



**TWENTY-THIRD SUPPLEMENT TO MAYORAL PROCLAMATION
DECLARING THE EXISTENCE OF A LOCAL EMERGENCY
DATED FEBRUARY 25, 2020**

WHEREAS, California Government Code Sections 8550 et seq., San Francisco Charter Section 3.100(14) and Chapter 7 of the San Francisco Administrative Code empower the Mayor to proclaim the existence of a local emergency, subject to concurrence by the Board of Supervisors as provided in the Charter, in the case of an emergency threatening the lives, property or welfare of the City and County or its citizens; and

WHEREAS, On February 25, 2020, the Mayor issued a Proclamation (the “Proclamation”) declaring a local emergency to exist in connection with the imminent spread within the City of a novel (new) coronavirus (“COVID-19”); and

WHEREAS, On March 3, 2020, the Board of Supervisors concurred in the Proclamation and in the actions taken by the Mayor to meet the emergency; and

WHEREAS, On March 4, 2020, Governor Gavin Newsom proclaimed a state of emergency to exist within the State due to the threat posed by COVID-19; and

WHEREAS, On March 6, 2020, the Health Officer declared a local health emergency under Section 101080 of the California Health and Safety Code, and the Board of Supervisors concurred in that declaration on March 10, 2020; and

WHEREAS, On March 16, 2020, the City’s Health Officer issued a stay safe at home order, Health Officer Order No. C19-07 (the “Stay Safe At Home Order”), requiring most people to remain in their homes subject to certain exceptions including obtaining essential goods such as food and necessary supplies, and requiring the closure of non-essential businesses; the Health Officer has amended the Stay Safe At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been 6,065 confirmed cases of COVID-19 within the City and 56 COVID-19-related deaths in the City; there have been more than 463,843 confirmed cases in California and more than 8,550 COVID-19-related deaths in California; and

WHEREAS, The Eighteenth Supplement to the Proclamation of Local Emergency authorized the creation of programs to allow retail businesses and restaurants to use



portions of the sidewalk, parking lane, and certain privately owned outdoor public spaces on a temporary basis so that these businesses can operate safely and consistent with the Health Officer's orders. On June 16, 2020, the Board of Supervisors concurred in the orders contained in the Eighteenth Supplement. Additional suitable locations have been identified for outdoor dining and retail, such as privately owned surface parking lots. For the same reasons articulated in the Eighteenth Supplement, it is in the public interest to suspend local law that would stand as a barrier to the expeditious use of this available space to help businesses survive and operate safely during the emergency period;

NOW, THEREFORE,

I, London N. Breed, Mayor of the City and County of San Francisco, proclaim that there continues to exist an emergency within the City and County threatening the lives, property or welfare of the City and County and its citizens;

In addition to the measures outlined in the Proclamation and in the Supplements to the Proclamation issued on various dates, it is further ordered that:

In addition to the authority granted to the Planning Director under Section 3 of the Eighteenth Supplement to the Proclamation of Local Emergency, the Planning Director or the Director's designee is authorized to create a program to temporarily allow unenclosed portions of property outside the public right-of-way, including but not limited to privately owned public open spaces, to be used in conjunction with Retail Sales and Service uses, as defined by the Planning Code, such as sales of goods and services, restaurants, and similar uses. Any such retail use must be principally or conditionally permitted by the Planning Code for the open space to receive temporary authorization. Other than use restrictions on the primary retail use established by the Planning Code, all other requirements of the Planning Code are hereby suspended, and any provision of the Charter or Municipal Code authorizing an appeal to the Board of Appeals concerning authorizations under this program is waived.

The Director of Planning or the Director's designee is authorized to implement this program and shall issue rules and regulations to further the program, including limitations on spaces, locations, and uses that are appropriate for this program. The user of any space authorized under this Order shall comply with all laws requiring accessibility for people with disabilities, and shall ensure the space and services do not interfere with the accessibility of the public open space to people with disabilities. This Order shall not



authorize conduct that is prohibited by orders or directives of the Health Officer. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

DATED: July 28, 2020

A handwritten signature in blue ink, reading "London N. Breed".

London N. Breed
Mayor of San Francisco