



DIRECTIVE OF THE HEALTH OFFICER No. 2020-28

**DIRECTIVE OF THE HEALTH OFFICER OF
THE CITY AND COUNTY OF SAN FRANCISCO REGARDING REQUIRED BEST
PRACTICES FOR DRIVE-IN GATHERINGS**

(PUBLIC HEALTH DIRECTIVE)

DATE OF DIRECTIVE: September 14, 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 drive-in gatherings 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 4e and 11 and Appendix C-2 of Health Officer Order No. C19-07i issued on September 14, 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 This Directive goes into effect immediately upon issuance, and remains in effect until suspended, superseded, or amended by the Health Officer.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 all owners, operators, managers, and supervisors (“Drive-In Gathering Hosts”) of any business hosting Drive-In Gatherings, as set forth in Section 8 of Appendix C-2 the Stay-Safer-At-Home Order.
2. Attached as Exhibit A to this Directive is a list of best practices that apply to Drive-In Gatherings and Drive-In Gathering Hosts (the “Best Practices”). Each Drive-In Gathering Host must comply with all of the relevant requirements listed in the Best Practices.
3. Each Drive-In Gathering Host, before it begins to host or operate a Drive in Gathering, 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. If an aspect, service, or operation of the Drive-In Gathering is also covered by another Health Officer directive (all of which are available at <http://www.sfdph.org/directives>), then the Drive-In Gathering Host must comply with all applicable directives, and it must complete all relevant Health and Safety Plan forms.
5. Each Drive-In Gathering Host must (a) make the Health and Safety Plan available to a customer and Personnel on request, (b) provide a summary of the Health and



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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 Drive-In Gathering Host 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 Drive-In Gathering Host 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 cleaning supplies to Personnel, all as required by the Best Practices. If any such Drive-In Gathering Host 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 Drive-In Gathering Host, any such Drive-In Gathering 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 Drive-In Gathering: 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 Drive-In Gathering Host. “Personnel” includes “gig workers” who perform work via the business’s app or other online interface, if any.
8. 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 Drive-In Gathering Host must stay updated regarding any changes to the Stay-Safer-At-Home Order and this Directive by checking the Department of Public Health website (<https://www.sfdph.org/directives>) regularly.
9. Implementation of this Directive augments—but does not limit—the obligations of each Drive-In Gathering Host 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 Drive-In Gathering Host 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



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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: September 14, 2020



Exhibit A to Health Officer Directive No. 2020-28 (issued 9/14/2020)

Best Practices for Drive-In Gathering Hosts

In addition to preparing, posting, and implementing the Social Distancing Protocol (Appendix A of Health Officer Order No. C19-07i), each Drive-in Gathering Host 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.

1. Section 1 – General Requirements for Drive-In Gatherings:

- 1.1.*** All Drive-In Gatherings must be provided entirely outdoors in an area large enough to accommodate all distancing requirements of this Directive. Drive-In Gatherings may not be provided in closed or semi-closed parking structures unless, for example, the Drive-In Gathering occurs entirely on the top floor of a parking structure that has no roof or ceiling above it.
- 1.2.*** Each Drive-In Gathering is limited to a maximum of 100 vehicles. But if the space used for a gathering cannot accommodate 100 vehicles while meeting all distancing requirements of this Directive, then fewer vehicles are allowed. Each Drive-In Gathering must be limited to 4 hours in duration.

- 1.2.1.*** Tickets or invitations to a Drive-In Gathering must be sold or issued before a gathering begins, onsite box-office sales are prohibited. Hosts are strongly encouraged to use online or touchless reservation, payment, and ticketing systems. Participants must be informed during the ticketing or reservation process of their obligation to stay home if they are experiencing or have experienced any of the following symptoms during the preceding 24 hours:

For adults (individuals 18 years or older): temperature greater than 100.4F (38.0C); cough; sore throat; shortness of breath; chills; headache; body aches; fatigue; loss of smell or taste; diarrhea; runny nose; nasal congestion; or other symptoms if there is associated clinical concern for COVID-19.

For children (those younger than 18 years): temperature greater than 100.4F (38.0C); sore throat; new uncontrolled cough that causes difficulty breathing (for youth with chronic allergic/asthmatic cough, a change in their cough from baseline); diarrhea, vomiting, or abdominal pain; new onset of severe headache, especially with a fever; or other symptoms if there is associated clinical concern for COVID-19.

- 1.3.*** Food and beverage concessions may be sold only through an online or remote ordering system. Alcohol may not be sold at a Drive-In Gathering event. Participants should use touchless payment options when feasible. Personnel must deliver concessions to the ordering vehicle. All occupants of a vehicle must wear a Face Covering when any Personnel approaches their vehicle and for the duration of any contact with Personnel. Participants must not be permitted to exit their vehicles to order, purchase or accept concessions. No equipment or other items may be shared among persons from different Households.
- 1.4.*** Only one live speaker, performer, or other presenter may speak during a Drive-In Gathering. The live speaker may not engage in singing, chanting, yelling, or raising their



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voice at this time. The live speaker must wear a Face Covering at all times, and must maintain a minimum of 12 feet of physical space from others while speaking. Performances may be live-streamed in accordance with the Stay-Safer-At-Home Order.

- 1.5.** Four wheeled vehicles are permitted, including convertible cars and pickup trucks. Bicycles and motorcycles are not permitted at this time.
- 1.6.** Occupants of a vehicle must be members of the same Household and may not change vehicles during the event.
- 1.7.** Face Coverings must be worn at all times a participant is outside a vehicle in accordance with Health Officer Order C19-12c issued July 22, 2020 and as it may be amended (the "Face Covering Order").
 - 1.7.1.** Face Coverings must be worn whenever a participant is sitting in their vehicle with the windows open or sitting on their vehicle, such as sitting in the bed of a pickup truck.
 - 1.7.2.** Face Coverings must be worn at all times when interacting with Personnel (such as when Personnel approach a vehicle to serve concessions).
 - 1.7.3.** Face Coverings are not required while seated in a vehicle with the windows closed or while eating or drinking.
- 1.8.** 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. For clarity, participants may sit in the bed of a pickup truck or on some portion of the vehicle, but their entire bodies and all personal property must remain within the bounds of the four wheels of the vehicle. For further clarity, participants may not use awnings, trailers, or other objects to expand the bounds of their vehicle. Vehicle windows may be left open during the Drive-In Gathering if all occupants of the vehicle are wearing Face Coverings.
- 1.9.** Drive-In Gathering Hosts must not design an event that requires or otherwise encourages simultaneous cheering, yelling, singing or other use of raised voices. Participants are strongly encouraged to avoid raising their voices such as by cheering, yelling, or singing.
- 1.10.** Vehicles must remain stationary for the duration of the Drive-In Gathering and must be parked with enough space so that participants and Personnel can maintain a minimum of six feet of physical distance from others at all times including, for example, when participants are exiting their vehicle to use the restroom, or Personnel are walking among vehicles to serve concessions. Drive-In Gathering Hosts must reserve adequate space for emergencies, including space for emergency vehicles to safely enter, access, and exit the venue. This means that many or all vehicles may need to be parked more than six feet apart.
 - 1.10.1.** Drive-In Gathering Hosts must develop a written social distancing, capacity and spacing plan prior to any Drive-In Gathering to ensure adequate space exists for safe movement during an emergency and that Personnel and participants can maintain six feet of distance at all feasible times including when participants exit their vehicles to use a restroom and when Personnel are walking among vehicles to serve concessions. Drive-In Gathering Hosts must maintain a physical copy of the social distancing, capacity and spacing plan and must provide the plan to any public



official carrying out inspection or enforcement duties upon request.

- 1.10.2.** Educate Personnel about spacing requirements and capacity limits. Require Personnel to enforce restrictions by, for example, ensuring vehicles park in accordance with the social distancing, capacity, and spacing plan.
- 1.11.** Any restrooms must be sanitized regularly. If restrooms are not equipped with sinks, washing stations must be available. All sinks or washing stations must be equipped with adequate soap, water, and paper towels. Hand sanitizer dispensers should be placed conveniently around the venue for use by Personnel or participants.

 - 1.11.1.** Require Personnel to regularly clean and disinfect high touch areas and surfaces including door handles, faucets, and toilets throughout the day or event following CDC guidelines found at: <https://www.cdc.gov/coronavirus/2019-ncov/community/organizations/cleaning-disinfection.html>. Provide Personnel adequate time and space to complete all sanitation duties. Disinfecting products must be approved for use against COVID-19 on the Environmental Protection Agency (EPA) – approved list found at: <https://www.epa.gov/pesticide-registration/list-n-disinfectants-use-against-sars-cov-2-covid-19>. Outdoor Gyms must follow all product and safety instructions.
- 1.12.** Drive-In Gatherings must operate in compliance with all laws, regulations, and applicable permitting requirements. For gatherings of more than 10 vehicles, the Host must provide security to maintain safety and ensure compliance with this Directive. The amount of security necessary shall be determined by the entity providing security but should be no more than that deemed necessary to maintain safety and ensure compliance with this Directive and any other applicable orders or directives of the Health Officer.
- 1.13.** Drive-In Gatherings must address the potential hazards that result from operating outside, including: (1) ensuring participants' safe ingress and egress into the space taking into account pedestrians and traffic moving adjacent to the venue, (2) ensuring use of electrical devices and extension cords in compliance with Cal/OSHA's Guide to Electrical Safety; and (3) ensuring there are no tripping hazards from cords or other equipment.

 - 1.13.1.** Drive-In Gatherings must comply with the Cal/OSHA standards for heat and air quality illness prevention for outdoor workers, including an effective heat illness prevention plan with written procedures.
- 1.14.** Place signage around the Drive-In Gathering emphasizing basic infection prevention measures, including the requirements to wear a Face Covering and maintain proper social distance at all times, stay home when feeling sick, and wash or sanitize hands frequently. Conspicuously post a copy of this Directive and all attachments, the Health and Safety Plan, and the Social Distancing Protocol (1) on any public facing website and (2) at the physical Drive-In Gathering site.

Health Officer Directive No. 2020-28 (Exhibit B) Health and Safety Plan (issued 9/14/2020)

Each Drive-In Gathering Host must complete, post onsite and online, 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.)

- Familiarized with and completed all requirements set forth in Health Officer Directive No. 2020-28, available at: <http://www.sfdph.org/directives>.
- Completed any necessary adjustments to the layout of the Drive-In Gathering space to allow for proper social distancing including adequate distance for emergency ingress, access, and egress.
- Obtained any necessary permits needed for the Drive-In Gathering.
- Completed evaluation of electrical safety and implemented all required precautions.
- Developed a plan to ensure Personnel and participants to comply with social distancing requirements and to limit the number of vehicles at the Drive-In Gathering at a given time, consistent with the requirements in this Directive and the Stay-Safer-at-Home Order.
- Requires participants to remain in their vehicles at all times except when using the restroom or during an emergency. Any concession sales are conducted remotely and delivered to each vehicle.
- Requires customers to wear a Face Covering or alternative Face Covering at all times unless seated in a vehicle with the windows closed. Personnel are required to wear Face Coverings as provided in the Face Covering Order.
- Ensures daily COVID-19 symptom self-verifications are completed for all Personnel as required by the Social Distancing Protocol.
- Provided hand washing stations or hand sanitizer at entrance to Outdoor Gym and at convenient locations throughout Outdoor Gym Space.
- Implemented all sanitization requirements as described in Directive 2020-28 and the Social Distancing Protocol.
- Personnel have access to cleaning supplies so that they can clean surfaces as required.
- High touch surfaces in bathrooms or other common areas are cleaned and disinfected routinely throughout the day or event.
- Posted signage reminding customers of their obligations to maintain social distance, wear a Face Covering, and wash or sanitize hands frequently.
- Reviewed and implemented all industry-specific guidance in Directive 2020-28.