



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 208255

PROHIBITING VENDING, AS DEFINED IN PUBLIC WORKS CODE ARTICLE 5.9, AS FOLLOWS: 1) WITHIN 15 FEET OF ALL TRANSIT SHELTERS AND WITHIN 15 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; 2) WITHIN 20 FEET OF ENTRANCES TO CITY OFFICE BUILDINGS THAT PROVIDE SERVICES DIRECTLY TO MEMBERS OF THE PUBLIC AND 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 DECEMBER 20th, 2023; AND 3) WITHIN 20 FEET OF THE FRONT FAÇADE OF THE HUMAN SERVICES AGENCY OFFICE AT 1235 MISSION STREET AND WITHIN FIVE FEET OF ANY PORTION OF THE SIDEWALK ON THE SOUTH SIDE OF MISSION STREET BETWEEN 8TH AND 9TH STREETS, TO MAINTAIN SAFE PASSAGE BETWEEN 1235 MISSION STREET AND 8TH AND 9TH STREETS. THIS ORDER REPLACES AND SUPERSEDES THE VENDING PROHIBITIONS IN PUBLIC WORKS ORDER NO. 208080 IN ITS ENTIRETY; THE STANDARD IMPOUND PROCEDURES FOR UNCURED VIOLATIONS AND THE STANDARD PROCEDURES FOR DISPOSING OF OR DONATING IMPOUNDED PROPERTY SET FORTH IN PUBLIC WORKS ORDER NO. 208080 REMAIN UNCHANGED.

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, The Regulations require Vendors to operate in accordance with “Good Neighbor Policies” that require Vendors to be “individually responsible for any garbage, detritus, or debris that directly results from their Vending activity,” to “contain noise and odors within the immediate area of the Vendor so as not to cause a nuisance to neighbors,” to “urge patrons to not litter and to maintain the safety, cleanliness, quiet, peace, and orderliness of the area,” and to provide for “proper and adequate storage and disposal of garbage, detritus, and debris;” 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 in violation of the Regulations and the Good Neighbor Policies, sexual harassment, the use of fireworks on sidewalks, and illegal dumping; and

WHEREAS, City staff have received 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 Human 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, For more than 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; and

WHEREAS, On May 5, 2023, the Department issued Public Works Order No. 208080, which prohibited Vending 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, prohibited Vending between the hours of 12 am and 5 am, Sunday through Saturday, until further notice; prohibited Vending within 20 feet of entrances to City Services Offices, including the Human Services Agency office at 1235 Mission Street; prohibited 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 Services Offices between the hours of 7 am and 8 pm, Monday through Friday, until September 29, 2023; and adopted procedures for impounding, donating, and disposing of goods removed from the public right-of-way for violations of Public Works Code Article 5.9; and

WHEREAS, Since Public Works Order No. 208080 took effect, City staff have submitted dozens of personal accounts of activities related to, precipitated by, or exacerbated by Vending that pose threats to the health, safety, and welfare of City staff and recipients of City services at the Human Services Agency office at 1235 Mission Street; and

WHEREAS, The aforementioned personal accounts have described multiple instances of verbal harassment; physical altercations; intimidating behavior; the use of alcohol, narcotics, and other controlled substances; vandalism and damage of the 1235 Mission Street office building; defacement of the 1235 Mission Street office building with graffiti; and other nuisance activities related to Vending in close proximity to the 1235 Mission Street office building that have posed threats to the health, safety, and welfare of City staff and recipients of City services, interrupted the provision and utilization of City services temporarily, obstructed the public right-of-way, and required significant staff resources to provide safety escorts to City staff and recipients of City services attempting to enter into and depart from City Services Offices; and

WHEREAS, The aforementioned Vending and nuisance activities have been associated with and have exacerbated the severity of unsanitary sidewalk conditions resulting from the accumulation of food waste, feces and urine, drug paraphernalia, Vendors' discarded boxes and receptacles, and other miscellaneous debris, all in violation of the Regulations and the Good Neighbor Policies; now, therefore be it:

DETERMINED that:

This Order supersedes the Vending prohibitions in Public Works Order No. 208080 and replaces them with the requirements below. The standard impound procedures for uncured violations and the standard procedures for disposing of donating impounded property as set forth in Public Works Order No. 208080 remain unchanged.

1. Prohibition of Vending Within 15 Feet of Transit Shelters and Uncovered Transit Stops. Vending shall be prohibited within 15 feet of transit shelters and within 15 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 June 20th, 2023 and shall remain in effect until further notice.

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

A. Vending shall be prohibited within 20 feet of any entrances to City Services Offices, excluding the Human Services Agency Office at 1235 Mission Street, for which Vending shall be prohibited as provided in paragraph 3 below.

B. To maintain, to the extent feasible, a minimum of a six-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.

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 June 20th, 2023, and shall remain in effect until 8 pm on December 20th, 2023.

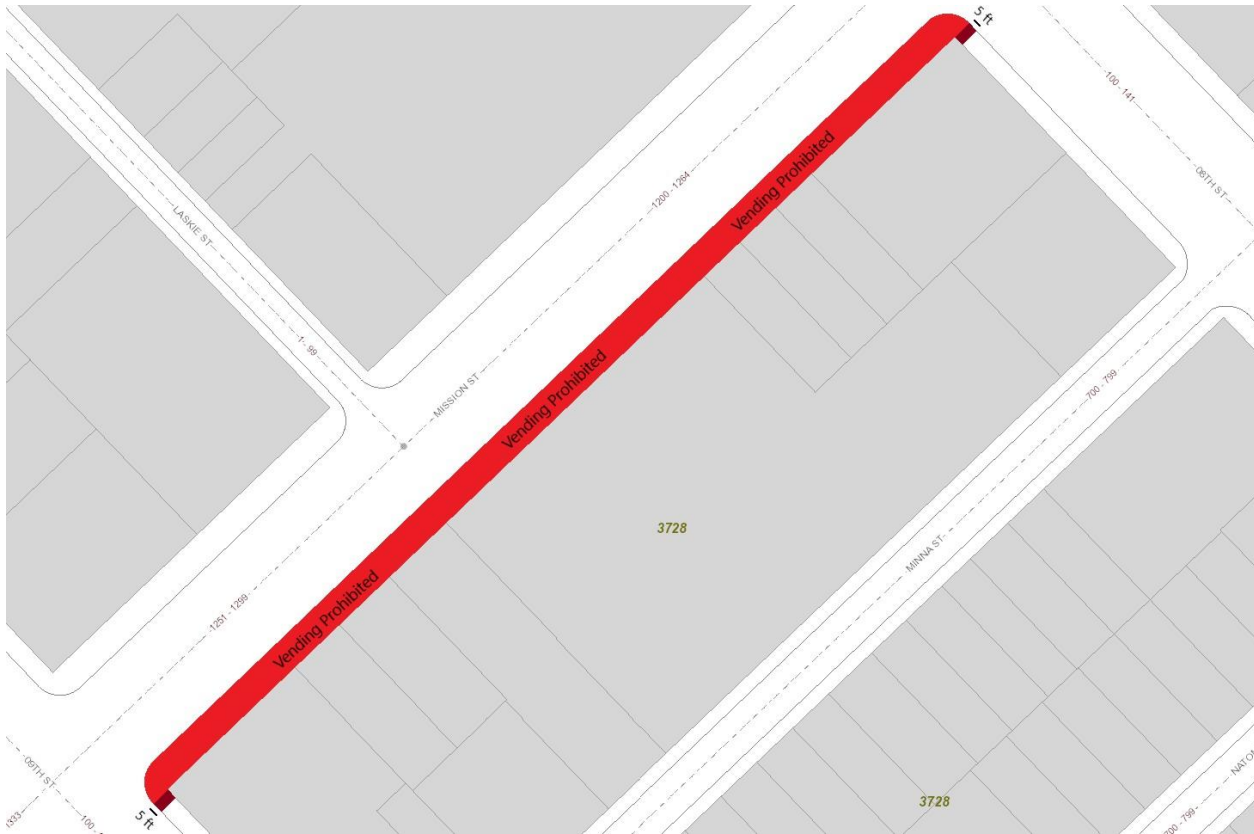
3. Prohibition of Vending Within 20 Feet of the Front Façade of the Human Services Agency Office at 1235 Mission Street and Prohibition of Vending Within Five Feet of Any Portion of the Sidewalk on the South Side of Mission Street Between 8th and 9th Streets to Maintain Safe Passage Between 1235 Mission Street and 8th and 9th Streets.

A. Vending shall be prohibited within 20 feet of the front façade of the Human Services Agency Office at 1235 Mission Street (see Exhibit 1 attached).

B. Vending shall be prohibited within five feet of any portion of the sidewalk on the south side of Mission Street between 8th Street and 9th Street in order to facilitate the safe passage of City employees and recipients of City services walking between 1235 Mission Street and 8th and 9th Streets and in order to maintain, to the extent feasible, a minimum of a 15-foot-wide path of travel that is clear of obstructions and threats to public health, safety, and welfare, on the south side of Mission Street between 8th Street and 9th Street (see Exhibit 1 attached).

C. The requirements of paragraph 3 shall apply between the hours of 7 am and 8 pm, Monday through Friday, and shall become effective as of 7 am on June 20th, 2023, and shall remain in effect until 8 pm on December 20th, 2023.

Exhibit 1: Prohibited Vending Area



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