



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 208080

PROHIBITING VENDING, AS DEFINED IN PUBLIC WORKS CODE ARTICLE 5.9, WITHIN 12 FEET OF ALL TRANSIT SHELTERS AND WITHIN 12 FEET OF ALL TRANSIT STOPS BETWEEN THE HOURS OF 5 AM AND 12 AM, SUNDAY THROUGH SATURDAY, UNTIL FURTHER NOTICE, AND WITH RESPECT TO TRANSIT SHELTERS FOR MUNI OWL LINES, PROHIBITING VENDING BETWEEN THE HOURS OF 12 AM AND 5 AM, SUNDAY THROUGH SATURDAY, UNTIL FURTHER NOTICE; PROHIBITING VENDING WITHIN 20 FEET OF ENTRANCES TO CITY OFFICE BUILDINGS THAT PROVIDE SERVICES DIRECTLY TO MEMBERS OF THE PUBLIC, INCLUDING THE HEALTH SERVICES AGENCY OFFICE AT 1235 MISSION STREET; PROHIBITING VENDING WITHIN FIVE FEET OF ANY PORTION OF A FOUR-FOOT-WIDE PATH OF TRAVEL FROM THE PUBLIC RIGHT-OF-WAY ADJACENT TO SUCH CITY OFFICE BUILDINGS BETWEEN THE HOURS OF 7 AM AND 8 PM, MONDAY THROUGH FRIDAY, UNTIL SEPTEMBER 29, 2023; AND ADOPTING PROCEDURES FOR IMPOUNDING, DONATING, AND DISPOSING OF GOODS REMOVED FROM THE PUBLIC RIGHT-OF-WAY FOR VIOLATIONS OF PUBLIC WORKS CODE ARTICLE 5.9.

WHEREAS, In accordance with Article 5.9 of the Public Works Code, the Department of Public Works (“Department”) previously adopted the Guidelines for the Issuance of Permits, and for Inspection and Enforcement of Street Vendors Operating Within the Public Rights-of-Way (“Regulations”), and the Regulations took effect on July 1, 2022; and

WHEREAS, Pursuant to Government Code Section 51083(c), Public Works Code Section 5.9-8(a)(2), and Section II.A.6 of the Regulations, the Department is authorized to restrict locations on which Vending is allowed on the basis of public health, safety, and welfare; and

WHEREAS, Public Works Code Section 5.9-2 defines to “Vend” as “[t]o sell, offer for sale, expose or display for sale, solicit offers to purchase, or barter Food or Merchandise” and including “[to] offer[] free samples of Food or Merchandise that are also for sale, or [to] negotiat[e] fees for Food or Merchandise;” and

WHEREAS, Unless otherwise defined herein, the defined terms used in this Order have the meanings set forth in the Public Works Code; and

WHEREAS, The City and County of San Francisco (“City”) strives to ensure that every program, service, benefit, activity and facility operated or funded by the City is fully accessible to, and useable by,

people with disabilities, as may be required by the Americans with Disabilities Act and other disability rights laws and disability access regulations and codes; and

WHEREAS, A high concentration of pedestrians and Vendors on sidewalks fronting office buildings that provide services directly to members of the public within such office buildings (“City Services Offices”) would pose potential threats to public health, safety, and welfare by obstructing pedestrian ingress and egress, particularly for individuals with disabilities; and

WHEREAS, Since October 2022, multiple members of the public and City staff have voiced concerns about Vending in front of City Services Offices and have communicated that such activities caused or have been associated with impassable and obstructed sidewalks in front of City Services Offices causing pedestrians to walk in the roadway, altercations and violence involving the Vendors, the presence of “menacing” pets intimidating members of the public, drug use, drug sales, unsanitary sidewalk conditions, sexual harassment, the use of fireworks on sidewalks, and illegal dumping; and

WHEREAS, City staff received anecdotal information from employees of Santa Clara County and San Mateo County indicating that Vending in front of government buildings has led to nuisance activities; and

WHEREAS, The Health Services Agency Office at 1235 Mission Street experiences one of the highest volumes of daily visits by members of the public seeking services directly from City staff, and since October 2022, the sidewalk fronting such office has been the site of Vendors who have obstructed pedestrian ingress and egress routinely; and

WHEREAS, Within the past 12 months, the Department has routinely encountered unpermitted Vendors occupying transit shelters from which they engage in Vending; and

WHEREAS, Efforts of Vendors to Vend from within or around a transit shelter, or at an uncovered transit stop, pose potential threats to public health, safety, and welfare by reducing the availability of covered seating for transit users within a transit shelter and by obstructing pedestrian ingress and egress from a transit shelter or an uncovered transit stop to a transit vehicle via the sidewalk, thereby forcing pedestrians onto the roadway; and

WHEREAS, The Board of Supervisors has authorized the Department to adopt regulations to govern the process of selecting organizations to accept goods, including Food, Merchandise, or any other Vending paraphernalia, that the Department has removed from the public right-of-way and has impounded due to violations of Public Works Code Article 5.9, after the Vendor has failed to take corrective action following initial warnings by Department personnel; now, therefore be it:

DETERMINED that:

1. Prohibition of Vending Within 12 Feet of Transit Shelters and Uncovered Transit Stops.

Vending shall be prohibited within 12 feet of transit shelters and within 12 feet of uncovered transit stops between the hours of 5 am and 12 am, Sunday through Saturday, until further notice, and with respect to transit shelters for MUNI Owl lines, Vending shall be prohibited between the hours of 12 am and 5 am, Sunday through Saturday. These prohibitions shall become effective as of 7 am on May 5, 2023, and shall remain in effect until further notice.

2. Prohibition of Vending Within Five Feet of any Path of Travel to City Services Offices and Within 20 Feet of Entrances of City Services Offices.

A. Vending shall be prohibited within 20 feet of any entrances to City Services Offices, including the Health Services Agency Office at 1235 Mission Street (see Exhibit 1 attached).

B. To maintain, to the extent feasible, a minimum of a four-foot-wide path of travel between the front entrances of City Services Offices, Vending shall be prohibited within five feet of any portion of any path of travel between the public right-of-way to the entrances of City Services Offices, including the Health Services Agency Office at 1235 Mission Street (see Exhibit 1 attached).

C. The requirements of paragraph 2 shall apply between the hours of 7 am and 8 pm, Monday through Friday, and shall become effective as of 7 am on May 5, 2023, and shall remain in effect until 8 pm on September 29, 2023.

3. Adoption of Standard Impound Procedures for Uncured Violations.

If the Department encounters goods, including Food, merchandise, and any other vending paraphernalia, that are placed in the public right-of-way in violation of Public Works Code Article 5.9 and such goods are not timely removed following initial warnings by Department personnel, such goods shall be subject to impoundment by the Department. The Department shall store any regularly sized items – i.e., single items that can fit inside a 60-gallon container with the lid closed, consistent with the Department’s Procedure Number 16-05-08 Rev. 03 (“Removal and Temporary Storage of Personal Items Collected From Public Property”) – for (1) at least 90 days, or (2) until resolution of an appeal challenging the validity of any associated Administrative Citation, whichever is longer. The Department shall retain authority to further develop impound procedures consistent with Public Works Code Article 5.9 and this Departmental Order.

4. Adoption of Standard Procedures for Disposing of or Donating Impounded Property.

After impounded goods have been stored for 90 days, or as otherwise required under Public Works Code Article 5.9, the Department shall dispose of the goods, or, as appropriate for non-perishable items, donate the goods to organizations providing services to unhoused persons. The Department will

determine donation recipients based on a lottery system and distribute the subject items to qualifying charitable organizations that (1) provide services to unhoused persons living within the City & County of San Francisco, and (2) provide evidence of current tax-exempt status under section 501(c)(3) of the Internal Revenue Code. The Department shall retain authority to further develop disposal and donation procedures, including refining criteria for qualifying charitable organizations, consistent with Public Works Code Article 5.9 and this Departmental Order.

Exhibit 1: 1235 Mission Street Property Boundaries



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