

1 [Public Works Code - Mobile Food Truck Locations]

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3 **Ordinance: 1) amending Public Works Code Section 184.85 to modify the permissible**  
4 **distance between mobile food facilities and school; and 2) adopting environmental**  
5 **findings.**

6 Note: Additions are *single-underline italics Times New Roman*;  
7 deletions are *strikethrough italics Times New Roman*.  
8 Board amendment additions are double underlined.  
9 Board amendment deletions are ~~strikethrough normal~~.

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

10 Section 1. Findings

11 (a) On \_\_\_\_\_, the Planning Department determined that this  
12 Ordinance was categorically exempt under the California Environmental Quality Act. Said  
13 determination is on file with the Clerk of the Board of Supervisors in File No. \_\_\_\_\_  
14 and is incorporated herein by reference.

15 Section 2. The San Francisco Public Works Code is hereby amended by amending  
16 Section 184.85, to read as follows:

17 **SEC. 184.85. REGULATING MOBILE FOOD FACILITY LOCATIONS.**

18 (a) Every person desiring a permit pursuant to this Article shall conform to the  
19 requirements set forth in this Section 184.85 and any regulations and rules that the Director  
20 adopts pursuant to this Article.

21 (b) The Director may issue a Mobile Food Facility permit only when the Director finds  
22 that the following location and time requirements are met:

23 (1) The Location shall:

24 (A) Leave unobstructed path for pedestrian passage on any sidewalk a  
25 space not less than 6 feet wide.

1 (B) Satisfy all other locational requirements of the Department.

2 (2) No Mobile Food Facility or Mobile Food Facility Vendor shall peddle goods,  
3 wares or merchandise between the hours of 3:00 a.m. (~~midnight~~) and 6:00 a.m., unless the  
4 Director has approved such sales after consulting with the Planning Department and the Chief  
5 of Police.

6 (3) Notwithstanding any other provision of this Code, no Mobile Food Facility  
7 or Mobile Food Facility Vendor shall peddle goods, wares or merchandise:

8 (A) In any residential ("R") district other than a residential-commercial  
9 combined ("RC") district as defined in the Planning Code.

10 (B) In the "P" districts, as defined in Section 234 of the Planning Code, that  
11 are located on Twin Peaks or in any areas in or adjacent to Open Space Districts located on  
12 Twin Peaks.

13 (C) On the north side of Jefferson Street between Jones and Taylor.

14 (D) Within ~~1,500 feet~~ one (1) City block's distance of the property line of any  
15 public middle school, junior high school, or high school between the hours of 7:00 a.m. and  
16 5:00 p.m. Monday through Friday.

17 (c) Notwithstanding the locational requirements of Subsection (b)(1), if a Pushcart  
18 Peddler has a valid permit for a specific Location dated as of July 19, 1995, said Peddler is  
19 exempt from Subsection (b)(1)(B) and the Director may issue an exception to Subsection  
20 (b)(1)(A) for such Peddler as long as the permitted pedestrian passage satisfies applicable  
21 federal and State access requirements.

22 (d) The Director, after a public hearing, may adopt such orders, policies, regulations,  
23 rules, or standard plans and specifications as he or she deems necessary in order to preserve  
24 and maintain the public health, safety, welfare, and convenience. Such orders, policies,  
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1 regulations, or rules may include, but are not limited to, permit application materials,  
2 placement of and information contained on signs, site conditions, accessibility of sidewalks  
3 and streets. When such orders, policies, regulations, or rules will affect the operations and  
4 enforcement of the Municipal Transportation Authority, the Department of Public Health, or the  
5 Fire Department, the Director shall consult with and provide an opportunity to comment to the  
6 Director of the affected Department prior to adoption of such orders, policies, regulations, or  
7 rule.

8 Section 3. Effective Date. This ordinance shall become effective 30 days from the  
9 date of passage.

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APPROVED AS TO FORM:  
DENNIS J. HERRERA, City Attorney

By: \_\_\_\_\_  
John D. Malamut  
Deputy City Attorney