

File No. 251051

Committee Item No. 4

Board Item No. 28

COMMITTEE/BOARD OF SUPERVISORS

AGENDA PACKET CONTENTS LIST

Committee: Public Safety and Ngbh Services

Date: November 13, 2025

Board of Supervisors Meeting:

Date: December 2, 2025

Cmte Board

<input type="checkbox"/>	<input type="checkbox"/>	Motion
<input type="checkbox"/>	<input type="checkbox"/>	Resolution
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Ordinance
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Legislative Digest
<input type="checkbox"/>	<input type="checkbox"/>	Budget and Legislative Analyst Report
<input type="checkbox"/>	<input type="checkbox"/>	Youth Commission Report
<input type="checkbox"/>	<input type="checkbox"/>	Introduction Form
<input type="checkbox"/>	<input type="checkbox"/>	Department/Agency Cover Letter and/or Report
<input type="checkbox"/>	<input type="checkbox"/>	MOU
<input type="checkbox"/>	<input type="checkbox"/>	Grant Information Form
<input type="checkbox"/>	<input type="checkbox"/>	Grant Budget
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<input type="checkbox"/>	<input type="checkbox"/>	Contract / DRAFT Mills Act Agreement
<input type="checkbox"/>	<input type="checkbox"/>	Form 126 – Ethics Commission
<input type="checkbox"/>	<input type="checkbox"/>	Award Letter
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OTHER

<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Senate Bill 276 100625
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	MYR Cover Ltr 102125
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	FYI Referral 102825
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CEQA Referral 102925
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	CEQA Det 102925
<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	Public Works Order No. 212302
<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Works Code Presentation 111325
<input type="checkbox"/>	<input type="checkbox"/>	
<input type="checkbox"/>	<input type="checkbox"/>	

Prepared by: Monique Crayton

Date: November 25, 2025

Prepared by: Monique Crayton

Date: November 7, 2025

Prepared by: _____

Date: _____

[Public Works, Port Codes - Enhanced Enforcement for Vending Targeted Merchandise Without a Permit]

Ordinance amending the Public Works Code in accordance with California Senate Bill 276 (2025) to authorize the enforcement of vending permit requirements through warnings, infractions, misdemeanors, and fines up to \$1,000 for vending certain types of merchandise that are common targets of retail theft, on City property without a permit; amending the Port Code to conform with those amendments; making additional conforming amendments consistent with Senate Bill 276; accepting the recommendations and findings of the Public Works Director pertaining to such targeted merchandise and adopting such findings; and affirming the Planning Department's determination under the California Environmental Quality Act.

NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.
Additions to Codes are in single-underline italics Times New Roman font.
Deletions to Codes are in ~~strikethrough italics Times New Roman font~~.
Board amendment additions are in double-underlined Arial font.
Board amendment deletions are in ~~strikethrough Arial font~~.
Asterisks (* * * *) indicate the omission of unchanged Code subsections or parts of tables.

Be it ordained by the People of the City and County of San Francisco:

Section 1. Environmental Findings.

The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in File No. 251051 and is incorporated herein by reference. The Board affirms this determination.

1 Section 2. General Background and Findings.

2 (a) In 2018, Governor Brown signed Senate Bill 946 ("SB 946"), which decriminalized
3 sidewalk vending in California and constrained local regulatory authority over vending,
4 restricting local governments to the use of administrative fines or permit rescission to enforce
5 local sidewalk vending programs. In 2022, the City enacted Ordinance No. 44-22, which
6 established San Francisco's sidewalk vending permit program consistent with SB 946.

7 (b) On October 6, 2025, Governor Newsom signed Senate Bill 276 ("SB 276"), which
8 grants the City authority to adopt an ordinance requiring a permit to sell merchandise that the
9 City determines is a common target of retail theft. The law permits the City to make the sale
10 of such merchandise on City property, including City sidewalks, without a permit punishable
11 as infractions or misdemeanors, following a written warning, provided that the City's ordinance
12 makes certain requisite findings supported by substantial evidence. Notwithstanding the
13 restrictions on the punishment of sidewalk vending without a permit as set forth in SB 946, SB
14 276 authorizes the City to impose the following punishments for the sale without a permit of
15 merchandise that is a common target of retail theft: a written warning for the first violation; an
16 infraction for the second and third violations within 18 months of the first violation; and
17 infractions or misdemeanors punishable by imprisonment in the county jail for a period not to
18 exceed 6 months and/or a fine not to exceed \$1,000, for the fourth and subsequent violations
19 within 18 months of the first violation. SB 276 will become inoperative on January 1, 2031,
20 along with the enforcement authority authorized under SB 276, and will be repealed as of that
21 date.

22 (c) This ordinance authorizes the enforcement authority granted under SB 276, and
23 makes the required findings. The changes in enforcement effectuated by this ordinance are
24 codified in Section 5.9-11(f) of the Public Works Code for a period of three years from the
25 effective date of the ordinance. Pursuant to SB 276, this ordinance may remain in effect for

1 up to three years, subject to annual approval of the requisite written findings by resolution of
2 the Board of Supervisors, and subject to the filing of an annual report, for a period of three
3 years following the effective date. Subsequently, to enable the City to continue exercising the
4 enforcement authority granted under SB 276, at or prior to the completion of the three-year
5 period, the Board of Supervisors ("Board") would be required to approve a subsequent
6 renewal ordinance that includes the findings required by SB 276. Any City ordinance
7 implementing SB 276 would become inoperative on January 1, 2031.

8 (d) Pursuant to SB 276, at least 60 calendar days prior to the enactment of this
9 ordinance, the City has held at least one workshop to inform the development of the
10 ordinance by soliciting feedback from the vendor community, and report back to the Board.
11 The workshop solicited input on the proposed ordinance, including, but not limited to, input
12 regarding the methods by which street vendors currently acquire goods and feasible methods
13 by which street vendors can keep records.

14 (e) In Public Works Order No. 212302 (the "Order"), which was informed by
15 recommendations provided by the Office of Economic and Workforce Development and the
16 Police Department, including crime data provided by the Police Department from calendar
17 years 2023, 2024, and 2025, the Director of Public Works ("Director) recommends that the
18 Board approve the initial list of merchandise identified as common targets of retail theft in San
19 Francisco, which the Order and this ordinance refer to as "Targeted Merchandise."

20 (f) In the Order, based on analysis of the existing vending permit program that is
21 administered by the Department of Public Works ("Department") and on the Police
22 Department data referenced in the Order, the Director finds that: (1) there has been a
23 significant pattern of merchandise being the subject of retail theft and then appearing for sale
24 on public property within San Francisco; (2) requiring a permit to sell merchandise on public
25 property within San Francisco will further the objective of preventing retail theft; (3) Article 5.9

1 of the Public Works Code, as amended by this ordinance, imposes reasonable permit
2 requirements that enable the lawful sale of merchandise while safeguarding civil rights; and
3 (4) the City has attempted multiple non-law-enforcement measures to address the resale of
4 stolen goods prior to adopting this ordinance, including opening marketplaces where vendors
5 may sell items, reducing or removing permit fees, expanding efforts to combat retail theft,
6 partnering with local nonprofit organizations to triage needs of vendors and their families, and
7 offering wraparound support services, resource fairs, marketing support, trainings on
8 entrepreneurship and business development, workforce development opportunities, and
9 support to open brick-and-mortar businesses.

10 (g) The Order is on file with the Clerk of the Board in File No. 251051 and is
11 incorporated herein by reference. The Board hereby accepts the recommendations and the
12 findings in the Order, adopts the findings as its own, including the initial list of Targeted
13 Merchandise as defined in Section 3 of this ordinance, and authorizes the Director to amend
14 the list of Targeted Merchandise by future Public Works Orders no more than once per
15 quarter of each fiscal year of the City.

16 (h) As required under SB 276, the Board shall adopt findings consistent with SB 276
17 annually while Public Works Code Section 5.9-11(f) remains in effect pursuant to SB 276.

18 (j) At least 30 calendar days prior to the enactment of this ordinance, the City has
19 administered a public information campaign, including public announcements in major media
20 outlets and press releases. Information has been made available in English, Spanish,
21 Mandarin, Cantonese, Tagalog, and Vietnamese. The public information campaign has
22 described the City's program, including how vendors may obtain the required permits, how
23 they demonstrate they obtained merchandise lawfully, and where they can ask questions
24 about the process. The City has also provided trainings and workshops, and the City has
25 conducted street-level outreach and has distributed informational flyers on these topics.

1 Section 3. Article 5.9 of the Public Works Code is hereby amended by revising
2 Sections 5.9-1, 5.9-2, 5.9-3, 5.9-5, 5.9-11, and 5.9-12, to read as follows:

3
4 **SEC. 5.9-1. GENERAL BACKGROUND AND FINDINGS.**

5 * * * *

6
7 (j) On October 6, 2025, Governor Newsom signed Senate Bill 276 (“SB 276”), a statute that
8 grants the City temporary authority to adopt an ordinance requiring a permit to sell merchandise that
9 the City has determined is a common target of retail theft and making the sale of such merchandise on
10 City property, including City sidewalks, without a permit punishable as infractions or misdemeanors,
11 following a written warning; provided that the City has adopted the ordinance on the basis of certain
12 requisite findings based on substantial evidence. Notwithstanding the restrictions on the punishment of
13 sidewalk vending without a permit as set forth in SB 946, SB 276 authorizes the City to impose the
14 following punishments for the sale, without a permit, of merchandise that is a common target of retail
15 theft: a written warning for the first violation; followed by an infraction for the second and third
16 violations within 18 months of the first violation; and followed by infractions or misdemeanors
17 punishable by imprisonment in the county jail for a period not to exceed 6 months and/or a fine, for the
18 fourth and subsequent violations within 18 months of the first violation.

19 (k) ~~This ordinance~~ Article 5.9 creates a vending program that provides for permitting
20 and regulation of street vendors on City property that is ~~both meaningfully enforceable and~~
21 consistent with both SB 946 and SB 276. This Article codifies the enforcement authority granted
22 under SB 276 in Section 5.9-11(f) of the Public Works Code for a period of three years from the
23 effective date of the ordinance in Board of Supervisors File No. 251051. Pursuant to SB 276, this
24 ordinance may remain in effect for up to three years, subject to annual approval of the requisite written
25 findings by resolution of the Board of Supervisors, and subject to the filing of an annual report, for a

1 period of three years following the effective date. Subsequently, in order to enable the City to continue
2 exercising the enforcement authority under SB 276, at or prior to the completion of the three-year
3 period, the Board would be required to approve a subsequent renewal ordinance that includes the
4 findings required by SB 276. By its terms, SB 276 will become inoperative on January 1, 2031 and
5 shall be repealed as of that date.

6
7 **SEC. 5.9-2. DEFINITIONS.**

8 For the purpose of this Article 5.9, the following words and phrases have the following
9 meanings:

10 * * * *

11
12 **Notice of Violation.** A Notice of Violation for a violation of this Article 5.9, as
13 described in Section 5.9-11.

14 **Permitting Agency.** The City department responsible for issuing Vending permits, which is the
15 Department.

16 * * * *

17
18 **Swap Meet.** A swap meet operated in accordance with Article 6 (commencing with
19 section 21660) of Chapter 9 of Division 8 of the California Business and Professions Code, as
20 it may be amended, and any regulations adopted in accordance with that chapter, as they
21 may be amended.

22 **Targeted Merchandise.** Targeted Merchandise includes Merchandise that is a common target
23 of retail theft in San Francisco, as determined by the Director through the issuance of a Public Works
24 Order, in consultation with the Police Department. The initial list of Targeted Merchandise is included
25 in Public Works Order 212302, and may be amended by the Director up to once per quarter of the

1 City's fiscal year. Targeted Merchandise may also include prepackaged food items or beverages that
2 are common targets of retail theft in San Francisco, as determined by the Director through the issuance
3 of a Public Works Order, in consultation with the Police Department, but excludes any prepackaged
4 food items or beverages that are being sold along with food items that are prepared for sale onsite.

5 **United Nations Plaza.** The area defined by Section 2.01(b) of the Park Code.

6 **Vend (and variations such as Vends, Vending).** To sell, offer for sale, expose or
7 display for sale, solicit offers to purchase or lease, or barter Food or Merchandise. Vending
8 includes offering free samples of Food or Merchandise that are also for sale, negotiating fees
9 for Food or Merchandise, or soliciting customers to enter into commercial agreements.

10 **Vendor.** A person or entity that Vends Food or Merchandise from a pushcart, pedal-
11 driven cart, wagon, or other nonmotorized conveyance, or from one's person or a stand,
12 display, showcase, table, rack, or other movable structure. The term Vendor includes but is
13 not limited to Roaming Vendor, Sidewalk Vendor, and Stationary Vendor. In addition, if a
14 Vendor Vends as an employee or agent of another person or entity, that person or entity is
15 also a Vendor. The term Vendor does not include a person or entity that Vends from a Mobile
16 Food Facility as defined by Public Works Code Section 184.80.

17 ~~**United Nations Plaza.** The area defined by Section 2.01(b) of the Park Code.~~

18 **Written Warning.** A written warning for the Vending of Targeted Merchandise without a
19 permit in violation of this Article 5.9, as described in Section 5.9-11.

20
21 **SEC. 5.9-3. PERMIT AND IDENTIFICATION REQUIRED; MANDATORY DISPLAY;**
22 **PROOF OF PURCHASE.**

23 (a) No person may Vend on any City property, including a public right-of-way (as that
24 term is defined in Public Works Code Section 2.4.4) or any other street, sidewalk, alley,
25 walkway, or pedestrian path available to the public, except on property regulated by Article 7

1 of the Park Code, without first having obtained either a Roaming Vendor permit or a
2 Stationary Vendor permit pursuant to this Article 5.9.

3 (b) A Vendor shall prominently display a valid Vendor permit that corresponds with the
4 Vendor's business activity while Vending in accordance with this Article 5.9.

5 (c) Upon request by an Enforcement Official, a Vendor shall immediately provide
6 proof of ownership or authorization to sell the Food and/or Merchandise that the Vendor is
7 Vending. The proof of ownership or authorization must demonstrate that the Vendor obtained the
8 Food and/or Merchandise lawfully and not through theft or extortion, as well as Vendor's legal
9 identification, first name and last name, phone number, and current mailing address.

11 **SEC. 5.9-5. PERMIT APPLICATION; FEE.**

12 (a) **Department Permit.** The Department shall establish a uniform application process
13 through which a Vendor may request, and upon approval receive, a Vendor permit. The
14 application process shall be easily accessible to individuals with limited business experience
15 and limited English language proficiency. The permit application shall require:

16 (1) The name, phone number, and current mailing address of the Vendor.

17 (2) A description of the Food and/or Merchandise that the Vendor intends to Vend.

18 (3) The locations where the Vendor requests to Vend.

19 (4) An attestation by the Vendor that the Vendor will procure~~d~~ the Food and/or
20 Merchandise, whether new or used, through a transaction authorized by law, including but not
21 limited to, bartering and foraging.

22 (5) For any Food and/or Merchandise to Vend, whether new or used, an attestation
23 by the Vendor that the Vendor will maintain proof of ownership or authorization to sell the
24 Food and/or Merchandise and that the Vendor will be able to demonstrate that they obtained the
25 Food and/or Merchandise lawfully and not through theft or extortion, and that the Vendor will

1 produce the documentation of same immediately upon request.

2 * * * *

3
4 (7) Proof of Identity, as described in Administrative Code Section 95.2 and as it
5 may be amended, of the Vendor. In no event shall the Department inquire into or collect
6 information about an individual's immigration or citizenship status or place of birth, inquire into or
7 collect information or documentation regarding an individual's criminal history, or require an
8 applicant to submit fingerprints or a Live Scan, or submit to a background check.

9 * * * *

10
11 (d) **Permit Fee.**

12 (1) The Department shall identify the reasonable regulatory costs for the
13 administrative enforcement and any adjudication of this Article 5.9, including but not limited to
14 the Department's costs to issue permits, perform investigations, conduct inspections, issue
15 administrative citations or other enforcement actions, and audit permittees. The Department
16 shall charge applicants for each Vendor permit and permit renewal an amount that does not
17 exceed the reasonable regulatory costs described in this subsection (d), and may include the
18 actual costs that other agencies, boards, commissions, or departments of the City incur in
19 connection with the processing or administration of this Article 5.9, which fee shall be waived
20 in accordance with California Business and Professions Code Section 16102, as it may be
21 amended, and as applicable. After consulting with the Controller, and by no later than two
22 months after the effective date of the ordinance in Board File No. 211292 establishing this
23 Article 5.9, the Department shall publish on its website a schedule of all fees charged by the
24 Department under this Section 5.9-5, and shall submit that fee schedule to the Clerk of the
25 Board of Supervisors for inclusion in Board File No. 211292. The permit fee shall be adjusted

1 annually in accordance with Public Works Code Section 2.1.2.

2 (2) Notwithstanding paragraph (1), the fee shall not exceed \$25 for applicants that meet
3 either of the following conditions:

4 (A) The applicant earns less than 200% of the area median income.

5 (B) The applicant is a current enrollee in, or recipient of, CalWORKs, CalFresh,
6 general assistance, Medi-Cal, Supplemental Security Income, the State Supplementary Payment
7 Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children,
8 the California Alternate Rates for Energy (CARE) program established pursuant to Section 739.1 of the
9 California Public Utilities Code, or the Family Electric Rate Assistance program established pursuant
10 to Section 739.12 of the California Public Utilities Code.

11 (3) In addition, separate annual fees may apply and be payable to the Tax
12 Collector, Department of Public Health, and the Fire Marshal for any approvals required by
13 each department.

14 (e) **Permit Fee Waiver.** In addition to the permit fee limitations in Section 5.9-5(d)(2), t~~The~~
15 Department shall adopt regulations via Public Works~~Director's~~ Order authorizing the Director to
16 fully waive fees for new permits and partially waive fees for permit renewals, for reasons
17 including, but not necessarily limited to, economic hardship and a Vendors' status as a
18 nonprofit corporation exempt from federal taxation under 26 U.S.C. Section 501(c)(3), as it
19 may be amended. The partial waiver of renewal fees shall be on a sliding scale and the
20 amount waived shall be determined based on the economic hardship of each individual
21 Vendor or the financial circumstances of a nonprofit corporation.

22 * * * *

23 24 **SEC. 5.9-11. ENFORCEMENT.**

25 (a) **Nuisance Declaration.** Any violation of this Article 5.9-, or of any applicable Rules

1 and Regulations, constitutes a public nuisance.

2 (b) **Notice of Violation.** Any Enforcement Official may issue a Notice of Violation for
3 any violation of this Article 5.9-, or of the Rules and Regulations that interpret and implement
4 this Article, and as described in subsection (c) below, that occurs on a public right-of-way (as
5 that term is defined in Public Works Code Section 2.4.4) or any other street, sidewalk, alley,
6 walkway, or pedestrian path available to the public. The Notice of Violation shall include: (1)
7 information identifying the Offender, (2) details of the violation, (3) the name or identifying
8 number of the Enforcement Official, (4) a general description of administrative fines, and
9 payment method and options, including the ability-to-pay determination, (5) a general
10 description of the appeals process, (6) information about the requirements of this Article 5.9
11 and any applicable Rules and Regulations that interpret and implement this Article, (7)
12 information about who to contact for assistance related to this Article 5.9-, and (8) information
13 about workforce development opportunities and job placement programs.

14 (c) **Administrative Citation.** The Department will use the information included in the
15 Notice of Violation to issue an Administrative Citation for any violation of this Article 5.9-, or
16 the Rules and Regulations that interpret and implement this Article, as described below, within
17 15 calendar days of issuing the Notice of Violation:

18 * * * *

19
20 (d) **Temporary Order to Cease Vending and Removal.**

21 * * * *

22
23 (3) (A) **Verbal Warning Followed By Removal of Food, Merchandise, and**
24 **Vending Paraphernalia.** If a Vendor fails, within 10 minutes, to remove Food, or
25 Merchandise, or any other Vending paraphernalia from the location following an order to

1 cease Vending, or fails to follow any other orders the Enforcement Official may issue to
2 mitigate safety hazards, the Enforcement Official or the Department may remove any or all of
3 the items. Prior to removal by the Enforcement Official or the Department, the Enforcement
4 Official shall provide the Vendor a verbal warning of the impending removal and
5 impoundment, and shall urge the Vendor to make every effort to remove the items, or cause
6 their removal. The Department shall document in its records the date and time the verbal
7 warning was provided.

8 (B) **Removal of Food, Merchandise~~Merchan-dise~~, or Vending Paraphernalia**
9 **Within 120 Days of Verbal Warning.** Following a verbal warning from the Enforcement
10 Official at any time within a 120-day period, if a Vendor fails to follow an order to cease
11 Vending, or fails to follow any other orders the Enforcement Official may issue to mitigate
12 safety hazards, the Enforcement Official or the Department may remove any or all Food,
13 Merchandise, or any other Vending paraphernalia~~para-phernalia~~ from the location subject to
14 the order to cease Vending.

15 * * * *

16
17 (e) **Other Violations.** Any violation of this Article 5.9-, or of the Rules and Regulations
18 that interpret and implement this Article, may be subject to one or more of the following:

19 (1) An administrative fine as described in subsection (c).

20 (2) **Civil Action.**

21 (A) The Department may refer violations to the City Attorney to maintain an
22 action for injunction to restrain to cause the correction or abatement of the violation of this
23 Article 5.9, and for recovery of any City department's enforcement and abatement costs
24 (including but not limited to costs for removal, storage, impoundment, and disposal).

25 (B) The City shall be awarded its reasonable attorney's fees and costs incurred

1 in enforcing this Article 5.9, excluding enforcement pursuant to subsection (f) below.

2 **(f) Punishment for Vending Targeted Merchandise Without a Permit.**

3 (1) Vending Targeted Merchandise without a permit shall be punishable as follows:

4 (A) For the first violation, the Department shall issue a written warning identifying the
5 Targeted Merchandise subject to the unpermitted vending and indicating the date, time, and location of
6 the violation.

7 (B) Second and third violations within 18 months of the first violation shall be
8 punishable as infractions.

9 (C) Subsequent violations after three prior violations, and that occur within 18 months
10 of the first violation, shall be punishable as infractions or misdemeanors by imprisonment in the City
11 jail not to exceed 6 months, or by both that imprisonment and a fine not to exceed \$1,000.

12 (2) A violation of this Section 5.9-11(f) resulting in a misdemeanor or an infraction shall be
13 eligible for dismissal pursuant to Section 1203.4a or 1203.425 of the California Penal Code, as
14 applicable.

15 (3) This subsection (f) shall expire by operation of law three years from the effective date of
16 the ordinance in Board of Supervisors File No. 251051, enacting this subsection. Upon the expiration
17 of subsection (f), the City Attorney is authorized to cause this subsection to be removed from the Code.
18 In addition, the City Attorney is authorized to cause the removal of other provisions in this Article 5.9
19 to conform to the expiration of this subsection, and to make nonsubstantive changes in this Article 5.9
20 to conform to the expiration of this subsection. Any changes caused by the City Attorney in accordance
21 with this subsection (f)(3) shall be filed in the above-mentioned Board of Supervisors file.

22
23 **SEC. 5.9-12. REPORTING REQUIRED.**

24 **(a) Triennial Reporting.** The Department shall report to the Board of Supervisors
25 regarding the implementation of this Article 5.9, annually for the first three years after the

1 effective date of the ordinance in Board File No. 211292 establishing this Article; and once
2 every three years thereafter. The report shall include but not be limited to the following:
3 number of applications; number of permits issued; number of permits renewed; locations
4 approved for Vending; locations excluded from Vending; outreach and education efforts;
5 outreach and education outcomes; number of Notice of Violations issued; number of written
6 warnings issued; number of Administrative Citations issued; fines collected; and outstanding
7 fines.

8 (b) **Annual Reporting on Targeted Merchandise.** While Section 5.9-11(f) remains in effect, no
9 later than January 1 of each year, the Department shall submit an annual report to the Board of
10 Supervisors and to the relevant committees of the California Legislature. This annual report shall be
11 submitted in compliance with Section 9795 of the California Government Code. The annual report
12 shall include all of the following:

13 (1) Identification of the Permitting Agency.

14 (2) As applicable, the regulations, rules, and procedures the Permitting Agency has
15 adopted for administering the permit program.

16 (3) The list or lists of Targeted Merchandise.

17 (4) Whether the City has elected to renew its ordinance and, if so, when.

18 (5) The total number of Vending permits issued.

19 (6) The method by which the Permitting Agency determined whether an applicant for a
20 permit was able to demonstrate that they obtained merchandise lawfully and not through theft or
21 extortion.

22 (7) The total number of infractions and misdemeanors issued by the Police Department
23 according to Section 5.9-11(f), and the number for which convictions were reached.

24 (8) The race or ethnicity, gender, and age of the person issued an infraction or
25 misdemeanor, provided that the identification of these characteristics was solely based on the

1 observation and perception of the Police Department.

2 (9) The actions taken by the Police Department when issuing infractions or misdemeanors,
3 including, but not limited to, all of the following:

4 (A) Whether the Police Department asked for consent to search the person, and, if so,
5 whether consent was provided;

6 (B) Whether the Police Department searched the person or any property, and, if so,
7 the basis for the search and any contraband or evidence discovered; and

8 (C) Whether the Police Department seized any property and, if so, the type of
9 property that was seized and the basis for seizing the property.

10
11 Section 4. The Port Code is hereby amended by revising Article 2, Section 2.8, to read
12 as follows:

13 **SEC. 2.8. PEDDLING AND VENDING REGULATED.**

14 * * * *

15
16 (c) Any vending in violation of this Section 2.8 or any Rules and Regulations adopted
17 by the Commission, Executive Director, or designee shall be subject to the enforcement
18 provisions in Section ~~5.9-115.98~~ of the Public Works Code.

19
20 Section 5. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
21 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
22 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
23 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
24 additions, and Board amendment deletions in accordance with the "Note" that appears under
25 the official title of the ordinance.

Section 6. Effective Date. This ordinance shall become effective 30 days after enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board of Supervisors overrides the Mayor's veto of the ordinance.

APPROVED AS TO FORM:
DAVID CHIU, City Attorney

By: /s/ Christopher T. Tom
CHRISTOPHER T. TOM
Deputy City Attorney

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LEGISLATIVE DIGEST

[Public Works, Port Codes - Enhanced Enforcement for Vending Targeted Merchandise Without a Permit]

Ordinance amending the Public Works Code in accordance with California Senate Bill 276 (2025) to authorize the enforcement of vending permit requirements through warnings, infractions, misdemeanors, and fines up to \$1,000 for vending certain types of merchandise that are common targets of retail theft, on City property without a permit; amending the Port Code to conform with those amendments; making additional conforming amendments consistent with Senate Bill 276; accepting the recommendations and findings of the Public Works Director pertaining to such targeted merchandise and adopting such findings; and affirming the Planning Department's determination under the California Environmental Quality Act.

Existing Law

Currently, Article 5.9 of the Public Works Code ("Permit Regulations for Vendors") prescribes the requirements for Vending Food and/or Merchandise on City property and sidewalks, including property and sidewalks within the jurisdiction of the Port of San Francisco ("Port").

The Public Works Code defines "Vend" as "[t]o sell, offer for sale, expose or display for sale, solicit offers to purchase or lease, or barter Food or Merchandise." (S.F. Public Works Code Sec. 5.9-2.) The Public Works Code defines "Merchandise" as "[a]ny item that is neither Food, nor unpackaged food, nor food that is cooked or prepared onsite, and that is not an art or craft regulated under Article 24 (Regulating Street Artists) of the Police Code." (*Id.*) Article 5.9 prohibits Vending on any City property, including "a public right-of-way or any other street, sidewalk, alley, walkway, or pedestrian path" without a permit issued pursuant to Article 5.9.

Due to restrictions in California Senate Bill 946 ("SB 946"), which decriminalized sidewalk vending in California and constrained local regulatory authority over vending, under Article 5.9 of the Public Works Code, Vendors who Vend without a valid permit may face administrative fines of \$250 (first violation), \$500 (second violation within 12 months of first violation), or \$1,000 for a third violation, and each subsequent violation, within 12 months of the first violation. (S.F. Public Works Code Sec. 5.9-11(c)(2).) Currently, the Public Works Code states that failure to pay administrative fines "shall not be punishable as an infraction or misdemeanor" and "additional fines, fees, assessments, or any other financial conditions beyond those authorized in [Public Works Code Section 5.9-11(c)] may not be assessed." (*Id.*)

Amendments to Current Law

Pursuant to California Senate Bill 276 (2025) ("SB 276"), this ordinance authorizes the City to implement enhanced enforcement to address the Vending of merchandise that is a common target of retail theft, on City property without a permit.

SB 276 authorizes the City to approve an ordinance that requires Vendors to obtain a permit for the sale "on public property, including public streets or sidewalks," of merchandise that the City has determined is a "common target of retail theft," provided that the City make specific written findings supported by substantial evidence in the record, as prescribed by SB 276. Notwithstanding SB 946, SB 276 authorizes the City to make the sale of such merchandise on City property without a permit punishable as follows: with a written warning for the first violation; as an infraction for the second and third violations within 18 months of the first violation; and as infractions or misdemeanors punishable by imprisonment in the county jail for a period not to exceed 6 months and/or a fine not to exceed \$1,000, for the fourth and subsequent violations within 18 months of the first violation.

Citing the Public Works Order referenced in the ordinance, this ordinance adopts the required findings, including that:

- (1) There has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within San Francisco;
- (2) Requiring a permit to sell will further the objective of preventing retail theft;
- (3) There are reasonable permit requirements to enable the lawful sale of merchandise and to safeguard civil rights; and
- (4) Multiple non-law-enforcement measures to address the resale of stolen goods were attempted prior to adopting the ordinance, including opening marketplaces where vendors may sell items, reducing or removing permit fees, expanding efforts to combat retail theft, partnering with local nonprofit organizations to triage needs of vendors and their families, and offering wraparound support services, resource fairs, marketing support, trainings on entrepreneurship and business development, workforce development opportunities, and support to open brick and mortars if desired.

This ordinance adopts the list of merchandise that is a common target of retail theft set forth in the Public Works Order as the initial list of "Targeted Merchandise." This ordinance authorizes the Public Works Director to amend the list of Targeted Merchandise no more than once per quarter of each fiscal year of the City.

This ordinance makes the sale of Targeted Merchandise on City property without a permit subject to the following punishments: a written warning for the first violation; infractions for the second and third violations within 18 months of the first violation; and infractions or misdemeanors punishable by imprisonment in the county jail for a period not to exceed 6 months and/or a fine not to exceed \$1,000, for the fourth and subsequent violations within 18 months of the first violation.

In addition, this ordinance codifies the enforcement authority granted under SB 276 in Section 5.9-11(f) of the Public Works Code for a period of three years from the effective date of the ordinance. Moreover, this ordinance amends the Port Code to specify that Vending violations that occur on property within the jurisdiction of the Port are subject to the enforcement provisions of Public Works Code Section 5.9-11.

Consistent with the requirements of SB 276, this ordinance will remain in effect for up to three years, subject to annual approval of the requisite written findings by resolution of the Board of Supervisors, and subject to the filing of an annual report, for a period of three years following the effective date. According to the terms of this ordinance, upon the expiration of the ordinance, the City Attorney is authorized to cause Section 9-11(f) to be removed from the Public Works Code. In addition, the City Attorney is authorized to cause the removal of other provisions in Article 5.9 of the Public Works Code to conform to the expiration of Section 9-11(f), and to make nonsubstantive changes in Article 5.9 to conform to the expiration of Section 9-11(f). Any changes caused by the City Attorney following the expiration of this ordinance will be filed in the Board of Supervisors file for this ordinance.

To enable the City to continue exercising enforcement authority under SB 276 beyond the three-year duration of this ordinance, at or prior to the completion of the three-year period, the Board would be required to approve a subsequent renewal ordinance that includes the findings required by SB 276. By its terms, SB 276 will become inoperative on January 1, 2031 and shall be repealed as of that date.

Background Information

In 2018, Governor Brown signed SB 946, which decriminalized sidewalk vending in California and constrained local regulatory authority over vending, restricting local governments to the use of administrative fines or permit rescission to enforce vending programs. In 2022, the City enacted Ordinance No. 44-22, which established San Francisco's sidewalk vending permit program consistent with SB 946.

On October 6, 2025, Governor Newsom signed SB 276, which grants the City authority to adopt an ordinance requiring a permit to sell merchandise that the City determines is a common target of retail theft. SB 276 will become inoperative on January 1, 2031, along with the enforcement authority authorized under SB 276, and will be repealed as of that date.

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Date Published: 10/07/2025 02:00 PM

Senate Bill No. 276**CHAPTER 406**

An act to add and repeal Section 53076.5 of the Government Code, relating to local government, and declaring the urgency thereof, to take effect immediately.

[Approved by Governor October 06, 2025. Filed with Secretary of State
October 06, 2025.]

LEGISLATIVE COUNSEL'S DIGEST

SB 276, Wiener. City and County of San Francisco: merchandising sales.

Under existing law, knowingly buying or receiving stolen property or property that has been obtained in any manner constituting theft or extortion, as specified, is punishable as either a misdemeanor or a felony if the value of the property exceeds \$950.

Existing law prohibits a local authority from regulating sidewalk vendors, except in accordance with certain provisions, including that a local authority may, by ordinance or resolution, adopt requirements regulating the time, place, and manner of sidewalk vending if the requirements are directly related to objective health, safety, or welfare concerns.

This bill, until January 1, 2031, would authorize the City and County of San Francisco to adopt an ordinance requiring a permit for the sale of specified merchandise on public property, if the ordinance includes specified written findings supported by substantial evidence, including, among other things, that there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within the City and County of San Francisco. The bill would require an ordinance adopted by the City and County of San Francisco to, among other things, identify a local permitting agency that is responsible for administering a permit system. The bill would authorize the ordinance to provide specified punishments for selling merchandise without a permit, including that 2nd and 3rd violations within 18 months of the first violation would be punishable as infractions, and that subsequent violations after 3 prior violations, that occur within 18 months of the first violation, would be punishable as infractions or misdemeanors by imprisonment in the county jail not to exceed 6 months, or by both that imprisonment and a fine.

This bill would authorize the City and County of San Francisco to charge a fee for the cost of issuing a permit, not to exceed the reasonable regulatory costs of implementing the bill, as provided. The bill would authorize the permitting agency to accept specified forms of identification in lieu of a social security number, if the permitting agency otherwise requires a social security number for the issuance of a permit or business license, but would require the number collected from the alternative identification to be confidential, except as provided. The bill

would prohibit the permitting agency from inquiring into or collecting certain information, including, information about an individual's immigration or citizenship status or criminal history.

This bill would require, if an ordinance is adopted, the permitting agency to submit a report to the Board of Supervisors of the City and County of San Francisco and the Legislature by January 1 of each year that includes specified information, including, among other things, the list or lists of merchandise that the City and County of San Francisco determined was a common target of retail theft. The bill would require the City and County of San Francisco, at least 60 days prior to the enactment of an ordinance, to hold one or more workshops to inform the development of the ordinance, and would require the City and County of San Francisco to administer a public information campaign for at least 30 calendar days prior to the enactment of the ordinance, including public announcements in major media outlets and press releases.

This bill would make legislative findings and declarations as to the necessity of a special statute for the City and County of San Francisco.

Existing constitutional provisions require that a statute that limits the right of access to the meetings of public bodies or the writings of public officials and agencies be adopted with findings demonstrating the interest protected by the limitation and the need for protecting that interest.

This bill would make legislative findings to that effect.

This bill would declare that it is to take effect immediately as an urgency statute.

Vote: 2/3 Appropriation: no Fiscal Committee: no Local Program: no

THE PEOPLE OF THE STATE OF CALIFORNIA DO ENACT AS FOLLOWS:

SECTION 1. Section 53076.5 is added to the Government Code, to read:

53076.5. (a) Notwithstanding Section 51037, the City and County of San Francisco may adopt an ordinance requiring a permit for the sale, on public property, including public streets or sidewalks, of merchandise that the City and County of San Francisco has determined is a common target of retail theft. If the city and county passes an ordinance pursuant to these provisions, the ordinance shall include all of the following written findings supported by substantial evidence in the record:

(1) That there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within the City and County of San Francisco.

(2) That requiring a permit to sell will further the objective of preventing retail theft.

(3) That there are reasonable permit requirements to enable the lawful sale of merchandise and to safeguard civil rights.

(4) That multiple non-law-enforcement measures to address the resale of stolen goods were attempted prior to adopting the ordinance, including opening marketplaces where vendors may sell items, reducing or removing permit fees, expanding efforts to combat retail theft, partnering with local nonprofit organizations to triage needs of vendors and their families, and offering wraparound support services, resource fairs, marketing support, trainings on entrepreneurship and business development, workforce development opportunities, and support to open brick and mortars if desired.

(b) For purposes of this section, "merchandise" does not include either of the following:

(1) Food items that are prepared for sale onsite.

(2) A prepackaged food item, including a bag of chips or a nonalcoholic beverage, that is sold along with a food item that is prepared for sale onsite.

(c) An ordinance adopted pursuant to this section may remain in effect for up to three years, subject to annual approval of the written findings by resolution of the Board of Supervisors of the City and County of San Francisco, and subject to the filing of an annual report pursuant to subdivision (i).

(d) (1) An ordinance adopted pursuant to this section shall identify a local permitting agency, separate from the San Francisco Police Department, that shall be responsible for administering a permit system.

(2) The permitting agency shall adopt rules and procedures for administering the permit system.

(3) The permitting agency shall issue permits to persons who are able to demonstrate that they obtained the merchandise lawfully and not through theft or extortion.

(e) (1) An ordinance may provide that selling merchandise without a permit is punishable as follows:

(A) For a first violation, the permitting agency shall issue a written warning.

(B) Second and third violations within 18 months of the time of the first violation shall be punishable as infractions.

(C) Subsequent violations after three prior violations, and that occur within 18 months of the time of the first violation, shall be punishable as infractions or misdemeanors by imprisonment in the county jail not to exceed 6 months, or by both that imprisonment and a fine.

(2) A violation of this section resulting in a misdemeanor or infraction shall be eligible for dismissal pursuant to Section 1203.4a or 1203.425 of the Penal Code, as applicable.

(f) (1) At least 60 calendar days prior to the enactment of an ordinance pursuant to this section, the City and County of San Francisco shall hold one or more workshops to inform the development of the ordinance by soliciting feedback from the vendor community. The workshop shall solicit input on the proposed ordinance, including, but not limited to, input regarding the methods by which street vendors currently acquire goods and feasible methods by which street vendors can keep records.

(2) For at least 30 calendar days prior to the enactment of an ordinance pursuant to this section, the City and County of San Francisco shall administer a public information campaign, including public announcements in major media outlets and press releases. Information shall be made available in English, Spanish, Mandarin, Cantonese, Tagalog, and Vietnamese. The public information campaign shall describe the city and county's program, including how vendors may obtain the required permits, how they demonstrate they obtained merchandise lawfully, and where they can ask questions about the process. The City and County of San Francisco shall also provide trainings and workshops, and shall conduct street-level outreach and distribute informational flyers on these topics.

(g) (1) The City and County of San Francisco may charge a fee for the cost of issuing a permit, not to exceed the reasonable regulatory costs of implementing this section.

(2) Notwithstanding paragraph (1), the fee shall not exceed twenty-five dollars (\$25) for applicants that meet either of the following conditions:

(A) The applicant earns less than 200 percent of the area median income.

(B) The applicant is a current enrollee in, or recipient of, CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income, the State Supplementary Payment Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the California Alternate Rates for Energy (CARE) program established pursuant to Section 739.1 of the Public Utilities Code, or the Family Electric Rate Assistance program established pursuant to Section 739.12 of the Public Utilities Code.

(h) (1) The permitting agency shall accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the permitting agency otherwise requires a social security number for the issuance of a permit or business license, and the number collected shall not be available to the public for inspection, shall be confidential, and shall not be disclosed except as required to administer the permit or licensure program or to comply with a state law or state or federal court order.

(2) The permitting agency shall not inquire into or collect information about an individual's immigration or citizenship status or place of birth.

(3) The permitting agency shall not inquire into or collect information or documentation regarding an individual's criminal history, and shall not require an applicant to submit fingerprints or a LiveScan, or submit to a background check, as part of an application for a permit or valid business license for sidewalk vending.

(i) (1) If an ordinance is adopted pursuant to this section, the permitting agency shall, by January 1 of each year, submit a report to the Board of Supervisors of the City and County of San Francisco and to the relevant committees of the Legislature that includes all of the following:

(A) The local permitting agency that was made responsible for administering the permit system.

(B) The rules and procedures the permitting agency adopted for administering the permit system.

(C) The list or lists of merchandise that the City and County of San Francisco determined was a common target of retail theft.

(D) Whether the City and County of San Francisco elected to renew its ordinance and, if so, when.

(E) The total number of permits issued pursuant to this section.

(F) The method by which the local permitting agency determined whether an applicant for a permit was able to demonstrate that they obtained merchandise lawfully and not through theft or extortion.

(G) The total number of infractions and misdemeanors issued, and the number for which convictions were reached.

(H) The race or ethnicity, gender, and age of the person issued an infraction or misdemeanor, provided that the identification of these characteristics was solely based on the observation and perception of the local authority who issued the infraction or misdemeanor.

(I) The actions taken by a local authority when issuing infractions or misdemeanors, including, but not limited to, all of the following:

(i) Whether the local authority asked for consent to search the person, and, if so, whether consent was provided.

(ii) Whether the local authority searched the person or any property, and, if so, the basis for the search and any contraband or evidence discovered.

(iii) Whether the local authority seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(2) A report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(j) This section shall not be construed to affect the applicability of other state or local laws, including, but not limited to, Section 496 of the Penal Code.

(k) This section shall become inoperative on January 1, 2031, and as of that date is repealed.

SEC. 2. The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need to address the issues relative to fencing and retail theft operations in the City and County of San Francisco.

SEC. 3. The Legislature finds and declares that Section 1 of this act, which adds Section 53076.5 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that in order to protect the privacy of a vendor with regard to their California driver's license or identification number, individual taxpayer identification number, or municipal identification number, when that number is collected in lieu of a social security number for purposes of the issuing of a permit or business license, it is necessary that the vendor's number be confidential, except as provided in this act.

SEC. 4. This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The City and County of San Francisco is experiencing rampant retail theft and the reselling of stolen goods on their streets, which leads to chaos and violence. In order to address this serious issue at the earliest time possible, it is necessary for this act to take effect immediately.

OFFICE OF THE MAYOR
SAN FRANCISCO



DANIEL LURIE
MAYOR

TO: Angela Calvillo, Clerk of the Board of Supervisors
FROM: Adam Thongsavat, Liaison to the Board of Supervisors
RE: Public Works, Port Codes - Enhanced Enforcement for Vending Targeted Merchandise Without a Permit
DATE: October 21, 2025

Ordinance amending the Public Works Code in accordance with California Senate Bill 276 (2025) to authorize the enforcement of vending permit requirements through warnings, infractions, misdemeanors, and fines up to \$1,000 for vending certain types of merchandise that are common targets of retail theft, on City property without a permit; amending the Port Code to conform with those amendments; making additional conforming amendments consistent with Senate Bill 276; accepting the recommendations and findings of the Public Works Director pertaining to such targeted merchandise and adopting such findings; and affirming the Planning Department's determination under the California Environmental Quality Act.

Should you have any questions, please contact Adam Thongsavat at adam.thongsavat@sfgov.org

BOARD of SUPERVISORS



City Hall
1 Dr. Carlton B. Goodlett Place, Room 244
San Francisco 94102-4689
Tel. No. (415) 554-5184
Fax No. (415) 554-5163
TDD/TTY No. (415) 554-5227

MEMORANDUM

TO: Carla Short, Director, San Francisco Public Works
Paul Yep, Interim Police Chief, Police Department
Brooke Jenkins, District Attorney, Office of the District Attorney
Manohar Raju, Public Defender, Office of the Public Defender

FROM: Monique Crayton, Assistant Clerk, Public Safety and Neighborhood
Services Committee, Board of Supervisors

DATE: October 28, 2025

SUBJECT: LEGISLATION INTRODUCED

The Board of Supervisors' Public Safety and Neighborhood Services Committee has received the following ordinance request, introduced on October 21, 2025:

File No. 251051

[Public Works, Port Codes - Enhanced Enforcement for Vending Targeted Merchandise Without a Permit]

Ordinance amending the Public Works Code in accordance with California Senate Bill 276 (2025) to authorize the enforcement of vending permit requirements through warnings, infractions, misdemeanors, and fines up to \$1,000 for vending certain types of merchandise that are common targets of retail theft, on City property without a permit; amending the Port Code to conform with those amendments; making additional conforming amendments consistent with Senate Bill 276; accepting the recommendations and findings of the Public Works Director pertaining to such targeted merchandise and adopting such findings;

CC:
Office of Chair Dorsey
Adam Thongsavat, Office of the Mayor
David Steinberg, San Francisco Public Works
Ian Schneider, San Francisco Public Works
Steven Lopez, Police Department
Sgt Stacy Youngblood, Police Department
Carl Nicita, Police Department
Giannina Miranda, Police Department
Ana Gonzalez, Office of the District Attorney
Eugene Clendinen, Office of the District Attorney
Lily Rapson, Office of the District Attorney
Monifa Willis, Office of the District Attorney

and affirming the Planning Department's determination under the California Environmental Quality Act.

If you have any comments or reports to be included with the file, please forward them to me at the Board of Supervisors, City Hall, Room 244, 1 Dr. Carlton B. Goodlett Place, San Francisco, CA 94102.

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MEMORANDUM

Date: October 29, 2025
To: Planning Department/Planning Commission
From: Monique Crayton, Assistant Clerk, Public Safety and Neighborhood Services Committee
Subject: Board of Supervisors Legislation Referral - File No. 251051
Public Works, Port Codes - Enhanced Enforcement for Vending Targeted
Merchandise Without a Permit]

- ☐ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
 - ☒ Ordinance / Resolution
 - ☐ Ballot Measure
- ☐ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
 - ☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
 - ☐ Landmark (*Planning Code, Section 1004.3*)
 - ☐ Cultural Districts (*Charter, Section 4.135 & Board Rule 3.23*)
 - ☐ Mills Act Contract (*Government Code, Section 50280*)
 - ☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Monique Crayton at monique.crayton@sfgov.org.

BOARD of SUPERVISORS



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San Francisco 94102-4689
Tel. No. (415) 554-5184
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MEMORANDUM

Date: October 29, 2025
To: Planning Department/Planning Commission
From: Monique Crayton, Assistant Clerk, Public Safety and Neighborhood Services Committee
Subject: Board of Supervisors Legislation Referral - File No. 251051
Public Works, Port Codes - Enhanced Enforcement for Vending Targeted
Merchandise Without a Permit]

- ☐ California Environmental Quality Act (CEQA) Determination
(*California Public Resources Code, Sections 21000 et seq.*)
☒ Ordinance / Resolution
☐ Ballot Measure
- Not defined as a project under CEQA Guidelines Sections 15378 and 15060(c)(2) because it would not result in a direct or indirect physical change in the environment.
10/29/2025 *Joy Navarrete*
- ☐ Amendment to the Planning Code, including the following Findings:
(*Planning Code, Section 302(b): 90 days for Planning Commission review*)
☐ General Plan ☐ Planning Code, Section 101.1 ☐ Planning Code, Section 302
- ☐ Amendment to the Administrative Code, involving Land Use/Planning
(*Board Rule 3.23: 30 days for possible Planning Department review*)
- ☐ General Plan Referral for Non-Planning Code Amendments
(*Charter, Section 4.105, and Administrative Code, Section 2A.53*)
(Required for legislation concerning the acquisition, vacation, sale, or change in use of City property; subdivision of land; construction, improvement, extension, widening, narrowing, removal, or relocation of public ways, transportation routes, ground, open space, buildings, or structures; plans for public housing and publicly-assisted private housing; redevelopment plans; development agreements; the annual capital expenditure plan and six-year capital improvement program; and any capital improvement project or long-term financing proposal such as general obligation or revenue bonds.)
- ☐ Historic Preservation Commission
☐ Landmark (*Planning Code, Section 1004.3*)
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☐ Designation for Significant/Contributory Buildings (*Planning Code, Article 11*)

Please send the Planning Department/Commission recommendation/determination to Monique Crayton at monique.crayton@sfgov.org.



San Francisco Public Works
General – Director’s Office
49 South Van Ness Ave., Suite 1600
San Francisco, CA 94103
(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 212302

MAKING FINDINGS RELATED TO SIDEWALK VENDING IN SUPPORT OF PROPOSED ORDINANCE SEEKING TO IMPLEMENT ENFORCEMENT AUTHORITY GRANTED TO CITY AND COUNTY OF SAN FRANCISCO PURSUANT TO CALIFORNIA SENATE BILL 276 (2025), IDENTIFYING A LIST OF MERCHANDISE COMMONLY TARGETED FOR RETAIL THEFT (“TARGETED MERCHANDISE”), AND RECOMMENDING THAT THE BOARD OF SUPERVISORS APPROVE THE AFOREMENTIONED ORDINANCE AND APPROVE THE INITIAL LIST OF TARGETED MERCHANDISE

WHEREAS, Pursuant to California Senate Bill 276 (2025) (“SB 276”), this ordinance authorizes the City, exclusively, to implement enhanced enforcement to address the sale of merchandise that is a common target of retail theft, on City property without a permit; and

WHEREAS, SB 276 authorizes the City to approve an ordinance that requires vendors to obtain a permit for the sale “on public property, including public streets or sidewalks,” of merchandise that the City has determined is a “common target of retail theft,” provided that the City make specific written findings supported by substantial evidence in the record, as prescribed by SB 276; and

WHEREAS, SB 276 requires that when the City approves an ordinance as authorized under SB 276, the City must find that: (1) there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within San Francisco; (2) requiring a permit to sell merchandise on public property within San Francisco will further the objective of preventing retail theft; (3) there are reasonable permit requirements that enable the lawful sale of merchandise while safeguarding civil rights; and (4) multiple non-law-enforcement measures to address the resale of stolen goods were attempted prior to adopting the ordinance, including opening marketplaces where vendors may sell items, reducing or removing permit fees, expanding efforts to combat retail theft, partnering with local nonprofit organizations to triage needs of vendors and their families, and offering wraparound support services, resource fairs, marketing support, trainings on entrepreneurship and business development, workforce development opportunities, and support to open brick-and-mortar businesses; and

WHEREAS, SB 276 is a response, in part, to a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within San Francisco; and

WHEREAS, According the Police Department’s Organized Retail Crime data, from January 1, 2023 through September 28, 2025, the reported value of property (including merchandise and packaged food) stolen citywide through organized retail crime totaled approximately \$11.5 million, and retail theft remains a significant challenge in San Francisco; and

WHEREAS, Over the last three calendar years, the value of property stolen in San Francisco remains significant, exceeding \$6.4 million in 2023, exceeding \$3.6 million in 2024, and exceeding \$1.4 million through September 28, 2025; and

WHEREAS, Retail theft occurs across San Francisco and is most concentrated in several police districts; since 2023, the Central Police District has reported more than \$3.5 million in stolen property, with significant amounts in the Taraval (\$1.49 million), Northern (\$1.47 million) Tenderloin (\$1.34 million), and Mission (\$1.19 million) police districts; and

WHEREAS, Between January 1, 2023 and September 28, 2025, officers recovered stolen property that was tied to organized retail crime through in-progress arrests and other organized retail crime investigative operations and worth approximately \$1.6 million; and

WHEREAS, The Police Department conducts enforcement operations focused on the sale and resale of stolen merchandise and other goods, commonly referred to as “fencing”; and merchandise recovered in fencing operations, which are included in the categories of merchandise identified in the Organized Retail Crime data attached to this Order as Exhibit A, demonstrate a pattern of retail theft followed by sale and resale of such on public property; and

WHEREAS, The Police Department estimates that the value of suspected stolen goods recovered during fencing operations between January 1, 2023 and September 28, 2025 exceeded \$513,000; and

WHEREAS, The correlation between the types of property recovered in fencing operations and the types of property frequently stolen in retail theft incidents indicates that fencing operations are an important intervention to help disrupt organized retail theft networks; and

WHEREAS, Public Works street inspectors have observed commonly stolen merchandise offered for sale on public sidewalks and in public spaces, including packaged food, hygiene products, cosmetics, clothing, and small electronics; and

WHEREAS, The sale of stolen property in public, commingled with the sale of goods that were obtained legally, creates unsafe and unsanitary conditions that undermine the health, safety, and welfare of residents, visitors, inspectors, and lawful vendors; and such sales activity causes the obstruction of sidewalks, the accumulation of debris and discarded packaging on sidewalks, and threatens to displace legitimate vendors with vendors who may be illegally selling stolen goods; and

WHEREAS, Requiring a permit for the sale of merchandise identified as common targets of retail theft is intended to reduce retail theft and fencing, make merchandise traceable to lawful sources, and protect legitimate vendors operating in compliance with vending regulations; and

WHEREAS, Public Works and other departments have collaborated with the Mayor’s Office on an ordinance to implement SB 276 (“SB 276 Ordinance”) that would satisfy the requirements of SB 276 and incorporate the enhanced enforcement mechanisms that would be authorized under SB 276 into the Public Works Code, and a draft of the SB 276 Ordinance is attached to this Order as Exhibit B; and

WHEREAS, To safeguard civil rights and due process, the SB 276 Ordinance designates the Public Works as the non-law-enforcement permitting agency, prohibits collection of immigration or criminal-history information, requires acceptance of alternative forms of identification, and caps permit fees to ensure accessibility for low-income vendors; and

WHEREAS, Between November 2023 and May 2024, two temporary marketplaces were launched in partnership with community organizations including Clecha, Calle 24 Latino Cultural District, and the Latino Task Force to support permitted vendors by providing alternative vending sites; and

WHEREAS, El Tianguie Marketplace opened on November 27, 2023, at 2137 Mission Street, operating daily from 10am–6pm, it offered 43 slots, with up to 35 vendors participating each day; and

WHEREAS, La Placita Marketplace opened on November 28, 2023, at 24th and Capp Street in the SFMTA parking lot, operating Tuesday through Saturday from 10am–6pm, hosting up to 9 vendors and weekly activations to attract foot traffic; and

WHEREAS, On January 6, 2025, a permanent El Tianguie site opened at 2081 Mission Street as an incubation space for vendors, with capacity for 12 stalls; and

WHEREAS, In addition to the marketplaces, we collaborated on holiday events such as the Abuelita Cook-Off at La Placita, Mission Lotería at El Tianguie, and Día de los Reyes; and a dedicated communications campaign, including a webpage and radio ads, promoted shopping in the Mission and supporting permitted vendors; and

WHEREAS, Alongside these efforts, the “Shop in the Mission” campaign was created to direct shoppers to the vendor marketplaces; and

WHEREAS, The Public Works street vendor permit program provides that individuals applying for a permit may be eligible for an initial permit application fee waiver, and a 50% reduced renewal fee if their individual or family income is less than or equal to 200% of the U.S. Department of Health and Human Services’ Poverty Guidelines; and

WHEREAS, Since November 2022, Public Works has issued no fewer than five Public Works Orders to restrict vending along the Mission Street Corridor (Mission Street between Cesar Chavez Boulevard and 14th Street, and adjacent streets) due to objective health, safety, and welfare concerns, and between November 2022 through the present, City departments have collaborated to address health, safety, and welfare concerns related to vending along the Mission Street Corridor as described in Public Works Order Nos. 208,803; 210,162; 210,605; 210,875; and 211, 884; and the aforementioned Orders are available for review at <https://sfpublicworks.org/services/permits/public-works-orders>; and

WHEREAS, Since Fiscal Year 2024-2025, OEWD has funded six Community Engagement Specialists to support permitted Street Vendors in the Mission Street Corridor by ensuring and supporting compliance with City requirements, vending in authorized locations, and training vendors to have their receipts and permits ready for inspection; and they were ensuring streets and plazas were clear of unpermitted vending and engaged with brick-and-mortar business owners; and the specialists were onsite along the Mission Street Corridor 7 days per week from 11am – 7:30 pm; and

WHEREAS, Since Fiscal Year 2025, DEM has managed Community Engagement Specialist-Ambassadors who work and provide services in vicinity of 16th and Mission Streets, supporting efforts

to provide community resources and to monitor potential fencing operations and open air drug markets; and

WHEREAS, As part of a pilot program for permitted vendors along the Mission Street Corridor, there are 32 Pilot vending plots allowed on Mission Street from 25th to 22nd Streets; and each vendor that participates in this pilot program must complete a two-hour orientation presented by OEWD, Public Works, and DEM, at which vendors learn about the City's vending rules, regulations, standards, and enforcement authority, and receive supplies including uniform canopies, tablecloths, and a vest; and

WHEREAS, Since 2022, the City has partnered with local nonprofit organizations including the Latino Task Force, Clecha, MEDA and Calle 24 Cultural District to respond to and triage the needs of vendors and their families, offering technical assistance and wraparound support services including but not limited to training in entrepreneurship, business formation, business development, business finances, opening a brick-and-mortar store, permit navigation, and workforce development opportunities; referrals to workshops on topics such as immigration, health, and other essential resources; marketing support; resource fairs; emergency financial relief for vendors from low-income households; and emergency family relief for vendors with children under age 18; and

WHEREAS, Since 2023, OEWD and DEM have engaged with vendors at their monthly association meetings to provide legislative and programmatic updates as well as referrals to social services and resources; and

WHEREAS, OEWD has helped up to 35 vendors obtain general liability insurance for one year; and

WHEREAS, OEWD has informed vendors of small business grant opportunities such as the OEWD Business Training Grant; and

WHEREAS, Despite the City's extensive measures to address fencing and retail theft prior to enacting this ordinance, including establishing permitted marketplaces, reducing or eliminating fees for vendors, offering multilingual outreach, and partnering with nonprofit organizations to provide vendor support and workforce development opportunities, and significant interagency coordination among Public Works, the Police Department, DEM, and OEWD to address sidewalk vending and related safety and quality of life issues, the sale of stolen retail merchandise and fencing remain significant and persistent; and

WHEREAS, Notwithstanding the restrictions on regulating vending under California Senate Bill 946 (2018) ("SB 946"), SB 276 authorizes the City to make the sale of such merchandise on City property without a permit punishable as follows: with a written warning for the first violation; as an infraction for the second and third violations within 18 months of the first violation; and as infractions or misdemeanors punishable by imprisonment in the county jail for a period not to exceed 6 months and/or a fine not to exceed \$1,000, for the fourth and subsequent violations within 18 months of the first violation; and

WHEREAS, Consistent with the requirements of SB 276, the City ordinance implementing SB 276 may remain in effect for up to three years, subject to annual approval of the requisite written findings by

resolution of the Board of Supervisors (“Board”), and subject to the filing of an annual report, for a period of three years following the effective date; and

WHEREAS, To enable the City to continue exercising enforcement authority under SB 276 beyond the three-year duration of this ordinance, at or prior to the completion of the three-year period, the Board would be required to approve a subsequent renewal ordinance that includes the findings required by SB 276; by its terms, SB 276 will become inoperative on January 1, 2031 and shall be repealed as of that date; and

WHEREAS, While the California legislature considered the approval of SB 276, San Francisco Public Works (“Public Works”) has been collaborating with other City agencies including the Office of Economic and Workforce Development (“OEWD”), the Police Department, the Department of Emergency Management (“DEM”) on strategies for enforcing vending restrictions under SB 946 as well as potential legislative amendments to implement SB 276, in the event that SB 276 were to be signed into law, and compiling and analyzing substantial evidence that would support such legislation including retail theft data compiled by the Police Department’s Crime Analysis Unit for calendar years 2023, 2024, and 2025 and a summary of the data (Exhibit A); and

WHEREAS, Following the approval and effective date of SB 276, the SB 276 Ordinance could remain in effect for up to three years, subject to annual approval of the requisite written findings by resolution of the Board of Supervisors (“Board”), and subject to the filing of an annual report, for a period of three years following the effective date; and

WHEREAS, The SB 276 Ordinance would amend Article 5.9 of the Public Works Code (titled “Permit Regulations for Vendors”) to conform to the requirements of SB 276; and the changes in enforcement authorized under SB 276 and effectuated by this ordinance would be codified in Section 5.9-11(f) of the Public Works Code; and

WHEREAS, Three years after the effective date of the SB 276 Ordinance, to enable the City to continue exercising the enforcement authority granted under SB 276, at or prior to the completion of the three-year period, the Board of Supervisors (“Board”) would be required to approve a subsequent renewal ordinance that includes the findings required by SB 276; any City ordinance implementing SB 276 would become inoperative on January 1, 2031; and

WHEREAS, According to the terms of the SB 276 Ordinance, upon the expiration of the ordinance, the City Attorney is authorized to cause Section 9-11(f) to be removed from the Public Works Code; and the City Attorney is authorized to cause the removal of other provisions in Article 5.9 of the Public Works Code to conform to the expiration of Section 9-11(f), and to make nonsubstantive changes in Article 5.9 to conform to the expiration of Section 9-11(f); and any changes caused by the City Attorney following the expiration of this ordinance will be filed in the Board of Supervisors file for this ordinance; and

WHEREAS, The Public Works Director (“Director”) has prepared this Order in consultation with the Police Department and OEWD and on the basis of Public Works’ analysis of the existing vending permit program codified in Article 5.9 of the Public Works Code and administered by Public Works and on the Police Department data attached as Exhibit A; and

WHEREAS, On October 6, 2025, Governor Newsom signed SB 276, which grants the City authority to adopt an ordinance requiring a permit to sell merchandise that the City determines is a common target of retail theft; now, therefore, be it:

DETERMINED that on the basis of the preceding information and grounds, the Public Works Director makes the findings and recommendations set forth below.

A. SB 276 FINDINGS

(1) There has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within San Francisco;

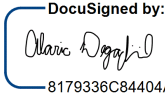
(2) Requiring a permit to sell merchandise on public property within San Francisco will further the objective of preventing retail theft;

(3) Article 5.9 of the Public Works Code, as amended by the SB 276 Ordinance, imposes reasonable permit requirements that enable the lawful sale of merchandise while safeguarding civil rights; and

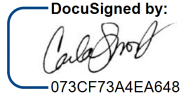
(4) The City has attempted multiple non-law-enforcement measures to address the resale of stolen goods prior to adopting this ordinance, including opening marketplaces where vendors may sell items, reducing or removing permit fees, expanding efforts to combat retail theft, partnering with local nonprofit organizations to triage needs of vendors and their families, and offering wraparound support services, resource fairs, marketing support, trainings on entrepreneurship and business development, workforce development opportunities, and support to open brick-and-mortar businesses.

B. RECOMMENDATIONS

1. The Director recommends that the Board of Supervisors adopt the aforementioned findings.
2. The Director recommends that the Board of Supervisors adopt the draft ordinance attached to this Order as Exhibit B.
3. The Director has determined that the categories of merchandise and goods set forth in Exhibit C are common targets of retail theft in San Francisco ("Targeted Merchandise") and the Director recommends that the Board of Supervisors approve Exhibit C as the initial list of Targeted Merchandise for purposes of SB 276.

X DocuSigned by:

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Degrafinried, Alaric
Deputy Director of Support Services

X DocuSigned by:

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Short, Carla
Director of Public Works

EXHIBIT A.

San Francisco Police Department's Organized Retail Crime Data
(January 1, 2023 – September 28, 2025)

EXHIBIT B.

SB 276 Ordinance
(Introduced in October 2025)

**THE PEOPLE OF THE STATE OF CALIFORNIA DO
ENACT AS FOLLOWS:**

SECTION 1.

Section 53076.5 is added to the Government Code, to read:

53076.5.

(a) Notwithstanding Section 51037, the City and County of San Francisco may adopt an ordinance requiring a permit for the sale, on public property, including public streets or sidewalks, of merchandise that the City and County of San Francisco has determined is a common target of retail theft. If the city and county passes an ordinance pursuant to these provisions, the ordinance shall include all of the following written findings supported by substantial evidence in the record:

(1) That there has been a significant pattern of merchandise being the subject of retail theft and then appearing for sale on public property within the City and County of San Francisco.

(2) That requiring a permit to sell will further the objective of preventing retail theft.

(3) That there are reasonable permit requirements to enable the lawful sale of merchandise and to safeguard civil rights.

(4) That multiple non-law-enforcement measures to address the resale of stolen goods were attempted prior to adopting the ordinance, including opening marketplaces where vendors may sell items, reducing or removing permit fees, expanding efforts to combat retail theft, partnering with local nonprofit organizations to triage needs of vendors and their families, and offering wraparound support services, resource fairs, marketing support, trainings on entrepreneurship and business development, workforce development opportunities, and support to open brick and mortars if desired.

(b) For purposes of this section, “merchandise” does not include either of the following:

(1) Food items that are prepared for sale onsite.

(2) A prepackaged food item, including a bag of chips or a nonalcoholic beverage, that is sold along with a food item that is prepared for sale onsite.

(c) An ordinance adopted pursuant to this section may remain in effect for up to three years, subject to annual approval of the written findings by resolution of the Board of Supervisors of the City and County of San Francisco, and subject to the filing of an annual report pursuant to subdivision

(i).

(d) (1) An ordinance adopted pursuant to this section shall identify a local permitting agency, separate from the San Francisco Police Department, that shall be responsible for administering a permit system.

(2) The permitting agency shall adopt rules and procedures for administering the permit system.

(3) The permitting agency shall issue permits to persons who are able to demonstrate that they obtained the merchandise lawfully and not through theft or extortion.

(e) (1) An ordinance may provide that selling merchandise without a permit is punishable as follows:

(A) For a first violation, the permitting agency shall issue a written warning.

(B) Second and third violations within 18 months of the time of the first violation shall be punishable as infractions.

(C) Subsequent violations after three prior violations, and that occur within 18 months of the time of the first violation, shall be punishable as infractions or misdemeanors by imprisonment in the county jail not to exceed 6 months, or by both that imprisonment and a fine.

(2) A violation of this section resulting in a misdemeanor or infraction shall be eligible for dismissal pursuant to Section 1203.4a or 1203.425 of the Penal Code, as applicable.

(f) (1) At least 60 calendar days prior to the enactment of an ordinance pursuant to this section, the City and County of San Francisco shall hold one or more workshops to inform the development of the ordinance by soliciting feedback from the vendor community. The workshop shall solicit input on the proposed ordinance, including, but not limited to, input regarding the methods by which street vendors currently acquire goods and feasible methods by which street vendors can keep records.

(2) For at least 30 calendar days prior to the enactment of an ordinance pursuant to this section, the City and County of San Francisco shall administer a public information campaign, including public announcements in major media outlets and press releases. Information shall be made available in English, Spanish, Mandarin, Cantonese, Tagalog, and Vietnamese. The public information campaign shall describe the city and county's program, including how vendors may obtain the required permits, how they demonstrate they obtained merchandise lawfully, and where they can ask questions about the process. The City and County of San Francisco shall also provide trainings and workshops, and shall conduct street-level outreach and distribute informational flyers on these topics.

(g) (1) The City and County of San Francisco may charge a fee for the cost of issuing a permit, not to exceed the reasonable regulatory costs of implementing this section.

(2) Notwithstanding paragraph (1), the fee shall not exceed twenty-five dollars (\$25) for applicants that meet either of the following conditions:

(A) The applicant earns less than 200 percent of the area median income.

(B) The applicant is a current enrollee in, or recipient of, CalWORKs, CalFresh, general assistance, Medi-Cal, Supplemental Security Income, the State Supplementary Payment Program, the California Special Supplemental Nutrition Program for Women, Infants, and Children, the California Alternate Rates for Energy (CARE) program established pursuant to Section 739.1 of the Public Utilities Code, or the Family Electric Rate Assistance program established pursuant to Section 739.12 of the Public Utilities Code.

(h) (1) The permitting agency shall accept a California driver's license or identification number, an individual taxpayer identification number, or a municipal identification number in lieu of a social security number if the permitting agency otherwise requires a social security number for the issuance of a permit or business license, and the number collected shall not be available to the public for inspection, shall be confidential, and shall not be disclosed except as required to administer the permit or licensure program or to comply with a state law or state or federal court order.

(2) The permitting agency shall not inquire into or collect information about an individual's immigration or citizenship status or place of birth.

(3) The permitting agency shall not inquire into or collect information or documentation regarding an individual's criminal history, and shall not require an applicant to submit fingerprints or a LiveScan, or submit to a background check, as part of an application for a permit or valid business license for sidewalk vending.

(i) (1) If an ordinance is adopted pursuant to this section, the permitting agency shall, by January 1 of each year, submit a report to the Board of Supervisors of the City and County of San Francisco and to the relevant committees of the Legislature that includes all of the following:

(A) The local permitting agency that was made responsible for administering the permit system.

(B) The rules and procedures the permitting agency adopted for administering the permit system.

(C) The list or lists of merchandise that the City and County of San Francisco determined was a common target of retail theft.

(D) Whether the City and County of San Francisco elected to renew its ordinance and, if so, when.

(E) The total number of permits issued pursuant to this section.

(F) The method by which the local permitting agency determined whether an applicant for a permit was able to demonstrate that they obtained merchandise lawfully and not through theft or extortion.

(G) The total number of infractions and misdemeanors issued, and the number for which convictions were reached.

(H) The race or ethnicity, gender, and age of the person issued an infraction or misdemeanor, provided that the identification of these characteristics was solely based on the observation and perception of the local authority who issued the infraction or misdemeanor.

(I) The actions taken by a local authority when issuing infractions or misdemeanors, including, but not limited to, all of the following:

(i) Whether the local authority asked for consent to search the person, and, if so, whether consent was provided.

(ii) Whether the local authority searched the person or any property, and, if so, the basis for the search and any contraband or evidence discovered.

(iii) Whether the local authority seized any property and, if so, the type of property that was seized and the basis for seizing the property.

(2) A report submitted pursuant to this section shall be submitted in compliance with Section 9795 of the Government Code.

(j) This section shall not be construed to affect the applicability of other state or local laws, including, but not limited to, Section 496 of the Penal Code.

(k) This section shall become inoperative on January 1, 2031, and as of that date is repealed.

SEC. 2.

The Legislature finds and declares that a special statute is necessary and that a general statute cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the need to address the issues relative to fencing and retail theft operations in the City and County of San Francisco.

SEC. 3.

The Legislature finds and declares that Section 1 of this act, which adds Section 53076.5 to the Government Code, imposes a limitation on the public's right of access to the meetings of public bodies or the writings of public officials and agencies within the meaning of Section 3 of Article I

of the California Constitution. Pursuant to that constitutional provision, the Legislature makes the following findings to demonstrate the interest protected by this limitation and the need for protecting that interest:

The Legislature finds and declares that in order to protect the privacy of a vendor with regard to their California driver's license or identification number, individual taxpayer identification number, or municipal identification number, when that number is collected in lieu of a social security number for purposes of the issuing of a permit or business license, it is necessary that the vendor's number be confidential, except as provided in this act.

SEC. 4.

This act is an urgency statute necessary for the immediate preservation of the public peace, health, or safety within the meaning of Article IV of the California Constitution and shall go into immediate effect. The facts constituting the necessity are:

The City and County of San Francisco is experiencing rampant retail theft and the reselling of stolen goods on their streets, which leads to chaos and violence. In order to address this serious issue at the earliest time possible, it is necessary for this act to take effect immediately.

EXHIBIT C.LIST OF TARGETED MERCHANDISE
(NOVEMBER 2025)**List of Targeted Merchandise**

San Francisco Police Department – Crime Analysis Unit

Retail Theft Data

Time Period: January 1, 2023 through September 28, 2025

Reference Date: November 4, 2025

This summary identifies merchandise described in San Francisco Police Department (“SFPD” or the “Department”) retail theft incident reports between January 1, 2023 and September 28, 2025. For this time period, each item listed under “Targeted Merchandise” corresponds to a term used in the Department’s Crime Analysis Unit retail theft dataset to describe an item of food or merchandise for which there are at least 100 total incidents for the applicable time period. The items below were reported stolen in a retail theft crime and recorded in an incident report. For purposes of Senate Bill 276 (2025), the categories of merchandise or food below constitute merchandise that is a common target of retail theft as of the last aforementioned date.

Category (ordered by total incidents)	Total Incidents (2023 through September 28, 2025)	Targeted Merchandise (from SFPD Incident Reports)
Food and Beverages	4,930	Food/Drinks (general); Packaged Food and Snacks; Candy; Nuts; Meat Products; Soda; Coffee; Alcohol; Wine
Clothing and Personal Accessories	2,957	Clothing/Shoes (general); Eyeglasses; Sunglasses; Watch; Belt; Jewelry; Wallet; Purse; Hat
Cosmetics and Skin Care	1,868	Cosmetics (general); Makeup (general); Concealer; Foundation; Powder; Lipstick; Eyeliner; Mascara; Primer; Gloss; Perfume; Face Serum; Facial Cream; Lotion; Sunscreen; Nail Polish; False Eyelashes; Lash Glue; Bronzers; Hair Dyes

Personal Hygiene and Toiletries	1,547	Hygiene Items (general); Deodorant; Toothpaste; Toothbrush; Mouthwash; Shampoo; Conditioner; Soap; Body Wash; Razors; Shaving Product; Shave Gel;
Laundry Supplies and Household Cleaning Supplies	1,034	Detergent; Dish Soap; Dishwasher Pods; Cleaning Supplies; Disinfecting Spray; Wipes; Air Freshener; Paper Towels; Toilet Paper; Trash Bags; Laundry Beads; Laundry Pods
Electronics and Batteries	455	Electronics/Accessories (general); Laptop; Tablet; Computer; Cell Phone; Charger; Power Bank; Battery; Headphones; Earbuds; Speakers; TVs; Monitors
Medicine, Vitamins, Medical Supplies, and Tobacco Products	416	Medicine/Supplements (general); Cold Medicine; Allergy Medicine; Pain Reliever; Vitamins; First-Aid Supplies; Bandages; Wraps; Gel Packs; Blood-Pressure Monitors; Tobacco Products (general); Cigarettes; Nicotine Gum
Bags, Backpacks, and Suitcases	376	Bag/Backpack/Suitcase (general); Shopping Bag
Currency and Cards	394	Currency; Cards (Debit, Credit, ID and Gift); Checks
Household Goods and Home Décor	300	Kitchen Supplies (general); Cookware; Home Decor; Bedding; Towels; Blanket; Candle

Tools, Hardware, and Automotive Tools and Supplies	285	Tools (general); Bolt Cutters; Drill; Drill Bit; Motor Oil; Coolant; Jumper Cables; Locks; Keys
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Total Retail-Theft Incidents Represented: 16,842 (January 1, 2023 – Sept. 28, 2025 YTD)

Source: SFPD Crime Analysis Unit Retail-Theft Property Items Dataset



Ordinance Amending the San Francisco Public Works Code

Article 5.9 "Permit Regulations for Vendors"
Following the Passage of California
Senate Bill 276 (SAFE Streets Act)

**To Enable Enhanced Enforcement for Vending
Targeted Merchandise on City Property Without a Permit**



BILL HISTORY AND BACKGROUND

SB 946 Safe Sidewalk Vending Act 2018

- This state law decriminalized street vending in California and removed police departments' authority to enforce vending permit requirements apart from criminal activity
- Unintentionally, SB946 —combined with COVID and other factors—created the conditions that led to increased sales of stolen goods (fencing) and unsafe sidewalk conditions in some San Francisco neighborhoods

Concerns over objective health, safety, and welfare concerns such as oversaturation fencing and other illegal activities led to advocacy from:

- Mission District Community
- Merchants
- Mission Street Vendors Association
- Tenderloin Community
- Chinatown Community

City Implemented Mission Street Corridor Vending Restrictions While Supporting Amendments to State Law

- Vending restrictions on Mission St. from Cesar Chavez St. to 14th St. (Vending pilot program on three blocks)
- Multi-departmental effort

WHAT IS CA SB 276?

Purpose

- To authorize San Francisco to more effectively address the sale of stolen and other goods on City property without a permit by allowing police to enforce certain violations
- To promote permitted vending and support vendors and healthy street conditions

Legislative Sponsors and Partners

- Bill introduced by Senator Wiener
- Ordinance implementing SB 276 -sponsored by Mayor Lurie
- Bill and ordinance supported by street vendors and community stakeholders

List of Merchandise Commonly Targeted for Retail Theft:

- Vendors who sell merchandise that is commonly targeted for retail theft face a written warning for the first violation followed by escalating enforcement by the Police Department
- List of “Targeted Merchandise” excludes foods prepared on-site and any prepackaged items sold together with on-site prepared food
- Vendors who have a valid vending permit issued by Public Works will not be subject to enforcement by the Police Department
- Targeted Merchandise list will need to be submitted annually to the Board of Supervisors



LOCAL ORDINANCE

The Board of Supervisors is
Considering Amendments to
DPW Article 5.9 Code to
Implement SB 276

Definitions

“Targeted Merchandise” refers to merchandise commonly targeted for retail theft

Permit and Identification

- Vendors must demonstrate proof of Ownership in Lawful Manner (e.g., receipts of purchase etc.)
- Vendor Identification (name, phone number, mailing address)
 - To safeguard civil rights and due process, prohibits inquiring or collecting information regarding immigration, citizenship, place of birth, criminal history, fingerprints or background checks as part of permit application process.
- Limits cost of vending permit for low-income applicants

Enforcement

Outlines Consequences for Vending Targeted Merchandise Without a Permit

Reporting

Annual report to the SF Board of Supervisors and relevant committees of the CA legislature related to enforcement activities related to SB 276

TARGETED MERCHANDISE

**Based on SFPD Incident
Reports**

*The list of “Targeted
Merchandise” is based on
items of food and
merchandise identified in the
Department’s Crime Analysis
Unit retail theft dataset.*

Food & Beverages	Food/Drinks (general); Packaged Food and Snacks; Candy; Nuts; Meat Products; Soda; Coffee; Alcohol; Wine
Clothing & Accessories	Clothing/Shoes (general); Eyeglasses; Sunglasses; Watch; Belt; Jewelry; Wallet; Purse; Hat
Cosmetics & Skin Care	Cosmetics (general); Makeup (general); Concealer; Foundation; Powder; Lipstick; Eyeliner; Mascara; Primer; Gloss; Perfume; Face Serum; Facial Cream; Lotion; Sunscreen; Nail Polish; False Eyelashes; Lash Glue; Bronzers; Hair Dyes
Personal Hygiene & Toiletries	Hygiene Items (general); Deodorant; Toothpaste; Toothbrush; Mouthwash; Shampoo; Conditioner; Soap; Body Wash; Razors; Shaving Product; Shave Gel;
Household Cleaning & Paper Products	Detergent; Dish Soap; Dishwasher Pods; Cleaning Supplies; Disinfecting Spray; Wipes; Air Freshener; Paper Towels; Toilet Paper; Trash Bags; Laundry Beads; Laundry Pods
Electronics & Batteries	Electronics/Accessories (general); Laptop; Tablet; Computer; Cell Phone; Charger; Power Bank; Battery; Headphones; Earbuds; Speakers; TVs; Monitors
Medicine, Vitamins & Tobacco Products	Medicine/Supplements (general); Cold Medicine; Allergy Medicine; Pain Reliever; Vitamins; First-Aid Supplies; Bandages; Wraps; Gel Packs; Blood-Pressure Monitors; Tobacco Products (general); Cigarettes; Nicotine Gum
Bags, Backpacks & Suitcases	Bag/Backpack/Suitcase (general); Shopping Bag
Currency & Cards	Currency; Cards (Debit, Credit, ID and Gift); Checks
Household Goods & Decor	Kitchen Supplies (general); Cookware; Home Decor; Bedding; Towels; Blanket; Candle
Tools, Hardware & Automotive	Tools (general); Bolt Cutters; Drill; Drill Bit; Motor Oil; Coolant; Jumper Cables; Locks; Keys

Total Retail-Theft Incidents Represented: 16,842 (Jan 2023 - Sept 2025) Source: SFPD Crime Analysis Unit Retail-Theft Property Items Dataset

ENFORCEMENT

Actions and Consequences
Vendors Will Face for Selling
Targeted Merchandise on
Public Property Without a Vending
Permit



First Violation

A written warning;

- For the first violation, the City shall issue a written warning identifying the Targeted Merchandise subject to the unpermitted vending and indicating the date, time, and location of the violation.

Second and Third Violations

An infraction within 18 months of the first violation;

Fourth Violation and Beyond

Infractions or misdemeanors punishable by imprisonment in the county jail for a period not to exceed 6 months and/or a fine not to exceed \$1,000, within 18 months of the first violation

CITY'S COMMUNITY ENGAGEMENT AND PUBLIC OUTREACH

City's meetings leading up to this point

- Ongoing proactive program interventions to enroll and support permitted vendors in the Mission District
- From January 2024 to June 2025, conducted three surveys of small business in the Mission District about their experiences and perceptions of public health and safety related to vending and fencing.
- Routine Mission stakeholder meetings to discuss street vending programing/initiatives: SB 276, Compact Mobile Food Operations, Mission Street Vending Pilot, etc.
- Monthly attendance of Mission Street Vendor Association meetings beginning in January 2025, to update on vending initiatives and programs

Sacramento visits and testimony

- Over the last two years, Street vendors and City traveled to Sacramento six times to lobby for the state vending bill Small Business Commission

Small Business Commission

- On Sept 22, 2025, the Small Business Commission held an Informational Session on SB 276

Formal workshops

- The City held five formal workshops about SB 276 and the proposed implementing ordinance with stakeholder groups with the Chinatown Community, TL-Mid-Market stakeholders, Mission Stakeholders and the Mission Street Vendors Association, and the San Francisco Benefit District Alliance



COMMUNITY WORKSHOP HIGHLIGHTS-INPUT AND QUESTIONS

Commonly Stolen Items	Community Education	Management of Personal Information	Enforcement	Other
<p>Items That May Be Included in the List of Targeted Merchandise:</p> <p>Alcohol, Cosmetics, Apparel, Packaged Meats, Vitamins/Supplements, Razor Blades, Baby Formula, Electronics, Laundry Detergent, Over the Counter Medicine, Jewelry, Toys, Cigarettes,</p> <p>Q1: Does this include homemade products? A1: No</p> <p>Q2: Will permitted vendors be able to sell items on the list? A2: Yes, items on the list may be sold lawfully with a permit and with proof of lawful purchase.</p>	<p>Q1: What information or outreach will be conducted to community and vendors? A1: Press engagement, informational brochures in different languages to vendors and those interested in applying for a permit.</p>	<ul style="list-style-type: none"> • Q1: How will PD and DPW coordinate for enforcement? • A1: A database for internal sharing is being developed for those that receive initial written warning. • Q2: How will verifiable identification be collected? • A2: DPW will request it with PD present. • Q3: Will information collected by the City be shared with people outside of the City? • A3: Personal information will be protected, no information about immigration status will be collected. 	<ul style="list-style-type: none"> • Urgent enforcement of the policy needed • Coordinate with DA on misdemeanor charges • Enforcement operations must be sensitive and consider current immigration climate. • Q1: Are there additional enforcement resources included as part of this? • A1: No • Q2: Can something be done to curb demand by punishing those purchasing stolen goods? • A2: Laws already exist that penalize this. 	<ul style="list-style-type: none"> • Fencing operations impact permitted vendors, retail businesses and storefronts, cars selling stolen items occupy parking spots all day. • Q1: What happens after state legislation expires in 2031? • A1: City will have to work with State to get it renewed.

Questions?



From: [alice poon](#)
To: [Crayton, Monique \(BOS\)](#)
Cc: honlamtracy@yahoo.com
Subject: agenda item 4, 251051: [Public Works, Port Codes - Enhanced Enforcement for Vending Targeted Merchandise Without a Permit]
Date: Thursday, November 13, 2025 11:39:22 AM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Dear sir

My name is Tracy lam , we have 2 stores in sf China town

Mei ze lan - 777 Jackson st Sf ca94133

Mi lan stop -910 Stockton st sf ca84133

我們門口的褲 毛巾 襪 拖鞋，經常被人偷，常常整箱被偷，很多時候都會出現在無牌小販擺賣銷贓 所以非常支持政府部門通過執法，不能讓有牌小販在街上擺賣，並檢控來歷不明的貨品，希望給予我們正當商店有公平的保障，我們要交租，給予員工薪資，交各種的稅金，安份守己在三藩市做生意，真的希望市府明白和重視，
謝謝

Sent from my iPhone

From: [Edward Siu](#)
To: [Crayton, Monique \(BOS\)](#)
Subject: Request for Action to Stop Illegal Vendors Selling Stolen Goods
Date: Wednesday, November 12, 2025 4:16:42 PM

This message is from outside the City email system. Do not open links or attachments from untrusted sources.

Monique:
How are you?

My name is **Edward Siu**, and I represent the **Chinatown Merchants United Association of San Francisco**, which serves merchants in both **Chinatown** and the **Sunset District**.

We are writing to express our deep concern about the growing problem of **illegal street vendors** who are selling stolen goods. Many of these items are taken directly from our local merchants' stores, including grocery stores, fish markets, and fashion shops.

The types of stolen merchandise being sold on the streets include:

- **From grocery and fish markets:** vegetables, canned foods, cooking oil, potatoes, raw chickens, meats, fish, and crabs.
- **From fashion stores:** clothing, gloves, socks, and jackets.

These illegal activities seriously harm our small businesses, undermine public safety, and create an unfair environment for honest merchants.

We respectfully request that the City take **strong enforcement action** to stop the sale of stolen goods on the streets and to **hold illegal vendors accountable**.

Thank you for your attention to this urgent matter. We appreciate your continued support of our Chinatown and Sunset merchants.

Here are attached some photos of illegal selling in Chinatown on Stockton Street.

Sincerely,

Edward Siu
Chinatown Merchants United Association of San Francisco

658 Jackson Street

San Francisco CA. 94133

web: chinatownmerchantsf.org

