

## LEGISLATIVE DIGEST

[Public Works Code - Temporary Mobile Caterer Permit]

**Ordinance amending the Public Works Code to create a Temporary Mobile Caterer permit for restaurants that cannot operate during mandatory seismic retrofits of their buildings.**

### Existing Law

Public Works Code Article 5.8 regulates Mobile Food Facilities in San Francisco. Mobile Food Facilities includes both Mobile Caterers, motorized vehicles such as food trucks, and Pushcarts. Article 5.8 currently requires both types of Mobile Food Facilities to obtain a permit from Public Works, along with approval by the Director of Health and the Fire Marshal, before operating in public street, sidewalk, alley, or any other public right-of-way.

Under Article 5.8, Mobile Caterers are subject to location restrictions:

- Mobile Caterers may not operate within a certain distance from public middle schools, junior high schools, and certain high schools;
- Mobile Caterers may not operate within 75 feet of any restaurant's entrance; and
- Mobile Caterers may not serve in one location more than three days per week.

Mobile Caterers seeking permits must provide public notice of their intent to operate in a certain location. Members of the public may protest the issuance of such permits and request a hearing before the Director of Public Works. The Director's decision is subject to a further appeal to the Board of Appeals.

Chapter 4D of the San Francisco Existing Building Code addresses the mandatory seismic retrofit of wood-frame buildings. This Chapter establishes seismic retrofit requirements to reduce the collapse risk of residential buildings with vulnerable lower stories. Section 405D of this Chapter imposes compliance deadlines for these mandatory retrofits, and generally requires all work is to be completed by December 31, 2020.

### Amendments to Current Law

This ordinance would establish a Temporary Mobile Caterer permit for restaurants that cannot operate during a mandatory seismic retrofit. Under this permit, such a restaurant may operate a food truck as a Temporary Mobile Caterer during any ongoing construction. The Temporary Mobile Caterer would:

- not be subject to restrictions with respect to locations relative to middle schools, junior high schools, and high schools;
- not be restricted from operating within 75 feet of another restaurant's entrance; and
- be able to operate for the same hours and days as its affiliated restaurant.

Temporary Mobile Caterers would not be subject to the notice and hearing procedures that apply to Mobile Food Facilities, but Public Works' permitting decisions would be subject to appeal to the Board of Appeals. Temporary Mobile Caterers could also obtain a street space permit under Public Works Code Section 724.

The Temporary Mobile Caterer must use the same name and/or brand as its affiliated restaurant, and must operate within 50 feet of that restaurant.

This ordinance will sunset on December 31, 2020, but if State or local law extends the compliance deadline for mandatory soft-story seismic retrofits, this ordinance will expire on that deadline.

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