



**EIGHTEENTH 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 2,793 confirmed cases of COVID-19 within the City and 44 COVID-19-related deaths in the City; there have been more than 134,000 confirmed cases in California and more than 4,600 COVID-19-related deaths in California; and

**WHEREAS**, This order and the previous orders issued during this emergency have all been issued because of the propensity of the virus to spread person to person and also because the virus physically is causing property loss or damage due to its proclivity to attach to surfaces for prolonged periods of time; and



**WHEREAS**, To control the spread of the virus and protect the public health, the Stay Safe At Home Order has prohibited restaurants and non-essential retail from allowing customers inside their premises. As part of the City's reopening plan, it is anticipated that the Health Officer will soon modify the Stay Safe At Home Order to allow restaurants to offer outdoor dining and for retail businesses to offer indoor and outdoor sale and display of goods with mitigation measures. Although the Health Officer does not anticipate allowing restaurants to resume indoor dining in the next few weeks, it is anticipated that the Stay Safe At Home Order will allow indoor dining later this summer if epidemiological and health trends continue. Social distancing directives will apply to these outdoor and indoor operations, limiting the ability of restaurants and retail to operate at full capacity; and

**WHEREAS**, The threat of continued spread of the virus persists, and there is a risk that relaxation of some restrictions will result in an increase in cases and strain our public health system. Authorizing the use of more outdoor spaces like sidewalks, parking lanes, and other City property will allow restaurants and retail to spread out their wares and services to safely comply with the physical distancing requirements that the Health Officer's directives or orders will likely require so the City can continue to control the public health emergency; and

**WHEREAS**, The emergency has also caused a severe economic impact on restaurants and retail businesses and their employees. Temporarily allowing restaurants and retail businesses to use more outdoor spaces and take greater advantage of the reopening authorizations while waiving City fees associated with such use 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;

**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 dated March 11, March 13, March 17, March 18, March 23, March 27, March 31, April 1, April 10, April 14, April 23, April 30, May 11, May 13, May 18, May 29, and June 2, 2020, it is further ordered that:**



(1) This Order creates a temporary program for retail businesses and restaurants to occupy the public sidewalk and parking lane fronting their premises for retail businesses to display and sell goods and merchandise and offer services and for restaurants to place tables and chairs to offer outdoor dining, provided an adequate path of travel remains on the sidewalk that provides disability access. The Director of Public Works (the “PW Director”) is authorized to implement this temporary permit program. The PW Director is also authorized to modify the City’s existing parklet program to grant permits allowing retail businesses and restaurants fronting or adjacent to an existing parklet to use the parklet for those retail businesses to display and sell goods and merchandise and offer services and/or for those restaurants to place tables and chairs and offer outdoor dining.

The PW Director shall issue rules and regulations to implement this program consistent with this Order. The rules and regulations shall specify the area of the sidewalk or parking lane that may be occupied and other safety and accessibility issues, and shall include insurance and indemnity requirements, penalty and enforcement provisions, and appeal rights for any permit that is denied, suspended, or revoked. The rules and regulations may also impose other requirements the PW Director deems appropriate to further the program.

Any permit that would authorize the occupancy of a parking lane must be approved by the Director of Transportation or the Director’s designee. This Order does not authorize the occupancy of a traffic lane, transit lane, transit stop, disabled parking space, bicycle lane, or any other portion of the parking lane that, in the discretion of the Director of Transportation or designee, would not be appropriate for occupancy. The Executive Director of the Port, the General Manager of the Recreation and Park Department, and the Director of the Treasure Island Development Authority, or their respective designees, shall have the same authority as the Director of Transportation under this Order as to streets under their jurisdiction.

The PW Director shall consult with the Department of Public Health, Fire Department, Municipal Transportation Agency, Mayor’s Office on Disability, and Planning Department to ensure the program is implemented safely, and the PW Director may delegate aspects of review and approval to such departments. The permit holder shall be responsible for ensuring the space occupied and services offered under the permit comply with all laws requiring accessibility for people with disabilities and that the space and services do not interfere with access to the public right of way for people with disabilities.



Any provision of City law that would conflict with this program, including but not limited to portions of Article 5.2 and Sections 723.2 and 793 of the Public Works Code and Chapter 94A of the Administrative Code is waived, 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 issued under this program shall expire no later than December 31, 2020, and may be extended by the PW Director or the PW Director's designee. Permits shall not survive the termination of this Order or the termination of the local emergency, whichever is earlier, except that the PW Director may authorize a reasonable wind down 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) In addition to any existing authority, the Director of Property, the General Manager of the Recreation and Park Department, the Executive Director of the Port, and the Director of the Treasure Island Development Authority ("TIDA") are authorized to create temporary programs to allow use of outdoor City property (including parks and public rights of way such as sidewalks and streets) under their respective jurisdictions for purposes of allowing retail businesses to sell goods and merchandise and offer services and restaurants to place tables and chairs for outdoor dining. Notwithstanding any other City law, the Director of Property, the General Manager of the Recreation and Park Department, the Executive Director of the Port, and the Director of TIDA shall have authority to approve the use of such property under their respective jurisdictions for this purpose and may waive any fee normally associated with use of such areas. For any program created under this Order, the Director of Property, the General Manager of the Recreation and Park Department, the Executive Director of the Port, of the Director of TIDA respectively shall issue rules and regulations governing the program consistent with this Order. These rules and regulations shall specify the area that may be occupied and other safety and accessibility issues, and may include insurance and indemnity requirements, penalty and enforcement provisions, and any other requirement deemed appropriate to further the program. The authorized user shall be responsible for ensuring the space occupied and services offered comply with all laws requiring accessibility for people with disabilities, and that the space and services do not interfere with access to the public right of way for people with disabilities.



Any provision of City law that would conflict with such a program is waived, including but not limited to Charter Section 4.113 and Administrative Code Chapter 23. All other contract terms required by the Administrative Code and Environment Code applicable to agreements entered by the departments to implement this program must be included unless the department head determines in writing that compliance with these laws is not feasible due to exigencies or emergencies. Notwithstanding the foregoing, nothing in this Order waives or modifies the requirements and restrictions of the Campaign and Governmental Conduct Code, the approval requirements of Charter Section 9.118, or the requirement for approval as to form by the City Attorney. This Order shall not authorize conduct that is prohibited by orders or directives of the Health Officer. Agreements entered by departments under programs adopted under this Order shall not survive the termination of this Order or the termination of the local emergency, whichever is earlier, except that the department may authorize a reasonable wind down 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.

(3) This Order creates a temporary program to allow seating for any restaurant or limited restaurant uses in existing privately owned public open spaces required under Section 138 of the Planning Code or under conditions of approval required by the Planning Commission, provided that space will also remain open to the public. 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. To the extent such use is not permitted by Section 138 of the Planning Code or conditions of approval imposed by the Planning Code, such provisions 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 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.

(4) The department head or department head's designee for any department with authority to impose fees in connection with permits issued by the Interdepartmental Staff Committee on Traffic and Transportation ("ISCOTT") under Article 6 of the Transportation Code is authorized to waive such fees for permits issued by ISCOTT to retail businesses or restaurants to temporarily close a street, or portion of the street, for purposes of outdoor retail or dining to facilitate compliance with the orders or guidance



of public health officials. 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: June 9, 2020

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

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London N. Breed  
Mayor of San Francisco