



Health, Housing & Community Services Department  
Public Health Officer

**ORDER OF THE HEALTH OFFICER  
OF THE CITY OF BERKELEY DIRECTING  
ALL INDIVIDUALS IN THE CITY TO CONTINUE TO COMPLY WITH  
SOCIAL DISTANCING MEASURES AND OTHER RESTRICTIONS  
NECESSARY TO CONTROL THE SPREAD OF COVID-19**

**DATE OF ORDER: JUNE 18, 2020 (Revised July 17, 2020)**

**Appendix C: Additional Permitted  
Business and Activities**



**Health, Housing & Community Services Department  
Public Health Officer**

**Appendix C: Additional Permitted Business and Activities**

**June 18, 2020 (Revised July 17, 2020)**

The “Additional Businesses and Activities” 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 and activities were selected to implement a measured expansion of activity based on health-related considerations, including the risks of COVID-19 transmission associated with the type of business or activity, the ability to substantially mitigate transmission risks associated with the operations, and related factors, such as the following:

- **Increase in mobility and volume of activity**—the overall impact the reopening will have on the number of people leaving their homes and traveling to work at or access the business;
- **Contact intensity**—the type (close or distant) and duration (brief or prolonged) of the contact involved in the business;
- **Number of contacts**—the approximate number of people that will be in the setting at the same time; and
- **Modification potential**—the degree to which mitigation measures can decrease the risk of transmission.

Each Additional Business or Activity must comply with Social Distancing Requirements as well as all relevant state guidance and local directives. Where a conflict exists between the state guidance and local public health directives related to the COVID-19 pandemic, the most restrictive provision controls.

Each Additional Business allowed to operate under this Appendix C must prepare and post a Site-Specific Protection Plan that complies with the requirements of Section 15.h of the Order.

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

- (1) **Retail Stores.** Retail stores not otherwise authorized to operate by an Order of the Health Officer may operate in the City of Berkeley, subject to the following conditions:



**Health, Housing & Community Services Department  
Public Health Officer**

- a. **Indoor Retail.** All retail stores may open for indoor shopping, subject to applicable industry guidance and any restrictions issued by the State of California and the following conditions:
    - i. The store must limit its indoor occupancy to the lower of 50% of the store's normal maximum occupancy or the number of people who can maintain at least six feet of physical distance from each other in the store at all times.
    - ii. The store must employ reasonable efforts to ensure that its customers and employees comply with Face Coverings and Social Distancing Requirements while in the store.
    - iii. Stores may move their goods outside for display and sale with required permits and licensing, subject to safety protocols and provided that such displays do not cause congestion or block the path of travel.
  - b. **Curbside/Outside Pickup.** In addition to indoor retail sales, retail stores may, and are encouraged to make goods available for curbside pickup, subject to the following conditions:
    - i. If a store is not open for indoor shopping, it may display and sell goods on tables outside the store with required permits and licensing, subject to safety protocols and provided that such displays do not cause congestion or block the path of travel.
    - ii. The store must implement measures to prevent customers from blocking pedestrian access or causing vehicle congestion while picking up goods.
    - iii. The store must employ reasonable measures to require customers to comply with Social Distancing Requirements at the pickup areas, including but not limited to marking locations at six-foot intervals for customers to stand while waiting in line.
  - c. All retail stores must limit the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission, and shall comply with the requirements of the Retail Industry Guidance published by the California Department of Public Health ("CDPH") and the Department of Industrial Relations ("DIR") (<https://covid19.ca.gov/pdf/guidance-retail.pdf>), as may be amended from time-to-time.
- (2) **Manufacturing.** Manufacturing businesses permitted to operate under the state Resilience Roadmap (<https://covid19.ca.gov/roadmap/>) may operate in the City of Berkeley. Manufacturers must place limitations on the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission,



**Health, Housing & Community Services Department  
Public Health Officer**

and shall comply with the requirements of the Manufacturing Industry Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-manufacturing.pdf>).

- (3) **Logistics and Warehousing.** Logistics and warehousing facilities permitted to operate under the state Resilience Roadmap may operate in the City of Berkeley. Logistics and warehousing facilities must place limitations on the number of employees in enclosed areas, to ensure at least six feet of separation between employees to limit COVID-19 transmission, and shall comply with the requirements of the Logistics and Warehousing Facility Industry Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-logistics-warehousing.pdf>).
- (4) **Limited Services.** Business providing “limited services,” with limited person-to-person contact and permitted to operate under the State Resilience Roadmap, including residential housecleaners, dog walkers, pet grooming services, and clothing alteration, may operate in the City of Berkeley. Limited services providers shall prepare and comply with Site-Specific Protection Plans as set forth in the Order and shall comply with the requirements set forth in the Limited Services Industry Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-limited-services.pdf>).
- (5) **Places of Worship.** Places of worship may hold in-person religious services and cultural ceremonies, subject to applicable guidance issued by the State of California (<https://covid19.ca.gov/pdf/guidance-places-of-worship.pdf>), and any additional restrictions issued by the State, and in accordance with the following:
  - a. Providers of religious services and cultural ceremonies are strongly encouraged to continue to provide streaming services to allow remote participation especially for vulnerable populations and those that choose not to come in person to services and ceremonies.
  - b. In-person religious services and cultural ceremonies may be held outdoors, provided that the number of attendees does not exceed 100 persons, or 25 percent of the capacity of the area in which the gatherings take place, whichever is less. Providers of religious services and cultural ceremonies are strongly encouraged to limit in-person participation and to limit attendance to smaller gatherings. In person religious services and cultural ceremonies may not be held indoors, by order of the State of California.
  - c. In-person religious services and cultural ceremonies can involve extended periods of close contact, increasing the risk of transmission of COVID-19 at these events. As such, it is recommended that event organizers consider maintaining contact information of attendees at services or ceremonies and that this information be kept by the event’s organizer for at least 21 days after the event. The purpose of this recommendation is to



**Health, Housing & Community Services Department  
Public Health Officer**

assist the City of Berkeley Public Health with effective contact tracing in case of an outbreak that may have affected people attending the event.

- (6) **Outdoor Dining.** Restaurants and other food facilities may provide outdoor sit-down meals, subject to the applicable requirements set forth in the Dine-In Restaurants Guidance published by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-dine-in-restaurants.pdf>), and the following requirements and limitations in addition to those required elsewhere in the currently operative Order:
- a. Restaurants providing outdoor dining must have all necessary permits required to provide outdoor food service. Outdoor seating arrangements must limit the number of patrons at a single table to no more than six individuals. Patrons must comply with the requirements the requirements of Section 7 of this Order (“Social Bubbles”).
  - b. Tables must be arranged to ensure at least six feet distance between each table, such that no customer is sitting within six feet of any other customer at a separate table.
  - c. Lounge areas can be occupied as long as six-foot distancing between households or Social Bubble groups can be maintained.
  - d. Entertainment events are not allowed.
  - e. Outdoor dining, placement of outdoor seating arrangements, and food service must be in compliance with local laws, regulations, and permitting requirements, including:
    - i. For restaurants and other food facilities reopening after having been completely closed for a month or longer, the operator will ensure prior to opening that:
      1. All equipment, plumbing, and ventilation systems are operational.
      2. All food stored on-site during closure has been maintained at proper temperatures and is not contaminated (if in doubt, food shall be discarded).
      3. All expired food shall be discarded.
      4. Any insect or rodent infestation is abated.
      5. The facility is thoroughly cleaned.
      6. Staff are up-to-date on food handler training or certification.
    - ii. For all restaurants and other food facilities regardless of whether they were ever closed:
      1. If not previously performed, clean and sanitize dining areas and all other areas that have not been in use.



**Health, Housing & Community Services Department  
Public Health Officer**

2. Post near each entrance door(s) and near restroom door(s) in a manner readily visible to the public and employees both the written Site-Specific Protection Protocol required by this Order. Food facilities may use the “Cal/OSHA COVID-19 General Checklist for Dine-in Restaurants” (“General Checklist”) (<https://covid19.ca.gov/pdf/checklist-dine-in-restaurants.pdf>) as the framework for the written health and safety plan, checking the applicable boxes.
  3. Designate a COVID-19 supervisor/person(s) in charge to ensure the implementation of the food facilities’ Site-Specific Protection Plan. The designated COVID-19 supervisor/person(s) in charge must always be present on-site during business hours.
- f. Facilities that offer curbside pickup, takeaway, and/or delivery service in addition to outdoor dining must ensure that lines for pickup or takeaway are in a separate area other than the outdoor dining area and must prevent patrons from unnecessarily accessing the outdoor dining area.
  - g. Any host stand must be located at the entry of the outdoor dining area so as to prohibit patrons from unnecessarily walking through the outdoor dining area.
  - h. Guardians of children twelve or younger must ensure their children comply with Social Distancing Requirements at all times.
  - i. Alcohol may be sold to patrons in conjunction with a meal, but it may not be sold independently.
  - j. Bar areas must remain closed to customers.
  - k. Bathrooms should be sanitized frequently.
  - l. Hand sanitizer or hand washing stations should be made available in the outdoor dining area.
  - m. Patrons are required to wear a face covering except when eating or drinking at a dining table. Patrons may remove face coverings to eat or drink while seated at a table outdoors, but they must wear face coverings in all of the following circumstances:
    - i. While waiting in line;
    - ii. While going to or from their table;
    - iii. When ordering their meals or otherwise interacting with employees;
    - iv. While seated at a table and waiting for food, drinks or checks to arrive;
    - v. After meals and beverages have been consumed;



**Health, Housing & Community Services Department  
Public Health Officer**

- vi. While inside a facility to use a restroom or to order or pick up food from a quick-service operation; and
- vii. At other times that a facility requires face coverings to be worn.

(Amended to expand direction on Face Coverings July 17, 2020)

- (7) **Outdoor Non-Contact Fitness Classes.** Outdoor fitness classes with up to 12 students and one instructor are allowed under the following conditions:
  - a. The instructor and all participants must wear face coverings at all times, except when engaged in high-intensity aerobic activity.
  - b. The instructor and all participants must arrange themselves to provide adequate social distancing of at least six feet at all times.
  - c. No member of the class may share equipment, and equipment should be sanitized between uses.
  - d. The instructor or organizer for the classes has obtained any required use authorizations from the owner or manager of the outdoor space, including permits for the use of any City park.
- (8) **College Sports.** College sports teams may train or hold non-contact practices, conditioning, or drills outdoors in groups of up to 12 team members and one coach.
  - a. Team members and coaches should maintain a separation of at least six feet from other individuals and avoid the use of shared equipment, and all shared equipment should be sanitized between uses.
  - b. Coaches shall wear face coverings at all times. Team members shall wear face coverings except when engaged in distance running or other high-intensity aerobic activity.
  - c. Participants should limit their participation to one sport or activity and shall remain members of one stable of up to 12 team members and one coach.
  - d. Locker rooms, weight rooms, or other indoor facilities may not be used at this time.
- (9) **Outdoor Museums, Outdoor Historical Sites, and Publicly Accessible Gardens.** Outdoor museums, outdoor historical sites, and publicly accessible gardens may open subject to applicable requirements set forth in the Outdoor Museums Guidance published



**Health, Housing & Community Services Department  
Public Health Officer**

by CDPH and DIR (<https://covid19.ca.gov/pdf/guidance-outdoor-museums.pdf>) and the following limitations in addition to those required elsewhere in the Order:

- a. Members of the public are not allowed to access any indoor facilities associated with outdoor museums, outdoor historical sites, or publicly accessible gardens, except to use restrooms, which must be frequently cleaned. All business and transactions involving members of the public must occur outdoors.
- b. Businesses operating under this category must implement measures to ensure that social distancing of at least six feet is maintained at all times other than between members of the same household or Social Bubble.

**(10) First Amendment Activities.** Individuals may participate in-person, outdoor political gathering or protests as long as physical distancing of six feet between persons or groups of persons from different households or Social Bubbles is maintained at all times. All persons participating in permitted constitutionally protected activities should comply with the Face Covering Order.

**(11) Vehicle-Based Gatherings.** Individuals may attend vehicle-based gatherings (e.g., drive-in movies), subject to the following conditions:

- a. The gathering must have a designated host who is responsible for ensuring compliance with this Order during the gathering. Only those personnel necessary to facilitate the gathering and to ensure compliance with this Order can be present.
- b. During the entirety of the gathering, every participant, excluding the host personnel and security, shall remain in a fully enclosed motorized vehicle parked at least six feet apart from other vehicles and where all occupants of each enclosed vehicle are members of a single household or Social Bubble.