



**TWENTY-SEVENTH 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 Safer 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 Safer At Home Order to modify the ongoing restrictions; and

WHEREAS, There have been over 11,000 confirmed cases of COVID-19 within the City and 99 COVID-19-related deaths in the City; there have been more than 800,000 confirmed cases in California and more than 15,000 COVID-19-related deaths in California; and



WHEREAS, The Stay Safer At Home Order currently prohibits entertainment and nightlife businesses from holding indoor entertainment activity, indoor dining service, and large gatherings based on physical distancing mandates to prevent the transmission of the virus. These small businesses – including performance spaces, nightclubs, bars, restaurants, street fairs, and other cultural assets – have experienced significant financial losses due to the pandemic and are at risk of permanent closure and displacement. Under the current reopening plan, performance spaces, nightclubs, indoor bars without food service, and street fairs will be among the last to reopen; and

WHEREAS, As San Francisco begins to slowly reopen, and the City encourages the use of outdoor public space for dining and retail, there is currently no framework in place to permit responsible outdoor entertainment and amplified sound. Given that physical distancing requirements will likely continue to apply for some time, additional authority is needed to provide tools for the limited entertainment allowed by the Stay Safer At Home Order; and

WHEREAS, The threat of continued spread of the virus persists, and there is an ever-present risk that relaxation of some health restrictions will result in an increase in cases and strain our public health system. Authorizing a streamlined, accessible program to regulate temporary outdoor entertainment and amplified sound at outdoor spaces will allow businesses to safely comply with the requirements under the Health Order so the City can continue to control the public health emergency; and

WHEREAS, Temporarily allowing businesses to use outdoor spaces and take greater advantage of the reopening authorizations will ease the economic burden on these businesses and allow some employees to return to work, thus promoting the housing and health stability of these workers. It is in the public interest to suspend local laws that would stand as a barrier to the expeditious use of this available outdoor space to help businesses survive and operate safely during the emergency period; and

WHEREAS, The Eighteenth Supplement to the Proclamation of Local Emergency authorized the creation of the “Shared Spaces” program 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 in a manner consistent with the Health Officer’s orders; and



WHEREAS, The Twenty-Third Supplement to the Proclamation of Local Emergency expanded on the Shared Spaces program by authorizing the Planning Director 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 for sales of goods and services, restaurant service, and similar uses; and

WHEREAS, The Twenty-Sixth Supplement to the Proclamation of Local Emergency further expanded the Shared Spaces program by authorizing the Director of Transportation to create a temporary program to facilitate the closure of streets, including traffic lanes, for businesses to occupy for sales of goods and services, restaurant service, and similar uses; and

WHEREAS, The Entertainment Commission maintains the legal and organizational capacity to review, make conditions, and provide enforcement for entertainment and amplified sound occurring at locations within its jurisdiction, including City streets, sidewalks, outdoor Port property, and outdoor private property. The Entertainment Commission promotes responsible entertainment that is consistent with public health and safety rules and balances the needs of businesses and residents to support neighborhood compatibility; and

WHEREAS, Throughout the local emergency, City departments have moved quickly to undertake projects necessary to keep residents safe and prevent the spread of the virus, including creating safe sleeping locations for people experiencing homelessness. To the extent these activities require advance public notice that would delay such projects, it is in the public interest to waive such noticing requirements; and

WHEREAS, In the Third Supplement to the Emergency Proclamation dated March 17, 2020, recognizing that many City employees affected by the Stay Safer At Home Order cannot perform their duties remotely and must stay home and that it is in the public interest to support such employees with paid leave, the Mayor authorized a paid leave program to mitigate financial impacts of the emergency on City employees; the Mayor extended the program through September 30, 2020 through further orders. Due to the ongoing restrictions of the Stay Safer At Home Order, it is in the public interest to further extend this paid leave program;



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:

(1) This Order creates a temporary program for an individual, business, or organization to apply for authorization to temporarily provide outdoor entertainment or outdoor amplified sound on City sidewalks, City streets, and outdoor property that is not in the public right-of-way, to facilitate compliance with the orders or guidance of public health officials.

The Director of the Entertainment Commission or the Director's designee (collectively, the "Director") is authorized to implement this temporary permit program. The Director shall not approve any permit application under the program unless the applicant's use of the public-right-of-way or outdoor private property where the entertainment or amplified sound will occur has been approved by the City department with jurisdiction. Such City permits or authorizations include, but are not limited to, a Shared Spaces Permit issued under Public Works Order 203498, Temporary Street Closure Permit, Café Tables and Chairs Permit, License to Use Port Property, and temporary use authorization issued by the Planning Department. The Director shall not issue permits under this program for activity occurring on property under the jurisdiction of the Recreation and Parks Department or on residential property.

The Director shall grant a permit or conditionally grant a permit for outdoor entertainment or outdoor amplified sound under this program unless the Director finds that, (a) the applicant is not authorized to use the outdoor space by the City department with jurisdiction, (b) denial is warranted under any of the grounds set forth in Section 1060.5.2(f) of the Police Code, or (c) one or more other applications have been submitted and permits issued for the same premises or for premises in the vicinity and the activities, if permitted, would interfere with one another or together would interfere with the public health, safety, and welfare or peaceful enjoyment of neighboring property. The Director may impose other conditions on the permit that the Director determines are reasonably



necessary to ensure the public health, safety, and welfare or peaceful enjoyment of neighboring property.

A permit applicant or permit holder may appeal the Director's decision to deny, suspend or revoke a permit to the Entertainment Commission.

The Director is authorized to issue administrative citations under Chapter 100 of the Administrative Code for the violation of any condition imposed on a permit issued under this Order.

The Director shall issue rules and regulations to implement the program consistent with this Order. The rules and regulations shall ensure that in reviewing all permit applications, the Director will consider the impact on the health, safety, and security of the public. The rules and regulations shall further include procedures governing appeals to the Entertainment Commission for permits that the Director denies, suspends, or revokes. The rules and regulations may also impose other requirements the Director deems appropriate to further the program. Permits issued under this program shall require the permit holder to comply with all applicable orders and directives issued by the Health Officer.

Any provision of City law that would conflict with this program, including but not limited to Article 15.1 of the Police Code, and any provision of the Charter or Municipal Code that would allow an appeal to the Board of Appeals regarding such permits, is waived. The City shall not charge a fee for permits issued under this program. This Order shall not authorize conduct that is prohibited by orders or directives of the Health Officer.

Permits shall not survive the termination of this Order or the termination of the local emergency, whichever is earlier, except that the Director by regulation may authorize a reasonable wind-down period to allow permit holders to continue to operate under the program for a period not to exceed sixty days. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(2) The requirement under Chapter 79 and Chapter 79A of the Administrative Code to provide public notice prior to the approval of certain City projects is suspended as to projects that have been approved or will be approved during the local emergency as part



of the City's COVID-19 response. This Order shall remain in effect during the local emergency unless terminated earlier by the Mayor or the Board of Supervisors.

(3) The Human Resources Director is authorized, with the concurrence of the Controller, to extend the existing paid leave program for employees, first authorized on March 17, 2020 in Section 3 of the Mayor's Third Supplemental Proclamation, and extended in subsequent supplements, through October 30, 2020. The Director of Transportation is authorized, with the concurrence of the Controller, to extend the existing paid leave program for service critical employees of the San Francisco Municipal Transportation Authority, first authorized on March 17, 2020 in Section 3 of the Mayor's Third Supplemental Proclamation, and extended in subsequent supplements, through October 30, 2020. As described in the Third Supplemental Proclamation and subsequent supplements, the purpose of the paid leave program is to mitigate the financial impacts of the emergency on City employees who are available to work, including working from home, but for whom there is no work due to the Stay Safe at Home Order.

DATED: September 25, 2020

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A blue ink signature of the name "London N. Breed".

London N. Breed
Mayor of San Francisco