



Health, Housing & Community Services Department
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APPENDIX A **PERMITTED AND PROHIBITED BUSINESSES AND ACTIVITIES**

The following business and activities are permitted or prohibited in the City of Berkeley based on the requirements of State of California guidance and this Order, as set forth below. This Order is intended to implement the infection control measures imposed by the State Blueprint for a Safer Economy. Where the City of Berkeley imposes additional measure beyond those imposed under the State Blueprint, those additional City of Berkeley measures are noted.

Please also note that while links to State guidance are provided for the reader's convenience, individuals, businesses, and organizations are responsible for compliance with current State requirements, which are updated from time-to-time, as well as with additional measures imposed by the City of Berkeley. If there is a conflict between State guidance and this Order, individuals, businesses, and organizations are required to comply with the more restrictive requirements.

Article 1: Essential Businesses and Activities

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/>).

Essential retail business are subject to the limitations on capacity set forth in Section 22 of Article 2.

Article 2: Non-Essential Businesses and Activities

1. **Cannabis Businesses (Additional City of Berkeley Measure).** 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.
2. **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.



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- 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.
3. **Construction.** Construction activities are permitted subject to compliance with the requirements of this Order. Construction activities must comply with State [Construction Industry Guidance](#).

Additional City of Berkeley Measure: Construction projects must comply with the Construction Project Safety Protocols in Appendix C.

4. **Dining and Drinking Establishments.** Restaurants may offer take-out and outdoors dining only.
- a. Restaurants providing take-out only must comply with State [Industry Guidance for Restaurants Providing Takeout, Drive-Through, and Delivery](#).
 - b. Restaurants offering outdoor dining must comply with State [Industry Guidance for Restaurants Providing Outdoor Dining, Takeout, Drive-Through, and Delivery](#).
 - c. All wineries must operate outdoors only and must follow State [Industry Guidance for Restaurants, Wineries, and Bars](#).
 - d. Bars, breweries, and distilleries where no meals are provided are not permitted to operate.
5. **Entertainment and the Arts.**
- a. Museums, galleries, botanical gardens, and exhibition spaces may open outdoors only. Museums, galleries, gardens, and exhibition spaces must follow State [Industry Guidance for Museums, Galleries, Zoos, and Aquariums](#).
 - b. The following entertainment venues must remain closed:
 - i. Concert venues
 - ii. Live theaters
 - iii. Nightclubs
 - c. Festivals and other large gatherings are not permitted at this time.



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- d. Movie theaters and family entertainment centers may open outdoors only and must comply with applicable requirements of State [Industry Guidance for Movie Theaters](#).
 - e. Family entertainment centers may open outdoors only and must comply with applicable requirements. Operators must comply with State [Industry Guidance for Family Entertainment Centers](#).
 - f. **Additional City of Berkeley Measure:** Film, music, and television producers and entertainment venues may film, record, live stream, or broadcast outdoors or indoors with limitations, without a live audience. Producers or entertainment venues must comply with the requirements for production, recording, live streaming, and broadcasting set forth in Appendix F.
 - g. Indoor dining is prohibited at any venue permitted to operate under this Section. Outdoor dining must comply with the requirements of Section 4.
6. **Fitness and Dance Studios and Classes.** Gyms, fitness centers, rock climbing facilities, dance and yoga studios, and exercise class providers may open outdoors only. All fitness facilities and providers must comply with State [Fitness Facility Industry Guidance](#). Showers, saunas, steam rooms, and indoor pools must remain closed. **Face coverings must be worn at all times.**

Additional City of Berkeley Measures: 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 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 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.
7. **Financial Institutions.** Banks, credit unions, and other financial institutions may open subject to the requirements of this Order. Financial institutions must comply with



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applicable State industry guidance, including the [Office Workplace Industry Guidance](#) and [Retail Industry Guidance](#).

8. **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.
9. **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).
10. **Hair Salons and Barbershops.** Hair salons and barbershops may open subject to the requirements of this Order. Hair salons and barbershops must comply with State [Hair Salons and Barbershops Industry Guidance](#).

Additional City of Berkeley Measures: Hair salon and barbershops must comply with the following additional measures:

- a. To the extent feasible, hair salons and barbershops are encouraged to perform services outside.
- b. Hair stylists and barbers must only provide services by appointment only. Appointments must be staggered to reduce reception congestion and ensure adequate time for proper cleaning and sanitation between each customer visit.
- c. Hair stylists and barbers must refuse service to walk-in customers.
- d. Hair stylists and barbers must call customers in advance of the appointment to:
 - i. Confirm that the customer has not experienced symptoms of, or been tested positive for, COVID-19 during the preceding 14 days, and has not come into contact with someone who has symptoms of, or who has been tested positive for, COVID-19 in the prior 14 days;
 - ii. Instruct the customer to come alone (unless a parent or guardian needs to accompany a minor, or an attendant needs to accompany a customer with disability); and
 - iii. Instruct the customer not to arrive at the facility more than 5 minutes before the appointment.
- e. Hair stylists and barbers must limit public access to indoor areas except for hair stations, restrooms, hand washing facilities, and passages needed to access



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service areas. No customers may gather or linger in indoor areas, such as lounges, reception areas, or lobbies.

- f. Hair stylists and barbers and their customers must wear face coverings at all times. Hair stylists and barbers must wear glasses, goggles, or face shields; disposable or washable smocks; and disposable gloves if appropriate for the service provided, and must provide for a clean cape for each client (laundered between use with different clients).
- g. Haircuts and hair styling must not require the removal of face coverings.
- h. Dual services, in which two or more providers attend a single customer at the same time, are prohibited.

11. Higher Education. Higher education institutions may open subject to the requirements of this Order. Higher education institutions must comply with the requirements of State [Industry Guidance for Institutions of Higher Education](#).

- a. College sports teams must comply with applicable requirements of the Higher Education Guidance.

Additional City of Berkeley Measure: 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 25% 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 25% 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](#).



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13. **Limited Services.** “Limited services” that do not generally require close contact may open subject to the requirements of this Order. Limited services include:

- a. Appliance repair shops
- b. Auto repair shops
- c. Bicycle repair shops
- d. Car washes
- e. Computer repair shops
- f. Contractors and repair persons
- g. Dog walkers and pet groomers
- h. Door-to-door sales
- i. Dry cleaners
- j. Electricians
- k. HVAC services
- l. Landscapers may open
- m. Laundromats and laundry services
- n. Plumbing services
- o. Residential and janitorial cleaning services
- p. Any other service providers necessary to maintaining the habitability, sanitation, or operation of residences or businesses or organizations allowed to operate under this Order.

Limited services providers must comply with the State [Limited Services Industry Guidance](#).

14. **Logistics and Warehousing.** 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](#).

15. **Manufacturing.** Logistics and warehousing facilities may operate subject to the requirement of this Order. Manufacturing businesses must comply with the requirements of State [Manufacturing Industry Guidance](#).

16. **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](#).

17. **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](#).



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- 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 6 of this Article.
 - e. Outdoor swimming pools are subject to the additional requirements set forth below. Indoor swimming pools are not permitted to operate.
18. **Outdoor Swimming Pools (Additional City of Berkeley Measures)**: 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.



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- 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 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.

19. Personal Care Services. Personal care services, including body waxing, estheticians, massage therapy studios, nail salons, skin care and cosmetology services, electrologists, piercing shops, and tattoo parlors, may open subject to the requirements of this Order. Personal care services providers must comply with State [Expanded Industry Guidance for Personal Care Services](#).

Additional City of Berkeley Measures: Personal care service providers must comply with the following additional requirements:

- a. Providers must only provide services by appointment only. Providers must stagger appointments to reduce reception congestion and ensure adequate time for proper cleaning and disinfection between each customer visit.
- b. Providers must call customers in advance of the appointment to:
 - i. Confirm that the customer has not experienced symptoms of, or been tested positive for, COVID-19 during the preceding 14 days, and has not come into contact with someone who has symptoms of, or who has been tested positive for, COVID-19 in the prior 14 days;
 - ii. Instruct the customer to come alone (unless a parent or guardian needs to accompany a minor, or an attendant needs to accompany a customer with disability); and



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- iii. Instruct the customer not to arrive at the facility more than 5 minutes before the appointment.
 - c. Providers must limit public access to indoor areas except as necessary to provide services, access to restrooms and hand washing facilities, and passages needed to access service areas. No customers may gather or linger in indoor areas, such as lounges, reception areas, or lobbies.
 - d. To the extent feasible, service providers must erect barriers such as Plexiglas screens to separate the customer from the service provider.
 - e. Service providers and customers must wear face coverings at all times. Service providers must also wear glasses, goggles, or face shields; disposable or washable smocks (laundered between use with different clients); and disposable gloves if appropriate for the service provided. **Any service or treatment that would require a customer to remove their face covering is prohibited.**
 - f. No personal service provider may offer or perform any service that would require or likely lead to the customer's removal of a face covering.
 - g. Dual services, in which two or more providers attend a single customer at the same time, are prohibited.
20. **Real Estate.** Businesses necessary to facilitate real estate transactions are permitted to operate in the City of Berkeley subject to the requirements of this Order. Real estate business must comply with the requirements of the State [Industry Guidance for Real Estate Transactions](#).
21. **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](#).
Additional City of Berkeley Measure: 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.
22. **Retail.** Retail businesses including grocery stores may operate as follows:
 - a. Convenience stores may operate subject to compliance with the requirements of this Order.



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- b. Grocery stores may open at 50% of capacity.
- c. Retail stores, except convenience stores and grocery stores, may open at 25% capacity.
- d. Gas stations and other fuel centers may operate subject to compliance with the requirements of this Order.
- e. Farmers markets may operate subject to compliance with the requirements of this Order.

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 24 of this Article.

23. Schools and Other Educational Services (Additional City of Berkeley Measures).

Schools may reopen for Grades TK-12 for in-person instruction with a completed Site-Specific Reopening Plan. Each Site-Specific Reopening Plan must be posted on the school's website and shared with their school community prior to reopening. City of Berkeley representatives will conduct scheduled visits to ensure maximum adherence to COVID-19 precautions and schools will be subject to a plan of correction if needed. Schools seeking to reopen for in-person instruction on or after November 18, 2020 should review requirements of the State Blueprint for a Safer Economy before reopening.

- a. Schools reopening subject to this Order must comply with the requirements of the State [Industry Guidance for Schools and School-Based Programs](#).
- b. Each Site-Specific Reopening Plan must comply with State Guidance and include measures to ensure physical distancing among students and staff; the wearing of face coverings; health and hygiene procedures; and limitations on gatherings, including but not limited to the following:
 - i. Each school must conduct screening testing of all staff and volunteers at least once a month, and should consider screening test of students.
 - ii. Schools must ensure that staff and students who have symptoms of COVID-19 or have been exposed to someone with COVID-19 are promptly tested and given isolation instructions while waiting for test results.
 - iii. Schools must limit student populations to ensure compliance with Physical Distancing Requirements and applicable State Guidance. To



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satisfy these requirements, schools should employ measures such as hybrid school schedules that allow only a subset of the school population to be present on any given day or week.

- iv. Each school must designate at least two trained COVID liaisons who will coordinate with the City of Berkeley and who will serve as point people at the school for all COVID-19 related matters, including case investigation and contact tracing.
 - c. 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.
 - d. School-based sports programs must comply with the State [Interim Guidance for Youth Sports](#).
 - e. 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.
24. **Shopping Centers.** Shopping centers, strip and outlet malls, and flea markets may open outdoors or indoors at 25% 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](#).
25. **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 and outdoor dining only and must comply the requirements of Section 4. Bar and lounge areas must remain closed.
 - b. Hotel fitness centers and swimming pools may operate outdoors only and must comply with the requirements this Order imposed on fitness studios and swimming pools. Hotels must monitor compliance or physically remove or disable



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equipment as necessary ensure compliance with capacity restrictions on fitness centers. Spas, saunas, and steam rooms must remain closed.

c. Convention, conference centers, and conference rooms must remain closed.

26. Vehicle-Based Gatherings (Additional City of Berkeley Measure). Vehicle-based gatherings are permitted subject to compliance with the requirements in this Order. Requirements for vehicle-based gatherings are set forth in Appendix D.