



Santa Clara County
**PUBLIC
HEALTH**

MANDATORY DIRECTIVE:



Capacity Limitations

Issued November 15, 2020

sccgov.org/coronavirus

Revised and Effective: January 25, 2021

County of Santa Clara
Public Health Department

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MANDATORY DIRECTIVE ON CAPACITY LIMITATIONS

Please confirm that your facility may open under the State Order. Where there is a difference between the local County Order and the State Order, the more restrictive order must be followed. The State also has specific guidance for certain facilities that must be followed in addition to this mandatory directive.

Information on the State’s Order and State guidance is available at covid19.ca.gov.

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Effective Upon Release

On August 28, 2020, the State issued a Statewide Public Health Officer Order (“State Order,” available [here](#)) and the Blueprint for a Safer Economy (“Blueprint,” available [here](#)). The State Order and Blueprint establish statewide restrictions applicable to each “tier” to which counties are assigned.

All businesses, as that term is defined in the County Health Officer’s Revised Risk Reduction Order issued on October 5, 2020 (“Revised Risk Reduction Order”), including any for-profit, non-profit, or educational entity, must follow the mandatory requirements in this Directive and any other applicable County Health Officer Directive, the Revised Risk Reduction Order, the applicable restrictions under the State Order and Blueprint, the State’s COVID-19 Industry Guidance documents, and any applicable health and safety regulations. Where there is a difference between these rules, the most restrictive rule must be followed.

This Directive establishes the County Health Officer’s rules on capacity. The risk of COVID-19 transmission increases when there is a higher number and density of people present at a facility, particularly when indoors. To reduce this risk, the County Health Officer has established limitations on the number of people who can be present at a facility at any given time. These limitations are based on the capacity of the facility and/or the overall number of people who may be present at any given time. These limitations vary depending on the risk of COVID-19

transmission associated with the business or activity, and the risk of the business or activity causing a super-spreader event.

This Directive is mandatory, and failure to follow it is a violation of the Health Officer’s Order issued on October 5, 2020 (“Order”).

Mandatory Capacity Limitations

1. Capacity limitations

- a. All gatherings, businesses, and entities must limit capacity to allow everyone to easily maintain at least six feet of physical distance from everyone not in their household at all times.
- b. A business’s “outdoor operations” must meet the definition of that term from the State’s [Use of Temporary Structures for Outdoor Business Operations guidance](#).
- c. The following capacity limitations apply to publicly accessible areas of the following businesses, entities, and activities:

Business/Entity/Activity Type	Indoors	Outdoors
Gyms and Fitness Centers (including swimming pools, hot tubs, and saunas)	Prohibited, except indoor pools may operate at 20% capacity for drowning prevention instruction with certified instructors.	Allowed, except hot tubs and saunas must remain closed.
Gatherings (e.g., political events, weddings, funerals, worship services, movie showings, cardroom operations)	Prohibited.	Allowed up to 200 people per gathering, but subject to the limitations set forth by the State, which generally prohibit all gatherings except religious services, cultural ceremonies, political protests, other gatherings allowed by a State guidance document, and outdoor gatherings of up to 3 households. Note: All gatherings must comply with the Mandatory Directive for Gatherings , including rules for multiple gatherings.

Business/Entity/Activity Type	Indoors	Outdoors
Museums, Zoos, and Aquariums	Prohibited.	N/A
All Retail Stores (including grocery stores, drug stores, and pharmacies)	20% capacity.	N/A
Indoor Shopping Centers	Allowed. Total indoor capacity for the shopping center as a whole is calculated by adding together the Reduced Maximum Capacity for each individual tenant business of the shopping center that is allowed to open indoors. Common areas and food courts must remain closed.	N/A
Restaurants	Prohibited (except for take-out service; after ordering, customers may not wait for takeout orders indoors).	N/A
Bars, Breweries, Distilleries	Prohibited (except for take-out service; after ordering, customers may not wait for takeout orders indoors).	Prohibited (unless alcohol is served with a meal purchased in the same transaction).
Wineries	Prohibited (except for take-out service; after ordering, customers may not wait for takeout orders indoors).	N/A
Smoking Lounges	Prohibited.	N/A
Family Entertainment Centers and Other Entertainment Facilities	Prohibited.	N/A
Recreational Facilities	Prohibited.	N/A
Lodging Facilities	Allowed for purposes specified in Mandatory Directive for Lodging; specific use areas (e.g., gyms and retail) are	N/A

Business/Entity/Activity Type	Indoors	Outdoors
	subject to specific capacity limitations in this Directive.	
Personal Care Businesses (e.g., hair salons and barber shops; nail care; body art, tattoo, and piercing shops; esthetician, skin care, and cosmetology services; electrology, waxing, threading, and other hair removal services)	20% capacity.	N/A
Non-essential Limited Services (e.g., pet grooming, shoe repair)	20% capacity.	N/A
Public Transit	All indoor waiting areas accessible to the public are limited to 20% capacity.	N/A
Healthcare Facilities	Limit the number of people entering the facility to allow people to easily maintain at least six feet of physical distance from everyone outside their household at all times (unless it would interfere with provision of care).	N/A
All Other Essential Critical Infrastructure Facilities (including governmental facilities)	20% capacity.	N/A
Any Other Facility Allowed to Open to the Public Under State and Local Orders	20% capacity.	N/A

Metering Requirement

2. *System to “Meter” the Number of People in a Facility*
 - a. Except acute care hospitals, any business with an indoor facility that members of the public are allowed to enter must develop and implement written procedures to “meter” or track the number of persons entering and exiting the facility to ensure that the maximum capacity for the facility or area is not exceeded. For example,

an employee of the business may be posted at each entrance to the facility to perform this function. The written procedures must also require staff to ensure all members of the public entering the facility who are required to wear face coverings are wearing them properly to cover both their nose and mouth.

- b. The business must provide a copy of its written “metering” procedures to an Enforcement Officer upon request and disclose the number of members of the public currently present in the facility.

Workplace Breakrooms and Break Areas

3. *Limit access to indoor breakrooms and break areas*

- a. In all facilities except acute care hospitals, businesses must prohibit personnel from using any indoor breakrooms or break areas for eating, drinking, or resting (even if they are alone in the room at the time), or for any gathering. Businesses may allow personnel to access these spaces only as necessary to use appliances (such as coffee makers, refrigerators, or microwaves), or to use alone for other purposes provided by law (such as lactation).
- b. A business is required to limit access to indoor breakrooms or break areas as described in Section 3(a) above *unless* it can demonstrate that (1) federal or state labor or workplace safety laws prohibit the business from limiting access to its indoor breakrooms and break areas as described in Section 3(a), *and* (2) the business is unable to implement any alternatives (such as setting up outdoor spaces where personnel can maintain distancing of at least six feet from one another while taking breaks; staggering break times to ensure employees have sufficient time for outdoor or other socially distanced breaks; or any other appropriate measures).
 - i. To invoke this provision, the business must do **all** of the following:
 1. Implement procedures to help employees use indoor breakrooms more safely (such as staggering break times, limiting the number of employees using the break room at one time, increasing ventilation in the room, and regularly cleaning and disinfecting high-touch surfaces); AND
 2. Draft a written protocol that (1) identifies the specific federal or state law(s) prohibiting it from limiting access to its indoor breakrooms or break areas as required by Section 3(a), (2) explains why it cannot implement alternatives to an indoor breakroom or break area, and (3) identifies the steps it is taking to ensure indoor breakrooms and break areas are operated safely; AND

3. Prominently post its written protocol in or near its indoor breakrooms and break areas; AND
4. Immediately provide a copy of its written protocol to any employee or County Enforcement Officer upon request.

Calculating Maximum Capacity

4. Calculating indoor capacity limitations

- a. Capacity limitations apply to every room or area in a facility in which members of the public spend time or engage in regulated activities. Rooms or areas that are subject to capacity limitations are considered “capacity-limited rooms/areas.”
- b. Capacity limitations must be based on the normal maximum occupancy for each capacity-limited room/area that has a posted maximum occupancy. If there is not a posted normal maximum occupancy, capacity limitations must be based on the square footage of each capacity-limited room/area.
- c. Gyms, fitness facilities, and family entertainment centers must use *gross* square footage for each capacity-limited room/area (when indoor operation is allowed). All other facilities must use *net* square footage for each capacity-limited room/area.
- d. Capacity limitations establish the maximum number of people who may be present, including both members the public and personnel.
- e. For assistance in calculating capacity limitations and answers to frequently asked questions, please visit www.sccgov.org/covidcapacity.

Signage

5. Signage Requirements

- a. Reduced Maximum Capacity signs must be posted for each capacity-limited room/area that is subject to a specific percentage capacity limitation identified in Section 2 of this Directive.
- b. Each sign must clearly state the maximum number of people who may be inside that particular capacity-limited room/area at the same time under this Directive. A template of the Reduced Maximum Capacity sign is available [here](#).

- c. Each room/area must have one Reduced Maximum Capacity sign posted at each entrance. The signs must be clearly visible to anyone entering the room.
- d. Reduced Maximum Capacity signs must be updated to reflect any changes in the allowable capacity.
- e. For assistance in completing Reduced Maximum Capacity signage, please visit www.sccgov.org/covidcapacity.

Stay Informed

For answers to frequently asked questions about capacity limitations and other topics, please see the [FAQ page](#). **Please note that this Directive may be updated.** For up-to-date information on the Health Officer Order, visit the County Public Health Department's website at www.sccgov.org/coronavirus.