020. The Notice had a highlighted box stating: "NOTE: The President may entertain a motion to continue this Hearing to a future Board of Supervisors Meeting date to be determined. Public Comment will be taken on the continuance only."

On September 21, 2020, Appellant submitted a Request for Continuance to December 10, 2020. The Board refused to place Appellant's Request for Continuance on the September 22, 2020 Agenda, refused to hear it, and instead merged all five appeals into one item that was not on the Agenda, and as noted voted mechanically to continue *all* five appeals to September 29, 2020 without allowing Appellants or the public to address or comment on that item or its secret decision to merge and continue all of the appeals.

On September 24, 2020, Appellant submitted another Request for Continuance on File No. 200987 to December 10, 2020. The Board again refused to acknowledge or place Appellant's Request for Continuance on the Agenda of the September 29, 2020 continued meeting.

As noted above (BOS File 200903) at the September 29, 2020 meeting, the Board merged all five appeals in File Nos. 200903, 200987, 201000, and 201024 into one item that was *not* on the Agenda, and refused to allow Appellants and the public to speak on the individual appeals, instead allowing them to speak only on the one item not on the Agenda on *all* the appeals.

On September 28, 2020, Appellant submitted Procedural Objections, which the Board refused to acknowledge or consider. (As noted Appellant's September 28, 2020 Objections are incorporated by reference.)

On September 29, 2020, Appellant submitted a brief that was necessarily incomplete, which the Board refused to acknowledge, place in the Agenda Packet, or consider.

On September 29, 2020, Appellant also submitted a Request for Recusal of Supervisor Dean Preston, which the Board refused to place on the Agenda, acknowledge or consider. The Request was for the Board to recuse Mr. Preston due to his aggressive advocacy for the Project showing his obvious predisposition and bias. The Request for Recusal was not placed on the Agenda, considered, discussed, or voted on by the Board. Appellant and the public were allowed no time to address the Request for Recusal.

As noted above (BOS File 200903) at the September 29, 2020 meeting, the Board merged all five appeals in File Nos. 200903, 200987, 201000, and 201024 into one item that was *not* on the Agenda, and refused to allow Appellants and members of the public to address the individual appeals, instead allowing them to speak only on the one item *not on the Agenda on all* the appeals.

The Board's Minutes for September 29, 2020 then falsely stated that Appellant and the public were allowed to speak on each Agenda Item.

BOS File No. 201000

On August 20, 2020, an appeal was filed by David Pilpel, on MTA's "DOC COVID-19 Emergency Temporary Street Changes" Project. BOS File 2011000, Planning Dept. Case No. 2020-006458ENV.

The background documents on that appeal are in the Board's File No. 201000. The appellant in that case asked for a continuance to October 6, 2020 or later, which the Board refused to consider on either September 22, 2020 or September 29, 2020.

Instead of considering that appeal separately, the Board merged it in its secret "consolidation" proceedings with no notice or opportunity for the public to be heard on that action. Neither the appellant in that case nor the public was provided the opportunity to comment on either the requested continuance or the different issues of the environmental determination at any time, since that appeal was merged with three others.

The Board's Minutes for September 29, 2020 then falsely stated that Appellant and the public were allowed to speak on each Agenda Item.

BOS File No. 201024

On August 20, 2020 Appellant appealed the Planning Department's exemption of MTA's "Slow Streets – Phase 3" Project, BOS File 201024, Planning Dept. Case No. 2020-006251ENV.

As with the appeals in BOS File Nos. 200903, 200987, and 201000, on September 8, 2020, the Board of Supervisors mailed a “Notice of Hearing” setting a hearing date for the appeal in BOS File 201024 for September 22, 2020.

As with the other appeals, the hearing notice had a highlighted box stating: “NOTE: The President may entertain a motion to continue this Hearing to a future Board of Supervisors Meeting date to be determined. Public Comment will be taken on the continuance only.”

On September 21, 2020, Appellant submitted a Request for Continuance to December 10, 2020. The Board refused to place Appellant’s Request for Continuance on the September 22, 2020 Agenda, refused to hear it, and instead merged all five appeals into one item which was not on the Agenda, to continue *all* five appeals to September 29, 2020.

On September 24, 2020, Appellant submitted another Request for Continuance to December 10, 2020, to allow time to submit a brief and other materials in support of the appeal. The Board again refused to acknowledge or place Appellant’s Request for Continuance on the Agenda of the September 29, 2020 continued meeting.

On September 28, 2020, Appellant submitted Procedural Objections, which the Board refused to acknowledge or consider.

On September 29, 2020, Appellant submitted objections and a notice that Appellant could not submit a brief on this appeal due to the lack of time provided by the Board’s notice. The notice and objections were ignored and not considered by the Board.

As noted, before the September 29, 2020 meeting, the Board secretly decided to “consolidate” all five appeals in File Nos. 200903, 200987, 201000, and 201024 into one item that was *not* on the Agenda, and refused to allow Appellants and the public Appellant’s Request for Continuance or on the merits of the individual appeals, instead allowing them to speak only on the one item not on the Agenda on *all* the appeals.

The Board’s Minutes for September 29, 2020 then falsely stated that Appellant and the public were allowed to speak on each Agenda Item.

THE BOARD VIOLATED THE BROWN ACT, PREJUDICING APPELLANTS AND THE PUBLIC

The Brown Act’s important purpose is stated in Government Code section 54950:

“[T]he public commissions, boards and councils and the other public agencies in this State exist to aid in the conduct of the people’s business. It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly. ¶The people of this State do not yield their sovereignty to the agencies which serve them. The people, in delegating authority, do not give their public servants the right to decide what is good for the people to know and what is not good for them to know. The people insist on remaining informed so that they may retain control over the instruments they have created.”

The Act sets forth requirements to fulfill that powerful mandate, including the requirements noted in sections 54950 *et seq.*

Section 54960.1(b) provides the opportunity for this Board to cure and correct actions taken in violation of sections 54950 *et seq.*, including, *e.g.*, §§54953, 54954.2, 54954.5, 54954.6, 54956, and 54956.5 within 30 days of the date of this Demand. (Gov. Code, §54960.1(b), (c)(2).)

A. THE SEPTEMBER 22, 2020 MEETING: The Board’s False Agenda, Its Secret Predisposition, Its Vote For An Item Not On The Agenda, And Its Refusal To Discuss And Consider Appellants’ Requests For Continuances And To Place Them On The Agenda Violated The Brown Act

1. The Board’s September 22, 2020 Agenda Falsely Stated The Appeals Would Be Considered Individually, When In Fact Five Separate Appeals Were Merged Into One Item

Appellants submitted Requests for Continuances in each appeal in advance of the September 22, 2020 meeting Agenda, stating just cause and reasons for the requested separate continuances.

BOS File No. 200903: Continuance requested to November 10, 2020

BOS File No. 200987: Continuance requested to December 10, 2020

BOS File No. 201000: Continuance requested to October 6, 2020 or after

BOS File No. 201024: Continuance requested to December 10, 2020

Neither the Appellants nor members of the public were allowed to speak to the Requests for Continuances for each of the appeals, even though each appeal was listed separately on the Agenda.

The Board thus violated the Brown Act, including but not limited to: §§54950, 54953(c), 54954.2, 54954.3.

2. Appellants And The Public Were Denied The Right To Address Each Agenda Item On September 22, 2020

“Every agenda for regular meetings shall provide an opportunity for members of the public to directly address the legislative body on any item of interest to the public, before or during the legislative body’s consideration of the item ... no action shall be taken on any item not appearing on the agenda ...” (Gov. Code § 54954.3.)

On September 22, 2020, *no* opportunity was allowed for the Appellants or the public to speak on Agenda Items 91 -106, on the appeals in BOS File Nos. 200903, 200987, 201000, and 201024, and on Appellants’ Requests for Continuance on each. The Board’s failure to allow Appellants and the public to address each Item on the Agenda plainly violated the Brown Act.

The Board did not consider the Appellants’ Requests for Continuances on each appeal or the merits of each appeal, plainly violating the Brown Act. (Gov. Code §§54954.2

[requiring that the Board consider each Agenda item and prohibiting the Board from considering and taking action on items not on the Agenda]; 54953 [requiring meetings to be open and public not secret]; 54957.6 [requiring an opportunity for members of the public to “directly address the legislative body on any item of interest to the public, before or during the legislative body’s consideration of the item”].)

Instead, in private deliberations the Board took secret action, not in an open meeting, to continue all the appeals to September 29, 2020, directly violating the Brown Act. (Gov. Code §54953(c).)

The Board violated the Brown Act by considering an item *not* on the Agenda: The Board considered only *one item*, its improper merging of five appeals and continuing of *all* of those appeals to September 29, 2020, again violating the Brown Act. The Board had clearly determined “outside a meeting authorized by [the Brown Act] to discuss, deliberate, or take action on any item of business that is within the subject matter jurisdiction of the legislative body.” (Gov. Code §54952.2 (a), (b)(1); 54953(c)(1); see also §54950 [“It is the intent of the law that their actions be taken openly and that their deliberations be conducted openly.”].)

The Board had no authority to bypass the Brown Act by simply proceeding on “its own motion” that is not on the Agenda. (Gov. Code §§54952.2; 54953.)

There was no discussion, only a vote that had been predetermined in private. Indeed, the Agenda improperly placed notations before Agenda Items 91, 95, 99, and 103 that “The President may entertain a motion to continue this Hearing and associated Motions to the Board of Supervisors meeting on September 29, 2020.”

Thus, the Board refused to consider the individual continuances requested by Appellants for each of the appeals, which requested specific continued dates from two weeks to two months to allow adequate time to submit materials and public comment. Instead, the Board made clear that it had already decided to continue the hearings on all of the appeals to September 29, 2020 with no opportunity for appellants and the public to speak on the continuances or the issues of the appeals. That pre-determined decision with no public proceeding clearly violated the Brown Act §§54952.2(b)(1); 54953(c)(1).

The Board thus did not consider or hear the Appellants or the public on each of the Appeals listed on the Agenda, or on the requested continuance dates. Appellants were clearly prejudiced by not being allowed to speak on the continuance, by merging the appeals into one and not providing adequate time to submit briefs and other materials on each of the appeals. The public was clearly prejudiced by not being allowed to address the appeals and by merging several different appeals and conflating different issues.

The Board’s secret deliberation, its failure to consider and allow input by Appellants and the public on Appellants’ Requests for Continuance(s), and its action on its own merger and continuance of all the appeals to September 29, 2020, which were not on the Agenda, plainly violated the Brown Act.

3. The Board's Minutes Were Falsified To Claim That Each Agenda Item Was Considered, When In Fact Five Appeals Were Merged Into One With No Opportunity For Appellants Or The Public To Speak On Each Agenda Item

The Board's "Minutes" of the September 22, 2020 meeting falsely state that the Board considered *each* agenda item. It did not. As noted, the Board only considered one item not on the Agenda: a single continuance for five separate appeals to September 29, 2020, a continuance of only one week, which was neither proposed nor supported by any Appellant or member of the public.

Moreover, the "Minutes" falsely claim that Appellants and the public were given the opportunity to speak on continuances for each Agenda Item. They were not. The Minutes then falsely claim that the Board voted on continuances for *each* Agenda item. The Board voted only on one item that was not on the Agenda: The Board's own, not appellants', proposed continuance of ALL of the appeals to September 29, 2020.

4. Appellants And The Public Were Prejudiced By The Board's Violations

The Board's failure to place the Appellants' continuance requests on the Agenda and discuss or consider them on each appeal prejudiced Appellants, because in each appeal the Board's improperly shortened Notice of Hearing denied Appellants the opportunity to submit lists of interested members of the public to receive notice of the hearing and to have meaningful input on each Item, denied Appellants adequate time to submit briefs on the appeals, and denied both Appellants and the public time to speak on each appeal on the Agenda. The Board in fact granted longer and multiple continuances to other Appellants with pending CEQA and land use appeals.

There is no precedent or authority for merging five separate appeals on different CEQA determinations into one appeal, which also prejudiced Appellants by conflating the issues and not providing adequate time for Appellants to brief and address the different issues and for the public to be able to comprehend the different issues and have the opportunity for meaningful input on each appeal, as required by CEQA. No authority or precedent supports the Board's secret action to "consolidate" four unrelated appeals by different parties.

Appellant and the public were clearly prejudiced by not being allowed to address the actual Agenda Items or Appellants' continuance requests for each appeal, and by radically reducing the time that precluded presenting written materials in support of each appeal or commenting at the hearing on each appeal.

The secret "consolidation" of four different appeals by different parties clearly violated the Brown Act, since it was not placed on the Agenda, was not considered openly with public comment allowed, and that "consolidation" made it impossible for Appellants and members of the public to address the different appeals. The Board thus took action on items *not* on the Agenda, the consolidation itself and the one consolidated "appeal."

B. THE SEPTEMBER 29, 2020 MEETING: The Board's Actions And False Agenda For Its September 29, 2020 Meeting Violated The Brown Act, Prejudicing Appellants And The Public

1. The Board Again Refused To Place On The Agenda Or Hear Appellants' Requests For Continuances

As noted, Appellant filed continuance requests for each appeal, none of which were acknowledged, placed on the Agenda or heard on September 22, 2020. Instead, on September 22, 2020, the Board refused to hear the separate continuance requests, refused to allow Appellants to speak on their separate continuance requests, refused to accept public comment on the separate continuance requests, and instead continued all of the five appeals in File Nos. 200903, 200987, 201024, and 201000 on the Board's own motion to September 29, 2020 at 3:00 p.m., allowing less than a 7-day continuance on all of these appeals. At that same hearing, the Board allowed up to 90 days of multiple continuances on other pending CEQA appeals.

On September 29, 2020, the Board *again* refused to hear Appellants' separate continuance requests for the appeals in Board File Nos. 200903, 200987, 201000, and 201024, refused to place them on the Agenda, and committed the same prejudicial violations of the Brown Act described, *ante*.

On September 29, 2020, the Board effectively denied each of Appellants' Requests for Continuance by not addressing them and not allowing Appellants and the public to address them. Instead, a secret determination was again made to deny those continuance requests with no public proceeding, violating the Brown Act. (*e.g.*, Gov. Code §§ Gov. Code §§54950, 54952.2, 54953.)

2. The September 29, 2020 Agenda Falsely Stated That The Appeals Itemized On The Agenda Would Be Considered Individually, When In Fact The Board Secretly And Without Public Proceedings Merged The Separate Appeals Into One Item That Was *Not* On The Agenda

By manipulating the September 29, 2020 Agenda with its notation at page 27 merging sixteen Agenda items, the Board violated the basic requirement to post an agenda containing a description of "*each* item of business to be transacted." (Cal. Gov. Code §54954.2.)

The notation at page 27 of the September 29, 2020 Agenda instead merged all of the appeals in Agenda Items 60 through 75 into one item that was **not** on the Agenda. Those sixteen Agenda Items were effectively transformed from separate items on different appeals into a single item "to be transacted or discussed at the meeting," an item that was not on the Agenda. (Gov. Code §54942.2.)

The Agenda notation at page 27 merged all of the appeals in Agenda Items 60 through 75 into one item that is **not** on the Agenda. The action of consolidating the appeals and Agenda items was deliberated and pre-determined in secrecy, violating the Brown Act. (Gov. Code §§54952.2, 54953; see also §54950 ["It is the intent of the law that their

actions be taken openly and that their deliberations be conducted openly.”]; *Sacramento Newspaper Guild, etc. v. Sacramento County Board of Supervisors* (1968) 263 Cal.App.2d 41, 47-48, 50.)

The Board President has no authority to consolidate different appeals by different parties on different environmental determinations. There is no precedent or authority for doing so. The only time the Board President has consolidated appeals in the past is when two appeals were filed of the *same* agency determination. (*e.g.*, SF Admin. Code §31.16 (b)(4).) Here, no document in the record indicates that the Board President has even "consolidated" the two appeals on the Environmental Determination in Board File No. 200903.

Here, a notation, not an item on the Agenda, that was not publicly available until September 25, 2020 controlled the hearings on four different appeals. Appellants in the four different appeals and the public were told that "The President is anticipated to request" that all five appeals "be called together and public comment taken for these appeal matters during the consolidated hearing." (Board of Supervisors Agenda for September 29, 2020, page 27.) No statute, rule or procedure allows the Board President to make such a "request," and that "request," which was not made at any public meeting but was secretly decided *before* the September 29, 2020 meeting. The Board provided no opportunity for Appellants or the public to address it. (Gov. Code §§54952.2; 54953.)

Neither the President nor the Board has the authority to deny Appellants' right to appeal an environmental determination. No Board President has in the past attempted to consolidate appeals of *different* environmental determinations. For the reasons stated above, doing so violates CEQA and infringes on the right of appeal itself. Other than in File No. 200903, none of the other appeals have the same environmental determinations, facts, approval dates. They were appealed separately and required separate hearings.

Thus the "anticipated" action in a note at page 27 of the September 29, 2020 Agenda denied Appellants the right of review of a particular agency determination, improperly conflates facts and issues in different agency determinations, and denies Appellants the informed decisionmaking and public participation required by the Brown Act. (*e.g.*, Gov. Code §§ 54952.2, 54953, 54954.3, 54957.7; *Galbiso v. Orosi Public Utility Dist.* (2008) 167 Cal.App.4th 1063, 1079,1082.) Even after the Board's secret decision to merge the appeals was made in a closed session, the Board violated the Brown Act by again failing to disclose that fact. (*Ibid.*; Gov. Code §54957.7.)

The notation at page 27 of the September 29, 2020 Agenda misled the public by stating "The President is anticipated to request" that the hearings on all of those appeals "be called together and public comment taken for these appeal matters during the consolidated hearing." Since the "consolidation" was not itself on the Agenda, the public could not comment on it. Appellants and members of the public could only comment (in two to three minutes allowed for the public) on *all* of the appeals at once.

The secret “consolidation” of four different appeals by different parties clearly violated the Brown Act, since it was not placed on the Agenda, was not considered openly with public comment allowed, and that “consolidation” made it impossible for Appellants and members of the public to address the different appeals. The Board thus took action on items *not* on the Agenda, the consolidation itself and the one consolidated “appeal.”

The Board’s Actions clearly violated the Brown Act.

3. Appellants And The Public Were Denied The Right To Address Each Agenda Item On September 29, 2020.

At the September 29, 2020 hearing on the appeals, the Board refused to allow Appellants or the public to address each of the appeals. Appellants were given 4.3 minutes (13 minutes for three appeals in File Nos. 200903, 200987, and 201024), with 12 minutes for two appeals for the other Appellant.

The Board of Supervisors then voted unanimously to deny all of the appeals, pretending to vote on each separately, after allowing appellants to speak only to *one* item that was not on the agenda, *i.e., all of the appeals merged as one.*

The Board’s Actions clearly violated the Brown Act.

4. The Board’s Minutes Were Falsified To Claim That Each Agenda Item Was Considered, When In Fact Five Appeals Were Merged Into One With No Opportunity To Address Each

The Board’s Minutes of the September 29, 2020 hearing falsely state that Appellants were allowed to address each Item on the Agenda. (BOS Meeting Minutes 9/29/20, pp. 24-29; see also 9/29/20 BOS Agenda, Items 60-75.) In fact, the Appellants were *not* allowed to address each appeal or the Items on the Agenda. Instead, the Board allowed Appellants a shortened time to address *all* of the appeals at once, which was not an item on the Agenda. The Minutes create a false record of the September 29, 2020 hearing. The Board’s falsifying the minutes of the September 29, 2020 hearing violates the Brown Act by compounding with a false record the Board’s violations in creating false Agendas and acting on items not on the Agenda.

5. The Board’s Violations Prejudiced Appellants And The Public

With its September 24, 2020 e-mail and its Agenda for the September 29, 2020 meeting (posted online on September 25, 2020), the Board of Supervisors effectively denies Appellants the right to be heard on these appeals as required by CEQA, the San Francisco Administrative Code, the Brown Act, and the due process requirements of the California and United States Constitutions.

By listing the appeals separately on the Agenda, members of the public were misled to believe they will have a voice in the Board's consideration of *each* appeal, when in fact the page 27 notation transforms those sixteen individual Agenda items into *one* Agenda item that is "anticipated" to be decided at the same time, with public comment and Appellant's argument actually allowed on only that *one* item that is not on the Agenda.

Misleading the public with an inaccurate agenda violates the Brown Act. (See, *e.g.*, Gov. Code §§ 54954.2; 54953; *Hernandez v. Town of Apple Valley* (2017) 7 Cal.App.5th 194, 208; *San Joaquin Raptor Rescue Center v. County of Merced* (2013) 216 Cal.App.4th 1167, 1176 [holding violation of Brown Act where MND was "plainly a distinct item of business, and not a mere component of project approval" and "concerned discrete, significant issues of CEQA compliance"].)

The Board's notation at page 27 of the September 29, 2020 Agenda instead "anticipates" merging all of the appeals in Agenda Items 60 through 75 into one item that is not on the Agenda. Those sixteen Agenda Items are effectively transformed from separate items on different appeals into a single item "to be transacted or discussed at the meeting," an item that was not on the Agenda. (Gov. Code §54954.2; see also, *e.g.*, Gov. Code §§ 54952.2, 54953, 54954.3, 59457.7; *Galbiso v. Orosi Public Utility Dist.*, *supra*, 167 Cal.App.4th at pp. 1079, 1082.) Even assuming the Board's secret decision to merge the appeals was made in a closed session, the Board also violated the Brown Act by failing to disclose that fact. (*Ibid.*; Gov. Code §54957.7.)

By its notation at page 27 merging sixteen Agenda items, the Board violated the basic requirement to post an agenda containing a description of "each item of business to be transacted." (Cal. Gov. Code §54954.2; 54953.) That secret predetermination deprived Appellants and the public of the right to address each item on the Agenda and to address the "anticipate[d]" action of consolidating different appeals.

Further, the Board's "anticipation" is clear evidence of its secret deliberations before the September 29, 2020 meeting, which violates the Brown Act. In its secret deliberations before the meeting, the Board decided to *not* address the appeals on the Agenda, and to instead consider only one item that was not on the Agenda, which violated the Brown Act. (*e.g.*, Gov. Code §§54952.2, 54953; *Wolfe v. City of Fremont* (2006) 144 Cal.App.4th 533, 548 [deliberations among members of a legislative body that lead to concurrence about action to be taken that are not conducted in an open meeting violate the Brown Act].)

The different CEQA appeals at issue affected transportation on public streets throughout San Francisco. The Board's violations of the Brown Act prejudiced Appellants' and the public's right to be heard on important matters affecting the environment and the public interest.

This Board is required to assume a neutral role on any CEQA appeal and to consider each appeal with objectivity. (SF Admin. Code § 31.16(b)(6); *e.g.*, *Citizens for Ceres v. Superior Court* (2013) Cal.App.4th 889, 917-918; *Save Tara v. City of West Hollywood* (2008) 45 Cal.4th 116, 132-134; see also Appellant's Procedural Objections submitted September 28, 2020.) The Board's disparate treatment of Appellants in refusing reasonable continuance requests to allow Appellants adequate time to submit briefs and argue each of the different appeals, and then merging different appeals into one appeal a few days before the short-scheduled hearing shows its intent to deprive Appellants of a fair hearing and the opportunity to contribute to informed decisionmaking on each of the

appeals. The City violates CEQA and the Brown Act when its elected decisionmakers display a predisposition against the appeal. (*Ibid.*)

CEQA requires an appeal to the elected decisionmaking body of an exemption determination by a nonelected decisionmaking body. The statutory wording is clear and unequivocally refers to a *single decision, not several*: "If a nonelected decisionmaking body. . . determines that **a project** is not subject to [CEQA]. . . **that . . . determination** may be appealed to the agency's elected decisionmaking body." (Pub. Res. Code §21151(c) [emphasis added].) "The decisionmaking body to which **an appeal** has been made shall consider *the environmental document. . .*" (CEQA Guidelines, §15185(b) [emphasis added].) The Board's attempt to merge appeals of several environmental determinations into one clearly violates the plain language of the law.

CEQA's mandate is violated by the Board's predisposition and merging of separate appeals into one and by using that scheduling manipulation to limit the time and undermine the opportunity for the Appellants and the public to meaningfully participate in the decisionmaking process. (*Laurel Heights Improvement Assn. v. Regents of the University of California* (1988) 47 Cal. 3d 376, 394, 405.)

The Brown Act also requires city to enforce its provisions with its own procedures, which the Board failed to do by not allowing Appellants and the public the right to address each appeal and the time to do so. (*e.g.*, Gov. Code §54954; see also, Appellant's Procedural Objections, filed 9/28/20.)

The Board violated the Brown Act by merging these different appeals into one, conflating the different issues in the different appeals, implying the different parties are one, and unfairly limiting both Appellants' and the public's right to address the different issues in the separate appeals.

CONCLUSION

Because it violated the Brown Act, the Board should declare null and void its September 22, 2020 and September 29, 2020 actions on the appeals in BOS File Nos. 200903, 200987, 201000, and 201024, and it should suspend and reverse all actions of MTA and Planning to implement the Projects, and should reverse the environmental determinations at issue in those appeals until and unless further proceedings are conducted in compliance with the Brown Act.

/s/ Mary Miles
Attorney for Appellant Coalition for Adequate Review

From: [Board of Supervisors, BOS](#)
 To: [BOS Supervisors](#)
 Subject: FW: BayView oped Dr. Balines Apology to Dr. Sanchez
 Date: Monday, October 26, 2020 9:19:00 AM
 Attachments: [BayView oped.doc](#)
[Board of Supervisors Learning, Strategic Investment Health & Safety Assessment 2-26-21.pdf](#)
[2020-09-08-Asbestos-Inspection-10/10/20.pdf](#)

-----Original Message-----

From: [Alhima Porter Sanchez MD - Golden State MD - alhimaportersanchemd@comcast.net](#)
 Sent: Sunday, October 24, 2020 7:55 AM
 To: president@ucsf.edu; chancel@ucsf.edu; King, Talmadge (UCSF) <Talmadge.King@ucsf.edu>; Smith, Brian (UCSF) <Brian.Smith@ucsf.edu>; Coffax, Grant (DPH) <grant.coffax@dph.org>; Aragon, Tomas (DPH) <tomas.aragon@dph.org>; DPH, Health Commission (DPH) <HealthCommission.DPH@dph.org>; Brownell, Amy (DPH) <amy.brownell@dph.org>; Harrison, Robert (UCSF) <Robert.Harrison@ucsf.edu>; Hank, Robert (UCSF) <Robert.Hank@ucsf.edu>; Marya, Rajia (UCSF) <Rajia.Marya@ucsf.edu>; Woodruff, Tracy (UCSF) <Tracy.Woodruff@ucsf.edu>; Rhoads, Kim (UCSF) <Kim.Rhoads@ucsf.edu>; Kimberly, O'Rourke (any) <kim.o'rourke@any.edu>; Karimian, Liana (UCSF) <Liana.Karimian@ucsf.edu>; Derek, Robinson <derek.robinson@any.edu>; Lisa, Socolow <lisa.socolow@any.edu>; Sophie, Bocsi (BOS) <Sophie.Bocsi@dph.org>; Heckel, Hank (MYRI) <hank.heckel@sfgov.org>; Synapse (UCSF) <Synapse@ucsf.edu>; sji@sf.usmc.edu; Gumbach, Kevin (UCSF) <Kevin.Gumbach@ucsf.edu>; ramona.taceo@alumni.ucsf.edu; Compliance, Compliance (UCSF) <Compliance@ucsf.edu>; UCSF Bioethics (UCSF) <UCSF.Bioethics@ucsf.edu>; Ethics Commission, (ETH) <ethics.commission@dph.org>; Board of Supervisors, (BOS) <boardofsupervisors@dph.org>; shirazi@bookers.ac.uk; Foulds, Patrick (DPH) <Patrick.Foulds@dph.org>; Walton, Shannon (BOS) <shannon.walton@dph.org>; info@kamilalhami.org; Shanelle Williams <info@shanellewilliams.com>; info@shaypa.org; info@whatsize.org; ETHV.EJL.TZTZK <ethv@ethv.org>; brooklyr@protonmail.com; dr.matarozov@gmail.com; Susan Fancifelli@sfph.ca.gov; jpb.balines@ucsf.edu; Alhima Sanchez <alhimaportersanchemd@comcast.net>
 Cc: jeason.figueroa@chronicle.com; Dreiker, Cynthia <CDreiker@chronicle.com>; MGray@chronicle.com
 Subject: BayView oped Dr. Balines Apology to Dr. Sanchez

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

Dr. Balines need not apologize to me! Dr. Balines apology is due to the people of Bayview Hunters Point for the 2007 letter on file with the San Francisco Department of Public Health he signed off on and the conclusion Hunters Point residents could be exposed to toxic construction dust with asbestos exceedances (as high as 120,000 fibers per cubic centimeter) for up to seven years without expected health effects. That letter is attached.

Dr. Balines apologies for information published by the San Francisco Chronicle in the URL below. In October 2007, a unanimous vote was taken by the San Francisco Board of Education calling for shut down of the Lemar development after a public hearing in which dozens of parents, teachers, custodians, school nurses and school administrators testified about the health effects that were being seen in children attending schools in the shipyard region. That resolution is also attached.

https://www.aft-protection.com/v1?url=https://www.sfgate.com/health/article/SF-developer-minor-dust-ion-health-problem-252038.php&q=MQ4YZZYkYMTA1NWwDQ--4h-MGVYMa0PJAZMm1LY2MZQQ9NtQJOTBDQMZqzCMFHGRBYVZDQZTA6NGUIMZYOTEAMZQNTgNDvsMA---6p-YXAuOnNuzHQzOmfZYW5hBjvZauZpY2Uu5jVGVWthwWuZx2VYVWbOnuJZGQSMZjYj1MwVvMGRBNyVMdINDE:YTBWBoWYx

- > Alhima Porter Sanchez MD
- > Golden State MD Health & Wellness

https://www.aft-protection.com/v1?url=https://www.sfgate.com/health/article/SF-developer-minor-dust-ion-health-problem-252038.php&q=MQ4YZZYkYMTA1NWwDQ--4h-MGVYMa0PJAZMm1LY2MZQQ9NtQJOTBDQMZqzCMFHGRBYVZDQZTA6NGUIMZYOTEAMZQNTgNDvsMA---6p-YXAuOnNuzHQzOmfZYW5hBjvZauZpY2Uu5jVGVWthwWuZx2VYVWbOnuJZGQSMZjYj1MwVvMGRBNyVMdINDE:YTBWBoWYx

To the Editor:

I read with interest Dr. Reza Shirazi's article "University of California's disservice to the Bayview Hunters Point community." Dr. Shirazi interviewed me for this article and made me aware that I had unintentionally misrepresented my relationship with Lennar regarding asbestos dust levels during the grading of Parcel A as an early step in residential development at the former Hunters Point Naval Shipyard. I was asked by the San Francisco Department of Public Health and the California Department of Public Health to provide advice about the issue of asbestos dust generation during Parcel A construction in 2006-2007. I said at a public meeting on 1/28/2020 that I had not been paid for this consulting work. When I made that statement, I did not remember that the UCSF Division of Occupational and Environmental Medicine had been reimbursed for the time I spent on this work. I now want to make a sincere apology to the Bayview/Hunters Point community and to Dr. Ahimsa Porter Sumchai in particular for my mistake in making the incorrect statement at the January meeting that Dr. Shirazi reported on in his recent article. I respect Dr. Sumchai's deep commitment to address the environmental injustice that the Bayview Community has experienced over many decades.

John R. Balmes, MD

Professor of Medicine, UCSF

Professor of Environmental Health Sciences, School of Public Health, UC Berkeley

Subject: Resolution No. **79-25A1**

In Opposition to Lennar Corporation's Hunters Point Naval Shipyard Development and In Support of the Community's Demand for a Temporary Stoppage and an Independent Health and Safety Assessment to Protect Our Students and Their Families

- Commissioners Eric Mar and Kim-Shree Maufas

WHEREAS: Patterns of environmental racism, inequity and injustice exist within San Francisco, where schools in communities like Bayview Hunters Point bear the brunt of environmental health problems; and

WHEREAS: Since October 2006, when a young worker blew the whistle on Lennar Corporation's Hunters Point Naval Shipyard development, large numbers of students, teachers, educators, workers, and families of the Bayview Hunters Point area have been voicing their concerns about the construction-related dust at the Hunters Point Shipyard site and the dangerous health impact that the dust and toxics in it, including asbestos, heavy metals and other inorganics, are having on our SFUSD students, staff and members of the community; and

WHEREAS: Lennar Corporation is a Florida-based Fortune 500 company which reportedly had revenues of \$16.3 billion in 2006 from development projects throughout the country like the 1500-unit condominium development planned for Hunters Point; and

WHEREAS: Lennar Bayview Hunters Point LLC was involved in large scale grading that reportedly caused untold amounts of toxic dust and Asbestos Structures to migrate over its boundary and into areas where children and families live, work and play; and

WHEREAS: In response to these health dangers and concerns, a broad grassroots coalition of Bayview Hunters Point and social justice community organizations has been demanding a temporary stoppage in Lennar Corporation's construction so that an independent health assessment can be conducted; and

WHEREAS: There has been a history of problems with implementing the City's dust-mitigation plan since the soil grading and disposal process began that has included: an absence of air monitoring for the first four months of the project during heavy grading; malfunctioning air monitors; a Notice of Violation from the Air Quality Management District; and when the monitors started working, routine exceedances of the agreed-upon allowance of asbestos prevalence in the air – 16,000 structures per cubic meter [SF Department of Health Regulations, Article 31] including 9 exceedances in June alone; and very poor communication of these exceedances to adjacent neighbors; and

In Opposition to Lennar Corporation's Hunters Point Naval Shipyard Development and In Support of the Community's Demand for a Temporary Stoppage and an Independent Health and Safety Assessment to Protect Our Students and Their Families

Commissioners Eric Mar and Kim-Shree Maufas

WHEREAS: Numerous studies have documented that Bayview Hunter's Point and other communities in Southeast San Francisco are overburdened with the cumulative impacts of a multitude of environmental health threats that impact the health and well-being of children and other residents who are overwhelmingly African American and other people of color. These impacts include exposure to toxic air pollution, carcinogens, and other inorganic substances from industrial facilities, power plants, sewage treatment and solid and hazardous waste facilities and diesel particulate from trucks, trains and other vehicles. Additionally, these impacted children and residents are more vulnerable to environmental toxics due to their limited access to quality health care and healthy foods and other social and cultural factors. And, this disproportionate impact has a damaging effect on our students academic achievement and opportunities for success in school and in their lives; and

WHEREAS: San Francisco public schools such as Malcolm X Academy, George Washington Carver, Bret Harte, and Dr. Charles Drew College Prep Academy, other schools, childcare centers, and playgrounds are in the immediate vicinity of the Lennar development site; and

WHEREAS: Three African American employees of Lennar Corporation filed a whistle blower lawsuit in SF Superior Court on March 16, 2007, alleging that they suffered retaliation after reporting asbestos dust exposure and racial discrimination and that the company failed to contain asbestos dust while drilling into the Shipyard site, endangering the local community, including the school children of the neighboring Muslim University; and

WHEREAS: The World Health Organization reports that there is no evidence for a threshold for the carcinogenic effect of asbestos and that increased cancer risks have been observed in populations exposed to very low levels of asbestos; However, there are tests for lead, chromium, radon, arsenic, etc., which are toxic chemicals that are present in the dirt on the affected site; and

WHEREAS: The 'Precautionary Principle' has been adopted by a growing number of cities, including San Francisco, as well as the Los Angeles Unified School District, as a proactive approach to promote the safest, lowest risk approach to protecting people's health, the environment, and property; and

WHEREAS: The Precautionary Principle as adopted by the City and County of San Francisco includes the following "essential elements:"

1. Anticipatory Action: There is a duty to take anticipatory action to prevent harm. Government, business, and community groups, as well as the general public, share this responsibility.
2. Right to Know: The community has a right to know complete and accurate information on potential human health and environmental impacts associated with the selection of products, services, operations or plans. The burden to supply this information lies with the proponent, not with the general public.

In Opposition to Lennar Corporation's Hunters Point Naval Shipyard Development and In Support of the Community's Demand for a Temporary Stoppage and an Independent Health and Safety Assessment to Protect Our Students and Their Families

Commissioners Eric Mar and Kim-Shree Maufas

3. Alternatives Assessment: An obligation exists to examine a full range of alternatives and select the alternative with the least potential impact on human health and the environment including the alternative of doing nothing.
4. Full Cost Accounting: When evaluating potential alternatives, there is a duty to consider all the reasonably foreseeable costs, including raw materials, manufacturing, transportation, use, cleanup, eventual disposal, and health costs even if such costs are not reflected in the initial price. Short-and long-term benefits and time thresholds should be considered when making decisions.
5. Participatory Decision Process: Decisions applying the Precautionary Principle must be transparent, participatory, and informed by the best available information. (City of San Francisco, Precautionary Principle Ordinance, Section 101, August 2003,

THEREFORE BE IT RESOLVED: That the Board of Education of the San Francisco Unified School District believes that the Precautionary Principle as adopted by the City and County of San Francisco requires ~~them the Mayor Gavin Newsom, the Redevelopment Agency, Department of Public Health, Board of Supervisors, and other agencies accountable to our communities~~ to take "anticipatory action" to prevent harm and through exploration and careful analysis of courses of action in order to present the least threat to the students, families and staff of the schools in the vicinity of the Hunters Point development; and

BE IT FURTHER RESOLVED: That the Board of Education of the San Francisco Unified School District calls on the ~~City Mayor, Board of Supervisors, Redevelopment Agency, Department of Public Health and other relevant City agencies~~ to require an immediate halt of Lennar Corporation's development of Parcel A in the Hunter's Point Shipyard until an immediate and independent health and safety assessment can be conducted in ~~coordination~~ **cooperation** with the Superintendent and the School District's School Health Programs Office and relevant community organizations and City task forces like the SF Asthma Task Force; and

~~**BE IT FURTHER RESOLVED:** That the Board directs the Superintendent to coordinate with City officials to ensure the health of our students and their families in the affected area and report back to the full Board with an environmental safety action plan and timelines to ensure the safety of our students and their families no later than the Board's October 23rd meeting.~~

In Opposition to Lennar Corporation's Hunters Point Naval Shipyard Development and In Support of the Community's Demand for a Temporary Stoppage and an Independent Health and Safety Assessment to Protect Our Students and Their Families
Commissioners Eric Mar and Kim-Shree Maufas

FURTHER BE IT RESOLVED: That the Board of Education of the San Francisco Unified School District hereby urges the City and County of San Francisco to make available to the public and to the San Francisco Unified School District, the results of any independent analysis including the recently completed analysis by the Centers for Disease Control (CDC) and the Environmental Protection Agency (EPA), as well as any concerns raised through these studies of environmental issues at this site, and

BE IT FURTHER RESOLVED: That the Board of Education requests that the Superintendent and staff of the San Francisco Unified School District work with the City to draft an agreement that would require the City and County to notify and consult with the San Francisco Unified School District regarding any major construction in proximity to SFUSD school sites.

OLD LANGUAGE ~~STRICKEN OUT.~~ NEW LANGUAGE IN BOLD.

9/25/07



San Francisco City and County
Department of Public Health
Environmental Health Section

Gavin Newsom, Mayor
Mitchell H. Katz, *Director of Health*

Rajiv Bhatia, M.D., M.P.H.
Director of Environmental Health

October 9, 2007

Dr. Rick Kreutzer
Chief Environmental Health Investigations Branch
Division of Environmental and Occupational Disease Control
California Department of Public Health
850 Marina Bay Parkway, Building P, Third Floor
Richmond, CA 94804

Dear Dr. Kreutzer:

On September 20, 2007, the San Francisco Department of Public Health received your assessment of hazards associated with development at Hunters Point Shipyard Parcel A in a letter from California Department of Public Health (CDPH) to the Agency for Toxic Substances Disease Registry (ATSDR). At the same time, we also received ATSDR's concurring letter.

The Department of Public Health deeply appreciates your agency's detailed review of the available air monitoring data as well as the many supportive recommendations for optimizing control of airborne dust and asbestos. We share your frank assessment of the limitations of human exposure and risk assessment in this situation, yet we are also heartened by your judgment that the risks of serious asbestos-related health impacts for community residents from development at Parcel A are likely to be low on a personal level even if those exposures were to have occurred over seven years. We also concur with your conclusions that radiological testing of residents for asbestos exposures is not recommended and blood tests for asbestos exposures do not exist.

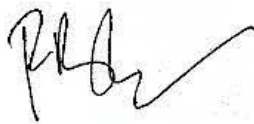
Most important, we agree that the primary goal for environmental health is preventing exposure to hazards. We believe that the pro-active regulatory controls established by the Bay Area Air Quality Management District (BAAQMD) and the San Francisco Department of Public Health (SFDPH) both for naturally occurring asbestos and nuisance dust were developed to achieve precautionary and environmental justice ends. When adopted, these regulations clearly recognized asbestos from natural sources as a potential health hazard. We take very seriously our responsibility to critically review and optimize our pro-active regulatory scheme on an ongoing basis. The recommendations you have provided to us in this regard will be invaluable.

As you know, major earthmoving activities at Parcel A have ceased, and the soil on a large section of the parcel is now stabilized. Still, SFDPH has begun to move forward with a number of the CDPH recommendations anticipating ongoing development activities at the Shipyard.

At this point, we would like to share an early status report on all the CDPH recommendations (See attached table). You will note that we have already implemented some of the recommendations CDPH made in whole or part. In the near future, we would hope to take advantage of your expertise on specific technical questions.

Again, please accept my personal thanks for all of the efforts you and your staff have made on behalf of the health of San Francisco residents. Do not hesitate to contact me at 415-252-3931 if you would like to discuss the status of our efforts or if you have additional recommendations to provide.

Sincerely,

A handwritten signature in black ink, appearing to read 'R. Bhatia', with a long horizontal stroke extending to the right.

Rajiv Bhatia, MD, MPH
Medical Director, Occupational and Environmental Health

Cc: Tom Sinks, ATSDR
Susan Muza, ATSDR
Amy Brownell, SFDPH
Mitch Katz, SFDPH
John Balmes, UCSF

Attachment

Status of California Department of Public Health Recommendations for Asbestos and Nuisance Dust Control at Parcel A at Hunters Point Shipyard

<p>CDPH recommendation (September 20th, 2007):</p>	<p>Status (October 9, 2007)</p>
<p>SFDPH should assign a person to continuously monitor dust production and dust abatement activities during working hours. This is an important way to prevent both dust and asbestos exposures. Essential to this recommendation is that the assigned person not only observes but has the authority to alter activity on the site based on his/her observations.</p>	<p>We agree with benefit of direct agency observation of regulatory compliance. SFDPH routinely conducts regular unannounced random site inspections to verify compliance with the Dust Control Plan, and inspectors have had the power to alter activity and stop work at the site if they observe violations of the Dust Control Plan. A recent violation of the plan resulted in a two day suspension of work activities. SFDPH has not observed dust plan violations in the vast majority of observations in the current year and no current year dust complaints from the public have been verified on inspection. Nevertheless, because continuous SFDPH presence might provide some benefit over random inspections, SFDPH will explore the mechanisms available to us for employing a full-time dust inspector while Lennar is conducting dust generating activities.</p>
<p>The assigned person should promptly report to the public on what is observed and what is done as a result of the above-mentioned monitoring activities.</p>	<p>We agree with the need for more timely public communication. SFDPH has created a website for Hunters Point development that includes: frequently asked questions; resources and referral information; the dust control plan; and Notices of Violation. Future plans are to update the status of development activities on a weekly or monthly basis. The SFDPH Hunter's Point website is accessible at: http://www.dph.sf.ca.us/eh/hunterspoint/Index.htm</p>

<p>Explore additional dust control procedures such as misting at the fence line, tarping the fence, adding an on-site meteorological station, stopping activity that generates dust if winds are 15 miles per hour or more, or tarping grounds where no activity is occurring for seven days or more. It is recommended that the developer engage someone with expertise in dust control to specifically define additional mechanisms to achieve better mitigation and dust suppression.</p>	<p>We agree that all of the listed dust control methods merit consideration and evaluation. Lennar has maintained an on-site meteorological station since the inception of the project. (See: http://clients2.engeo.com/weather/hunterspoint/) In addition, Lennar as already installed misting systems and tarping of the fence line for many areas of the site - including many, if not all, the areas adjacent to residents. We will verify these efforts and whether additional areas would merit misting or tarping. We will explore the other listed dust control procedures. Finally, SFDPH recently obtained a complete copy of historical data (temperature, humidity, wind direction, wind speed and other parameters) from the weather station and we are conducting an analysis to determine if there are any correlations between meteorological data and asbestos results at the site.</p>
<p>Air monitoring equipment on-site and in the community should be used to evaluate the effectiveness of added measures. If ongoing exceedances occur, then more measures should be adopted.</p>	<p>We agree with this recommendation. We have used in the past and will continue to use the air monitoring equipment to evaluate dust control measures. We have also, in the past, revised our dust control plans and requirements for the developer based on regulatory history. We expect to continue to use this adaptive approach in the future.</p>
<p>To assist the SFDPH assigned inspector in evaluating the current Dust Control Plan, the contractor should conduct real-time dust monitoring using appropriate equipment for respirable dust (PM-10) at several locations, co-located with asbestos sampling (SFDPH and BAAQMD). SFDPH should use information from monitors during the day to identify activities which are generating PM 10 and alter activity to reduce its generation. As explained</p>	<p>We agree with the recommendation about co-locating dust and asbestos monitoring equipment. According to our records, several of the particulate dust monitors are already co-located with several of the asbestos sampling stations. We will evaluate co-locating some of the other sampling stations. Our consultants reviewed your concerns about use of the particulate monitoring equipment and concluded the current equipment was appropriate for perimeter monitoring. We</p>

<p>below, there are validity problems with the currently used monitoring equipment.</p>	<p>are considering installation of alternative monitoring equipment on an experimental basis in order to do a side by side comparison with the current monitors. We will also investigate further with the BAAQMD and other experts to see if there is agreement on the optimal choice of equipment.</p>
<p>Include the community monitors, especially HV-7, HV-8 and HV-9, in the official asbestos monitoring plan, as regulated by the BAAQMD. These monitors, along with the on-site monitors, create better coverage of the perimeter of such a large parcel (BAAQMD).</p>	<p>We agree with this recommendation. In January 2007, SFPDH made the same request to BAAQMD. We will follow-up with them to review this issue again.</p>
<p>Explore ways to reduce the time lag between measuring elevated levels of naturally occurring asbestos and altering parcel activities by returning to 12-hour sampling (when samples often resulted in results the next day). Or, collect from 7 p.m. to 7 p.m., which would similarly mean a result may be available the next day. (BAAQMD for the on-site monitors; SFPDH for the community monitors). As a matter of principle, public agencies should try to be as timely in their feedback as possible. These sampling strategies will advance this goal.</p>	<p>We agree with this recommendation. SFPDH will be meeting with BAAQMD to review the pros and cons of 12 hour vs. 24 hour sampling and the possibility of changing the pickup time of the samples so that results can be received in time to influence the next day's activities. Please note that the samples are currently collected at 7 am and results are reported by the lab no later than 5 pm that day.</p>

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Chronic theft from the Walgreens at 300 Gough st
Date: Monday, October 26, 2020 9:21:00 AM

-----Original Message-----

From: kristopher uber <kristopher.uber@icloud.com>
Sent: Sunday, October 25, 2020 10:13 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Chronic theft from the Walgreens at 300 Gough st

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

Hello,

I thought this might be something you guys might want to look into. I've wrote both my supervisor (Dean Preston) and the mayor and nothing has changed. My wife gets her medication at this pharmacy and she informed about two months ago that she no longer felt safe going in there by herself. I asked her why and she told me that every time she's in there the store is being robbed. I've now been going to pick up her medication for her and she's right. Every time I go in there they are being robbed. The stores shelves are almost always completely empty. I asked the manager why and she said the police or city will not do anything about the problem. I can afford to have this store shutdown and lose the convenience of this pharmacy, but many people in our neighborhood cannot. We need something done about this problem.

Thank you,
Kris Uber...
415-963-1627

Sent from my iPad

Sent from my iPad

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Unaddressed on Going Theft
Date: Monday, October 26, 2020 8:27:00 AM

From: bcraj1@aol.com <bcraj1@aol.com>
Sent: Friday, October 23, 2020 12:16 PM
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Unaddressed on Going Theft

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

Mayor Breed,

I live in the Hayes Valley district and am fed up with the cities and police departments lack of response to the ongoing problem of blatant thefts. The last three times I have visited the Walgreens at the corner of Gough and Fell I have witnessed multiple individuals robbing the store. Just today at 11:00 am there were three individuals strolling through the store breaking into locked shelves stuffing huge sacks with what ever suited them. The employees and store security are helpless to do anything. A couple days ago I had gone at opening 7:00 and two individuals were robbing the same store and later that day on another visit there were three doing the same. The reports I hear are that at least 6 Walgreens are closing permanently due to these thefts. It is not acceptable for the city and police to stand by and do nothing. The stock in the Gough store is extremely minimal and the loss of a neighborhood store is a crime on the city. There was even a theft during the recording of a news story about this epidemic. A pandemic is no excuse for the city to allow tents on every corner; abandon vehicles through out the city; and unchecked crime. This amounts to dereliction of duty on the part of yourself, the supervisors and the police department.

As a resident of San Francisco and tax payer for over 40 years and a family who has resided and paid taxes in the city for 80 years and with children hoping to continue to do so I find this an abomination.

Please do something,

Richard Johnson
415 260-8963

From: Board of Supervisors, (BOS)
To: [BOS-Supervisors](#)
Subject: FW: Directive No. 2020-30b
Date: Wednesday, October 28, 2020 10:55:00 AM

From: Paul King <paulrking999@gmail.com>
Sent: Tuesday, October 27, 2020 9:22 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Directive No. 2020-30b

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

Directive No. 2020-30b includes permissions to perform personal services under the mask. The problem is the SF Health Department is saying ALL personal services may be performed EXCEPT "Body Art" personal services.

This is not science, this is political. Straying for science and fairness undermines the cooperation that you all have so far successfully garnered from your constituents.

The reason given by SFDPH was that California state law prohibits removal of masks for Body Art services at the state level.

Please kick this issue up to the state level. I know that you all have contacts at the state level. Small businesses such as mine are struggling to stay open. 25% of a body piercing shop's business is under-mask services.

Thank you

Paul King, owner
Cold Steel America
1783 Haight St
San Francisco, CA 94117

(415) 244-1282

www.coldsteelpiercing.com

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Remove Observation Wheel from the Music Concourse.
Date: Tuesday, October 27, 2020 8:33:00 AM

From: David Romano <droma4@gmail.com>
Sent: Monday, October 26, 2020 12:50 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Cc: Kathy Howard <kathyhoward@earthlink.net>
Subject: Remove Observation Wheel from the Music Concourse.

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

Dear Supervisors,

Please don't allow the Observation Wheel to stay in the Music Concourse or anywhere in Golden Gate Park. The Observation Wheel and attendant lighting are not in keeping with the Park's character or function. A better way to celebrate the 150th Anniversary of Golden Gate Park would be to keep the Park as dark and quiet as possible for one year so the flora and fauna could rest and rejuvenate. Nature likes quiet and minimal night lighting.

David Romano
San Francisco CA

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Observation Wheel lighting and animal safety
Date: Tuesday, October 27, 2020 9:45:00 AM

From: Lance Carnes <lacarnes@gmail.com>

Sent: Tuesday, October 27, 2020 9:41 AM

Cc: RPDInfo, RPD (REC) <rpinfo@sfgov.org>; Commission, Recpark (REC) <recpark.commission@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Hyland, Aaron (CPC) <aaron.hyland@sfgov.org>; Matsuda, Diane (CPC) <diane.matsuda@sfgov.org>; Black, Kate (CPC) <kate.black@sfgov.org>; Foley, Chris (CPC) <chris.foley@sfgov.org>; Johns, Richard (CPC) <richard.se.johns@sfgov.org>; Pearlman, Jonathan (CPC) <jonathan.pearlman@sfgov.org>; So, Lydia (CPC) <lydia.so@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>

Subject: Observation Wheel lighting and animal safety

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

Dear Decision makers and City government officials,

Please consider reducing the light from this project especially after dark and during times of bird migration.

From a January 3, 2019 letter from the Golden Gate Audubon Society (GGAS):

For bird safety, at the very least we recommend that the observation wheel not be lit during the spring and fall bird migration. The spring migration is **February 15 through May 30** and the fall migration is **August 15 through November 30**. This is also an opportunity to share the message about Lights Out for Birds during Migration with the public.

Nighttime light pollution is something San Franciscans just do not tolerate, especially in this peaceful open space park.

Sincerely,
Lance Carnes

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: For TU Oct 27 meeting re feedback on lighting of wheel in GGP
Date: Tuesday, October 27, 2020 9:46:00 AM
Attachments: [WheelComment.docx](#)

From: LINDA SHAFFER <ljshaffer1@comcast.net>

Sent: Monday, October 26, 2020 3:25 PM

To: GoldenGatePark150 (REC) <goldengatepark150@sfgov.org>

Cc: Commission, Recpark (REC) <recpark.commission@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Hyland, Aaron (CPC) <aaron.hyland@sfgov.org>; Matsuda, Diane (CPC) <diane.matsuda@sfgov.org>; Black, Kate (CPC) <kate.black@sfgov.org>; Foley, Chris (CPC) <chris.foley@sfgov.org>; Johns, Richard (CPC) <richard.se.johns@sfgov.org>; Pearlman, Jonathan (CPC) <jonathan.pearlman@sfgov.org>; So, Lydia (CPC) <lydia.so@sfgov.org>

Subject: For TU Oct 27 meeting re feedback on lighting of wheel in GGP

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

All,

Please find attached my comment for the TU Oct 27 2020 meeting to gather feedback on impact of lighting from the "Observation Wheel" in the Music Concourse in Golden Gate Park.

Thank you,

Linda J. Shaffer

For Oct. 27, 2020 hearing to gather feedback on impact of lighting from the “observation wheel” in the Music Concourse in GGP

When the idea of installing a lighted “observation wheel” in the Music Concourse in Golden Gate Park as part of the park’s 150th anniversary celebration was first proposed, I was among those who wrote in alarmed opposition.

I now write to register my dismay that not only has the brightly lit wheel been installed and started operating, the timeline for its operation has been extended.

The main reasons for my original opposition are unchanged:

The addition of anything with bright nighttime lighting in the Music Concourse is contrary to the Master Plan for the Park.

Installing a carnival ride to help celebrate the history of a park that was designed to be a refuge where urbanites could enjoy, and learn about, nature, seemed perverse. In a time when climate change and biodiversity are much in the news, surely a series of events directly celebrating nature would have been SO much more appropriate!

My current dismay takes the form of once again adding my voice to the many who have expressed particular concern about the possible effects of the BRIGHT lighting – how bright it is has just been documented! -- on insects, migrating birds, bats and other nocturnal animals, and other wildlife in that area of the park (to say nothing of nearby human residents!).

Has anyone consulted scientists about these possible effects? Has anyone asked the entomologists at the CA Academy of Science (right next door) how insects, plant pollinators and super-important elements of nature’s food chain, might respond to bright nighttime lighting in various colors? Or asked the resident ornithologists about how birds, migrating or not, could be affected?

I fail to understand how this installation was ever approved, and urge that its operation be terminated as soon as possible.

Thank you,

Linda J. Shaffer
San Francisco

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: ferris wheel
Date: Tuesday, October 27, 2020 1:06:00 PM

-----Original Message-----

From: danrichman@earthlink.net <danrichman@earthlink.net>
Sent: Tuesday, October 27, 2020 11:33 AM
To: Commission, Recpark (REC) <recpark.commission@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: ferris wheel

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10/27/20
recpark.commission@sfgov.org
Board.of.Supervisors@sfgov.org

Hello:

One noble intention of the founders of Golden Gate Park was to provide as wild a place as possible for SF citizens who needed a respite from urban pressures. The Park was designed for this. But in the past few years that noble intention has been corrupted by projects that border on the crass. One great example is the overwhelming soccer field stadium on the west end, whose lighting creates a blazing column thrust into the night sky that can be seen for miles.

Now an enormous ferris wheel has been installed in the Music Concourse, with lights, of course, that will remain on all night for "security."

And this latest insult to the 150-year relative tranquility of the Park is supposed to be a part of the celebration of those very 150 years. What irony.

What is worrisome to many is not only the long-term effects of this cheapening of a precious sanctuary, but what future vulgarities will be sprung upon it.

Dan Richman
San Francisco

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Sierra Club - Oppose lighting on Observation Wheel in Music Concourse in Golden Gate Park
Date: Tuesday, October 27, 2020 2:05:00 PM
Attachments: [Observation Wheel photos - from one mile away.pdf](#)
[Observation Wheel photos - in the Music Concourse.pdf](#)
[2020_10_27_Sierra Club objections to Observation Wheel and lighting, Music Concourse, GGP 2.pdf](#)
[Music Concourse Ferris Wheel - Sierra Club, 1-7-20.pdf](#)

From: Kathy Howard <kathyhoward@earthlink.net>
Sent: Tuesday, October 27, 2020 1:44 PM
To: CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Hyland, Aaron (CPC) <aaron.hyland@sfgov.org>; Matsuda, Diane (CPC) <diane.matsuda@sfgov.org>; Black, Kate (CPC) <kate.black@sfgov.org>; Foley, Chris (CPC) <chris.foley@sfgov.org>; Johns, Richard (CPC) <richard.se.johns@sfgov.org>; Pearlman, Jonathan (CPC) <jonathan.pearlman@sfgov.org>; So, Lydia (CPC) <lydia.so@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Commission, Recpark (REC) <recpark.commission@sfgov.org>; RPDInfo, RPD (REC) <rpinfo@sfgov.org>
Cc: 'Arthur Feinstein' <arthurfeinstein@earthlink.net>
Subject: Sierra Club - Oppose lighting on Observation Wheel in Music Concourse in Golden Gate Park

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

I am forwarding the attached and below letters on behalf of the Sierra Club.

K. Howard

San Francisco Group

Serving San Francisco County

October 27, 2020

Historic Preservation Commission

Planning Department, City and County of San Francisco

49 South Van Ness Ave, Suite 1400, San Francisco, CA 94103

Subject: 55 Hagiwara Tea Garden Drive - Installed and running lighted Observation Wheel in Music Concourse, Golden Gate Park

Commission President Aaron Jon Hyland,

The Sierra Club had concerns about the proposed lighted Observation Wheel in the Music Concourse. because it was installed without an adequate environmental review (see attached letter, January 7, 2020.) Now that we see the Observation Wheel in place with its intensely bright and completely unshielded lighting, we wish to state even more strongly our concerns with this potentially environmentally damaging structure.

The Observation Wheel was originally proposed by the Department of Recreation and Park as an attraction that would bring people into Golden Gate Park. However, COVID-19 has shown us that the people of San Francisco treasure and enjoy their parks and open space as parkland. The use of our parks now is higher than it has ever been; many people go to enjoy nature in them. The Observation Wheel is not natural by any stretch of the imagination and does not enhance the experience of parkland.

Furthermore, the lighted Observation Wheel may have negative impacts on wildlife, in particular on birds. The bands of exterior booth lights are all extremely bright, white LED's. Many of the patterns on the wheel and spokes include white as part of their design. The wheel is so bright that it can be seen more than a mile away and is brighter than any other lighted object in the western part of San Francisco. (See attached exhibits illustrating the jarring brightness of this object.)

The Sierra Club supports Dark Skies, protection of migrating birds, and a safe, dark nighttime habitat for other wildlife. Wildlife needs darkness. Golden Gate Park is one of the few places in San Francisco where wildlife can find refuge at night; in addition, the Park is part of the western flyway for migrating birds. We are now in the middle of bird migration season. And yet the Department of Recreation and Park has chosen to light the center of the Park with extremely bright lights. In fact, there is a trend now to light all of Golden Gate Park -- from the Beach Chalet Fields with 150,000 watts of stadium lights to the Conservatory of Flowers light show and a new lighting project in a meadow. It is unfortunate that the Department of Recreation and Park does not follow either its own policies that forbid this kind of extensive lighting, such as the Golden Gate Park Master Plan, or the City's Recreation and Open Space Element, which supports maintaining safe and beneficial habitats for wildlife.

The additional use of the park by large numbers of people and the increased artificial lighting all have a negative impact on this valuable habitat.

We ask that you require the exterior lights to be turned off after dusk and to also honor the agreement to remove the Observation Wheel in early 2021.

Thank you for your consideration.

Sincerely,

Arthur Feinstein

Arthur Feinstein

Member, Sierra Club California Executive Committee
Chair, Sierra Club California Conservation Committee
Board Member, SF Bay Chapter Executive Committee

cc: San Francisco Board of Supervisors

Recreation and Park Commission
Recreation and Park Department

Attachments: Sierra Club letter of January 7, 2020
Observation Wheel photos - from one mile away
Observation Wheel photos - in the Music Concourse

Observation Wheel, Golden Gate Park - from one mile away.

The bright white object in the center of the photo is the Observation Wheel in Golden Gate Park, as seen from UCSF on Parnassus Avenue. Note the dome of light reflecting from the high cloud cover.



Observation Wheel, Golden Gate Park - from one mile away.



Close up of the Observation Wheel seen from UCSF, Parnassus. Barely discernible on the left of the photo is the deYoung Tower with interior night lighting.

The Observaton Wheel as seen within the Music Concourse



The deYoung Museum Tower is in the background, to the right.

The Observaton Wheel as seen within the Music Concourse

The lights on the spokes and circle change color constantly. Intensely bright white light is an important component of many of the designs.



The Observaton Wheel as seen within the Music Concourse

The outside lights on the booths and much of the lighting for the wheel is bright white.



All photos - 10-24-2020



San Francisco Group

Serving San Francisco County

October 27, 2020

Historic Preservation Commission
Planning Department, City and County of San Francisco
49 South Van Ness Ave, Suite 1400, San Francisco, CA 94103

Subject: 55 Hagiwara Tea Garden Drive - Installed and running lighted Observation Wheel in Music Concourse, Golden Gate Park

Commission President Aaron Jon Hyland,

The Sierra Club had concerns about the proposed lighted Observation Wheel in the Music Concourse. because it was installed without an adequate environmental review (see attached letter, January 7, 2020.) Now that we see the Observation Wheel in place with its intensely bright and completely unshielded lighting, we wish to state even more strongly our concerns with this potentially environmentally damaging structure.

The Observation Wheel was originally proposed by the Department of Recreation and Park as an attraction that would bring people into Golden Gate Park. However, COVID-19 has shown us that the people of San Francisco treasure and enjoy their parks and open space as parkland. The use of our parks now is higher than it has ever been; many people go to enjoy nature in them. The Observation Wheel is not natural by any stretch of the imagination and does not enhance the experience of parkland.

Furthermore, the lighted Observation Wheel may have negative impacts on wildlife, in particular on birds. The bands of exterior booth lights are all extremely bright, white LED's. Many of the patterns on the wheel and spokes include white as part of their design. The wheel is so bright that it can be seen more than a mile away and is brighter than any other lighted object in the western part of San Francisco. (See attached exhibits illustrating the jarring brightness of this object.)

The Sierra Club supports Dark Skies, protection of migrating birds, and a safe, dark nighttime habitat for other wildlife. Wildlife needs darkness. Golden Gate Park is one of the few places in San Francisco where wildlife can find refuge at night; in addition, the Park is part of the western flyway for migrating birds. We are now in the middle of bird migration season. And yet the Department of Recreation and Park has chosen to light the center of the Park with extremely bright lights. In fact, there is a trend now to light all of Golden Gate Park -- from the Beach Chalet Fields with 150,000 watts of stadium lights to the Conservatory of Flowers light show and a new lighting project in a meadow. It is unfortunate that the Department of Recreation and Park does not follow either its own policies that forbid this kind of extensive lighting, such as the Golden Gate Park Master Plan, or the City's Recreation and Open Space Element, which supports maintaining safe and beneficial habitats for wildlife.

Page 1 of 2

The additional use of the park by large numbers of people and the increased artificial lighting all have a negative impact on this valuable habitat.

We ask that you require the exterior lights to be turned off after dusk and to also honor the agreement to remove the Observation Wheel in early 2021.

Thank you for your consideration.

Sincerely,

Arthur Feinstein

Arthur Feinstein

Member, Sierra Club California Executive Committee

Chair, Sierra Club California Conservation Committee

Board Member, SF Bay Chapter Executive Committee

cc: San Francisco Board of Supervisors
Recreation and Park Commission
Recreation and Park Department

Attachments: Sierra Club letter of January 7, 2020
Observation Wheel photos - from one mile away
Observation Wheel photos - in the Music Concourse



San Francisco Bay Chapter

Serving Alameda, Contra Costa, Marin and San Francisco counties

January 7, 2020

Historic Preservation Commission
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103

Subject: 2019-022126COA: 55 Hagiwara Tea Garden Drive - Proposed Lighted Ferris Wheel and Bandshell in Music Concourse

Commission President Aaron Jon Hyland,

The Sierra Club has recently learned of the planned installation of a lighted ferris wheel in the Music Concourse in Golden Gate Park [the Park] for the 150th Golden Gate Park Anniversary celebration. Although we appreciate the efforts to bring attention and people into the Park on this occasion, we believe that this installation will have significant negative impacts on migratory and nesting birds as well as other wildlife. Due to these potential impacts, as well as potential impacts to "dark skies", we ask that a full Environmental Impact Report (EIR) be prepared before any permit or other approval is considered.

Golden Gate Park [the Park] is a world-renowned park, known primarily for its naturalistic beauty. The Historic Register designation describes it as a "*green oasis in a sea of urbanization.*"¹ In fact, "*Golden Gate Park was conceived as a naturalistic pleasure ground park to provide a sylvan retreat from urban pressures for all citizens, rich and poor.*"² As a result of the vision of the founders of Golden Gate Park and of William Hammond Hall's curvilinear, naturalistic design, millions of people enjoy the Park every year as a landscape. But Golden Gate Park is more than a collection of trees and meadows; it is full of life. The Park has become a haven for wildlife. Hundreds of species of birds have been identified in the park, as well as coyotes, raccoons, skunks, opossum, bats, and even a mountain lion. Surrounded as they are by a bustling, urban environment, these species all

¹ "National Register of Historic Places," OMB No. 1024-0018, United State Department of the Interior, National Park Service, Oct. 15, 2004 certification. Section 7, page 1.

² Ibid.

share the need for night time darkness and periods of quiet in order not only to survive but also to thrive.

Wildlife in our modern times is subject to increasing stress and loss of habitat. Recently new buildings, paving, and artificial turf have been added to the Park; these are obvious causes of loss of habitat. What many people may not be aware of is that adding more people over extended hours, noise, bright lights, and artificial night lighting also has a negative impact on habitat.

Recently, more and more artificial light has been added to Golden Gate Park. The habitat at the western end of the Park has been seriously compromised by the 150,000 watts of stadium lighting at the Beach Chalet artificial turf soccer fields. In the eastern end of the Park, the Park is experiencing a cumulative impact of built projects that are adding lighting. The Conservatory of Flowers now includes an evening light show, the tennis courts are being renovated with new lighting on both courts and paths, and, in addition to the ferris wheel, part of the current proposal is to add additional lighting to the Bandshell.

While the eastern section of the Park is designated as open to lighting in the Golden Gate Park Master Plan, the authors of the Master Plan did not envision anything more than adequate lighting for safety, ingress and egress. In the section on Park Lighting, the Plan states, "*Pedestrian scaled replacement lighting is proposed for selected paths and roads to provide a minimum safety "beacon" lighting system. . . . Different areas of the park will be lighted to different levels based on amount of use and safety considerations. **Lighting is for safety purposes and is not intended to increase night use.***" ³ [Emphasis added.]

The proposed lighted ferris wheel will be over 140 ft. tall, shining through the surrounding trees and lighting the area. It is planned to be lighted into the evening for an entire year, through the avian nesting and migration seasons. The lights and spinning could be confusing to birds, contributing to bird strikes, injury and death. Artificial light near nests fosters predation of song birds by other species. The lights will be reflected in the sky, especially during the common foggy evenings in this section of San Francisco, further adding to the light around the Music Concourse area. The proposed generator will add noise to the area. Noise also has negative impacts on migratory and nesting birds and other wildlife. We could find no evidence of any environmental analysis of this project, despite the fact that much of this nighttime, lighted activity, will take place during the migration and nesting seasons.

Lighting poles for the Beach Chalet project were lowered by the Department of Recreation and Park from 90 feet to 60 feet, due to the Department feeling that 90 feet was too tall for lighting.

³ Golden Gate Park Master Plan," 1998. Page 9-5. <https://sfrecpark.org/about/publications/golden-gate-park-master-plan/>

The ferris wheel is going to have lights up to 143 feet above grade.

There is no information on the intensity of the lights, if they meet Dark Sky standards, or if there is any type of shielding.. In addition, the wheel will be turning. Will the rotating lights be even more confusing to birds, as they try to navigate? Very bright security lights will be lighted from 10:00 p.m. to dawn, further adding to the impact of this lighted structure.

Although surrounded by buildings, the Music Concourse is ideally located for wildlife populations to venture forth, to forage and explore both during the day and at night. The nearby Arboretum with its abundance of native plants and lakes and streams, is a haven for wildlife. Situated less than 1,200 feet away from the proposed ferris wheel, enthusiastic bird watchers have recorded over 170 species in that small area in just the last 10 years. Within the Music Concourse itself, 90 species have been recorded. And 104 species have been identified on the living roof of the California Academy of Sciences.⁴

In 2013, Professors Travis Longcore and Catherine Rich submitted an analysis of the "Effects of Night Lighting from Proposed Beach Chalet Athletic Fields Renovation, San Francisco, California" as part of the CEQA review for that project. It is probable that the sports lighting for the Beach Chalet fields is much more intense than those proposed for the ferris wheel, although without documentation from a lighting expert it is difficult to know the exact measurements. Nevertheless, information from Professor Longcore's analysis is useful in demonstrating some of the impacts that lighting has for the Music Concourse project, as that paper was written specifically for Golden Gate Park.

For example, in "Section 2.2, Light scattering by aerosols," Longcore states, "*Light is scattered by aerosols in the air. These can be dust, pollen, or droplets of water. . . . Anyone who knows the climate of San Francisco is aware of a line that roughly demarcates the foggy western half of the city from the less foggy eastern half. San Francisco as a whole has over 100 days of fog per year, while the western portion, especially the project site, will have more than 100 foggy nights per year (http://www.currentresults.com/Weather/US/cloud-fog-city-annual.php). Fog is extremely efficient at reflecting light and the rule of thumb is that it will increase the light reflected from an area by 10–20 times (see attached comments from H. Spoelstra).*"⁵

Longcore's analysis points out other elements that need to be studied before this project is approved. Adding artificial light impacts how active wildlife is, how they forage or roost, and even singing patterns for birds. "*Even if illumination is not appreciably increased, merely seeing the light*

⁴ ebird, bird count figures, <https://ebird.org/hotspots?hs=L1085740&yr=last10&m=>

⁵ Longcore, Travis and Rich, Catherine, "Effects of Night Lighting from Proposed Beach Chalet Athletic Fields Renovation, San Francisco, California," page 3. Copy available upon request.

from the project can influence animal behavior." ⁶

Longcore also points out that a curfew on lights "*does not eliminate impacts.*" For example, "*one species may forage at dusk, another right after dusk, and another in the dark of night . . . In addition, . . . increased illumination, even on a temporary basis, reduces the time available for critical behaviors. . . . If artificial lighting eliminates a significant period of potential breeding time for a species, the long-term consequences will be negative.*" ⁷

In addition, the very bright security lights pictured will be lighted from 10:00 p.m. to dawn, so there will be no break in the lighting in this area. We have seen this happen already with the many concerts that take place in Golden Gate Park. At that time, additional lights are brought in that disproportionately light up the roadways and the concert equipment. These lights are often lighted for weeks at a time, further adding to the light pollution in the Park.

We were unable to find, either on the Planning Department permits website or as part of the documentation for the HPC hearing, any information on any environmental assessment of the impact of the cumulative lights and the new structure on dark skies, on wildlife and especially on birds.

With all of the lighting both proposed and already installed in Golden Gate Park, it is perhaps time to do a full analysis of the "*legitimate depictions of the conditions during fog, low cloud cover, and clear sky conditions,*" ⁸ as Professor Longcore recommended for the Beach Chalet fields, and which was not performed for that project.

In addition to the above concerns, we were surprised that a generator will be used to power the ferris wheel. Sierra Club and the City of San Francisco are moving away from fossil fuels, due to the greenhouse gases produced and the resultant contribution to poor air quality. In addition to the environmental harm and noise that it causes, a diesel generator that is active for long periods of time sends the wrong message to the public that will be gathering to celebrate Golden Gate Park.

Golden Gate Park was created for people to enjoy the nature experience that it provides. Birds and other wildlife have always been a part of the public's enjoyment for as long as the park has been in existence and are as much a part of the historic experience as any of the built features. With the stresses placed on the natural world by increasing population, resource exploitation, and climate change, and the spiraling rate of extinctions caused by these factors, preservation of parkland and healthy habitats that provide for the survival and flourishing of wildlife should be paramount.

⁶ Op cit, Longcore, Travis and Rich, Catherine, page 16. .

⁷ Ibid, page 16.

⁸ Ibid, page 6.

For all these reasons, we believe that a full Environmental Impact Report should be prepared that addresses the impacts of the project on the various species of wildlife that live in or fly over the Park, before this project proceeds. Issues to be considered include project redesign such as having the ferris wheel lighted only during times outside bird migration and nesting seasons and other mitigations to reduce impacts to other wildlife species. Also, alternative sources of electric power, generated with clean energy, should be identified.

Thank you for your consideration.

Sincerely,

Arthur Feinstein

Arthur Feinstein

cc: Michelle Taylor, Preservation Planner
Planning Commission
Recreation and Park Commission
Supervisor Sandra Fewer
Supervisor Gordon Mar
Supervisor Aaron Peskin
Supervisor Dean Preston
Clerk of the Board

From: Board of Supervisors, (BOS)
To: [BOS-Supervisors](#)
Subject: FW: Opposed to the Ferris Wheel / Give back our green park
Date: Tuesday, October 27, 2020 4:47:00 PM

From: Pam Hemphill <pam.hemphill@gmail.com>
Sent: Tuesday, October 27, 2020 4:24 PM
To: RPDInfo, RPD (REC) <rpdinfo@sfgov.org>; Commission, Recpark (REC) <recpark.commission@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>; Hyland, Aaron (CPC) <aaron.hyland@sfgov.org>; Matsuda, Diane (CPC) <diane.matsuda@sfgov.org>; Black, Kate (CPC) <kate.black@sfgov.org>; Foley, Chris (CPC) <chris.foley@sfgov.org>; Johns, Richard (CPC) <richard.se.johns@sfgov.org>; Pearlman, Jonathan (CPC) <jonathan.pearlman@sfgov.org>; So, Lydia (CPC) <lydia.so@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>
Subject: Opposed to the Ferris Wheel / Give back our green park

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

I am writing after watching years of environmental destruction of Golden Gate Park and the Ferris Wheel really demonstrates the problem. Please do not light the copycat ferris wheel and do remove it soon. The long-time direction of SF Rec and Park has been all about recreation and very little about park. Golden Gate Park is not an amusement park. We are not downtown London or the Santa Monica Pier. GGP is important greenery in a dense urban environment, and should be a dark place at night.

We have watched the clearing of the park with the excuse of keeping out the homeless. That did not work, but the habitat for wildlife has been cleared. Shrubbery and trees have been removed. There is little if any environmental awareness coming out of SF Rec and Park in this time of climate change. We need a department that focuses more on park, green places for people to learn about nature, lush landscapes. Walking in a park is a healthy activity in which many can participate.

I have experienced a lot of public participation planning events from Rec and Park. It has been a huge disappointment. I would call it "let them vent, and we will do what we planned to do anyway". It starts with several formulated plans, rather than actually gathering ideas from the public. It is "top-down" governing and is pretty typical of a big problem in SF.

Consider a change of leadership for Rec and Park, an embracing of new, creative, climate appropriate ideas for our important Golden Gate Park! Make it a green space again.

Thanks for your attention!
Pam Hemphill MD

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Feedback on lighted Observation Wheel - Music Concourse, GGP. Friends of the Music Concourse.
Date: Tuesday, October 27, 2020 4:48:00 PM
Attachments: [2020_10_27 Friends of the Music Concourse- letter 2.pdf](#)
[Friends of the Music Concourse v8 1-14-20.pdf](#)

From: Friends of the Music Concourse <musicconcourse@earthlink.net>

Sent: Tuesday, October 27, 2020 3:45 PM

To: RPDInfo, RPD (REC) <rpinfo@sfgov.org>; Commission, Recpark (REC) <recpark.commission@sfgov.org>; CPC-Commissions Secretary

<commissions.secretary@sfgov.org>; Hyland, Aaron (CPC) <aaron.hyland@sfgov.org>; Matsuda, Diane (CPC) <diane.matsuda@sfgov.org>; Black, Kate (CPC) <kate.black@sfgov.org>; Foley, Chris (CPC) <chris.foley@sfgov.org>; Johns, Richard (CPC) <richard.se.johns@sfgov.org>; Pearlman, Jonathan (CPC) <jonathan.pearlman@sfgov.org>; So, Lydia (CPC) <lydia.so@sfgov.org>

Cc: Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; CPC-Commissions Secretary <commissions.secretary@sfgov.org>

Subject: Feedback on lighted Observation Wheel - Music Concourse, GGP. Friends of the Music Concourse.

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Friends of the Music Concourse (c)

Dedicated to the Preservation
of the Historic Golden Gate Park
Music Concourse

Commissioners,

Attached please find our letter outlining our concerns with the lighted Observation Wheel in the

Music Concourse, Golden Gate Park, as well as the letter that we submitted last year on this project. In our letter, we have requested the following mitigations for this installation:

- All Observation Wheel lighting should be turned off at dusk.
- Night time security lighting should be minimal. The current de Young Tower lighting is a good example of a sensitive way to minimally light a park structure at night. (See footnote 1 in the letter for photos of the stark contrast between the Wheel and the Tower.)
- The Observation Wheel should be removed from the Park by early 2021, at the end of the Anniversary Celebration, as agreed to by the Department of Recreation and Park.

Thank you for your consideration.

Katherine Howard

Co-Chair



Friends of the Music Concourse (c)

Dedicated to the Preservation
of the Historic Golden Gate Park
Music Concourse

January 14, 2020

Historic Preservation Commission
Planning Department, City and County of San Francisco
1650 Mission Street, Suite 400, San Francisco, CA 94103

Subject: 2019-022126COA: 55 Hagiwara Tea Garden Drive - Proposed Lighted Observation wheel and Bandshell in Music Concourse

Commission President Aaron Jon Hyland and Commissioners,

Friends of the Music Concourse was established at the time that a garage was proposed for the Music Concourse Bowl in Golden Gate Park [the Park.] Part of that proposal included cutting down all of the pollarded trees in the Music Concourse in order to build the garage under the Bowl. Fortunately, public outrage was aroused at the possible loss of the beloved 100-year-old trees and the other historic features. The trees were saved, the historic design was preserved, and the area was landmarked to protect this remarkable historic asset from future degradation. However, there are always temptations to look at parkland and park facilities and view them as opportunities for development or producing income, ignoring that the projects proposed might be detrimental to the very parkland that attracts the public in the first place.

Friends of the Music Concourse is very concerned about the current proposal to place a lighted observation wheel in the Music Concourse for one year and to light the Music Concourse Bandshell, as well as installing 19 searchlights on the roof of the Bandshell. We will examine the possible impacts to both the Concourse and to Golden Gate Park in this letter.

GGP is historically a landscape park, not an amusement park or a carnival.

The Recreation and Park website lists the natural beauty of the Park first in its list of the Park's characteristics.

"Golden Gate Park is known primarily for its naturalistic beauty. From a vast, windswept expanse of sand dunes, park engineer William Hammond Hall and master gardener John McLaren carved out an oasis—a verdant, horticulturally diverse, and picturesque public space where city dwellers can relax and reconnect with the natural world. The rest, as they say, is history." ¹

The National Register designation describes it as a "*green oasis in a sea of urbanization.*" ² It further states that,

¹ Department of Recreation and Park Website, <https://sfrecpark.org/destination/golden-gate-park/>

² "National Register of Historic Places," OMB No. 1024-0018, United State Department of the Interior, National Park Service, Oct. 15, 2004 certification. Section 7, page 1.

* * * * *

"Golden Gate Park was conceived as a naturalistic pleasure ground park to provide a sylvan retreat from urban pressures for all citizens, rich and poor."³

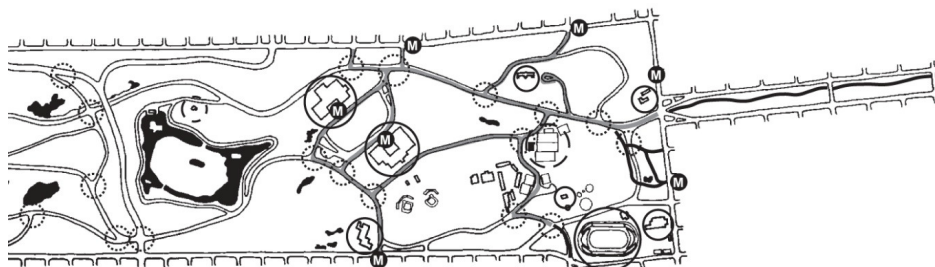
Over the years, Golden Gate Park has both experienced and resisted intense development.

The 1998 Golden Gate Park Master Plan (Master Plan) describes the intent of designer William Hammond Hall to lay out a park that was, for the most part, a wild and natural landscape west of Strawberry Hill, and, for the most part, open to human activity in the eastern section. However, the intent was always to have all activities take place in a park setting, and to continue to provide a landscape park experience for residents. The Master Plan shows that much development has taken place over the years, as more and more built facilities have been added to the Park and more and more landscape has been lost.

"Now in its second century, the park is facing new and growing challenges. Most of these are the result of the growth and change of the City around the park. The kind of vision that was required to create the park from barren sand dunes is also needed today to preserve and enhance the park to ensure that it will continue to serve future generations. This Master Plan for Golden Gate Park attempts to provide that vision and lay the groundwork for its preservation and enhancement into the next century."⁴

In the Department of Recreation and Park's own planning guide, the Golden Gate Park Master Plan, lighting is intended to be limited in Golden Gate Park overall and in the Music Concourse specifically.

Lighting of Golden Gate Park, including the Music Concourse, is intended to be primarily for "use and safety considerations."⁵ It is not intended to increase night use. This map from the Golden Gate Park Master Plan (1998) shows the only areas that may be lighted under the Recreation and Park Department's own guidelines. In the Music Concourse area specifically, the de Young Museum and the California Academy of Sciences are the only areas that are designated as "night use areas." The rest of the Music Concourse and the Bandshell are not even designated as "potential night use areas."⁶



Legend

○	Night use areas	—	Primary access roads and adjacent paths to night use areas (highest priority)
⊖	Potential night use areas	—	Path access to night use areas (highest priority)
⊙	Important intersections (medium priority)	●	MUNI stops serving night use areas

9-5 Lighting Plan, GGPMP⁷

³ "National Register of Historic Places," OMB No. 1024-0018, United State Department of the Interior, National Park Service, Oct. 15, 2004 certification. Section 7, page 1.

⁴ Introduction, "Golden Gate Park Master Plan," 1998. Page 1-1.

⁵ Lighting Plan, Golden Gate Park Master Plan, 1998. Page 9-5.

⁶ Lighting Plan, Golden Gate Park Master Plan, 1998. Page 9-5.

⁷ Lighting Plan, Golden Gate Park Master Plan, 1998. Page 9-5.

* * * * *

The cumulative impact of a lighted observation wheel and adding extensive lighting and spotlights to the Bandshell is being ignored by submitting separate Certificates of Appropriateness.

The Department of Recreation and Park has decided to present the COA for the Observation wheel and the one for the Bandshell lighting to the HPC in two separate meetings. The artificial nighttime lighting created by these two projects will have a cumulative impact on the Music Concourse and on Golden Gate Park, and those impacts should be considered together in that context.

What will be the extent of lighting the Bandshell? How will events here add to the impact on the Park from large concerts and other events?

Will there be a large number of lighted concerts in the Bandshell in the evenings? How does this correlate with the Recreation and Park's previously stated determination to limit large events in Golden Gate Park over a year's time? Will the Department be eliminating or cutting back on such events as Hardly Strictly Bluegrass or the Outside Lands Festival? The many festivals bring enormous crowds into the parkland and impact it not only through the crowds that trample the parkland but also through the all-night lighting that is installed for protection of equipment and security of the performance areas.

Lighted observation wheel and intense lighting for Bandshell are not appropriate for the Music Concourse or for Golden Gate Park

The introduction of the lighted observation wheel and the intense lighting proposed for the Bandshell will change the Music Concourse from the classic outdoor performance space it was established to be when laid out in 1895, into a space with more of a carnival atmosphere. Golden Gate Park as a whole was conceived as a naturalistic pleasure ground park to provide a sylvan retreat from urban pressures for all citizens, rich and poor. The parkland has evolved into a space in which wildlife has also found a refuge and a home. With increased development, there is a point at which both wildlife habitat and the sense of parkland will be lost. All that will be left if a series of amusements with a few trees interspersed in between, to remind us that this was once a great landscape park.

An observation wheel is not a historic feature of the Music Concourse

The Midwinter Fair ferris wheel was in the Park for less than a year. It was removed at the end of the Fair, along with the majority of elements that had been imposed on the Park for the Midwinter Fair, over the objections of many. ⁸

The National Register contains three full pages of lists of Individual Park Resources in Golden Gate Park.⁹ The ferris wheel from the Mid-Winter Exposition is not on that list.

The City landmarking (249) does not list a ferris wheel as either contributing or non-contributing.

The current proposal is therefore for a non-contributing element that will be located in the Music Concourse longer than even the original ferris wheel.

Protecting habitat and biodiversity are part of the Recreation and Open Space Element (ROSE) but are not mentioned in detail the COA application

The COA does not quote all of Objective 4 from the ROSE. Policy statements about the importance of protecting biodiversity and wildlife are left out of the COA:

"OBJECTIVE 4

PROTECT AND ENHANCE THE BIODIVERSITY, HABITAT VALUE, AND ECOLOGICAL INTEGRITY OF OPEN SPACES AND ENCOURAGE SUSTAINABLE PRACTICES IN THE DESIGN AND MANAGEMENT OF OUR OPEN SPACE SYSTEM

San Francisco is a heavily urbanized city, which nonetheless has a rich variety of plant and animal communities. Among these are coastal scrub, grassland, oak woodlands, marsh, and

⁸ Clary, Raymond H. "The Making of Golden Gate Park, 1865-1906." Page 112 - 113.

⁹ "National Register of Historic Places," OMB No. 1024-0018, United State Department of the Interior, National Park Service, Oct. 15, 2004 certification. Section 7, pages 3- 5.

* * * * *

*stream-side habitats and their associated wildlife. Some of these habitats hold species found nowhere outside of the Bay Area. The City also has significant landscaped areas, such as conifer plantings in Golden Gate Park. **By providing food and shelter for migratory and resident birds, butterflies, and insects they too play a major role in supporting San Francisco's biodiversity. Biodiversity includes the variety of living organisms, the genetic differences among them, and the communities and ecosystems in which they occur. Maintaining biodiversity requires genetic diversity, species diversity, and habitat diversity. San Francisco can be a leader in creating new and more sustainable open spaces by ensuring that all open spaces, including new and renovated park spaces, are developed in a way that enhances and works with local biodiversity.*** "

" POLICY 4.1

Preserve, protect and restore local biodiversity.

" . . .The City should employ appropriate management practices to maintain a healthy and resilient ecosystem which preserves and protects plant and wildlife habitat . . ." ¹⁰

The ROSE is very specific about protecting wildlife from artificial lighting. This information is also left out of the COA.

POLICY 4.3

Integrate the protection and restoration of local biodiversity into open space construction, renovation, management and maintenance.

*Lighting. **Park lighting should be environmentally efficient and provide safety and security to park users, while being as limited as possible in order to protect wildlife in natural areas from the impacts of light pollution.*** ¹¹

Environmental organizations have submitted letters of concern about these projects

Many organizations have written to your commission about the negative impact of the proposed projects on the wildlife and biodiversity present in - and migrating over - Golden Gate Park and the Music Concourse. Please refer to the attached letters from the Sierra Club, Golden Gate Audubon Society, Raptors Are The Solution, and Coyote Yipps. Comments include:

" . . .we believe that this installation will have significant negative impacts on migratory and nesting birds as well as other wildlife. Due to these potential impacts, as well as potential impacts to "dark skies", we ask that a full Environmental Impact Report (EIR) be prepared before any permit or other approval is considered." Sierra Club, 1-7-20.

" . . .The proposed 150' structure in the midst of the park poses a threat to birds flying through the park and the artificial light poses an additional risk. . . ." Golden Gate Audubon Society, 1-3-20.

" . . . We believe the proposed structure will pose a threat to raptors and other birds flying through the park: The glass and artificial light could very possibly confuse and disorient them, resulting in collisions and mortality." Raptors Are The Solution, 1-7-20

" . . . Not only will this project — the construction and even more so, the final project — be disruptive to wildlife in the area through bright lights and noise, but it's also going in the opposite direction to what most people want for our park. . . ." Coyote Yipps.

This proposal has already been heard and voted on at the Recreation and Park Commission - before bringing it to the Historic Preservation Commission ¹²

¹⁰ https://generalplan.sfplanning.org/Recreation_OpenSpace_Element_ADOPTED.pdf

¹¹ https://generalplan.sfplanning.org/Recreation_OpenSpace_Element_ADOPTED.pdf

¹² SF Recreation and Park Commission, December 19, 2019, www.sfgovtv.org, video on demand.

The Recreation and Park Commission approved this project on December 19th, 2019, before the HPC's hearing. This has happened with other projects. The preservation commissioners have asked in the past, and RPC has agreed, that the HPC should be notified and given the opportunity to hear, evaluate, and approve or propose mitigations before the issues are presented to the RPC.

Therefore, if the RPC has agreed to a contract without the HPC's approval, that is their responsibility and should not affect your decision about this project.

Golden Gate Park is already stressed with the number of visitors that enter the Park every year.

According to the Department of Recreation and Park website, Golden Gate Park has more than 13 million visitors each year.¹³ Having a large number of visitors brings wear and tear to the parkland and stress to the wildlife living in it. It is unfortunate that a choice is being made to highlight the park by adding artificial lighting to such an extent that it detracts from the landscape qualities, compromises habitat, and threatens wildlife.

What reassurance does the public have that all of the structures and lighting would be removed completely at the end of the celebration?

Not everyone feels the same way about protecting parkland, as both gardener John McLaren and designer William Hammond Hall observed. What reassurance can we have that ALL of the structures and ALL of the lighting will be completely removed immediately after the end of the celebration, and that the Park and Bandshell will not be damaged in the process of either set-up or breakdown of the equipment.

"It's a perfectly horrible way to ruin the natural beauty which is the essence of Golden Gate Park ."

In conclusion, I will quote from the second eloquent letter sent by Coyote Yipps,

*"Again, I am asking you to OPPOSE this plan. It's a perfectly horrible way to ruin the natural beauty which is the essence of Golden Gate Park with its trees, vegetation, old carved stone structures, and all the wonderful wildlife there. In fact, it will interfere with wildlife and actually cause stress. Our "wildness" areas are a valuable but vanishing commodity in our modern world where those who want to make a buck are eschewing nature for lights, noise, artificiality and anything else that will bring in money, which is then turned around to pave over more of paradise. Our youth are not going to value nature if there is less and less of it for them to fall in love with. "*¹⁴

Golden Gate Park is more than a collection of individual attractions. As stated in the National Register,

*"it is important to view Golden Gate Park as a whole. Golden Gate Park was developed over many years, but it was conceived as a single creation that we now consider an historic designed landscape."*¹⁵

Friends of the Music Concourse urges you to deny the Certificate of Appropriateness for both the Observation Wheel and the lighting of the Bandshell.

Sincerely,

Katherine Howard

Katherine Howard, ASLA

Co-Chair

¹³ "We're proud to welcome more than 13 million visitors each year to Golden Gate Park, one of San Francisco's greatest treasures " Recreation and Park Department website. <https://sfrecpark.org/destination/golden-gate-park/>

¹⁴ Kessler, Janet. Coyote Yipps, bandshell and spotlights, 1-12-20.

¹⁵ "National Register of Historic Places," OMB No. 1024-0018, United State Department of the Interior, National Park Service, Oct. 15, 2004 certification. Section 7, page 2

more and more landscape has been lost. The current Observation Wheel contributes further to this loss of the feeling of being in a landscape park.

- In the Golden Gate Park Master Plan, lighting is intended to be limited in Golden Gate Park overall and to only a few institutions in the Music Concourse specifically. There is no mention of an observation wheel or other carnival-like attractions.
- The Department of Recreation and Park seems intent on turning San Francisco's premier landscape park and vital habitat into an amusement park, by adding 'attractions' and lighting throughout the park. This started with the 150,000 watts of lighting at Beach Chalet and now extends to lighting the Conservatory of Flowers and even adding lights and an 'attraction' to open meadow.
- As stated during the hearing at the Historic Preservation Commission, an observation wheel is not a historic feature of the Music Concourse.
 - The National Register contains three full pages of lists of Individual Park Resources in Golden Gate Park.⁴ The 6-month ferris wheel from the Mid-Winter Exposition is not on that list.
 - The City landmarking (#249) does not list a ferris wheel as either contributing or non-contributing.
 - The original proposal was therefore for a non-contributing element that would be located in the Music Concourse longer than even the original ferris wheel.
- Protecting habitat and biodiversity are part of the Recreation and Open Space Element (ROSE), but they are not mentioned in detail in the RPD Certificate of Appropriateness application.
- Golden Gate Park is already stressed with the number of visitors that enter the Park every year.
 - Even before COVID-19, according to the Department of Recreation and Park website, Golden Gate Park had more than 13 million visitors each year.⁵ The advent of sheltering in place and the change of many of the roads in the park to pedestrian/biking only have brought new groups of visitors to the Park.
 - Having a large number of visitors brings wear and tear to the parkland and stress to the wildlife living in it.
 - It is unfortunate that instead of highlighting and protecting the naturalistic qualities of Golden Gate Park, the Department of Recreation and Park has made a choice to emphasize introduced, built attractions and artificial lighting to such an extent that it detracts from landscape qualities, compromises habitat, and threatens wildlife.

Golden Gate Park must be protected. It is more than a collection of individual attractions. As stated in the National Register,

*"it is important to view Golden Gate Park as a whole. Golden Gate Park was developed over many years, but it was conceived as a single creation that we now consider an historic designed landscape."*⁶

⁴ "National Register of Historic Places," OMB No. 1024-0018, United State Department of the Interior, National Park Service, Oct. 15, 2004 certification. Section 7, pages 3- 5.

⁵ "We're proud to welcome more than 13 million visitors each year to Golden Gate Park, one of San Francisco's greatest treasures " Recreation and Park Department website. <https://sfrecpark.org/destination/golden-gate-park/>

⁶ "National Register of Historic Places," OMB No. 1024-0018, United State Department of the Interior, National Park Service, Oct. 15, 2004 certification. Section 7, page 2

The timeline for feedback on the Observation Wheel is too short.

We were shocked that the public has only been given one week from the notice of this meeting, to respond with concerns. In addition, at our site visit three days ago, there were no notices of this meeting, only a vague sign to contact RPD with "feedback."

Mitigations are needed

Friends of the Music Concourse urges the Department of Recreation and Park to do the following to mitigate the damage from the introduction of this non-historic structure and its over-bright lighting:

- All Observation Wheel lighting should be turned off at dusk.
- Nighttime security lighting should be minimal. The current de Young Tower lighting is a good example of a sensitive way to minimally light a park structure at night. (See footnote 1 for photos of the stark contrast between the Wheel and the Tower.)
- The Observation Wheel should be removed from the Park by early 2021, at the end of the Anniversary Celebration, as agreed to by the Department of Recreation and Park.

Sincerely,

Katherine Howard

Katherine Howard, ASLA

Co-Chair

Attachment: Friends of the Music Concourse letter, January 14, 2020

cc: San Francisco Board of Supervisors
Recreation and Park Commission
Recreation and Park Department

* * * * *

From: [Robert Hall](#)
To: [RPDInfo, RPD \(REC\)](#); [ecpark.commission@sfgov.org](#); [Mar. Gordon \(BOS\)](#); [Board of Supervisors, \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Preston, Dean \(BOS\)](#); [Haney, Matt \(BOS\)](#); [MandelmanStaff, \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Safai, Ahsha \(BOS\)](#); [Ronen, Hillary](#)
Cc: [CPC-Commissions Secretary](#); [Hyland, Aaron \(CPC\)](#); [Matsuda, Diane \(CPC\)](#); [Black, Kate \(CPC\)](#); [Foley, Chris \(CPC\)](#); [Johns, Richard \(CPC\)](#); [Pearlman, Jonathan \(CPC\)](#); [So, Lydia \(CPC\)](#); [Kathy Howard](#); [Jake Sigg](#); [Noreen Weeden](#); [Eddie Bartley](#); [Whitney Grover](#)
Subject: Comments: Observation Wheel lighting
Date: Tuesday, October 27, 2020 5:10:38 PM

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

Thank you for letting me weigh-in on the artificially lit Observation Wheel. The structure is massive, blaring and visible from miles away.

The city of San Francisco should be known as a forward thinking, environmentally-friendly city but I wonder if this project was viewed through the lens of science. Did the city consult a biologist, entomologist or ornithologist before erecting this structure?

This structure potentially poses harm to wildlife, specifically birds and insects. Has a plan been developed to mitigate any unintended consequences?

Bird collisions are one of the largest threats to the demise of birds after habitat loss and predation by pet cats. We should be especially concerned about what these lights are doing to birds during the current migration season. Well-lit structures can attract migrating birds and cause them to get disoriented.

And what about the impact on insects? Insects are currently in the middle of a dramatic decline worldwide. Light pollution has been cited as a major contributor. Skyglow—light from populated areas that scatters through the atmosphere and can be seen from miles away—reduces many insect species' ability to orient themselves, find food, avoid predation and reproduce.

According to an article published in the Annals of Applied Biology , many insects are attracted to direct light sources such as street lamps and stadium lights, where they may be killed on contact by heat, electrocution or the force of impact; they may also get trapped and exhausted or preyed upon. Moreover, the study notes that artificial light can impede communication among insects, diminish their average lifespans, and even change their physiology.

SF Recreation and Parks needs to do better. They have some amazing marketing ideas but don't seem to care too much about the ramifications to wildlife. How could science not guide an entity that is supposed to be a nature retreat for its citizens? When you add up the additional lighting from the soccer fields, new tennis courts and art projects like the Observation Wheel and Entwined Meadow, one has to wonder if, in the blare of the blinding lights, SF Rec and Park has lost its way.

Bob Hall

1946 Grove St. Apt. 6

San Francisco, CA 94117

From: [Board of Supervisors - BOS](#)
To: [BOS - Supervisors](#)
Subject: FW: Green and Blue - how to imagine change in larger communities / please read the link to urban omnibus SFBOS - A Goodman D11
Date: Thursday, October 29, 2020 9:53:00 AM

-----Original Message-----

From: Aaron Goodman <aagoodman@yahoo.com>
Sent: Thursday, October 29, 2020 9:27 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Green and New - how to imagine change in larger communities / please read the link to urban omnibus SFBOS - A Goodman D11

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

What should have been done at Sunnydale and Portrero to improve people's conditions prior to and during the 20-40 year redevelopments...What could have been the catalyst is parkmerced doing green infrastructure and infill at the parking garages.

Exactly what is missing in RAD and Public and private housing changes is an understanding of how to challenge the norms of redevelopment.

<https://avaman.nl-protection.com/v1/ur/https://s3.amazonaws.com/urbanomnibus.net/2020/10/green-and-new/&g=N2Y4ZTFJY2UyM2NmMWVhYQ==&h=MGMzNzRkMTVnYjUuMTI0MmEzZGY0MGEzZTBkZTIsMTE4MTdiNGNiNmE0Yjg5YzZlZGVmYTg1YjM2Y2RjYWUuOQ==&p=YXAuOzNmZlQyOmF2YW50bjpZnZpY2UzNjVZVW1haWsuX2VlY1h0YVIMGLNjYyMThhOWVjMWFIMDU1ODJlZDZlNGMwOTNmOnYs>

We made such proposals for green concepts at all three sites. The question now is should we be revisiting the approved plans that have gone nowhere and begin to implement more strategic changes that deal with a climate and biological change from C-19 and future density concerns?

Sincerely

Aaron Goodman D11
Sent from my iPhone

From: Board of Supervisors, (BOS)
To: [BOS-Supervisors](#)
Subject: FW: Police District Community Meetings
Date: Wednesday, October 28, 2020 10:57:00 AM
Attachments: [2020-10-28 Police District Community Meetings letter \(PDF\).pdf](#)

From: Alison Goh <president@lwvsf.org>

Sent: Wednesday, October 28, 2020 7:00 AM

To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; SFPD, Chief (POL) <sfpdchief@sfgov.org>

Cc: SFPD, Commission (POL) <SFPD.Commission@sfgov.org>; kyra@sfsafe.org; Henderson, Paul (DPA) <paul.henderson@sfgov.org>; Colfax, Grant (DPH) <grant.colfax@sfdph.org>; DPW, (DPW) <dpw@sfdpw.org>; District Attorney, (DAT) <districtattorney@sfgov.org>; Dangerfield, Troy (POL) <Troy.Dangerfield@sfgov.org>; Yick, Robert (POL) <Robert.Yick@sfgov.org>; Woon, Chris (POL) <Chris.Woon@sfgov.org>; Caltagirone, Gaetano (POL) <gaetano.caltagirone@sfgov.org>; Yep, Paul (POL) <Paul.Yep@sfgov.org>; Pedrini, Christopher (POL) <Christopher.Pedrini@sfgov.org>; Jean, Michelle (POL) <Michelle.Jean@sfgov.org>; Falvey, Timothy (POL) <Timothy.Falvey@sfgov.org>; Rainsford, Nicholas (POL) <Nicholas.Rainsford@sfgov.org>; Fabbri, Carl (POL) <Carl.Fabbri@sfgov.org>; SFPDCommunityRelations, (POL) <SFPDcommunityrelations@sfgov.org>

Subject: Police District Community Meetings

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

Dear Mayor Breed, Supervisors, and Chief Scott:

The League of Women Voters of San Francisco supports the City's commitment to hosting **monthly Police District Community Meetings**. These are the only regularly scheduled events at the local level dedicated to relationship building and problem solving for public safety that are open to everyone. The meetings are opportunities to build trust with the people most likely to suffer from public safety issues and least likely to turn to the government for help.

Our goal in advocating for these meetings is for all San Franciscans to understand and help shape San Francisco Police Department (SFPD) practices. As is stressed in the [SFPD Community Policing Strategic Plan](#) and repeated in the City's [proposed draft Department General Order 1.08 Community Policing](#):

We proactively nurture relationships with and empower all San Francisco community members to take an active role in public safety and find solutions to local issues.

Because large in-person meetings have not been possible or advisable during the pandemic, virtual meetings are being held. The virtual meetings we have observed (Ingleside, Park, and Bayview) were all well attended, with ample time for discussion. We thank SF SAFE for their support in organizing, marketing, and hosting these virtual meetings. We thank District Command Staff for setting a welcoming and

collaborative tone.

As the City moves to expand these virtual monthly Police District Community Meetings, we offer our top three recommendations:

- 1.
2. **Regular participation in**
3. **the meetings by ALL public safety officials, not just SFPD**, such as Supervisors, District Attorney, Public
4. Health, Public Works, and others who respond to calls for service or set policy, budget, and priorities related to public safety. This responsibility should not fall solely on the police.
- 5.
- 6.
7. **Consistency across the**
8. **City, with an emphasis on serving community members most impacted by safety issues.**
9. There must be a minimum standard for these meetings throughout the City. It's important for these meetings
10. to be a two-way conversation between the SFPD and the residents of San Francisco. Critics — not just supporters — need to be invited to participate and made welcome. The meetings should facilitate relationship building. Police District Community Meetings must
11. educate the public about racism and bias, and also that it is not a crime to be homeless, have mental health needs, have an addiction, or be poor.
- 12.
- 13.
14. **Remove barriers to access**
15. **the Police District Community Meetings. Provide up-to-date meeting information for all districts on the SFPD website, District web pages, District newsletters, social media, and 311.**
16. We have found that basic information on when and how to access District Community Meetings is difficult
17. to find, with conflicting and incorrect information being provided depending on the source. It should be easy and seamless for all San Francisco residents to attend these virtual meetings.
- 18.

The League of Women Voters of San Francisco is eager to collaborate with you. We want to support active and informed participation in public safety by all San Franciscans. We want improved transparency, accountability, and engagement between the Police Department and the public (particularly via [community policing](#) and the [Collaborative Reform Initiatives](#)). In particular, we support the integrated approach to public safety reflected in this year's budget, with an emphasis on housing, mental health, addiction, and systemic racism:

“There is much we can be proud of in the two-year budget I have just signed. We have funded our Homelessness Recovery Plan that will move thousands of people from the streets and shelter into housing, continued our progress on mental health reform by funding innovative solutions like our Street Crisis Response Teams to assist those who suffer from mental illness and addiction on our streets, and followed through on our commitment to address systemic racism by making an historic investment in the African-American community. We met these key City priorities while continuing to fund our nationally-leading response to COVID with over \$450 million dedicated to testing, contact tracing, health support, food, temporary housing and shelter for our most vulnerable residents. We did all this while closing a \$1.5 billion two-year deficit without laying off a single City worker. This was, without a doubt, the most challenging budget I’ve ever experienced putting together, and I’m proud of everyone who worked on it, from my Budget team to all the Departmental staff.”

— Mayor Breed’s October 2, 2020 statement on Budget for Fiscal Years 2020-21 and 2021-22

Thank you for your attention to this matter and consideration of our recommendations.

Sincerely,
Alison Goh
President, League of Women Voters of San Francisco

Alison Goh
President
president@lwvsf.org
pronouns: she/her

League of Women Voters of San Francisco
582 Market Street, Suite 615, San Francisco, CA 94104
415-989-8683 • [Facebook](#) • [Twitter](#)
Empowering voters. Defending democracy. Learn more at lwvsf.org.



October 28, 2020

VIA EMAIL

The Honorable London Breed
Mayor of San Francisco
City Hall, Room 200
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

The Honorable San Francisco Board of Supervisors
City Hall, Room 244
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102

Chief William Scott
San Francisco Police Department
1245 3rd Street
San Francisco, CA 94158

RE: Police District Community Meetings

Dear Mayor Breed, Supervisors, and Chief Scott:

The League of Women Voters of San Francisco supports the City's commitment to hosting **monthly Police District Community Meetings**. These are the only regularly scheduled events at the local level dedicated to relationship building and problem solving for public safety that are open to everyone. The meetings are opportunities to build trust with the people most likely to suffer from public safety issues and least likely to turn to the government for help.

Empowering voters. Defending democracy.

League of Women Voters of San Francisco

582 Market Street, Suite 615, San Francisco, CA 94104 • 415-989-8683 • lwvsf@lwvsf.org • lwvsf.org

Our goal in advocating for these meetings is for all San Franciscans to understand and help shape San Francisco Police Department (SFPD) practices. As is stressed in the [SFPD Community Policing Strategic Plan](#) and repeated in the City's [proposed draft Department General Order 1.08 Community Policing](#):

We proactively nurture relationships with and empower all San Francisco community members to take an active role in public safety and find solutions to local issues.

Because large in-person meetings have not been possible or advisable during the pandemic, virtual meetings are being held. The virtual meetings we have observed (Ingleside, Park, and Bayview) were all well attended, with ample time for discussion. We thank SF SAFE for their support in organizing, marketing, and hosting these virtual meetings. We thank District Command Staff for setting a welcoming and collaborative tone.

As the City moves to expand these virtual monthly Police District Community Meetings, we offer our top three recommendations:

1. **Regular participation in the meetings by ALL public safety officials, not just SFPD**, such as Supervisors, District Attorney, Public Health, Public Works, and others who respond to calls for service or set policy, budget, and priorities related to public safety. This responsibility should not fall solely on the police.
2. **Consistency across the City, with an emphasis on serving community members most impacted by safety issues.** There must be a minimum standard for these meetings throughout the City. It's important for these meetings to be a two-way conversation between the SFPD and the residents of San Francisco. Critics – not just supporters – need to be invited to participate and made welcome. The meetings should facilitate relationship building. Police District Community Meetings must educate the public about racism and bias, and also that it is not a crime to be homeless, have mental health needs, have an addiction, or be poor.
3. **Remove barriers to access the Police District Community Meetings. Provide up-to-date meeting information for all districts on the SFPD website, District web pages, District newsletters, social media, and 311.**

We have found that basic information on when and how to access District Community Meetings is difficult to find, with conflicting and incorrect information being provided depending on the source. It should be easy and seamless for all San Francisco residents to attend these virtual meetings.

The League of Women Voters of San Francisco is eager to collaborate with you. We want to support active and informed participation in public safety by all San Franciscans. We want improved transparency, accountability, and engagement between the Police Department and the public (particularly via [community policing](#) and the [Collaborative Reform Initiatives](#)). In particular, we support the integrated approach to public safety reflected in this year's budget, with an emphasis on housing, mental health, addiction, and systemic racism:

"There is much we can be proud of in the two-year budget I have just signed. We have funded our Homelessness Recovery Plan that will move thousands of people from the streets and shelter into housing, continued our progress on mental health reform by funding innovative solutions like our Street Crisis Response Teams to assist those who suffer from mental illness and addiction on our streets, and followed through on our commitment to address systemic racism by making an historic investment in the African-American community. We met these key City priorities while continuing to fund our nationally-leading response to COVID with over \$450 million dedicated to testing, contact tracing, health support, food, temporary housing and shelter for our most vulnerable residents. We did all this while closing a \$1.5 billion two-year deficit without laying off a single City worker. This was, without a doubt, the most challenging budget I've ever experienced putting together, and I'm proud of everyone who worked on it, from my Budget team to all the Departmental staff."

— Mayor Breed's October 2, 2020 statement on Budget for Fiscal Years 2020-21 and 2021-22

Thank you for your attention to this matter and consideration of our recommendations.

Sincerely,



Alison Goh

President, League of Women Voters of San Francisco

president@lwvsf.org

CC: San Francisco Police Commission

Kyra Worthy, Executive Director, SF SAFE

Paul Henderson, Executive Director, SF Department of Police Accountability

Grant Colfax, Director of Health, SF Department of Public Health

San Francisco Public Works Director's Office

San Francisco District Attorney's Office

Commander Daryl Fong, SFPD Community Engagement Division

SFPD Bayview Station Captain Troy Dangerfield

SFPD Central Station Captain Robert Yick

SFPD Ingleside Station Captain Christopher Woon

SFPD Mission Station Captain Gaetano Caltagirone

SFPD Northern Station Captain Paul Yep

SFPD Park Station Captain Christopher Pedrini

SFPD Richmond Station Captain Michelle Jean

SFPD Southern Station Captain Timothy Falvey

SFPD Taraval Station Captain Nick Rainsford

SFPD Tenderloin Station Captain Carl Fabbri

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: No to Permanent "Shared Spaces" program
Date: Tuesday, October 27, 2020 9:41:00 AM

From: Chaz - <chazfilez@hotmail.com>
Sent: Tuesday, October 27, 2020 8:03 AM
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Cc: Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: No to Permanent "Shared Spaces" program

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

Mayor Breed,

I am a SF native and homeowner. I pay a ton of money every year in property taxes. While I am empathetic to business during the pandemic, I am absolutely opposed to permanent outdoor dining without public input from residents who live in the area. I am currently on Clement and 23rd Ave living above a Korean BBQ that has an 80-person seating area that takes up 6 parking spaces. They are using hibachi grills at every table so it's essentially 16 grills going at once blowing past my windows.

I am willing to deal with this for a while but if this program becomes permanent, I will take action to fight this. I did not sign up to live above an outdoor beer garden, let alone a BBQ pit. It seems like once again San Francisco is coming to the aide of business and handing over public resources that my property taxes pay for.

What about residents who just want to come home without having to weave between people gathered on the sidewalk waiting for a table? What about MY right to live without being subjected to the externalities of local business?

Please reconsider your position on making these programs permanent.

Thanks for reading.

Sincerely,

Charles Hurbert, D1

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Misleading RPD claim in Hazards and Climate Resilience Plan
Date: Tuesday, October 27, 2020 8:29:00 AM

From: Denise Louie <denise_louie_sf@yahoo.com>
Sent: Monday, October 26, 2020 10:01 AM
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Cc: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Environment, ENV (ENV) <environment@sfgov.org>; Raphael, Deborah (ENV) <deborah.rafael@sfgov.org>; Brastow, Peter (ENV) <peter.brastow@sfgov.org>; Commission, Recpark (REC) <recpark.commission@sfgov.org>
Subject: Re: Misleading RPD claim in Hazards and Climate Resilience Plan

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

Hi Mayor Breed,
 The City is now part of the high fire danger warning for the entire Bay Area and beyond. Act now.

Never before has San Francisco been at more risk of catastrophic wildfire. If our lives and our homes matter to you--if the City's housing crisis, homelessness and public health matter--please insist that City agencies address the City's dense, unirrigated and unhealthy stands of trees. High heat, wildfire smoke/ash, 12,000 lightning strikes, extreme winds and the lack of normal rainfall are all signs of the climate change that will likely get worse before getting better.

Best practices should be put into practice. CalFire and the *SF Chronicle's* "Preparing for Disaster" outline minimizing fuel and avoiding eucalyptus, for example. "Oily eucalyptus can light like a match head," and , our unirrigated tree stands are mostly oily eucalyptus. Further, trees should be spaced up to 30' branch tip to branch tip.* Trees in the Presidio are spaced to limit their density. UCSF is removing trees from Mt. Sutro. RPD and other agencies have not been following best practices.

As for funding, any monies spent on trees be shared equally between planting and the thinning of unhealthy tree stands.

I look forward to your response.

Sincerely,
 Denise Louie
 D7

* <https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/defensible-space/>

On Friday, October 2, 2020, 02:47:33 PM PDT, Denise Louie <denise_louie_sf@yahoo.com> wrote:

Dear President Mark Buell, Allan Low, Kat Anderson, Larry Mazzola, Eric McDonnell, and General Manager Phil Ginsburg,
I call your attention to the City's Hazards and Climate Resilience Plan* and the comment on p. 251 that "RPD already maintains properties in line with State law and the California Department of Forestry and Fire best practices."** I urge you to revisit and, as necessary, restate this claim to align with CalFire guidelines for defensible space.*** While defensible space refers to 100' surrounding structures, the principles remain. "The spacing between grass, shrubs, and trees is crucial to reduce the spread of wildfires," up to 40' from branch tip to branch tip. And "Fire-resistant landscaping...uses fire-resistant plants," not eucalyptus.

RPD's 2020 tree assessment of Glen Canyon Park was for perimeter trees only. The vast majority of trees were not assessed. Of the trees assessed as unhealthy, RPD chooses to remove relatively few only because they may cause injury/death/damage by dropping limbs or toppling. Trees in Glen Canyon Park are tall, dense, drought stressed, unirrigated, mostly blue gum eucalyptus, aging and close enough to throw embers at million dollar homes. The next tree assessment may not occur for decades.

I urge you to begin removing trees for the purpose of thinning, starting with additional unhealthy trees. The goals would be to reduce risks to human lives and homes while improving the health and diversity of tree stands, especially in Glen Canyon and Mt. Davidson Parks; "Exposure [to fire in] SFRPD open space...concentrates in the Glen Canyon and Mt. Davidson Parks."****

Looking forward to your response,
Denise Louie
RPD Volunteer

* https://onesanfrancisco.org/sites/default/files/inline-files/HRC_FullReport_200326_0.pdf

** P. 251 excerpt:

Vulnerability: "Wildland open space, particularly Glen Canyon, Presidio, and other grassland open space, are vulnerable to direct fire."

Strategy: "Creating defensible space around structures is a strong, proactive management tool to use in fire prevention. This strategy would focus on reducing fire fuel on RPD property that is within 30 feet of structures. Continuing this strategy and enforcing this policy creates defensible spaces around built structures. RPD already maintains properties in line with State law and the California Department of Forestry and Fire best practices."

*** <https://www.readyforwildfire.org/prepare-for-wildfire/get-ready/defensible-space/>

**** P. 362, https://onesanfrancisco.org/sites/default/files/inline-files/HCR_Appendix-A_Final1.pdf

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: JAPANTOWN EVICTION MORATORIUM
Date: Tuesday, October 27, 2020 9:41:00 AM

From: janet mcnerny <j_mcnerny@hotmail.com>
Sent: Monday, October 26, 2020 2:45 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: JAPANTOWN EVICTION MORATORIUM

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

THIS IT TO STRONGLY SUPPORT THE COMMERCIAL EVICTION MORATORIUM ORDINANCE INTRODUCED BY SUPERVISORS AARON PESKIN AND DEAN PRESTON TO HELP SMALL BUSINESSES, PARTICULARLY THOSE WHO ARE RENTING SPACE IN THE JAPAN CENTER MALLS.

PLEASE SAVE JAPANTOWN, IT IS THE ONLY ONE WE HAVE AND IF IT DISAPPEARS, IT IS GONE FOREVER.

JANET MCNERNY
1400 GEARY BLVD. #2003
SF, CA 94109

From: [Board of Supervisors, SFO](#)
To: [Small Businesses](#)
Subject: [Fwd: Japanese Small Business](#)
Date: Tuesday, October 21, 2020 9:02:20 AM

----- Original Message -----

From: marina@japan.com
Sent: Monday, October 26, 2020 2: 20 PM
To: Board of Supervisors, SFO; Board of Supervisors@sfgo.org
Subject: [Fwd: Japanese Small Business](#)

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

----- Forwarded Message -----

From: marina@japan.com
To: Board of Supervisors@sfgo.org
Subject: [Japanese Small Business](#)
Date: Mon, 26 Oct 2020 21:11:12 GMT

Dear Mayor Breed and the SF Board of Supervisors,

I am writing to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Prokin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Mall.

As you are aware, SF Japanese is the oldest Japanese of the three remaining Japanese in the United States. The business located in our Japanese provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a table and historically important Japanese community that has been in San Francisco for over 130 years. As a senior, I am able to take advantage of the services by walking.

Give Japanese businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japanese.

Thank you for your vote to support this measure.

Sincerely,
Marina Aizawa
205 Bush St., #509
San Francisco, CA 94115

Sponsored by <https://www.usaf.protection.com/v1/qr/>

or <https://www.usaf.protection.com/v1/qr/>

Refer to SFITIS Vpn, Domain: Here Request for Price <https://www.usaf.protection.com/v1/qr/>

or <https://www.usaf.protection.com/v1/qr/>

Refer: This is Sell the First Wave <https://www.usaf.protection.com/v1/qr/>

or <https://www.usaf.protection.com/v1/qr/>

Refer: Save Bush, American Made "Waf" Success <https://www.usaf.protection.com/v1/qr/>

or <https://www.usaf.protection.com/v1/qr/>

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Save Japantown
Date: Wednesday, October 28, 2020 10:57:00 AM

From: Donna Quan <dquan55@yahoo.com>
Sent: Monday, October 26, 2020 9:19 AM
To: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Save Japantown

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

Dear Mayor Breed and the SF Board of Supervisor:

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the U.S. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent. Their closure was mandated by the city in response to COVID, not of their own volition.

Please save Japantown.
Thank you for your vote to support this measure.

Sincerely,
Donna Quan
1400 Geary Blvd, Apt 1106
SF, CA

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Japantown Future...
Date: Wednesday, October 28, 2020 10:58:00 AM

From: David Abercrombie <7david4@gmail.com>
Sent: Monday, October 26, 2020 8:41 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Japantown Future...

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

Attn: Supervisor Dean Preston:

I am concerned that there may be changes coming to Japantown which would not be good for the neighborhood or our history.

Could you let me know what, if any, proposals have been made by the current owners of Japantown?

I am a resident of The Sequoias and have enjoyed the variety of shops and restaurants in Japantown.

Thank you.

David A. Abercrombie

From: Board of Supervisors, (BOS)
To: [BOS-Supervisors](#)
Subject: FW: Help Save our Japantown
Date: Wednesday, October 28, 2020 10:58:00 AM

From: Irene Ng <ireneyoungng@sonic.net>
Sent: Monday, October 26, 2020 8:14 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Help Save our Japantown

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

Dear Mayor Breed and the SF Board of Supervisors:

Please help save Japantown.

I strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston. This will help small businesses, particularly those who are renting space in the Japan Center Malls.

SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to continue its traditions, culture and food. Without them, over 90% of our commercial corridor will be gone.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please vote to support this measure.

Thank you,

Irene Ng 1400 Geary Blvd. Apt. 1610. San Francisco CA 94109

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Save Japantown
Date: Wednesday, October 28, 2020 11:00:00 AM

-----Original Message-----

From: Louise Trygstad <louisetrygstad@icloud.com>
Sent: Wednesday, October 28, 2020 8:16 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Save Japantown

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

Dear Board of Supervisors,

Please vote for the Aaron Peskin and Dean Preston ordinance to help small business and save Japantown. This historic and unique part of San Francisco is a gem and one of my favorite hometown destinations. Give Japantown businesses a chance to survive with this commercial eviction moratorium ordinance. Thank you. Louise Trygstad
220 Lombard St apt 719 SF CA 94111. 415 602 3226

From: Board of Supervisors, (BOS)
To: [BOS-Supervisors](#)
Subject: FW: Save Small Businesses/Japantown
Date: Wednesday, October 28, 2020 5:41:00 PM

-----Original Message-----

From: Pat Hanson <path2987@gmail.com>
Sent: Wednesday, October 28, 2020 11:39 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Save Small Businesses/Japantown

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

Dear Mayor Breed and the SF Board of Supervisors:

I am writing to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that had been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and provide a reasonable timeline for small businesses to repay the deferred rent.

Please save Japantown. We need to save this area and these businesses and preserve the Japanese culture.

Thank you for your vote to support this measure.

Pat Hanson
Apartment 1809
1400 Geary Boulevard
San Francisco, CA 94109

Enjoy the day!
Pat Hanson

BOS-11

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 22 PM 3:54

Dear Mayor Breed and the SF Board of Supervisors:

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Signature: *Kay Mizuire*

Name:

M Kay Mizuire
433 18th Ave.
San Francisco, CA 94121

Address:

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 22 PM 3:54

Dear Mayor Breed and the SF Board of Supervisors:

BY

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely, *Yoshiko Ho*

Signature:

Name: *Yoshiko Ho*

Address: *235 Molimo DR.*

BOS-11

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 22 PM 3:54

Dear Mayor Breed and the SF Board of Supervisors: BY *SM*

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Signature: *Shirley Shigeko Murakami*

Name: Shirley Shigeko Murakami

Address: 833-44th Avenue, San Francisco, CA 94121

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:27

Dear Mayor Breed and the SF Board of Supervisors:

BY OP

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

ⓐ Served SFUSD for 38 years.

Thank you for your vote to support this measure.

Sincerely,

Kazuo R. Maruoka *

ⓑ Native SF; born 1928; Children & grandchild reside in S.F.;

Signature:

Kazuo R. Maruoka

Name:

Proud of beautifully diverse S.F. ! J-Town is part of it !!

Address:

18801 Robinson Road
San Jose, CA 95131

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:27

BY

Dear Mayor Breed and the SF Board of Supervisors:

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Eleanor L. Osami

Signature:

Name:

Address: *1 Channel Dr.
Contra Costa, Ca. 94925*

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:27

October 15, 2020

Dear Mayor Breed and the SF Board of Supervisors: BY _____



I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Signature:



Name:

Address:

1 Chouval Drive
San Francisco, CA

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:27

BY _____



October 15, 2020

Dear Mayor Breed and the SF Board of Supervisors:

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,



Signature:

Name: SOPHIA BLACK

Address: 1400 Geary Blvd, Apt 603, San Francisco, CA 94109

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:27

BY _____



October 15, 2020

Dear Mayor Breed and the SF Board of Supervisors:

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,



Signature:

ANNE ROUGHTON

Name:

Address: 1400 Geary Blvd, # 1008
SF 94109

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:27

Dear Mayor Breed and the SF Board of Supervisors: 

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.


As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely, 

Signature: 

Name: TOMIKO 

Address: 642 
29th Ave
94118

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:27

Dear Mayor Breed and the SF Board of Supervisors:

BY 

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Signature: 


Name: Yasuyo Satoh

Address: 1400 Geary Blvd. #2407
21109

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:27

Dear Mayor Breed and the SF Board of Supervisors: BY 

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

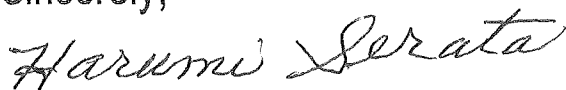
As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,



Signature:

Name: _____

Harumi Serata
1767 48th Ave
San Francisco, CA 94122

Address:

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:26

BY _____ *[Signature]*

October 15, 2020

Dear Mayor Breed and the SF Board of Supervisors:

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Signature: *Sue Parsell*

Name: *SUE PARSELL*

Address: *1400 GEARY BLVD, APT 1406
SAN FRANCISCO, CA 94109*

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:26

Dear Mayor Breed and the SF Board of Supervisors:

BY 

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Signature: 

Name: Toshiko M Hom

Address: 106 8th Ave San Francisco

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:26

Dear Mayor Breed and the SF Board of Supervisors:

BY JS

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Signature: *Yaeko J. Kuwatani*

Name: YAEKO J. KUWATANI

Address: 414 2ND ST., PACIFIC GROVE, CA 93950

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:26

Dear Mayor Breed and the SF Board of Supervisors:

BY 

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

As you are aware, SF Japantown is the oldest Japantown of the three remaining Japantowns in the United States. The businesses located in our Japantown provide essential goods and services to allow our community to carry on the values, traditions, culture and culinary dishes that have been passed down to us for many generations. Without them, over 90% of our commercial corridor will be gone. Without them, there would no longer be a viable and historically important Japantown community that has been in San Francisco for over 130 years.

Give Japantown businesses a chance to survive. The commercial eviction moratorium ordinance will extend rent deferral and a reasonable timeline for small businesses the ability to repay the deferred rent.

Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,



Signature:

Name: *Eiko Aoki*

Address: *218-19th AVE, SFC 94121*

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:26

Dear Mayor Breed and the SF Board of Supervisors:

BY 

I am writing this letter to strongly support the commercial eviction moratorium ordinance introduced by Supervisors Aaron Peskin and Dean Preston to help small businesses, particularly those who are renting space in the Japan Center Malls.

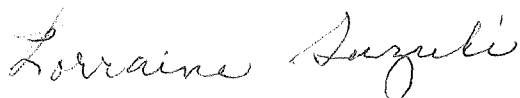
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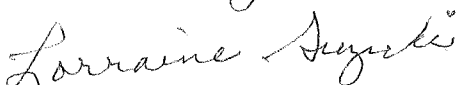
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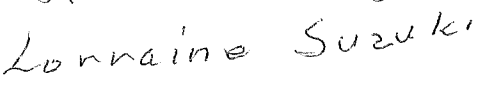
Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,



Signature: 

Name: 

Address: 3417 Streamside Circle # 203
PA 94588

October 15, 2020

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:26

Dear Mayor Breed and the SF Board of Supervisors:

BY _____



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Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Signature: *Chiyo R. Matsui*

Name: *CHIYO R. MATSUI*

Address: *179-9th AVE. S.F. CA. 94118*

RECEIVED
BOARD OF SUPERVISORS
SAN FRANCISCO

2020 OCT 27 AM 9:26

BY



October 15, 2020

Dear Mayor Breed and the SF Board of Supervisors:

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Please save Japantown.

Thank you for your vote to support this measure.

Sincerely,

Gertrude Alter

Signature: *Gertrude Alter*

Name: *1400 Geary Blvd Apt. 2204*

Address: *San Francisco, CA 94109*

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Taxi Medallions foreclosure
Date: Tuesday, October 27, 2020 1:08:00 PM

-----Original Message-----

From: Shawn Nguyen <shawn359@att.net>
Sent: Tuesday, October 27, 2020 12:43 PM
To: SFTaxi@sfmta.com; MandelmanStaff, [BOS] <mandelmanstaff@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Ronen, Hillary <hillary.ronen@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; jonathan_oliver@sanfranciscofcu.com; Toran, Kate (MTA) <Kate.Toran@sfmta.com>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahsha (BOS) <ahsha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Hellman, Sarah (MTA) <Sarah.Hellman2@sfmta.com>
Subject: Taxi Medallions foreclosure

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

Dear Board of Supervisors and SFMTA,

After year's of supporting the Taxi medallions, and making payments year after years for over 7 years and not missing any payments, even when business is already a dark road. We still continue to make our payments. Now due to COVID-19, the pandemic have finally made us to miss payments and going into foreclosure. One by one drivers aren't able to make payments or pay their bills, rent, food, etc... SFMTA, SFFCU have all closed there eyes and let the medallions go into foreclosure. Even if this is a special circumstance and never have any drivers missed any payments.UNBELIEVABLE!!!

I thought this is a city of fairness, not a city of everyone for themselves. Kick us down while we are already down.

From: [Board of Supervisors \(BOS\)](#)
To: [BOS-Sanctuary](#)
Subject: [Purchased Taxi Medallions](#)
Date: Tuesday, October 27, 2020 9:14:00 AM

From: Shawn Nguyen <shawn359@att.net>
Sent: Monday, October 26, 2020 10:55 PM

To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; MandelmanStaff, (BOS) <mandelmanstaff@sfgov.org>; SFTaxi@sfmta.com; Ronen, Hillary <hilar.y.ronen@sfgov.org>; Haney, Matt (BOS) <matt.haney@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; Yee, Norman (BOS) <norman.yee@sfgov.org>; Fewer, Sandra (BOS) <sandra.fewer@sfgov.org>; Walton, Shamann (BOS) <shamann.walton@sfgov.org>; Preston, Dean (BOS) <dean.preston@sfgov.org>; jonathan_oliver@sanfranciscofcu.com; Toran, Kate (MTA) <Kate.Toran@sfmta.com>; Peskin, Aaron (BOS) <aaron.peskin@sfgov.org>; Safai, Ahisha (BOS) <ahisha.safai@sfgov.org>; Stefani, Catherine (BOS) <catherine.stefani@sfgov.org>; Mar, Gordon (BOS) <gordon.mar@sfgov.org>; Hellman, Sarah (MTA) <Sarah.Hellman2@sfmta.com>

Subject: Purchased Taxi Medallions

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

To the Board of Supervisors and SFMTA,

As you are all aware that every San Franciscans and every San Francisco businesses are struggling. All funds are being distributed to help small businesses, especially to minority small businesses. Even black own businesses are getting funds.

Why aren't the minority Taxi-own businesses getting funded, especially when the business is seeing a 85 plus percent drop in business, as SFMTA is reporting. Purchased Taxi Medallions are being denied of basic rights, therefore many are going into bankruptcy, as reported by SFMTA. SFMTA is just letting the minority immigrant taxi drivers suffering and closing there eyes and waiting for the purchased medallions die.

It's time to reassess SFMTA Taxi Medallions and it's division. It's time to FIRE Kate Toran. She does not have the leadership to lead the Taxi division, as it's continuing to go further down under her leadership.

It's time to buyback the purchased medallions, and bring back Post K medallion system.

Purchased San Francisco Taxi Medallions are getting shafted by a local San Francisco bank business and by SFMTA, while Uber/Lyft are roaming freely and the City and County of San Francisco can't even do a thing.

There have been 49 medallion loan foreclosures between July and October 2020. SFMTA is deeply concerned and disappointed that the Credit Union has refused to continue its loan forbearance program to mitigate the drastic impact of the Covid-19 pandemic on taxi drivers' income. Purchased medallion holders have stuck by their loans and continued to make payments to the Credit Union through all the difficulties of the past years.

In order to provide additional support to Purchased medallion holders, starting December 1, 2020, only Purchased medallions and ramp taxis will be allowed to pick-up at SFO.

Please also find the final quarterly report tracking outcomes related to the first year of implementation of taxi pick-up rules at SFO.

SFMTA has provided support to Purchased medallion holders through a variety

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Renaming Schools, Streets and other City Properties
Date: Monday, October 26, 2020 8:20:00 AM

From: Another Goodguy <anothergoodguy665@gmail.com>
Sent: Friday, October 23, 2020 10:56 AM
To: website@sfusd.edu; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>
Subject: Renaming Schools, Streets and other City Properties

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

The SF School Board has taken on a Herculean task of investigating every person who has a school named after them and rooting out all the prejudices and other filth they possessed. We want our children to be proud of the name of their school and not be shamed by someone like Lincoln who displayed a Confederate flag!

The good people of this city want to extend this search to investigate the name of people named for our streets, parks, buildings and institutions.

It will be a major job and supposed someone is cleared and later some filth is found? Back to the drawing board but I have a suggestion. Simply remove all the names and substitute letters such as A, B, C etc.. Unfortunately, in delving the history, I found that our alphabet was developed by the Phoenicians who were master slavers and kidnappers. How about the Glagolitic alphabet? That would be Saint Cyril of Alexandria and his brother Methodius. Egyptians, Greeks remember "Let My People Go."

We now turn to numbers. I, II, III.....ROMANS! 1,2,3....Arab Scholars.....Remember the Twin Towers!

We can now turn to foreign letters. Chinese....Chinese Virus, Japanese.....Pearl Harbor, Latin....ROMAN and so it goes.

Let me suggest a wonderful alternative....Sounds. Grunts, snorts, wheezes, passing gas, yowls, wails and many more. Then we have barks, brays, chirps and so much more.

Granted, there will not be a written language but who needs it.

I stand by to be a consultant so please do not hesitate to call on me.

And....AH WHOOO (previously san francisco)

Mark O. or quack, quack

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Subject: FW: Return the #27 to service by Nov. 1st
Date: Wednesday, October 28, 2020 3:34:00 PM

From: Lizette E Wanzer <healthcare.medicaleditor@gmail.com>
Sent: Wednesday, October 28, 2020 1:47 PM
To: Tumlin, Jeffrey (MTA) <Jeffrey.Tumlin@sfmta.com>; MTABoard@sfmta.com
Cc: Breed, Mayor London (MYR) <mayorlondonbreed@sfgov.org>; MOD, (ADM) <mod@sfgov.org>; Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>; jmccormick@tndc.org; RivamonteMesa, Abigail (BOS) <abigail.rivamontemesa@sfgov.org>; janice@sfbike.org; claire@sfbike.org; kristen@sfbike.org; haneyforsf@gmail.com; District Attorney, (DAT) <districtattorney@sfgov.org>; Info, HRC (HRC) <hrc.info@sfgov.org>
Subject: Return the #27 to service by Nov. 1st

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

This is no longer a "resources" issue.

It's about equity--or, in the case of the Tenderloin, the flagrant lack thereof.

I don't know whether SFMTA is waiting for an ADA lawsuit to be filed first. I don't know why they would need to await that action before they act.

Folks in the TL are **DONE** with laboring to find ways around the 27's absence. Seniors, the disabled, folks with mobility issues, and folks trying to get to their blue-collar jobs should not need to make elaborate, contortionist, Sisyphean efforts that other, richer--and I'm just going to say it, Whiter--neighborhoods do not.

Please do not send us the subsidized taxi and the grocery shuttle information. Those options are NOT assisting a sufficient number of people. And I'm sure you know this perfectly well.

Do not tell us that you are "considering a reroute." You can't seriously mean to imply that the optimal time to do that is now? Your timing is conspicuously tone-deaf. After seven months without the #27, this is most emphatically **not** the time to experiment with route changes. First return the regular 27 route--in full--*then* take up your Urban Planning board games.

My neighbors have had to cancel various medical appointments because the 27 is not running. They are not willing to do this anymore and will take action if they must cancel another. If you are going to tell us to take taxis, you need to pay for those rides in full, or those rides need to cost only as much as the MUNI fare. Of course, if you implement this latter solution, you will be on the hook for ensuring that cab drivers are still making a living wage.

I know you think we are all uneducated bums, thugs, gangs, loiterers, ne'er-dowells, and crackheads in this neighborhood. That is a parochial viewpoint, and you should be ashamed of yourselves if that view is the best you can manage. We have our share of those denizens, as--if you'll forgive an observation--does every major metropolitan area in this country. But permit me to inform you, for the record, that that is not *all* that the TL is.

We read. We write. We vote. We think. We work. We have responsibilities. We have voices. We're perceptive. We're movers and shakers. We're tough. We're talented. We're street smart. And make no mistake; we can act.

- Our needs are not less because we don't work in the Fi-Di.
- Our needs are not less because we don't work in a 50th-floor corner office.
- Our needs are not less because we don't have a Whole Foods Market in our nabe, or even a proper supermarket.
- Our needs are not less because we live in SROs or community housing instead of the \$3500 per month digs that folks enjoy just a few blocks up the hills from us.
- Our needs are not less because we can't afford Lyft and Uber.
- Our needs are not less because our nabe isn't festooned with pretty, polished, posh, bonny brownstones.
- Our needs are not less because we have homeless people camped out on our sidewalks (the vast majority of which, if I may be so bold, never bother or harass *anybody*).

This second-class citizen treatment stops now. No more excuses, no more explanations. This is an urgent equity affair. No longer asking, beseeching, entreating, pleading, exhorting, or begging to bring the #27 route back. **Demanding** that you bring the #27 route back immediately. Thank you.

Sincerely,

--Lizette Wanzer, MFA

Medical Website Editor, Manager, & Author

cc:

Mayor's Office on Disability

Nicole Bahn, Mayor's Disability Council Director

Board of Supervisors

Abigail Rivamonte Mesa, Chief of Staff, Supervisor Matt Haney

SF District Attorney Chesa Boudin

Tenderloin Neighborhood Development Corporation

San Francisco Human Rights Commission, Discrimination Complaints Investigation & Mediation
Division

Janice Li, Advocacy Director

Kristen Leckie, SF Bicycle Coalition Community Organizer

Claire Amable, SF Bicycle Coalition Community Organizer

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Wong, Linda \(BOS\)](#)
Subject: FW: Sierra Club letter re 598 Portola Drive (File No. 200965)
Date: Tuesday, October 27, 2020 9:13:00 AM

From: BeckyE <rebecae@earthlink.net>
Sent: Monday, October 26, 2020 8:50 PM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Sierra Club letter re 598 Portola Drive

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

October 26, 2020

Hon. Norman Yee & Members of the Board of Supervisors:

The Sierra Club opposes extending Twin Peak Auto Care's lease of the City-owned property located at 598 Portola Drive. San Francisco should use its property to address the City's acute housing shortage rather than leasing the land to a gas station.

City properties are perfect sites for affordable housing. Preferably 100% affordable housing.

Sincerely,

Becky Evans
Chair, Executive Committee
San Francisco Group
Sierra Club

From: [j.robinson](#)
To: [Preston, Dean \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Stop SFPD's illegal use of private cameras to spy on Black-led protests against police violence.
Date: Tuesday, October 27, 2020 12:03:34 PM

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

Dear members of the Board of Supervisors,

As a resident of San Francisco's Sunset district, I am writing to urge you to prohibit the San Francisco Police Department (SFPD) and other city agencies from making real-time use of private networks of surveillance cameras, and from obtaining data dumps of footage from these systems.

With overwhelming Board support, the Stop Secret Surveillance ordinance was adopted to empower the people of San Francisco to participate in meaningful decisions about government surveillance technology and to prohibit city use of face recognition technology. The Electronic Frontier Foundation recently revealed that, without notifying the public or the Board of Supervisors, the SFPD established real-time access to the Union Square Business Improvement Districts' surveillance camera system. The SFPD did so in order to spy on protests calling for an end to police violence against Black people. Situations like this are precisely what the ordinance was passed to prevent.

As you know, the Stop Secret Surveillance ordinance is the result of robust and open debate among the city's residents, civil society organizations, and government stakeholders. In providing an opportunity for robust and informed community engagement before adopting technologies with the power to chill free speech and disproportionately burden marginalized members of our community, the Stop Secret Surveillance Ordinance puts into action the values that make our city a shining light in a troubled nation.

Public safety requires trust between the public and the agencies sworn to keep them safe. With this in mind, I ask that you rebuke unlawful spying on activity protected by the First Amendment and the California Constitution, and take immediate action to prevent further harm by banning real-time SFPD use of private surveillance camera systems and data dumps of footage from those systems.

Respectfully,

j robinson

From: [Lisa Laws Kohli](#)
To: [Preston, Dean \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Stop SFPD's illegal use of private cameras to spy on Black-led protests against police violence.
Date: Monday, October 26, 2020 4:49:51 PM

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

Dear members of the Board of Supervisors,

As a San Francisco resident, I am writing to urge you to prohibit the San Francisco Police Department (SFPD) and other city agencies from making real-time use of private networks of surveillance cameras, and from obtaining data dumps of footage from these systems.

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Respectfully,
Lisa Kohli

From: [Alexistori Gonzalez](#)
To: [Preston, Dean \(BOS\)](#); [Fewer, Sandra \(BOS\)](#); [Haney, Matt \(BOS\)](#); [Mandelman, Rafael \(BOS\)](#); [Mar, Gordon \(BOS\)](#); [Peskin, Aaron \(BOS\)](#); [Ronen, Hillary](#); [Safai, Ahsha \(BOS\)](#); [Stefani, Catherine \(BOS\)](#); [Walton, Shamann \(BOS\)](#); [Yee, Norman \(BOS\)](#); [Board of Supervisors, \(BOS\)](#)
Subject: Stop SFPD's illegal use of private cameras to spy on Black-led protests against police violence.
Date: Wednesday, October 28, 2020 5:15:05 PM

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

Dear members of the Board of Supervisors,

As a San Francisco resident, I am writing to urge you to prohibit the San Francisco Police Department (SFPD) and other city agencies from making real-time use of private networks of surveillance cameras, and from obtaining data dumps of footage from these systems.

With overwhelming Board support, the Stop Secret Surveillance ordinance was adopted to empower the people of San Francisco to participate in meaningful decisions about government surveillance technology and to prohibit city use of face recognition technology. The Electronic Frontier Foundation recently revealed that, without notifying the public or the Board of Supervisors, the SFPD established real-time access to the Union Square Business Improvement Districts' surveillance camera system. The SFPD did so in order to spy on protests calling for an end to police violence against Black people. Situations like this are precisely what the ordinance was passed to prevent.

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Public safety requires trust between the public and the agencies sworn to keep them safe. With this in mind, I ask that you rebuke unlawful spying on activity protected by the First Amendment and the California Constitution, and take immediate action to prevent further harm by banning real-time SFPD use of private surveillance camera systems and data dumps of footage from those systems.

Respectfully,

Sent from my iPhone

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Caren Act (File No. 200735)
Date: Monday, October 26, 2020 9:22:00 AM

From: Stef Lau-Chen <steflauchen@gmail.com>
Sent: Monday, October 26, 2020 8:07 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Caren Act

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

Dear SF Board of Supervisors,

I was born and raised in San Francisco. I am dismayed and concerned that you are considering naming a hate crime, the Caren Act.

Doing so vilify's and perhaps even discriminates or further causes discrimination against innocent women who are named Karen, Caren, Caryn. It certainly further causes ill will toward many women with this name. While making fun of the name seemed like what society was doing and seems "harmless" fun, it was never a funny joke or harmless and making the name associated with a *hate* crime is taking it too far and perhaps causing other problems for anyone with this name. Words matter. Ironically, words matter is largely related to the actual hate crime you are trying to prevent, yet you are causing detrimental effects for women and girls with this name.

Everyone deserves to be called by their given name and treated with respect. Please model that by calling the Act, something else, the hate crime that it is. Do not associate it with a specific woman's name, pulling her down with a crime she did not commit. Even worse, associating her name with a *hate* crime when someone else commits it (not her!).

Imagine a person you know that you care about. Would you purposely name a hate crime after that woman or girl?

Best,

Stephanie K. Lau

From: [Board of Supervisors \(BOS\)](#)
To: [BOS: Supervisors](#)
Cc: [Carroll, John \(BOS\)](#)
Subject: FW: Caren Act versus Interracial Crime Statistics
Date: Monday, October 26, 2020 8:13:00 AM

From: Alan Tarot <alantrot3@gmail.com>
Sent: Friday, October 23, 2020 2:01 AM
To: Board of Supervisors, (BOS) <board.of.supervisors@sfgov.org>
Subject: Caren Act versus Interracial Crime Statistics

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

Dear San Francisco Board of Supervisors,

Summary:
Caren Act versus Interracial Crime Statistics.

In reference to:

October 22, 2020

San Francisco Board passes "Caren Act" to punish "entitled white women" who call 911 on non-whites

<https://www.infowars.com/posts/san-francisco-board-passes-caren-act-to-punish-entitled-white-women-who-call-911-on-non-whites/>

March 30, 2020

Number of people shot to death by the police in the United States from 2017 to 2020, by race

<https://www.statista.com/statistics/585152/people-shot-to-death-by-us-police-by-race/>

2017

457 whites killed by police
223 blacks killed by police
179 Hispanics killed by police

2018

399 whites killed by police
209 blacks killed by police
148 Hispanics killed by police

2019

370 whites killed by police
235 blacks killed by police
158 Hispanics killed by police

2020 (as of March 30, 2020)

42 whites killed by police
31 blacks killed by police
13 Hispanics killed by police

April 21, 2015

Police kill more whites than blacks, but minority deaths generate more outrage

<http://www.washingtontimes.com/news/2015/apr/21/police-kill-more-whites-than-blacks-but-minority-d/>

1996-2011 statistics

National Gang Center

Blacks and Hispanics make up over 80% of street gang members in America

<https://www.nationalgangcenter.gov/survey-analysis/demographics>

Total interracial violent crimes between blacks and whites in the U.S. in 2018:

593,598

Black crimes against whites:

537,204 (90% of total number)

White crimes against blacks:

56,394 (10% of total number)

Source:

May 10, 2020

<https://www.unz.com/sbpd/was-murder-of-white-octogenarian-couple-visiting-their-sons-grave-at-veterans-cemetery-in-delaware-by-a-sheldon-francis-a-black-male-a-racial-revenge-shooting-motivated-by-ahmaud-arbe/>

FBI crime statistics from 2013 show that blacks kill whites **nine times more often** than whites kill blacks.

FBI Chart: Racial homicides: whites versus blacks (2013)

<https://imgur.com/gallery/1OTcCRH>

Summary:

Justice Department crime statistics that were removed from online view by the Obama administration: Black men sexually assault white women at a rate of 37,000 times the rate that white men sexually assault black women.

Interracial crime statistics

May 3, 2007

"In the United States in 2005:

37,460 white females were sexually assaulted or raped by a black man, while between 0 and 10 black females were sexually assaulted or raped by a white man."

(White on black rape is statistically zero.)

"What this means is that every day in the United States, over 100 white women are sexually assaulted or raped by a black man."

<http://www.humanbiologicaldiversity.com/articles/Auster%2C%20Lawrence.%20%22The%20Truth%20of%20Interracial%20Rape%20in%20the%20United%20States.%22%20FrontPageMagazine%2C%20May%2003%2C%202007.pdf>

September 4, 2018

Investigation: Potentially 39 million cases of identity theft by illegal aliens from 2012 to 2016

<https://www.breitbart.com/politics/2018/09/04/investigation-potentially-39m-cases-of-identity-theft-by-illegal-aliens-in-last-four-years/>

This is **only** in the state of Texas, **not including** the other 49 states.

In Texas, between June 1, 2011 and June 30, 2020, these 219,000 illegal aliens were charged with more than 350,000 criminal offenses:

Arrests:

- 640 homicide charges
- 39,537 assault charges
- 6,647 burglary charges
- 43,361 drug charges
- 533 kidnapping charges
- 18,070 theft charges
- 27,482 obstructing police charges
- 1,922 robbery charges
- 4,238 sexual assault charges
- 5,440 sexual offense charges
- 3,575 weapon charges

DPS criminal history records reflect those criminal charges have thus far resulted in over 138,000 convictions:

Convictions:

- 293 homicide convictions
- 15,980 assault convictions
- 3,565 burglary convictions
- 20,233 drug convictions
- 205 kidnapping convictions
- 7,805 theft convictions
- 12,660 obstructing police convictions
- 1,158 robbery convictions
- 2,054 sexual assault convictions
- 2,666 sexual offense convictions
- 1,471 weapon convictions

updated on June 30, 2020

https://www.dps.texas.gov/administration/crime_records/pages/txcriminalalienstatistics.htm

--Michael

From: [Board of Supervisors, \(BOS\)](#)
To: [BOS-Supervisors](#); [BOS-Legislative Aides](#); [BOS-Administrative Aides](#)
Subject: FW: Thank you ERTF Members - A Few Updates
Date: Tuesday, October 27, 2020 4:56:00 PM

From: Chu, Carmen (ASR) <carmen.chu@sfgov.org>
Sent: Tuesday, October 27, 2020 2:41 PM
Subject: Thank you ERTF Members - A Few Updates

Good afternoon Task Force Members!

I believe I speak on behalf of my co-chairs when I say that it has been an honor working alongside you on the City's Economic Recovery Task Force. As this chapter comes to a close, I want to thank you for your time, leadership, ideas and your commitment to San Francisco.

Through this process we heard from thousands of San Franciscans. We heard their struggles, their hopes and we learned about their needs. As a result of your work, earlier this month, we released the final 41 recommendations of the Economic Recovery Task Force. Together, these recommendations to reflect the aspirations of our Task Force and community, knowing there is more work to do, and provides a strong foundation for City leadership as we plan for recovery.

Today, I also write to update you on the ongoing efforts to advance these recommendations, including our Board of Supervisor's hearing this afternoon, a recent \$7.4 million investment in JobsNOW!, and the availability of the ERTF appendices.

- Board of Supervisor Hearing – Economic Recovery Task Force Report –
 Tuesday, October 27, at 3:00pm, we will be presenting the findings and 41 recommendations of the Task Force at a hearing of the Board of Supervisors sitting as a Committee of the Whole. Click [here](#) for more information on the hearing item (#30), and watch the hearing on www.sfgovtv.org
- JobsNOW! Expansion –
 Today, the City announced the expansion of JobsNOW! the successful subsidized employment program that has already provided job placements for 27,000 low-income parents and single adults. The \$7.4 million expansion will support small businesses that cannot afford to rehire workers under current economic conditions. Through JobsNOW!, we reimburse businesses at 100% or 50% of wages for 3-6 months. This enables businesses to begin rehiring workers they would otherwise be unable to bring back. Connecting San Francisco residents to jobs is one of the key recommendations of our Task Force members and this investment puts hundreds of residents back to work now. For more information and new features about the JobsNOW! program for employees and employers, go to: SFHSA.org/JobsNOW or call (877) 562-1699.
- ERTF Final Report Appendices are posted online

Finally, the following long-awaited appendices to the ERTF report are published and posted [here](#).

- Appendix A: Reopening Plan
- Appendix B: Shared Spaces Program
- Appendix C: Policy Development Process
- Appendix D: Community Engagement and Listening
- Appendix E: ERTF Detailed Recommendations
- Appendix F: City Recovery Efforts

Please share with your network and thank you again for all your support and engagement on the Task Force.

Thank you again,

Carmen Chu, Assessor, Co-Chair