



SAN FRANCISCO PLANNING DEPARTMENT

New Planning Code Summary:

New Regulations for Street Food (a.k.a. Mobile Food Facilities [MFF's])

Case Number: Board File No. 10-1351

Initiated by: Supervisor Dufty

Effective Date: January 2, 2011

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The Way It Was:

1. MFF's were considered permanent uses and were regulated as if they were bricks-and-mortar restaurants.
2. Uses within certain Zoning Districts are required to be conducted within enclosed buildings. MFF's, which by their nature involve no building, were neither defined or addressed and it was unclear how they should be treated with respect to this requirement.

The Way It Is Now:

1. A new 'intermittent activity' category of temporary uses has been established in order to allow for occasional yet routine outdoor activities, including MFF's. An MFF can be approved over-the-counter as one-year, renewable temporary use so long as it:
 - a. is not located in a residential district, and
 - b. is not conducted within a building, and
 - c. operates within any principally permitted hours of operation for the district in which it is located, and
 - d. is located on any one property for no more than (a) six days each week for up to 12 hours each day, or (b) three days each week for up to 24 hours each day.
2. An MFF is now defined in the Planning Code as it is defined in the Health Code. It has also been clarified that MFF's – whether permitted as a temporary or permanent use - need not be conducted within enclosed buildings.
3. The longstanding, conventional permitting process for permanent uses can still be used to authorize MFF's that do not meet the above criteria. The Code would continue to treat 'permanent MFF's' as bricks-and-mortar small self-service restaurants.

BF 101351 Ordinance No. 0297-10

Link to Full Text of Ordinance:

<http://www.sfbos.org/ftp/uploadedfiles/bdsupvrs/ordinances10/o0297-10.pdf>



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FREQUENTLY ASKED QUESTIONS

STREET FOOD

Regulations for Mobile Food Facilities

Trucks, carts, and other similar vehicles that sell “street food” are considered to be Mobile Food Facilities (MFF’s) under the Municipal Code. City regulations relating to MFF’s were the subject of a substantial overhaul under Ordinance Number 297-10, which took effect on January 2, 2011. This FAQ is a guide for prospective MFF operators and other interested parties. It does not supersede or interpret the Planning Code or any other part of the Municipal Code.

Date:
JANUARY 2011

This document provides a generalized discussion of the permitting process for MFF’s which seek to operate on vacant lots, gas stations, and other unenclosed areas outside of the public right-of-way (i.e. not on streets or sidewalks).

Inquiries regarding MFF applications on streets and sidewalks should be directed to the Department of Public Works’ Bureau of Street Use and Mapping at (415) 554-5810. The Planning Department is not involved in any such applications.

Is the Planning Department the only City Agency I need to talk to?

No. All MFF applications must be reviewed by [1] the Department of Public Health’s Mobile Food Facility Program (available by phone at (415) 252-3825) and [2] if the MFF would contain any cooking, the Fire Department (available by phone at (415) 558-3303). Your business must also be registered with the Office of the Treasurer and Tax Collector. Further review may be required by additional agencies depending on the nature of your specific proposal. All required permits must be issued prior to commencing your operations.

Can I operate on a property that someone else owns?

Yes. However, in submitting an application to do so you are declaring under penalty of perjury that you have been authorized by the owner of the property to act as his or her agent.

Do I need to know exactly where I want to operate?

Yes. The City contains more than 70 different zoning districts, each with different regulations. The geographies of these districts are intricate and can vary from parcel-to-parcel even within a given block. As such, you will need to identify a particular parcel before your application can be reviewed. Additionally, you will need to identify the location of your MFF within the lot so that the Department can review your proximity to residential zoning districts as well as compliance with other Planning Code requirements.

What rules will apply to me and what can I expect of the approval process?

There are two paths to lawfully establish an MFF. An applicant may select whichever path is more appropriate to his or her proposal.

1. *MFF as a permanent use.* Long-standing Planning Code provisions allow an MFF to be treated as if it were a bricks-and-mortar restaurant subject to conventional Planning Code provisions. These vary from zoning district to zoning district. For example, in mixed-use areas, an MFF may require a public hearing, neighborhood notification, or may be entirely prohibited. On the other hand, in the Downtown or industrial areas an MFF may be approved on an “as-of-right” basis without extensive public process.
2. *MFF as a temporary use.* Established as part of the recent overhaul ordinance, this path treats an MFF as an intermittent, temporary activity which can receive a renewable one-year authorization so long as the MFF is:
 - a. not located in residential zoning district,
 - b. not located in a building,
 - c. open for business only within the particular zoning district’s permitted hours of operation, and
 - d. is not physically on the property for more than either 3 days each week or, alternately, 6 days each week for a maximum of 12 hours a day.

Temporary MFF’s are subject to neighborhood notification requirements only if located in a Zoning District with notification requirements and: (1) all MFF’s on the property and their paraphernalia comprise more than 300 square feet, or (2) any part of the MFF or its paraphernalia are located within 50 feet of residential district.

Which path is right for me?

This depends on the Zoning District in which the MFF is proposed and the nature of your particular proposal. However, many applicants will find it much faster and less burdensome to proceed as a temporary use.

I want to operate inside a building or operate 7 days a week. What should I do?

If your application does not meet any of the requirements to be considered a temporary use, it can only be authorized as a permanent use.

I need to go through neighborhood notice. What does this mean?

A site posting is required along with a 30-day mailed notice to owners and occupants of property within 150’ of the proposed location. During the 30-day period, interested parties can ask questions of you and the Department and, should concerns remain, can cause a public hearing to occur. At such hearing, if a concerned member of the public is able to demonstrate to the Planning Commission that extraordinary or unusual circumstances exist, the application may be modified or disapproved. More information is available in the “Section 311/312 Notification Application” on the Department’s web site (www.sfplanning.org).

Where can I get more information? Should I do anything before filing my application?

We urge you contact the Planning Information Center (PIC) via telephone at (415)558-6377 or in person on the ground floor of 1660 Mission Street between Duboce and South Van Ness Avenues to discuss your particular proposal and the property in question. PIC staff will be able to verify zoning and identify any issues prior to the filing of an application.

I’m ready to seek approval as a temporary use. What do I do first?

Complete and submit an application for a Temporary Use Authorization (TUA) to the PIC. TUA applications are available at the Department’s web site (www.sfplanning.org). A check will be required at the time of submittal to cover the application cost (discussed below). If you do not own the property, be sure that you have been authorized by the owner to act on his or her behalf.

I’m ready to seek approval as a permanent use. What happens next?

If your application does not conform to the standards for a temporary use and/or you wish to seek authorization as a permanent use for other reasons, the permit process will vary depending on the zoning of the proposed location. Contact the PIC for additional information.

Can I be approved to vend in a City park?

Sometimes. Because the City acts as a de-facto landlord in such cases, you will need to first obtain permission and comply with the rules and regulations of the Recreation and Parks Department (available by phone at (415) 831-2774). As with other applications, the proposal will be subject to review by the Planning Department for consistency with the Planning Code, with the exception that temporary MFF's in large parks are not subject to the same time limits applicable to temporary MFF's elsewhere.

How do I operate in more than one location?

A separate application is required for each proposed location. Planning Department authorizations are tied to a piece of real property rather than a business or particular MFF.

How much will the permitting process cost?

Fees for all Planning Department services, including review of TUA applications, can be found in our Fee Schedule which is available at the Department's web site at (www.sfplanning.org).

How long will it take?

Temporary Use Authorizations are often approved over-the-counter. Authorizations for permanent uses, depending on the Zoning District in which the use is located and associated requirements, generally necessitate anywhere from one week to four months or more.

Do I really need permits?

Absolutely. The Planning Code authorizes penalties of up to \$250 each day that a violation exists. This penalty is supplemented by those authorized under the Health, Building, Fire, and Public Works Codes.



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FOR MORE INFORMATION: Call or visit the San Francisco Planning Department

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*Planning staff are available by phone and at the PIC counter.
No appointment is necessary.*