



San Francisco Public Works
General – Director’s Office
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(628) 271-3160 www.SFPublicWorks.org

Public Works Order No: 210605

MODIFYING THE PROHIBITIONS ON VENDING WITHIN A 300-FOOT RADIUS OF THE MISSION STREET CORRIDOR (MISSION STREET BETWEEN 14TH AND CESAR CHAVEZ STREETS), BETWEEN THE HOURS OF 8 AM AND 5 AM, SUNDAY THROUGH SATURDAY, DUE TO OBJECTIVE HEALTH, SAFETY, AND WELFARE CONCERNS, ORIGINALLY IMPOSED UNDER PUBLIC WORKS ORDER NO: 210162; AUTHORIZING A LIMITED VENDING PILOT PROJECT ON MISSION STREET BETWEEN 24TH AND 25TH STREETS; AND SUPERSEDING PUBLIC WORKS ORDER NO: 210162.

WHEREAS, The City and County of San Francisco (“City”) strives to ensure that public transit facilities and City sidewalks remain safe and accessible for pedestrians and transit users as may be required by the Americans with Disabilities Act and state and local disability rights and accessibility laws, regulations, and codes, as well as the Public Works Code; and

WHEREAS, Unless otherwise defined herein, the defined terms used in this Order have the meanings set forth in the Public Works Code or the Regulations; and

WHEREAS, Public Works Code Section 5.9-2 defines to “Vend” as “[t]o sell, offer for sale, expose or display for sale, solicit offers to purchase, or barter Food or Merchandise” and Vending includes “offering free samples of Food or Merchandise that are also for sale, or negotiating fees for Food or Merchandise”; and

WHEREAS, Pursuant to Government Code Section 51083(c), Public Works Code Section 5.9-8(a)(2), and Section II.A.6 of the Guidelines for the Issuance of Permits, and for Inspection and Enforcement of Street Vendors Operating Within the Public Rights-of-Way, effective July 1, 2022 (as amended the “Regulations”), the Department of Public Works (“Department”) is authorized to restrict locations on which Vending is allowed on the basis of objective public health, safety, and welfare concerns; and

WHEREAS, According to the Regulations, Vendors are required to operate in accordance with “Good Neighbor Policies”; to bear individual responsibility for “any garbage, detritus, or debris that directly results from their Vending activity”; to “contain noise and odors within the immediate area of the Vendor so as not to cause a nuisance to neighbors”; to “urge patrons to not litter and to maintain the safety, cleanliness, quiet, peace, and orderliness of the area”; and to provide for “proper and adequate storage and disposal of garbage, detritus, and debris”; and

WHEREAS, Since before October 2022, the Mission Police Station has routinely received community complaints about illegal Vending, including Vending without proper permits and Vending stolen goods, and other associated criminal and nuisance activities along Mission Street between 14th and Cesar Chavez Streets (the “Mission Street Corridor”), which pose objective health, safety, and welfare concerns to residents, visitors, and permitted Vendors within the Mission District; and

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

WHEREAS, In response to a substantial volume of complaints and calls for service received by the Police Department and the 311 Customer Service Center between October 2022 and October 2023, on November 27, 2023, the Department of Public Works issued Public Works Order No: 208803, prohibiting vending within a 300-foot radius of the Mission Street corridor (Mission Street between 14th and Cesar Chavez Streets), between the hours of 8 am and 5 am, Sunday through Saturday, for a ninety-day period due to objective health, safety, and welfare concerns referenced in Public Works Order No: 208803; and

WHEREAS, Prior to the issuance of Public Works Order No: 208803, within the Mission Police Station service area, the intersection of 24th and Mission Street and the intersection of 16th Street and Mission Street ranked as the sites with the highest and second highest number of calls for service, respectively, apart from the Mission Police Station itself; and

WHEREAS, Prior to the issuance of Public Works Order No: 208803, Mission Police Station experienced elevated numbers of calls for service associated with the Mission Street Corridor that were attributed in part to illegal purchasing and Vending (or “fencing”) of stolen property, particularly around the intersections of 24th and Mission Streets and 16th and Mission Streets, near the BART plazas; and

WHEREAS, Illegal vending activity along the Mission Street Corridor, particularly the BART plazas on Mission Street at 24th and 16th Streets, is associated with the sale of suspected stolen property, and Police officers have observed that incidents of the sale of suspected stolen property on or about the Mission Street Corridor increase in the absence of Public Works street inspectors; and

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

WHEREAS, Within the last 12 months, the Police Department’s investigatory units have conducted numerous anti-fencing operations that have resulted in the recovery and seizure of large amounts of stolen property, often valued in the tens of thousands of dollars per seizure; and

WHEREAS, Allowing vending activities to resume along the Mission Street Corridor would facilitate the high concentration of pedestrians and stationary and mobile Vendors on sidewalks fronting BART plazas, presenting potential public health, safety, and welfare concerns including the obstruction of pedestrian and wheelchair ingress and egress, which would be particularly harmful to persons with disabilities; and

WHEREAS, The 24th Street BART Station and the 16th Street BART Station rank consistently among the ten most utilized stations in the BART system based on rider entries and exits, and as evidenced by numerous 311

complaints between November 2022 and July 2023 (on file with the Department), prior to the issuance of Public Works Order No: 208803, members of the public voiced numerous concerns about Vending activities on sidewalks surrounding and adjacent to the 24th Street BART plazas and the 16th Street BART plazas; and

WHEREAS, Based on these complaints, the City has documented numerous incidents where such activities have obstructed or caused the obstruction of sidewalks, and have caused potential safety hazards, due to the congregation of many persons and/or the placement of merchandise and Vending paraphernalia, hindering the passage of pedestrians, including persons in wheelchairs and persons with strollers; and

WHEREAS, The vending activities have exacerbated the high usage of sidewalks, causing impassable and obstructed sidewalks, and have forced pedestrians to walk in the roadway, blocked access to and from buses, obstructed entrances to stores and restaurants, as documented in photographs on file with the Department; and

WHEREAS, The vending activities have generated loud noises, facilitated the sale of allegedly stolen merchandise, damaged street trees, generated litter, and facilitated abandonment of merchandise on sidewalks; and

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

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

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

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

WHEREAS, Prior to the issuance of Public Works Order No: 208803, the high concentration of commingled legal and illegal Vending activities and other illegal activities in the areas around the BART plazas led to unsanitary sidewalk conditions and sidewalk obstructions in violation of the Regulations and the Good Neighbor Policies and the extensive noncompliance with the Vending ordinance, Regulations, and policies had rendered enforcement of such laws, Regulations, and policies infeasible despite the Department's sustained efforts to send street inspectors to such areas, which efforts had been hindered by the limited number of inspectors available to perform street inspections due in part to inspectors' belief that their health, safety, and welfare would be threatened by Vendors; and

WHEREAS, For more than 18 months, the Department has routinely encountered unpermitted Vendors occupying sidewalks and BART property on or about the Mission Street Corridor, and during this time, the Department has pursued vigorous and sustained enforcement of Article 5.9 of the Public Works Code, the Regulations, and the Good Neighbor Policies; and

WHEREAS, Efforts of Vendors to Vend from within or around a transit shelter, or at an uncovered transit stop, objectively diminish the public health, safety, and welfare by reducing the availability of covered seating for transit users within a transit shelter and by obstructing pedestrian ingress and egress from a transit shelter or an uncovered transit stop to a transit vehicle via the sidewalk, thereby forcing pedestrians onto the roadway; and

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

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

WHEREAS, Before the issuance of Public Works Order No: 208803, from September 3, 2023 to November 27, 2023 (0700 hours), 171 police incident reports were filed for incidents within the Mission Street Corridor compared to the filing of 141 police incident reports for incidents within the Mission Street Corridor between the date the Order went into effect and February 20, 2024, marking a 17.5% decrease in criminal incidents, and a 17.8% decrease in serious incidents of crime such as assault, burglary, and robbery when comparing a period of approximately 12 weeks before the Order took effect and a period of approximately 12 weeks after the Order took effect; and

WHEREAS, Before the issuance of Public Works Order No: 208803, from September 3, 2023 to November 27, 2023 (0700 hours), the Police Department reported 87 bookings and citations compared to 57 bookings and citations between the date the Order went into effect and February 20, 2024, marking a 34.4% decrease; and

WHEREAS, In January 2024, the Office of Economic Workforce Development (“OEWD”) conducted a survey targeting the storefronts located along Mission Street between 14th and Cesar Chavez Streets as well as 24th Street from Valencia to Capp Streets and 16th Street from Guerrero to South Van Ness Streets, and OEWD asked businesses to describe their perceptions of the safety, cleanliness, walkability within the Mission Street Corridor; and

WHEREAS, Among the businesses surveyed, 192 businesses responded and 56.2% businesses surveyed indicated the sentiment that the Mission Street Corridor has become safer; 66.6% businesses surveyed indicated that a positive change is happening on the Mission Street Corridor; and 73.4% businesses surveyed indicated they “noticed a significant improvement in walking in or around the BART plazas at 16th or 24th Streets” since December 2023 and the issuance of the Order; and

WHEREAS, Since the issuance of Public Works Order No: 208803, sidewalk conditions have improved significantly with a significant reduction of 311 service orders for the Department of Public Works pertaining to street and sidewalk cleaning services, as evidenced by comparing the number of calls for service within a one-block radius of Mission Street from 14th to Cesar Chavez Streets during the pre-Order period of September 1, 2023 through November 27, 2023 (2,671 service orders) to the number of 311 service orders during the post-Order period of November 27, 2023 through February 21, 2024, during which the Department of Public Works received 2,062 service orders, a decrease of 22.8%; and

WHEREAS, The Department of Public Works continues to enforce Vending restrictions, working in coordination with the Police Department, which has focused on addressing criminal activities sometimes associated with Vending, and the Departments have observed that the restrictions in Order No: 208033 have not eliminated problems in the Mission Street Corridor associated with Vending; and

WHEREAS, Despite the enforcement of Public Works Order No: 208803, Vendors have not ceased Vending in restricted areas entirely, rather Vendors have modified Vending activities have relocated to the sidewalks in proximity to the Mission Street Corridor and to the BART plazas to facilitate quicker, non-stationary sales aimed at avoiding detection and/or enforcement that enable quick exits from the Mission Street Corridor to evade enforcement activities; and

WHEREAS, The Vending restrictions in Public Works Order No: 208803 have helped reduce the vending and nuisance activity along the Mission Street Corridor such that City staff are able to more feasibly and effectively enforce the Municipal Code and requirements applicable to the public right-of-way; and

WHEREAS, On February 25, 2024, the Director issued Public Works Order No: 210162 to extend the restrictions set forth in Public Works Order No: 208803 in order to further address the objective health, safety, and welfare concerns identified in this Order; and

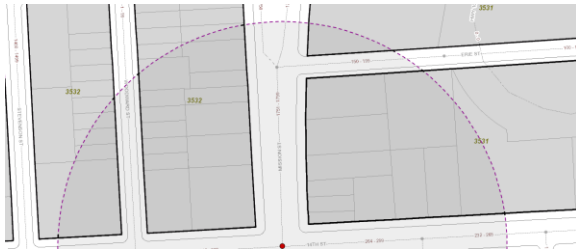
WHEREAS, The Department seeks to implement a pilot project to allow Vending to resume on a limited basis (“Pilot Project”) to help the Department evaluate the effects of the Pilot Project and future Vending on objective health, safety, and welfare conditions; now, therefore be it:

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

1. Boundaries of Prohibition Area. The Prohibition Area is depicted in Exhibit A to this Order.
2. Effective Date. Following its execution by the Director, this Order shall take effect at 12:01 am on June 17, 2024.
3. Vending Pilot Project. On the Effective Date, Vending shall be authorized on Mission Street between 23rd and 24th Streets, subject to the following conditions:
 - a) Permit Required. To participate in the Pilot Project, eligible Vendors shall obtain a permit from the Department.
 - b) Vending Hours. Permitted Vending shall be authorized between the hours of 10 am and 7 pm, Sunday through Monday.
 - c) Limited Duration. The Pilot Project shall expire on August 12, 2024, unless the department issues an order based on objective health, safety and welfare conditions to amend the expiration date.
 - d) Lottery system for sites. In order to fairly assign locations to vendors, the Department will establish a lottery system for interested vendors who were previously vending on the block of Mission St. between 23rd and 24th Streets. The lottery will randomly select nine (9) vendors and randomly assign them a location from the available vending plots from among the interested vendors.
4. Expiration. This Order shall expire on midnight on August 12, 2024.

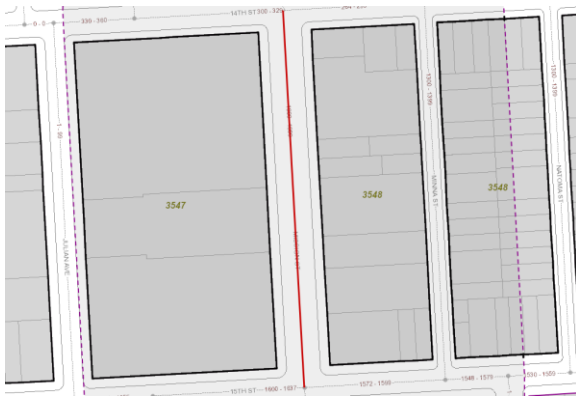
Exhibit A – Boundaries of Prohibition Area and Pilot Project

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



14th Street Intersection – Prohibited Streets

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



14th Street to 15th Street – Prohibited Streets*

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

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

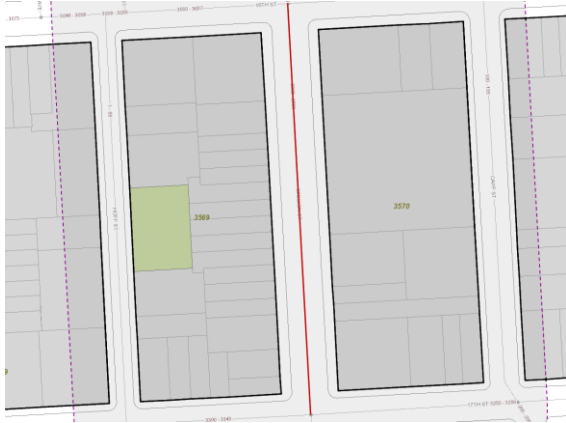


15th Street to 16th Street – Prohibited Streets*

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

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

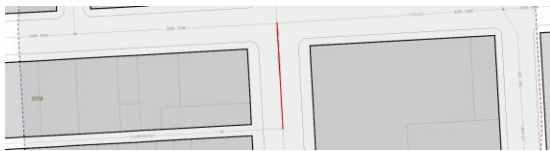
***Vending on east side of Capp Street can be reviewed on a case-by-case basis*



16th Street to 17th Street – Prohibited Streets*

- Hoff Street
- Mission Street
- Capp Street

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



17th Street to Clarion Aly – Prohibited Streets*

- Mission Street
- Capp Street**

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

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

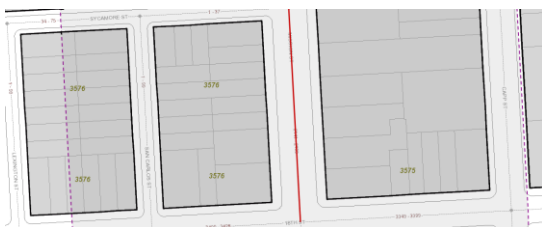


Clarion Aly to Sycamore St – Prohibited Streets*

- Mission Street
- Capp Street**

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

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

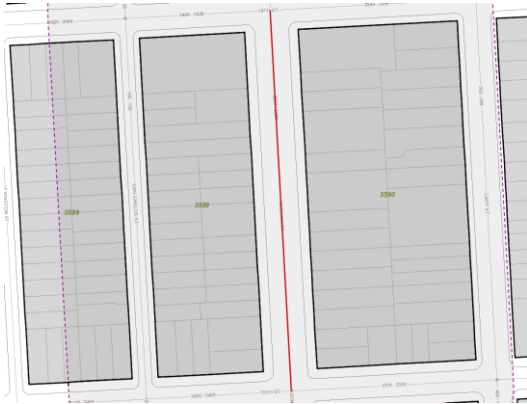


Sycamore St to 18th Street – Prohibited Streets*

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

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

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



18th Street to 19th Street – Prohibited Streets*

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

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

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

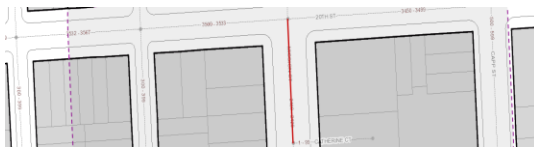


19th Street to 20th Street – Prohibited Streets*

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

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

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



20th Street to Catherine Ct – Prohibited Streets*

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

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

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



Catherine Ct to 21st Street – Prohibited Streets*

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

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

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

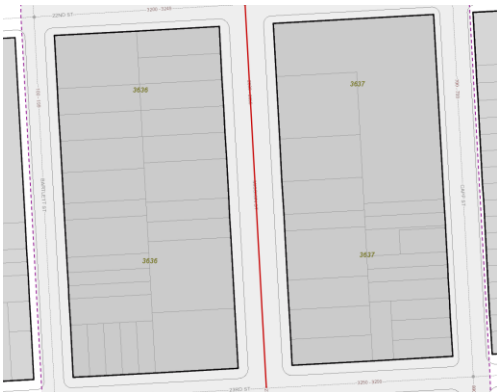


21st Street to 22nd Street – Prohibited Streets*

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

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

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

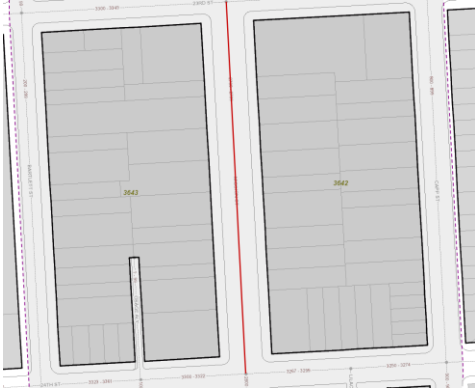


22nd Street to 23rd Street – Prohibited Streets*

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

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

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



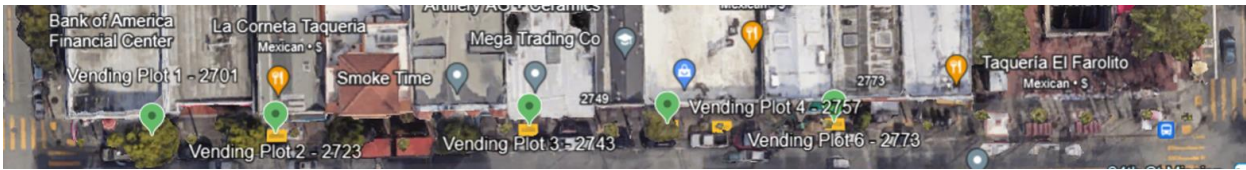
23rd Street to 24th Street – Pilot Project Streets*

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

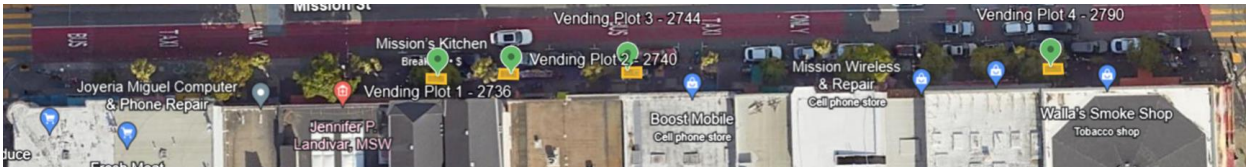
**Vending also prohibited on 23rd Street and 24th Street between dashed purple lines (see diagram)*

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

Mission St: 23rd St to 24th St East side



Mission St: 23rd to 24th St West Side



24th Street to 25th Street – Prohibited Streets*

- Mission Street
** Vending authorized on 24th Street and 25th Street between dashed purple lines (see diagram)*



24th Street to 25th Street – Prohibited Streets*

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

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

***Vending authorized on west side of Bartlett Street and may be authorized on the east side of Capp Street following review on a case-by-case basis*



25th Street to 26th Street – Prohibited Streets*

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

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

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



26th Street to Cesar Chavez St – Prohibited Streets*

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

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

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



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

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



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

- Cesar Chavez Street (inside radius only)

X

DocuSigned by:

Nicolas Huff

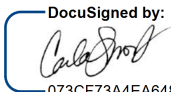
Huff, Nicolas C0A758C115B741C...
Bureau Manager

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DocuSigned by:

Albert Ko

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Deputy Director & City Engineer

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Short, Carla
Director of Public Works