

## LEGISLATIVE DIGEST

[Public Works Code - Minor Encroachment Permits for Legacy Pushcart Peddlers]

**Ordinance amending the Public Works Code to create the Legacy Pushcart Peddler designation, provide that utility access in the public right-of-way for Legacy Pushcart Peddlers is a minor encroachment, and clarify the revocation and restoration requirements for all minor encroachment permits; and affirming the Planning Department's determination under the California Environmental Quality Act.**

### Existing Law

The Office of Small Business maintains a registry of Legacy Businesses in San Francisco, comprised of longstanding, community-serving businesses. (Administrative Code Section 2A.242(a).) The criteria to qualify as a Legacy Business are set forth in Administrative Code Section 2A.242. This ordinance does not amend or alter any of the criteria or other requirements that govern the Legacy Business Registry.

Pushcart Peddlers are regulated under Article 5.8 of the Public Works Code (Section 184.80 et seq.). A Pushcart is defined as “[a]ny wagon, cart, or any other food-serving device, whether stationary or movable, wherein or wherefrom any food or foodstuffs are sold, served, distributed, offered for sale at retail, or given away to the public, whether consumed at said pushcart or elsewhere.” (Public Works Code Section 184.80.) A Pushcart Peddler is defined as “[a]ny person or entity engaged in the business of operating a pushcart within the City and County of San Francisco.” (*Id.*) Pushcart Peddlers who operate on public right-of-way under the jurisdiction of the Department of Public Works (“Public Works”) must obtain a permit from Public Works. (*Id.*, § 184.81.)

Currently, the Director of Public Works may grant permission to a property owner abutting any court, alley or street to install and maintain minor encroachments such as fences, retaining walls, steps or stairways and other minor structures in the sidewalk fronting such property. (Public Works Code Section 723.2(a).) Public Works Code Section 723.2 sets forth the process for obtaining a minor encroachment permit and the associated fees and assessments. Encroachments into the public right-of-way by non-fronting property owners are governed by the major encroachment permit process set forth in Public Works Code Section 786.

### Amendments to Current Law

This ordinance would amend Public Works Code Section 184.80 to define a Legacy Pushcart Peddler as “[a]ny Pushcart Peddler that has been added to the City’s Legacy Business Registry pursuant to Administrative Code Section 2A.242, as amended from time to time.”

This ordinance would amend Public Works Code Section 723.2 to provide that minor encroachment permits include encroachments that are necessary for a Legacy Pushcart Peddler to obtain water or electric utility service, in any court, alley, or street, where such encroachments satisfy criteria established by the Director and the City Engineer. These encroachments include flush-mounted fixtures, pushcarts, or other pushcart components and infrastructure that must be hardwired to the fixture on a 24-hour basis. Prior to obtaining a minor encroachment permit, the Legacy Pushcart Peddler must obtain approval to access water or electric utility service from the applicable authorities. This ordinance would also waive the public right-of-way occupancy assessment fee for these Legacy Pushcart Peddler encroachments.

Additionally, this ordinance would amend Public Works Code Section 723.2 to clarify the existing procedure for the granting, revocation, and restoration obligations for all types of minor encroachment permits.

Finally, this ordinance would amend Public Works Code Section 786 to provide that Legacy Pushcart Peddler encroachments are governed by Section 723.2.

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