



Health, Housing & Community Services Department  
Public Health Officer

## **APPENDIX A** **PERMITTED AND PROHIBITED BUSINESSES AND ACTIVITIES**

1. **Essential Critical Infrastructure.** Businesses in [essential critical infrastructure sectors](#) may remain open and operate, subject to the requirements of this Order and applicable State guidance (see <https://covid19.ca.gov/industry-guidance/>).
2. **Cannabis Businesses.** Cannabis businesses may open for production, distribution, and pick-up and delivery of adult and medical cannabis. Cannabis businesses shall comply with applicable State guidance for retail, manufacturing, and distribution businesses (see <https://covid19.ca.gov/industry-guidance/>). Onsite consumption of cannabis at cannabis lounges or other cannabis businesses is prohibited.
3. **Childcare, Day Camps, and Youth Extracurricular Activities.** Childcare, day camps, and youth extracurricular activities may open subject to compliance with the requirements of this Order.
  - a. All providers of childcare, day camps, and extracurricular activities for children or youth must comply with State [Guidance for Small Cohorts/Groups of Children and Youth](#). This guidance applies in all organized and supervised care environments (e.g., “distance learning hubs”), youth recreation programs, before and after school programs, youth groups, and day camps.
  - b. Each childcare provider must comply with State [Child Care Programs and Providers Industry Guidance](#) and follow State guidance on [COVID-19 Case and Contact Management Within Child Care Facilities](#).
  - c. Each day camp must comply with State [Interim Day Camp Industry Guidance](#).
  - d. School-based, club, and recreational sports programs must comply with the State [Interim Guidance for Youth Sports](#). Balls, Frisbees, and other shared objects may be shared only between members of the same cohort and must be sanitized between uses.
4. **Construction.** Construction activities are permitted subject to compliance with the requirements of this Order. Construction activities must comply with State [Construction Industry Guidance](#). Construction projects must comply with the Construction Project Safety Protocols in Appendix C.
5. **Dining and Drinking Establishments.** Restaurants may open for take-out only and must comply with State [Industry Guidance for Restaurants Providing Takeout, Drive-Through, and Delivery](#). Bars and winery, brewery, and distillery tasting rooms where no meals are provided are not permitted to operate.



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

6. **Film and Media Production.** Filming, recording, live streaming, or broadcasting without in-person audiences is permitted, subject to compliance with the requirements of Appendix D.
7. **Fitness and Dance Studios and Classes.** Fitness and dance studios must remain closed. Outdoor exercise class are permitted, but are limited to a maximum of 20 participants and two instructors, and must comply with the following requirements:
  - a. The instructor and all participants must wear face coverings at all times.
  - b. The instructor and all participants must arrange themselves to provide adequate physical distancing of at least 6 feet at all times. Greater distance is recommended for high-intensity aerobic activity.
  - c. No member of the class may share equipment, and equipment should be sanitized between uses.
  - d. The instructor of or organizer for the classes must obtain any required use authorizations from the owner or manager of the outdoor space, including permits for use of parks.
  - e. It is recommended that the instructor of or organizer for fitness classes consider maintaining contact information of attendees and that this information be kept by the event's organizer for at least 21 days after the event.
8. **Financial Institutions.** Banks, credit unions, and other financial institutions may open subject to the requirements of this Order. Financial institutions must comply with applicable State industry guidance, including the [Office Workplace Industry Guidance](#) and [Retail Industry Guidance](#).
9. **First Amendment Activities.** Individuals may participate in in-person, outdoor political gathering or protests as long as physical distancing of six feet between persons or groups of persons from different households is maintained at all times. All persons participating in permitted constitutionally protected activities must comply with the Face Covering Order.
10. **Government and Other Public Services.** Government agencies and other providers of public services such as food, housing assistance, or temporary shelter may open subject to the requirements of this Order. Government workplaces and public service providers must comply with applicable State industry and City of Berkeley guidance (e.g., construction, day camps, office workspace, public transit and intercity passenger rail).
11. **Higher Education.** Higher education institutions may open subject to the requirements of this Order. In person classes are prohibited. Higher education institutions must comply with the requirements of State [Industry Guidance for Institutions of Higher Education](#).



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

- a. College sports teams must comply with applicable requirements of the Higher Education Guidance. College sports teams without an approved “return to play” plan may participate in noncontact practice or training conducted outdoors only. Locker rooms, weight rooms, or other indoor facilities may not be used at this time.

College sports teams with an approved, institution-specific “return to play” safety plan may participate in indoor training. The return to play plan must be consistent with the applicable requirements of the Higher Education Guidance and [NCAA Resocialization of College Sports Guidance](#) and include protocols for holding athletes accountable for off-field behavior. The return to play plan must be approved by the Health Officer. The Health Officer may allow college sports teams to participate in additional activities based on a demonstration that measures have been put in place to monitor the transmission of COVID-19 (e.g., daily testing), conduct contact tracing, and control community transmission.

- b. Libraries may open at institutions of higher education at up to 20% capacity. Libraries must comply with applicable provisions of State [Retail Industry Guidance](#) and the [California State Library’s guidance for restoring in-person services](#).

12. **Libraries.** Libraries may open at up to 20% of capacity. Libraries must comply with applicable provisions of State [Retail Industry Guidance](#) and the [California State Library’s guidance for restoring in-person services](#).

13. **Logistics and Warehousing.** Essential logistics and warehousing facilities may operate subject to the requirement of this Order. Logistics and warehousing facilities must comply with the requirements of State [Logistics and Warehousing Facility Industry Guidance](#).

14. **Manufacturing.** Essential manufacturing facilities may operate subject to the requirement of this Order. Manufacturing businesses must comply with the requirements of State [Manufacturing Industry Guidance](#).

15. **Office Workplaces.** Office workplaces, other than essential businesses, must remain closed except as necessary to support remote work. Office workplaces must comply with State [Industry Guidance for Office Workplaces](#).

16. **Recreation Activities.** Outdoor recreation activities are permitted in the City of Berkeley subject to the requirements of this Order.

- a. Businesses or organized groups conducting outdoor recreation activities must comply with applicable requirements of State [Industry Guidance for Campgrounds, RV Parks, and Outdoor Recreation](#). Overnight camping at campgrounds is prohibited.



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

- b. Outdoor recreation activities that cannot be conducted in compliance with the requirements of this Order are not permitted. Agencies or businesses managing outdoor recreation spaces must impose restrictions on use where necessary to ensure compliance with the physical distancing requirements and restrictions on gathering imposed by this Order.
- c. School-based club, and recreational sports programs must comply with the State [Interim Guidance for Youth Sports](#). Activities should take place outside to the maximum extent practicable, consistent with the requirements of State Guidance.
- d. Outdoor fitness and dance classes must comply with the requirements of Section 7 of this Appendix.
- e. Outdoor swimming pools are subject to the additional requirements set forth in Section 17. Indoor swimming pools are not permitted to operate.

**17. Outdoor Swimming Pools.** Outdoor swimming pools operating in Berkeley are subject to the following additional requirements:

- a. Pool operators must limit the number of swimmers in shared swimming areas of the pool to one swimmer (including staff members) per 300 square feet of pool area (unless all swimmers in the shared space are from the same household). Pool operators must post signage informing swimmers of these requirements.
- b. Pool operators, except residential pools without staffing at the pool area, must have at least one person, separate from the lifeguard, on duty at all times to ensure compliance with the requirements of this Order.
- c. Residential complexes with unstaffed pools must create a sign-up or reservation system to stagger use by separate households living in the complex, ensure the pool density requirements are not exceeded, and ensure that physical distance is maintained onsite. Staffed pools are also encouraged, but not required, to use a reservation system where swimmers can sign up to use the pool during designated time slots.
- d. Pool operators must ensure that staff and guests comply with Physical Distancing Requirements. The Site-Specific Plan prepared by pool operators must incorporate measures to limit gathering of persons not part of the same household or Social Bubble, including but not limited to limiting the use of tables, chair, loungers, and other furniture that can encourage poolside gathering, closing showers, saunas, any indoor hot tub/pool areas, and locker rooms (other than to allow access to restrooms), and closing drinking water fountains.
- e. All staff and guests must comply with the Face Covering Order at all times, except while swimming. Swimmers are exempt from the Face Covering Order



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

when they are in the pool. Swimmers shall wear a Face Covering at all other times.

- f. Any shared equipment provided for rental or use must be thoroughly sanitized between each rental or use with a disinfectant that is effective at reducing the risk of surface transmission of COVID-19. Pool equipment may not be shared between members of different households or Social Bubbles prior to disinfection.
- g. The following areas must remain closed:
  - i. All indoor areas associated with the pool, including locker and shower areas, except for restrooms.
  - ii. Indoor shared swimming pools unless part of a health care operation or a personal household pool used only by members of that household. Indoor pools operated by an HOA also must remain closed.
  - iii. Water slides, water rides, and other water attraction areas.
  - iv. Water fountains, except no-touch bottle filling stations.
  - v. Common areas, including snack bars and lounging or sunbathing areas.
  - vi. Hot tubs, saunas, and steam rooms.

18. **Real Estate.** Essential real estate activities are permitted subject to the requirements of this Order. Real estate business must comply with the requirements of the State [Industry Guidance for Real Estate Transactions](#).

19. **Religious and Cultural Ceremonies.** Religious and cultural ceremonies may be held outdoors only. Religious and cultural ceremonies must comply with the requirements of State [Industry Guidance for Places of Worship and Providers of Religious Services and Cultural Ceremonies](#).

It is recommended that religious and cultural organizations (a) 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, and (b) maintain 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, to assist the City of Berkeley Public Health with effective contact tracing in case of an outbreak that may have affected people attending the event.

20. **Retail.** Retail businesses including grocery stores may operate at 20% of capacity. Retail stores in all of the above categories must comply with State [Retail Industry Guidance](#). Auto dealership must comply with State [Industry Guidance for Automobile Dealerships and Rentals](#).

Shopping centers, strip and outlet malls, and flea markets are subject to Section 22 of this Appendix.



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

21. **Schools and Other Educational Services.** Grades TK-12 schools with an approved Site-Specific Reopening Plan may continue to offer in-person instruction.
- a. Schools reopening for in-person instruction under this Order must comply with the requirements of the State [Industry Guidance for Schools and School-Based Programs](#).
  - b. In-person learning at schools not permitted to open under this Order must comply with State [Guidance for Small Cohorts/Groups of Children and Youth](#) and guidance on [Providing Targeted, Specialized Support and Services at School](#). Schools not permitted to reopen under this Order may provide targeted, specialized, in-person services and support for students with disabilities, English learners, students at higher risk of learning loss, students at risk of abuse or neglect, foster youth, students experiencing homelessness, and students who for other reasons may not be able to effectively participate in remote learning.
  - c. School-based sports programs must comply with the State [Interim Guidance for Youth Sports](#).
  - d. Academic support and enrichment programs for persons under 18 years old must comply with State [Guidance for Small Cohorts/Groups of Children and Youth](#). Tutoring or other educational programs for adults are prohibited from providing in-person instruction.
22. **Shopping Centers.** Shopping centers, strip and outlet malls, and flea markets may open outdoors or indoors at 20% capacity. Indoor food courts are not permitted to operate. Indoor common areas must remain closed except as necessary to access stores. Shopping center, strip and outlet malls, and flea markets must comply with State [Guidance for Shopping Malls, Destination Shopping Centers, Strip and Outlet Malls, and Swap Meets](#).
23. **Travel-Related Businesses.** Hotels, short-term lodging and rentals and car rental operator may open subject to compliance with the requirements of this Order. Hotels and short-term lodging and rentals must comply with the requirements of State [Industry Guidance for Hotels, Lodging, and Short Term Rentals](#). Car rental operators must comply with State [Industry Guidance for Automobile Dealerships and Rentals](#).
- a. Hotel restaurants may open for take-out only. Bar and lounge areas must remain closed.
  - b. Hotel swimming pools may open outside only. Hotel fitness centers, spas, saunas, and steam rooms must remain closed.
  - c. Convention, conference centers, and conference rooms must remain closed. Hotels and other short-term lodging are subject to the limitations on accepting or



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

honoring out of state reservations for non-essential travel set forth in Section 6.f of the Order.