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**Public Works Order No: 212739**

# Regulations for Tables and Chairs and Display Merchandise in the Public Right-Of-Way

## **Purpose**

Ordinance No. 117-25 (effective August 17, 2025) amended the Article 5.2 (CAFE TABLES AND CHAIRS AND DISPLAY MERCHANDISE IN THE PUBLIC RIGHT-OF-WAY) and Article 5.3 (DISPLAY OF FRUITS AND VEGETABLES ON PUBLIC SIDEWALKS) of the Public Works Code to streamline the approval of certain encroachments in the public right-of-way and to establish a registration requirement in place of all permit requirements and fees for Café Tables and Chairs and Display Merchandise, as defined in the Public Works Code.

This Public Works Order implements the legislation above and clarifies that Café Tables and Chairs and Display Merchandise permits are no longer required. Instead, every owner desiring to place café tables and chairs or display merchandise in the public right-of-way must complete the applicable registration process with Public Works and comply with the requirements and design guidelines in this Order.

This Order replaces and supersedes the regulations specific to sidewalk occupancy only outlined under Public Works Order No. 205,516, Order No. 183,188 (Café Tables & Chairs), and Order No. 166,458 (Display Merchandise).

## **Terminology**

Public Works Code Section 176 defines “owners” as “any person who owns or operates a business establishment.” As used in this Order, “Registrant” refers to an owner (as defined in Section 176) who has registered for the program.

The term “element” is defined as any physical item that is registered and placed in the public right-of-way under Article 5.2 of the Public Works Code. “Element” includes, but is not limited, to display stands, merchandise items, tables, chairs, and diverters. Registrants shall maintain proof of registration in an easily accessible location at all times; upon request by City personnel, Registrants shall produce proof of registration immediately.

## **Registrants’ Compliance and Annual Registration Required**

Registrant shall comply with all applicable federal, state, and local laws, regulations, and requirements including this Order.

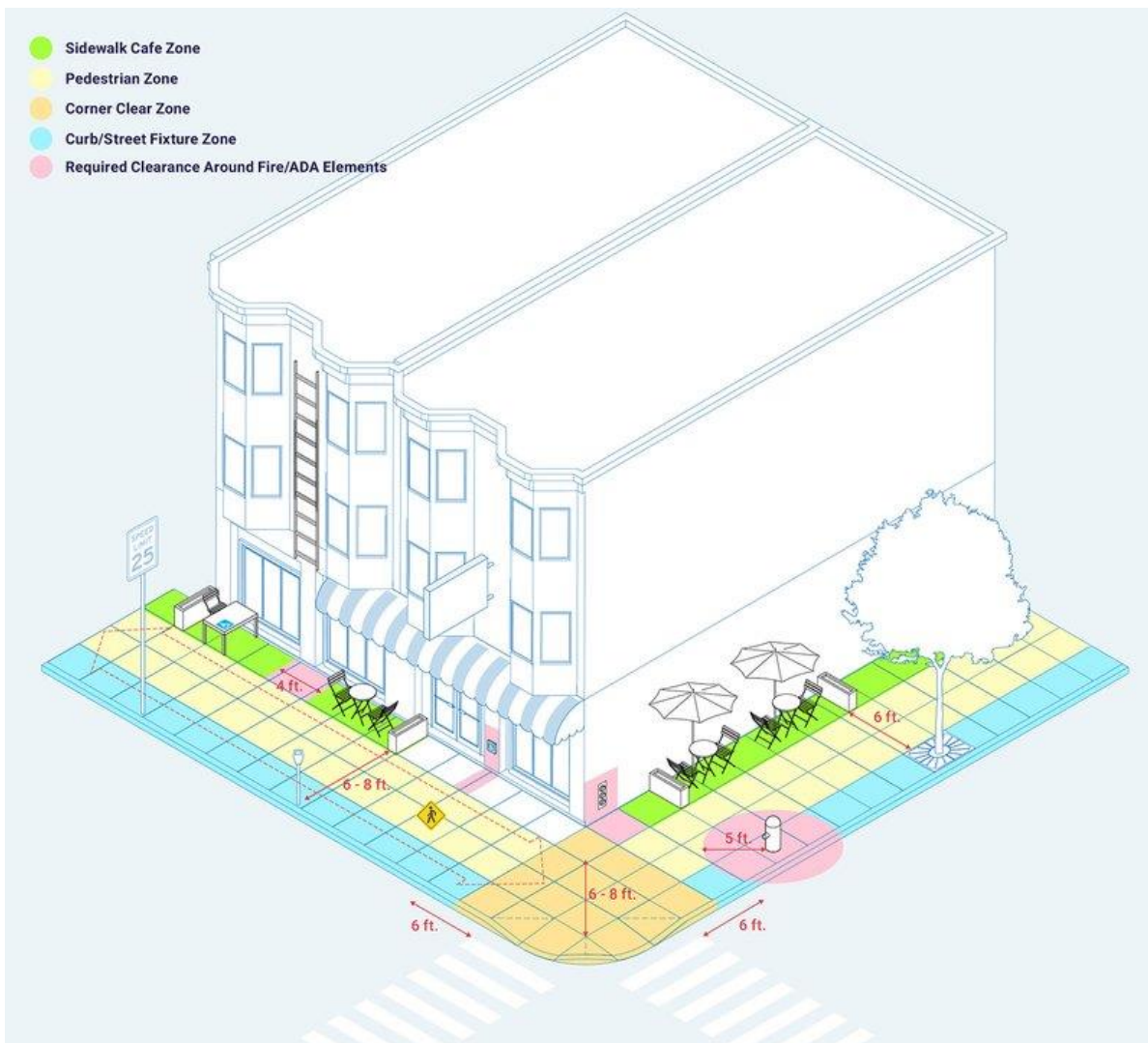
Following the initial registration, Registrant must complete the registration process annually.

### **Tables and Chairs - Design Guidelines**

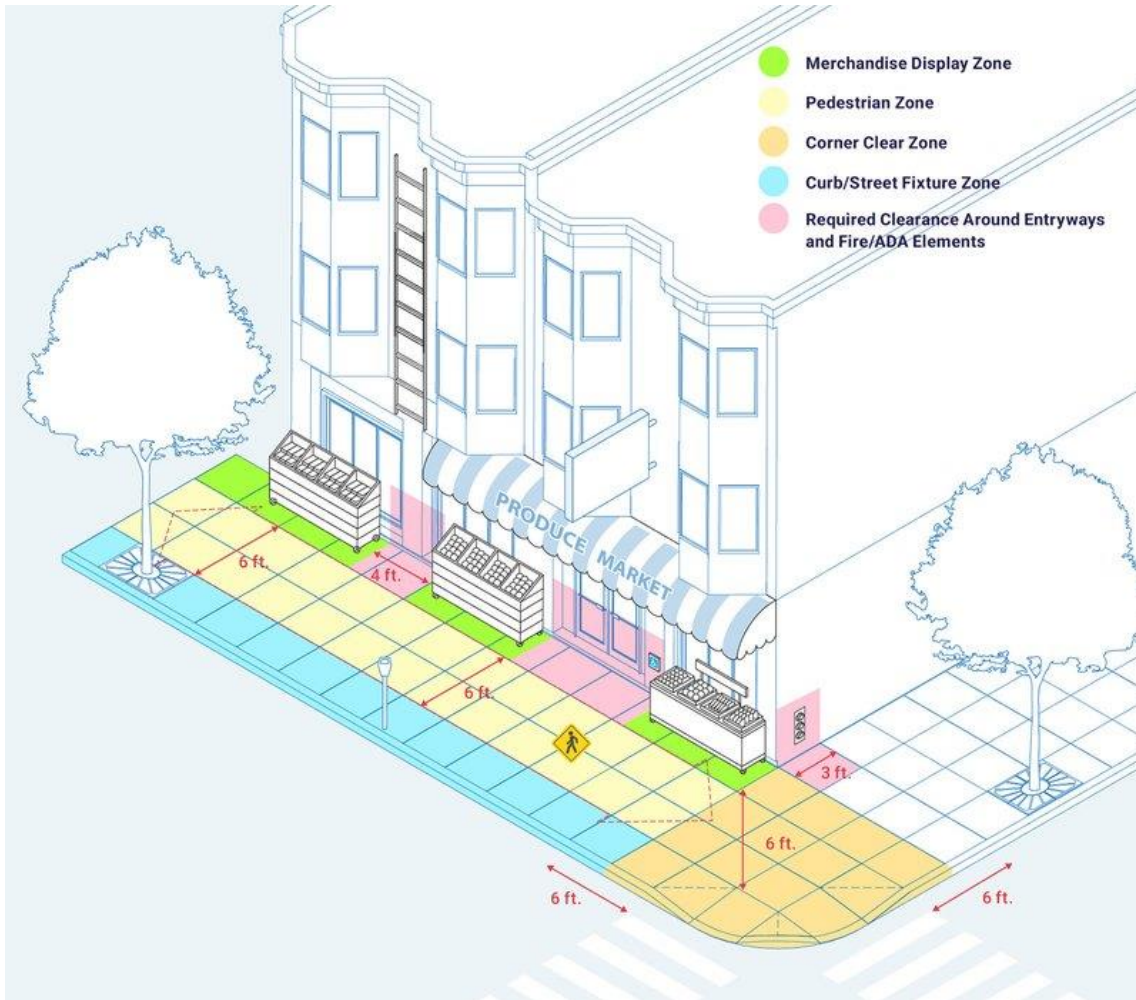
Seating must be located on the sidewalk area fronting and adjacent to the Registrant's business at the property line. The business must be an existing or proposed eating establishment with a valid San Francisco business license.

The scope of allowable seating shall be determined by the width of the sidewalk, presence of fire safety elements, presence of street furniture and tree wells, and other relevant site conditions as shown in Figure 1 below.

**Figure 1: Tables and Chairs Design Guidelines**



**Figure 2: Display Merchandise Design Guidelines**



Sidewalk seating or displays shall not intrude on the "pedestrian zone" of the sidewalk as depicted in [Figures 1](#) and [2](#). A minimum of six (6) feet clear pedestrian zone must be maintained on the sidewalk at all times; this six (6) feet pedestrian zone shall not be obstructed by elements or other objects. At the City's discretion, the City may require the Registrant to maintain a clear pedestrian zone that exceeds six (6) feet. Sidewalk seating shall not intrude on pedestrian "corner clear zones" at corners.

Hanging or overhead objects, including umbrellas, must have a vertical clearance of at least 7 feet (or 84 inches) from the ground. No supporting element of these objects, including the base, shall protrude beyond the boundaries of the sidewalk seating area.

Sidewalk seating must also not interfere with curb ramps or driveways, maintaining a minimum six (6) foot clearance.

No elements may interfere with access to or egress from any building or facility.

No elements shall be permanently affixed to the public right-of-way.

No elements shall be placed below a fire escape or obstruct access to a Fire Department Connection (“FDC”) or a fire hydrant.

No elements may be placed within 10 feet of a bus stop zone or bus shelter structure.

All elements, including but not limited to seating, tables, and other functional facilities, must conform to the rules and regulations outlined in the California Building Code, Title 24, Part 2, the Americans with Disabilities Act (“ADA”) and the provisions of the 2010 ADA Accessibility Guidelines. Sidewalk seating also must not interfere with the requirement of California Civil Code Section 54(a) that states in part: “individuals with disabilities or medical conditions have the same right as the general public to the full and free use of the streets, highways, sidewalks, walkways, public buildings, medical facilities, including hospitals, clinics, and physicians' offices, public facilities, and other public places.”

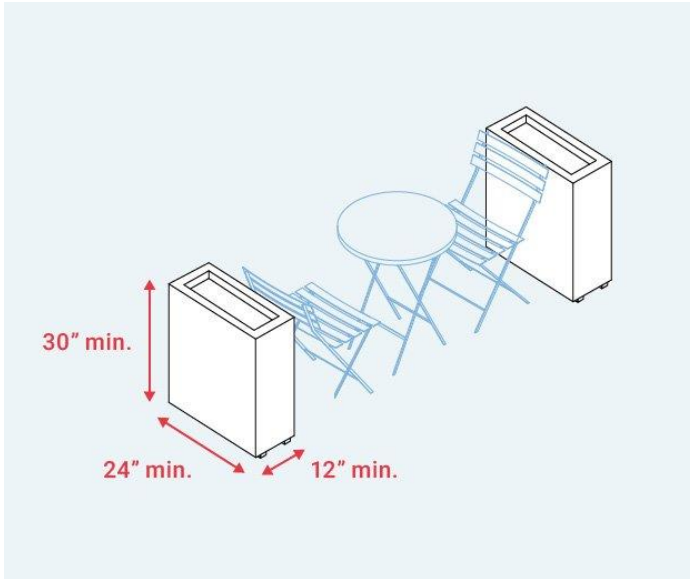
Registrant must provide three (3) durable trash receptacles (i.e., compost, recycling, waste) within the sidewalk seating area. The trash receptacles must comply with the Department of Public Health (“DPH”) standards and must be contained within the area demarcated by the diverters.

All sidewalk seating elements must have a pedestrian diverter at each end to demarcate the occupied area and to guide pedestrians around the “Sidewalk Cafe” into the pedestrian zone. The depth of the diverter will determine the depth of the sidewalk seating. No part of any table, chair, bench, or other element may extend beyond the depth of the diverters. It is the essential responsibility of the Registrant to ensure that all elements and sidewalk seating activity stay within the approved area at all times of operation.

### **Diverter Design Guidelines**

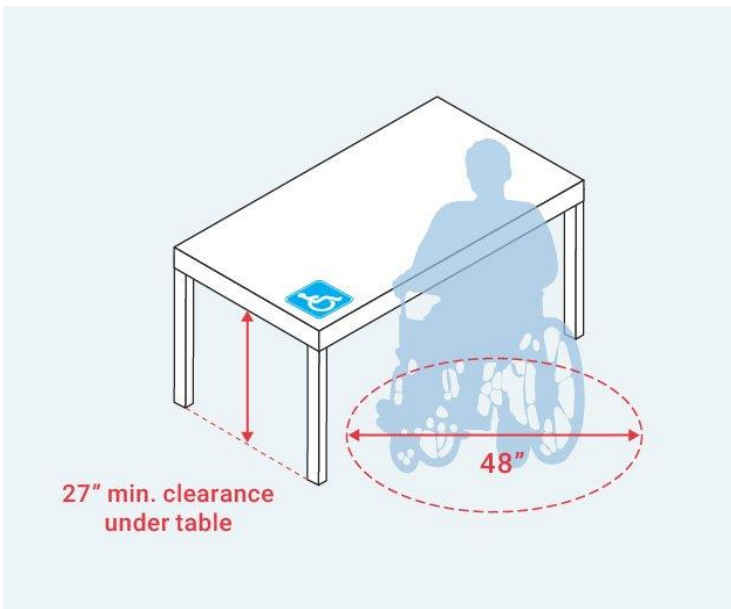
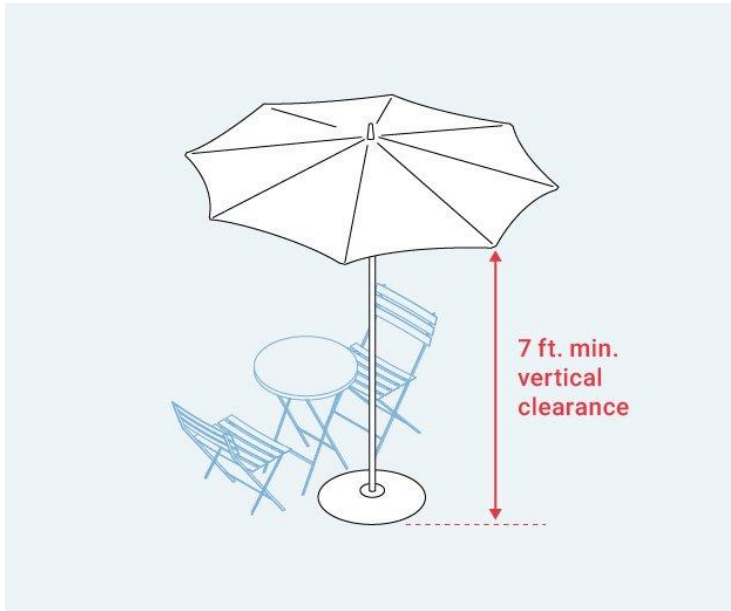
Registrants may use a “Diverter,” as depicted in black in Figure 3, to partially enclose seating and table elements on the sidewalk.

**Figure 3: Diverter Dimensions**



- Diverters must be flush with the building edge at an angle of 90 degrees or more.
- Diverters must conform to the dimensional guidelines in Figure 3 as well as the clearance requirements in Figure 1.
- Diverters must be sturdy, stable, and of sufficient weight so as to withstand being tipped or blown over.
- Diverters may not have any protruding legs or supports.
- Free standing fences, stanchions or other crowd control posts may not be used as diverters.
- Attachments or fasteners to the sidewalk are not allowed.
- Diverters must be at least thirty (30) inches high to avoid being tripping hazard.
- Diverters with plantings higher than thirty (30) inches are strongly encouraged.
- Plantings must remain within the planter edge envelope and must not contain sharp points or thorns.
- Diverters must be solid within thirty (30) inches of the adjacent sidewalk surface.
- Diverters must have a non-glare or reflective finish.
- Diverters must be kept free of advertising and be maintained and kept free of litter and other debris.
- Diverters for sidewalk seating proposing bench seating must extend to a minimum of twelve (12) inches beyond the edge of the seat.

**Figure 4: ADA Clearances**



**Display Merchandise - Design Guidelines**

The display area must be located on the sidewalk area fronting and adjacent to the applicant's business at the property line. The business must be an existing or proposed establishment with a valid business license issued by the City and County of San Francisco.

The display area must be contiguous to the business establishment.

All fruits and vegetables shall be protected by an awning which extends six (6) inches beyond the full length and width of display. Vertical clearance under awnings and canopies shall comply with San Francisco Building Code requirements.

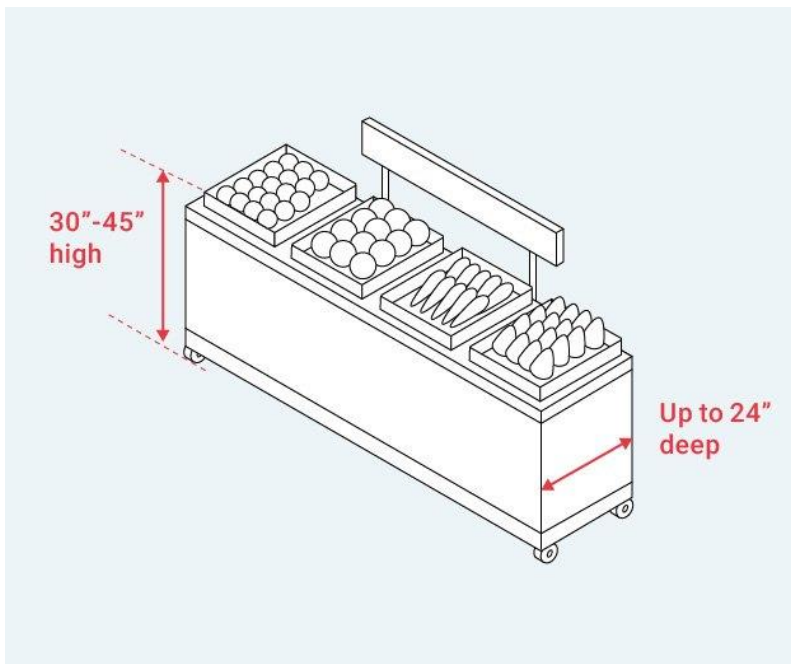
The display, including the stand and merchandise, shall be a minimum of two and a half (2.5) feet and a maximum of three (3) feet and ten (10) inches above the sidewalk, and shall extend into the sidewalk no more than two (2) feet or 25% of the width of the sidewalk, whichever is less, from the front of the building.

No elements may interfere with access to any building. This includes paths of travel or egress and ingress. No elements can obstruct or be placed immediately below a fire escape.

All display stands must conform to the rules, regulations, and requirements set forth in the California Building Standards Code, Title 24 of the California Code of Regulations, the ADA, and any ADA regulations and requirements.

All finishing materials shall be smooth, non-absorbent, and cleanable.

**Figure 5: Display Merchandise**



**Tables and Chairs and Display Merchandise Registration Conditions**

The Registrant shall comply with the following conditions and all requirements and guidelines set forth in the Public Works Code. The Registrant shall maintain liability insurance as prescribed and required by Public Works.

Registrant agrees to waive any and all claims against the City and County of San Francisco and any of its officials, officers, agents, or employees (the "City") and volunteers for any damage or injuries arising from any activities involving, caused, or allowed by the Registrant on or adjacent to the sidewalk, permitted or otherwise.

Furthermore, the Registrant agrees to indemnify, defend, and hold harmless the City and volunteers from any

liability arising out of any activities involving, caused, or allowed by the Registrant on or adjacent to the sidewalk, permitted or otherwise. If the Registrant has employees, they shall possess worker's compensation insurance and provide a waiver of subrogation in favor of the City and volunteers.

Registrants are prohibited from assigning or transferring an annual registration; any subsequent owner of a registered business establishment is required to complete the registration process under the subsequent owner's name.

The Registrant shall maintain all elements of the occupied area, sidewalk, curb, and gutter in a clean condition and be kept free of obstructions at all times. Graffiti shall be removed, cleaned off, or painted to match the existing surfaces within 24 hours of its appearance. Sidewalks, storefronts, and exterior walls shall also be washed down at least once a week.

The Registrant shall be responsible for ensuring the sidewalk space occupied by merchandise displays, tables and chairs, or other elements comply with applicable health orders and directives, and other applicable requirements, as well as with all laws requiring accessibility for people with disabilities and that the space and services do not interfere with emergency responders' access.

The Registrant must maintain the safety and cleanliness of the sidewalk and parking lane space and its adjacent area (100-foot radius), in accordance with standards set forth in the Public Works Good Neighbor Policy (see Appendix A).

The use of any non-approved items such as boxes, crates, milk cartons, etc., for the purpose of display or creating display stands is not allowed.

Items displayed outside of the building premises shall be the same as those displayed for sale within the premises of the building operated by the Registrant.

All transactions (exchange of goods for compensation) must occur inside the business establishment. Display merchandise registration does not allow for vending in the public right-of-way. Cut fruit, shelled nuts, raisins, dried fruits, and other food items are not allowed. No party other than the Registrant shall display/sell any items outside of Registrant's building premises. All merchandise displays, stands or elements of the sidewalk café shall be promptly removed from the sidewalk in accordance with approved times of operation each day. At no time will such elements be on the sidewalk when the business is closed.

No garbage may be stored on any portion of the sidewalk. At all times, garbage receptacles (dumpsters) must comply with the Health Code and any applicable regulations and standards, must be tightly closed, and may not be overflowing. They may be placed on the sidewalk no earlier than 6:00 PM on the day prior to the scheduled garbage receptacle pick-up day and must be removed from sidewalk at the time that the establishment opens for business after pick-up.

A minimum pedestrian clear zone of six (6) feet is required for tables and chairs and display merchandise. Use of shopping carts at sidewalk displays is not allowed where the unobstructed portion of sidewalk is less than eight (8) feet. Registrants shall not store or stack any merchandise, boxes, etc. on any part of the sidewalk except while actively loading and/or unloading from a delivery vehicle for no more than fifteen (15) minutes. Sidewalk

areas may not be painted, landscaped, or altered in any way. Food trays or carts, receptacles for dirty dishes, trays or carts for linen and utensils, and cooking appliances shall not be placed or stored on any portion of the sidewalk or roadway area of a public right-of-way. Sidewalks, storefronts, and exterior walls shall be washed down at least once a week. All elements of a Sidewalk Café shall be located within the corresponding Sidewalk Café Zone (see Figure 1).

Deliveries shall be scheduled so that they will not interfere with any regularly scheduled proceedings, school operations, and/or other neighborhood events and/or activities. Prior to 10 AM, but no earlier than 5 AM, deliveries may be temporarily placed at curb side or at the property line in a safe manner. Registrants shall maintain an unobstructed pedestrian zone with a minimum of six (6) feet of horizontal clearance during loading and/or unloading activities. After 10 AM, Registrant shall not occupy sidewalk space with both display stands and deliveries. Deliveries shall comply with all applicable codes, regulations, rules, and other requirements of the City and County of San Francisco. Deliveries shall be made to a rear entrance or through an alley where available.

Emergencies: All terms of the registrations are voided in the event of an emergency or unforeseen catastrophic event.

### **Possessory Interest Taxes**

Registrant recognizes and understands that Registrant's use or occupancy of the public right-of-way ("PROW") may create a possessory interest subject to property taxation with respect to privately-owned or occupied property in the PROW, and that Registrant may be subject to the payment of property taxes levied on such interest under applicable law. Registrant agrees to pay taxes of any kind, including any possessory interest tax, if any, that may be lawfully assessed on registrant's use of the PROW pursuant to this Order and to pay any other charges, taxes, excises, licenses, or assessments based on Registrant usage of the PROW that may be imposed upon Registrant by applicable law (collectively, a "Charges"). Registrant shall pay all such Charges when due and payable and before such Charges become delinquent. Registrant agrees that the indemnification obligations assumed under this Order shall survive expiration of the Order or completion of practices authorized by this order. The Registrant shall assume all maintenance and liability associated with the items allowed to be placed in the PROW under this Order.

### **Hold Harmless Clause**

In addition, the Registrant agrees on its own behalf and on behalf of any successor or assignee to hold harmless, defend, and indemnify the City and County of San Francisco, including, without limitation, each of its commissions, departments, officers, agents and employees (collectively referred to as the "City") from and against all losses, liabilities, expenses, actions, claims, demands, injuries, damages, fines, penalties, suits, costs or judgements including, without limitation, attorneys' fees and costs (collectively, "Claims") of any kind allegedly arising directly or indirectly from (i) any act by, omission by, or negligence of, Registrant or its subcontractors, or the officers, agents or employees of either, while engaged in the practices or activities required or authorized by this Order, and/or (ii) any accident, damage, death, or injury to any contractor or subcontractor of Registrant, or any officer, agent, or employee of either of them, while engaged in the performance of the practices or activities required or authorized by this Order, and/or (iii) any accident, injuries

or damages to any person(s) or accident, damage, or injury to any real or personal property or good will, that occurs in or upon the PROW or which is in any way allegedly connected with the practices or activities required or authorized by this Order from any cause or claims arising at any time, even if the allegations are or may be groundless, false or fraudulent. The Registrant acknowledges and agrees that the indemnification obligations assumed under this Order shall survive expiration of the Order or completion of practices authorized by this Order. The Registrant shall assume all maintenance and liability associated with the items allowed to be placed in the PROW under this Order.

### **Request for Variance**

If Registrants cannot satisfy the requirements of this Order and any other applicable regulations or requirements, Registrants may submit a written request for a variance and provide the reasonable basis for the request.

### **Enforcement Actions and Penalties to Enforce Tables and Chairs and Display Merchandise Requirements**

Registrants who fail to comply with this Order may be subject to notices of correction, notices of violation, orders, citations, and associated fines and penalties, as determined by Public Works inspectors in accordance with the Public Works Code. For example, Registrants may face enforcement actions and associated fines and penalties if Registrants fail to properly and sufficiently maintain the cleanliness, safety, and accessibility of their merchandise displays and/or tables and chairs including the surrounding sidewalk area.

When a notice of violation, notice of correction, or citation is issued by a Public Works inspector due to a serious threat to public health, safety and welfare, the condition for which the business was cited shall be corrected immediately in the presence of the inspector.

If the Registrant receives multiple violations, their authorization to place encroachments upon the PROW may be revoked by the Director of Public Works or the Board of Supervisors.

Registration under this Order does not constitute a deed or grant of an easement by the city.

If the Registrant continues to display merchandise or has tables and chairs in the sidewalk area after their authorization has been revoked by the Director, the display merchandise stands, tables and chairs and all appurtenances thereto may be seized and removed by DPW.

The Registrant or the Registrant's authorized agent may recover seized display stands, tables, and chairs for a period of sixty (60) calendar days following seizure.

### **Appendix A**

#### **Good Neighbor Policy**

Registrants shall manage the public right-of-way ("PROW") adjacent to Registrant's property, including the Sidewalk Café Zone, the Pedestrian Zone, the Corner Clear Zone, the Curb/Street Fixture Zone, and the

Merchandise Display Zone as defined in this Order, in accordance with the following practices and requirements between the hours of during the Registrant's operational hours and the hours of the merchandise display:

(A) The safety and cleanliness of the PROW shall be maintained, provided that any Registrant may request, and Public Works may provide, assistance with the removal of hazardous waste;

(B) Proper and adequate storage and disposal of debris and garbage shall be provided;

(C) Noise and odors, unless otherwise permitted, shall be contained within the immediate vicinity of the Sidewalk Café Zone and the Merchandise Display Zone so as not to be a nuisance or annoyance to neighbors;

(D) Notices shall be prominently displayed during events that urge patrons to leave the PROW in a quiet, peaceful, and orderly fashion and to not litter or block driveways in the neighborhood. Such notices shall be removed after each event; and,

(E) Registrant or its employees shall walk a 100-foot radius from the Sidewalk Café Zone and the Merchandise Display Zone within 30 minutes after programmed events have concluded and/or at the conclusion of its hours of operation, and Registrant or its employees shall pick up and dispose of any discarded trash left by patrons.

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*Javier Rivera*  
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Rivera, Javier  
Private Sector Permits Manager

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*Carla Short*  
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Short, Carla  
Director of Public Works