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October 22, 2020

Via Email

Owners and Managers of the City Ballet- San Francisco
2135 Sutter Street
San Francisco, CA 94115
Email: info@cityballetsf.org

Re: Information about San Francisco's Stay Safer at Home Order, Health Officer Order No. C19-07k, dated October 20, 2020 (the "Health Order") and Related Orders and Directives

Dear Owners and Managers of the San Francisco City Ballet:

We represent the City and County of San Francisco, including its Health Officer, who has issued the Health Order referred to above and related health orders and directives to protect the residents of this City during this unprecedented COVID-19 pandemic. We are writing to San Francisco dance studios to clarify the effect of the Health Officer's orders on the programs that youth dance studios may offer.

Most importantly, the Health Officer has determined that dance studios cannot provide indoor dance classes to youth at this time.

We acknowledge that there has been some confusion and conflicting information whether such indoor dance classes would be allowed under Health Office Directive 2020-21d, which governs Out of School Time programs ("OSTs"). You can read Directive 2020-21d in full here: <https://www.sfdph.org/dph/alerts/coronavirus-health-directives.asp>. The Health Officer has reviewed this issue and has determined that indoor dances classes are not allowed under OSTs, because, as Directive 2020-21d provides at pages 13 and 14, all "sports, physical conditioning, and training must occur outside." The Health Officer has considered the health and safety issues and has determined that dance is included in this category of activities that must occur outside. (Please also note that indoor classes are not permissible either under Directive 2020-31, which allows for limited use of indoor gyms, but specifically prohibits anyone under the age of 18 from utilizing indoor gyms.)

Outdoor dance classes could be offered as part of an OST, but there are several important restrictions that the Health Officer has set regarding how OSTs must safely operate, which govern how these classes would have to work. Of course, the classes would have to be completely outdoors. Some of the more important restrictions on OSTs are as follows. OSTs are capped at 14 youth in a cohort and the students must enroll for at least three weeks. Students are not allowed to participate in more than one OST. The same group of students must stay together in a cohort for the full three-week period. That would mean that in the same three-week period, a student could not take a ballet class with one group of students and a jazz class with a different group of students, but the same group could take both classes; instructors would likewise be limited to working with a single live cohort in a three-week period. Face coverings and six foot distancing is also required for outside dance class. Thus, a dance studio can offer an OST if it

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follows all of the guidelines in Directive 2020-21d, but all dance activities must take place outside. We encourage you to thoroughly review Directive 2020-21d before pursuing an outdoor dance OST.

Of course, it remains permissible to livestream dance classes with the instructor streaming from home or from inside the dance studio.

We recognize that the rules regarding indoor dance studios might cause frustration, especially because some dance studios previously offered indoor classes as summer camps. However, the current OST Directive is based on the most recent information available to the Health Officer, and as we know, the Health Officer is constantly reevaluating data to ensure that San Franciscans remain COVID-19-safe. The Health Officer remains concerned about high transmission rates of COVID-19 in San Francisco and is particularly protective of children.

These laws exist to protect the health and safety of San Franciscans, and when they are followed it helps the process of our City reopening. These restrictions are temporary. Please contact me (megan.ryan@sfcityatty.org) by no later than **5:00 p.m. Monday, October 26, 2020** to confirm in writing that you will comply with the current Health Order and related directives described above. Furthermore, while we are making efforts to ensure that all dance studios in the City are informed of the Health Order's restrictions, we would appreciate any information you might provide about dance studios that may not understand the limitations imposed by the Health Order, so we can provide them accurate information. We thank you for your cooperation in helping to keep San Franciscans safe and healthy.

Very truly yours,

DENNIS J. HERRERA
City Attorney

/s/ Megan E. Ryan

Megan E. Ryan
Deputy City Attorney

cc: Patrick Fosdahl, Environmental Health Acting Director, Department of Public Health