[Public Works Code – Mobile Food Truck Locations]

Ordinance (1) amending Public Works Code Section 184.85 to modify the permissible distance between mobile food facilities and school and (2) adopting environmental findings.

Note: Additions are *single-underline italics Times New Roman*; deletions are *strikethrough italics Times New Roman*. Board amendment additions are *double underlined*, Board amendment deletions are *strikethrough normal*.

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

Section 1. Findings

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

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

SEC. 184.85. REGULATING MOBILE FOOD FACILITY LOCATIONS.

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

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

(1) The Location shall:

(A) Leave unobstructed path for pedestrian passage on any sidewalk a space not less than 6 feet wide.
(B) Satisfy all other locational requirements of the Department.

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

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

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

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

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

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

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

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

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

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

By: ________________________________
John D. Malamut
Deputy City Attorney