

San Francisco Announces Plan for Phased Reopening

On Thursday, May 28, San Francisco Mayor London Breed announced a preliminary timetable for the reopening of San Francisco businesses, restaurants, and offices. The multi-phased plan, which can be found [here](#) (“Order”), is designed to comply with the timeline and guidelines previously announced by Governor Gavin Newsom.

To the extent not previously opened by San Francisco’s May 22 updated Shelter-in-Place Order, the Order lays out that beginning June 1, 2020, all construction sites, retail stores operating with curbside pickup only, dental offices, and professional sports practices (for players and team staff only) may reopen. Many other recreational activities, such as parks, outdoor museums, and fenced dog parks will also be accessible to the public.

The most important date in the Order, however, is June 15. On this date, outdoor restaurants and bars with food, manufacturing and transportation services, indoor retail (excluding malls¹) professional sporting events, and houses of worship are all permitted to reopen their doors. Importantly, as it relates to office operations, non-essential businesses and tenants are also permitted to reopen to workers who are “necessary for operations.”

While most office buildings in San Francisco have remained open during the City’s shelter-in-place mandate, the vast majority of tenants have been unable to open their doors and conduct normal business operations as their businesses (and the majority of their employees) have been deemed non-essential. The Order now permits those non-essential office tenants to slowly ramp up business activities by allowing operationally necessary workers to return. It is important to note, however, that both the Order and the Mayor at her May 28 press conference stressed that to the extent workers can continue to telecommute, they should continue to do so “indefinitely”. However, the Order does provide greater flexibility to businesses as the standard is no longer that the only persons allowed in a business’ premises are those providing essential services, but

¹ Shopping malls are designated separately than other independent indoor retail shops under the Order and require additional plans to be developed and approved by the City before being allowed to reopen.

instead is a standard that allows workers to be present if they provide services necessary for a business' operations—a subtle distinction that allows for greater discretion by businesses. If not already determined, non-essential businesses should compile a list of employees they deem “necessary for operations” and begin working with those individuals on how to follow all new protocols necessary to maintain safety in the workplace.

Additionally, under the Order, indoor dining facilities and hair salons are scheduled to be permitted to reopen on July 13, with gyms, movie theaters, bowling alleys, nail salons, bars without food and most outdoor sporting facilities opening in mid-August. Hotels for leisure and tourism, concert venues, night clubs, and attendance at sporting events will remain closed indefinitely and only after data is obtained on all other phases will the City make a determination on reopening these facilities.

Any business, activity, restaurant or office permitted to reopen under the Order is only permitted to do so if social distancing protocols are complied with at all times. These protocols include wearing a face covering in all public areas and maintaining a distance of at least six feet apart at all times.

While the Order is designed to not overload the City's infrastructure, it still remains far more cautious than other cities in California who have begun faster reopening procedures. Los Angeles, for example, received permission from Governor Newsom on Friday, May 29 to move to late Stage 2 of California's reopening guidelines, permitting hair salons to begin serving customers and in-person dining at restaurants, albeit with strict capacity restrictions. Even prior to Los Angeles, Sacramento received approval from the State for late Stage 2 reopening on May 22. San Francisco has maintained one of the lowest rates of infection and deaths due to COVID-19 in the country, far lower than both Los Angeles and Sacramento, so the Order adds an additional level of caution and restriction not seen in other jurisdictions. Alameda, Santa Clara and Contra Costa Counties, which also have low infection rates similar to San Francisco, have taken an even more restrictive approach, electing to remain in California's early Stage 2 with no additional reopening plans announced.

All dates in the Order are subject to change based on the public health situation in San Francisco and if numbers in positive cases or death rise at a higher-than-expected rate, tenants and businesses should be prepared for another potential shutdown.

Buchalter is committed to helping clients navigate through these challenging and rapidly changing times. We have attorneys experienced in adapting and navigating clients through these trying environments and are here to help however, you need. If we can be of assistance, please feel free to contact any of the Buchalter Attorneys below.



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