



San Francisco Public Works
General – Director’s Office
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Public Works Order No: 208803

PROHIBITING VENDING WITHIN A 300-FOOT RADIUS OF THE MISSION STREET CORRIDOR (MISSION STREET BETWEEN 14TH AND CESAR CHAVEZ STREETS), BETWEEN THE HOURS OF 8 AM AND 5 AM, SUNDAY THROUGH SATURDAY, FOR NINETY (90) DAYS FROM THE EFFECTIVE DATE OF THIS ORDER, DUE TO OBJECTIVE HEALTH, SAFETY, AND WELFARE CONCERNS.

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 objective public health, safety, and welfare concerns; 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 public transit facilities and City sidewalks remain safe and accessible for pedestrians and transit users as may be required by the Americans with Disabilities Act and state and local disability rights and accessibility laws, regulations, and codes, as well as the Public Works Code; and

WHEREAS, The Mission Police Station routinely receives community complaints about illegal Vending, including Vending without proper permits and Vending stolen goods, and other associated criminal and nuisance activities along Mission Street between 14th and Cesar Chavez Streets (the “Mission Street Corridor”), which pose objective health, safety, and welfare concerns to residents and visitors within the Mission District; and

WHEREAS, Between October 10, 2022 through October 10, 2023, the Police Department received 580 calls for service or on-viewed incidents for the addresses on Mission Street ranging from 1800 Mission Street (at 14th Street) to 2999 Mission Street (at 26th Street), and the three most numerous types of calls pertained to assault and battery, petty theft, and vandalism; and

WHEREAS, Illegal Vending, and concerns that illegal Vending has caused the street conditions of the Mission Street Corridor to be worse than ever, are common topics of discussion at community meetings, and the community members who attend these meetings routinely call for and support greater police action to make the Mission Street Corridor safer and more accessible for pedestrians; and

WHEREAS, Mission Police Station has experienced elevated numbers of calls for service associated with the Mission Street Corridor that can be attributed in part to illegal purchasing and Vending (or “fencing”) of stolen property, particularly around the intersections of 24th and Mission Streets and 16th and Mission Streets, near the BART plazas; and

WHEREAS, Illegal vending activity along the Mission Street Corridor, particularly the BART plazas on Mission Street at 24th and 16th Streets, is associated with the fencing of suspected stolen property, and on nearly a daily basis, Police officers have observed the fencing of suspected stolen property on or about the Mission Street Corridor; and

WHEREAS, There have been arrests along the Mission Street Corridor for stolen property offenses where the property stolen from businesses such as Walgreens, CVS, REI, Lululemon, and Victoria’s Secret in other parts of the City have been brought to the Mission Street Corridor for fencing as part of organized retail theft operations; and

WHEREAS, The Police Department’s investigatory units have conducted numerous anti-fencing operations that have resulted in the recovery and seizure of large amounts of stolen property, often valued in the tens of thousands of dollars per seizure; and

WHEREAS, A high concentration of pedestrians and Vendors on sidewalks fronting BART plazas presents potential threats to public health, safety, and welfare by obstructing pedestrian and wheelchair ingress and egress, particularly for individuals with disabilities; and

WHEREAS, The 24th Street BART Station and the 16th Street BART Station rank consistently among the ten most utilized stations in the BART system based on rider entries and exits, and as evidenced by numerous 311 complaints between November 2022 and July 2023 (on file with the Department), members of the public have voiced concerns about Vending activities on sidewalks surrounding and adjacent to the 24th Street BART plazas and the 16th Street BART plazas; and

WHEREAS, Based on these complaints, the City has documented numerous incidents where such activities have obstructed or caused the obstruction of sidewalks, and have caused potential safety hazards, due to the

congregation of many persons and/or the placement of merchandise and Vending paraphernalia, hindering the passage of pedestrians, including persons in wheelchairs and persons with strollers; and

WHEREAS, The vending activities have exacerbated the high usage of sidewalks, causing impassable and obstructed sidewalks, and have forced pedestrians to walk in the roadway, blocked access to and from buses, obstructed entrances to stores and restaurants, generated loud noises, facilitated the sale of allegedly stolen merchandise, damaged street trees, generated litter, and facilitated abandonment of merchandise on sidewalks; and

WHEREAS, Within the Mission Police Station service area, the intersection of 24th and Mission Street and the intersection of 16th Street and Mission Street rank as the sites with the highest and second highest number of calls for service, respectively, apart from the Mission Police Station itself; and

WHEREAS, As evidenced by Police incident reports on file with the Department, the sidewalks surrounding and adjacent to the two 24th Street BART plazas have been impacted by illegal activities, such as assault, battery, petty theft, vandalism, drug sales and use, overdoses, alcohol consumption, and theft; and overcrowded sidewalks impede police officers' ability to effectively respond to these safety threats; and

WHEREAS, These illegal activities threaten and negatively affect the health, safety, and welfare of pedestrians, Vendors, BART riders, and City staff, including Public Works staff who have consistently and repeatedly encountered vandalism of City vehicles, threats of physical violence and bodily harm, actual physical violence and bodily harm, verbal insults, and intimidation, and one such incident resulted in the arrest of an unpermitted Vendor who had threatened to kill a City employee who was discharging his duties as a street vending inspector, and the issuance of a protective order from the San Francisco Superior Court, which requires the unpermitted Vendor to stay away from the City employee whom the unpermitted Vendor had threatened; and

WHEREAS, As evidenced by Police incident reports on file with the Department, the sidewalks surrounding and adjacent to the two 16th Street BART plazas have been impacted by illegal activities, such as assault, battery, drug sales and use, overdoses, alcohol consumption, and theft; and overcrowded sidewalks impede police officers' ability to effectively respond to these safety threats; and

WHEREAS, These illegal activities threaten and negatively affect the health, safety, and welfare of pedestrians, scooter riders, Vendors, BART riders, and City staff, including Public Works staff who have consistently and repeatedly encountered vandalism of City vehicles, threats of physical violence and bodily harm, actual physical violence and bodily harm, verbal insults, and intimidation; and

WHEREAS, The high concentration of Vending activities and illegal activities in the areas around the BART plazas has led to unsanitary sidewalk conditions and sidewalk obstructions in violation of the Regulations and the Good Neighbor Policies and the extensive noncompliance with the Vending ordinance, Regulations, and policies has rendered enforcement of such laws, Regulations, and policies infeasible despite the Department's yearlong effort to send street inspectors to such areas on a weekly basis, which efforts have been hindered by the limited

number of inspectors available to perform street inspections due in part to inspectors' belief that their health, safety, and welfare may be threatened by Vendors; and

WHEREAS, For more than 12 months, the Department has routinely encountered unpermitted Vendors occupying sidewalks and BART property on or about the Mission Street Corridor, and during this time, the Department has pursued vigorous and sustained enforcement of Article 5.9 of the Public Works Code, the Regulations, and the Good Neighbor Policies, but sidewalk conditions have not improved significantly; and

WHEREAS, Efforts of Vendors to Vend from within or around a transit shelter, or at an uncovered transit stop, objectively diminish the 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 aforementioned conditions that occur contemporaneously with and in proximity to Vending activities pose numerous objective health, safety, and welfare concerns and threaten the health, safety, and welfare of Vendors, pedestrians, wheelchair users, and City staff who are using sidewalks on or about the Mission Street Corridor, and such conditions have required significant law enforcement and civilian staff resources to mitigate and address nuisance and criminal activities that occur alongside of Vending activities, diverting these staff resources from other law enforcement and Public Works functions; and

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

WHEREAS, Based on prior experience with and observations of sidewalk Vending activities, the Department believes that it is likely that prohibiting Vending on certain sidewalks may cause the sidewalk Vending activities and the associated nuisance and criminal activities to shift to surrounding sidewalks; now, therefore be it:

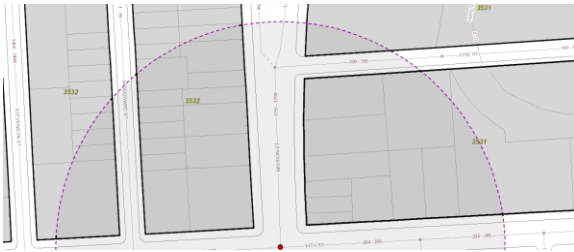
DETERMINED that, for the foregoing reasons, Vending, as defined in Public Works Code Section 5.9-2, shall be prohibited within a 300-foot radius of the exterior boundaries of the Mission Street Corridor, which correspond approximately to the area bounded by the southeast corner of the lot at 1798 Mission Street (Assessor's Block 3532, Lot No. 012), the southwest corner of the lot at 1799 Mission Street (Assessor's Block 3531, Lot No. 022), the northeast corner of the lot at 3401 Cesar Chavez Street (Assessor's Block 6574, Lot No. 039) and the northwest corner of the lot at 3101 Mission Street (Assessor's Block 5501, Lot No. 079) ("Prohibition Area"), between the hours of 8 am and 5 am, Sunday through Saturday, subject to the following conditions:

1. Boundaries of Prohibition Area. The Prohibition Area is depicted in Exhibit A to this Order.
2. Effective Date. Following its execution by the Director, this Order shall take effect at 7:00 AM on November 27th, 2023.

3. Expiration. This Order shall expire on midnight on the date that is ninety (90) days of from the Effective Date. This Order may be extended by a subsequent Order on the basis of objective health, safety, and welfare concerns.

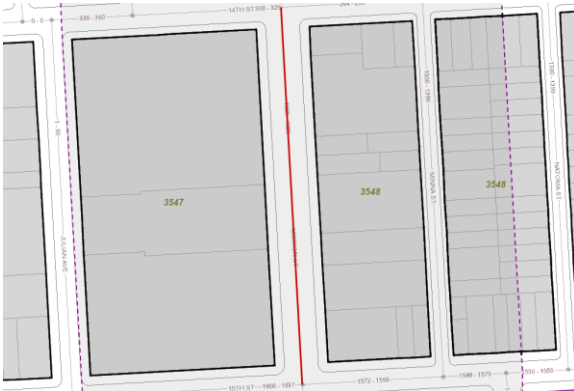
Exhibit A – Boundaries of Prohibition Area

Vending within purple dashed lines is prohibited. 300 foot boundaries are measured from outer edges of public right-of-way along the Mission Street Corridor.



14th Street Intersection – Prohibited Streets

- Woodward Street (inside radius only)
- Mission Street (inside radius only)
- Erie Street (inside radius only)
- 14th Street (inside radius only)



14th Street to 15th Street – Prohibited Streets*

- Julian Ave (east side only)
- Mission Street
- Minna Street

**Vending also prohibited on 14th Street and 15th Street between dashed purple lines (see diagram)*



15th Street to 16th Street – Prohibited Streets*

- Julian Ave (east side only)
- Wiese Street
- Mission Street
- Capp Street**

**Vending also prohibited on 15th Street and 16th Street between dashed purple lines (see diagram)*

***Vending on east side of Capp Street can be reviewed on a case-by-case basis*



16th Street to 17th Street – Prohibited Streets*

- Hoff Street
- Mission Street
- Capp Street

**Vending also prohibited on 16th Street and 17th Street between dashed purple lines (see diagram)*



17th Street to Clarion Aly – Prohibited Streets*

- Mission Street
- Capp Street**

**Vending also prohibited on 17th Street and Clarion Alley between dashed purple lines (see diagram)*

***Vending on east side of Capp Street can be reviewed on a case-by-case basis*

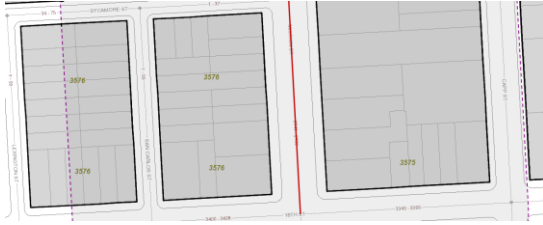


Clarion Aly to Sycamore St – Prohibited Streets*

- Mission Street
- Capp Street**

**Vending also prohibited on Clarion Alley and Sycamore Street between dashed purple lines (see diagram)*

***Vending on east side of Capp Street can be reviewed on a case-by-case basis*

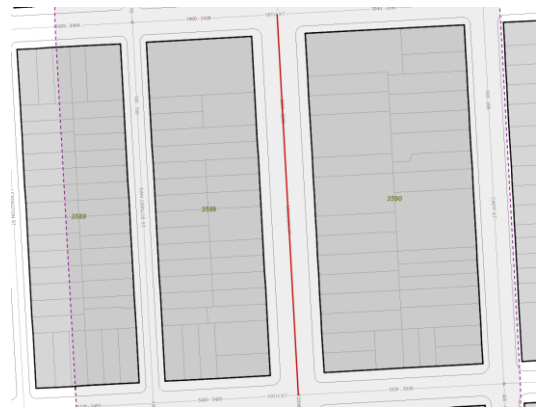


Sycamore St to 18th Street – Prohibited Streets*

- San Carlos Street
- Mission Street
- Capp Street**

**Vending also prohibited on Sycamore Street and 18th Street between dashed purple lines (see diagram)*

***Vending on east side of Capp Street can be reviewed on a case-by-case basis*

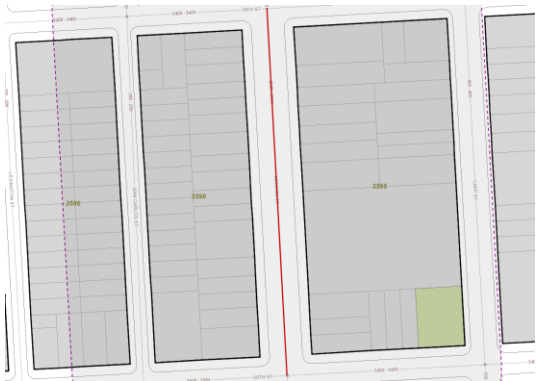


18th Street to 19th Street – Prohibited Streets*

- San Carlos Street
- Mission Street
- Capp Street**

**Vending also prohibited on 18th Street and 19th Street between dashed purple lines (see diagram)*

***Vending on east side of Capp Street can be reviewed on a case-by-case basis*

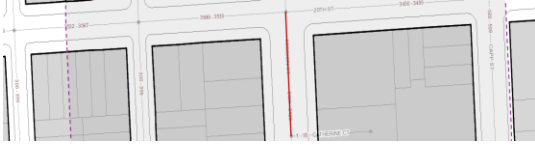


19th Street to 20th Street – Prohibited Streets*

- San Carlos Street
- Mission Street
- Capp Street**

**Vending also prohibited on 19th Street and 20th Street between dashed purple lines (see diagram)*

***Vending on east side of Capp Street can be reviewed on a case-by-case basis*

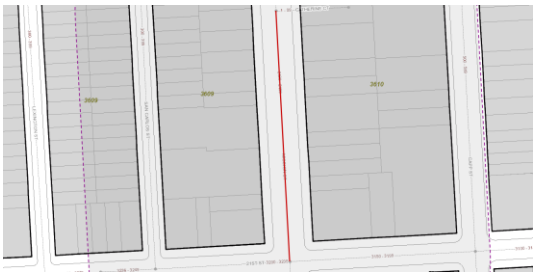


20th Street to Catherine Ct – Prohibited Streets*

- San Carlos Street
- Mission Street
- Capp Street**

**Vending also prohibited on 20th Street and Catherine Court between dashed purple lines (see diagram)*

***Vending on east side of Capp Street can be reviewed on a case-by-case basis*

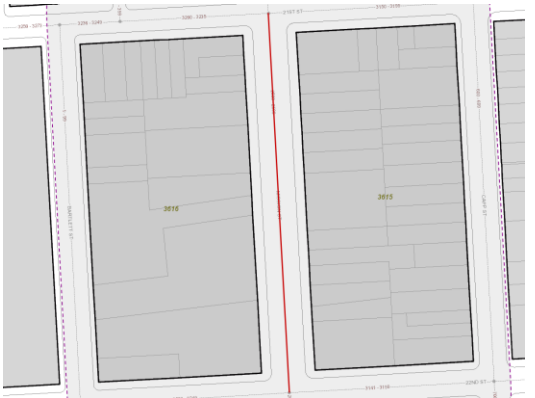


Catherine Ct to 21st Street – Prohibited Streets*

- San Carlos Street
- Mission Street
- Capp Street**

**Vending also prohibited on Catherine Court and 21st Street between dashed purple lines (see diagram)*

***Vending on east side of Capp Street can be reviewed on a case-by-case basis*

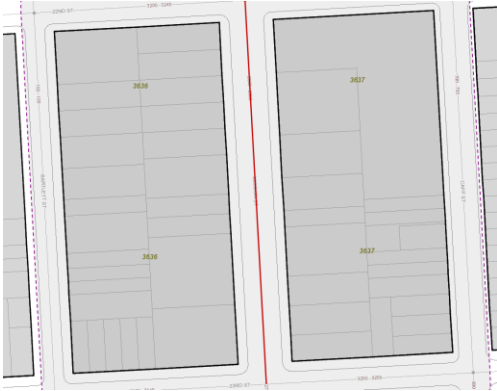


21st Street to 22nd Street – Prohibited Streets*

- Bartlett Street (east side only)
- Mission Street
- Capp Street**

**Vending also prohibited on 21st Street and 22nd Street between dashed purple lines (see diagram)*

***Vending on east side of Capp Street can be reviewed on a case-by-case basis*

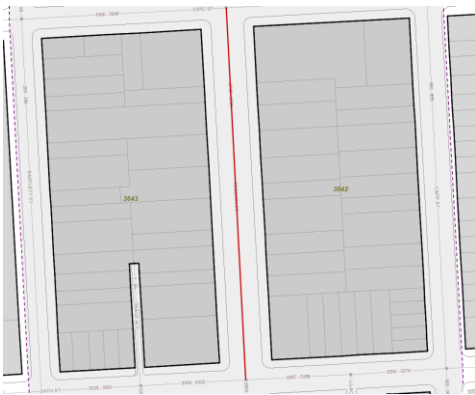


22nd Street to 23rd Street – Prohibited Streets*

- Bartlett Street**
- Mission Street
- Capp Street**

**Vending also prohibited on 22nd Street and 23rd Street between dashed purple lines (see diagram)*

***Vending on west side of Bartlett Street and east side of Capp Street can be reviewed on a case-by-case basis*



23rd Street to 24th Street – Prohibited Streets*

- Bartlett Street**
- Osage Alley
- Mission Street
- Capp Street**

**Vending also prohibited on 23rd Street and 24th Street between dashed purple lines (see diagram)*

***Vending on west side of Bartlett Street and east side of Capp Street can be reviewed on a case-by-case basis*

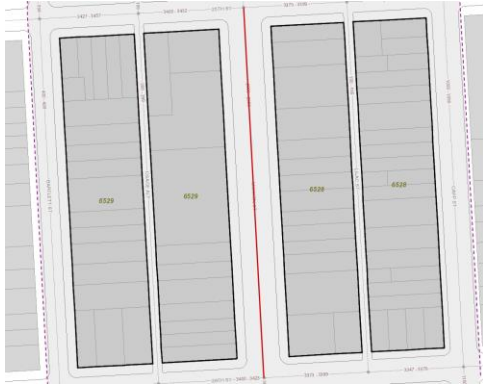


24th Street to 25th Street – Prohibited Streets*

- Bartlett Street**
- Osage Alley
- Mission Street
- Lilac Street
- Capp Street**

**Vending also prohibited on 24th Street and 25th Street between dashed purple lines (see diagram)*

***Vending on west side of Bartlett Street and east side of Capp Street can be reviewed on a case-by-case basis*

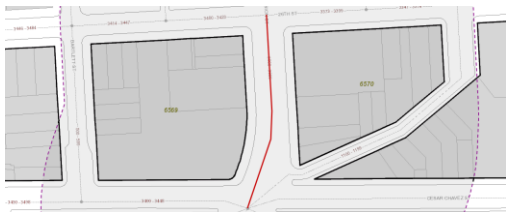


25th Street to 26th Street – Prohibited Streets*

- Bartlett Street**
- Osage Alley
- Mission Street
- Lilac Street
- Capp Street**

**Vending also prohibited on 25th Street and 26th Street between dashed purple lines (see diagram)*

***Vending on west side of Bartlett Street and east side of Capp Street can be reviewed on a case-by-case basis*

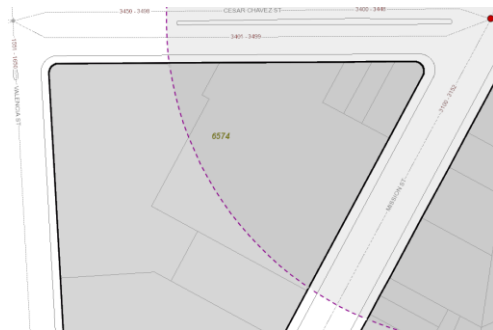


26th Street to Cesar Chavez St – Prohibited Streets*

- Bartlett Street**
- Mission Street
- Capp Street**

**Vending also prohibited on 26th Street and Cesar Chavez Street between dashed purple lines (see diagram)*

***Vending on west side of Bartlett Street and east side of Capp Street can be reviewed on a case-by-case basis*



Cesar Chavez St Intersection (West Side) – Prohibited Streets*

- Cesar Chavez Street (inside radius only)
- Mission Street (inside radius only)



Cesar Chavez St Intersection (East Side) – Prohibited Streets*

- Cesar Chavez Street (inside radius only)

X

DocuSigned by:

Nicolas Huff

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Bureau Manager

X

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Albert Ko

Ko, Albert J 281DC30E04CF41A...
Deputy Director & City Engineer

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Carla Short

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Short, Carla
Interim Director of Public Works