



# Mobile Food Facilities

## Protests, Denial, DPW Administrative Hearing and Permit Appeals

See [DPW Director's Order 179,044](#) for complete details

### Notice of Intent

Any person or persons who feel that their interests or property or that of the general public will be adversely affected by the issuance, denial, or conditioning of the MFF Permit at its intended location may protest the proposed issuance or denial of said permit or permit conditions by writing to the Director within thirty (30) calendar days from the date listed on the Notice of Intent.

### What Happens Next

Upon receipt of any such written protest during the term of the appeal period, the Director will schedule a public hearing to hear all persons interested in the tentative permit decision. If there are multiple protests for a single location or protests for multiple locations, then the Director shall strive to consolidate all protests at a single hearing.



### The Administrative Hearing

DPW will send a Public Hearing Notice to all persons wishing to receive notice by mail and to all persons previously notified of the proposed application. Notice is posted in the official city news paper at least 10 days before the hearing. Also, notice is posted online at [www.sfdpw.org](http://www.sfdpw.org), Public Hearings and Meetings.

Here's what the hearing officer may consider:

- i. Whether the applicant's proposed operation is located within 300 feet of an established business which sells the same type of food product, merchandise or similar service as proposed by said applicant, or of any location previously established and currently being operated by a MFF selling the same type of food product, or other merchandise or similar service as proposed by said applicant.
- ii. For the purposes of determining a proposed MFF impact upon existing businesses, the Hearing Officer may consider the type of food offered by the existing business and the type of food proposed to be offered by the MFF applicant.
- iii. If the foods are "like" then the Hearing Officer may recommend disapproval or conditional approval of the MFF permit application. Such conditions may include, but are not limited to, relocation of the proposed MFF a sufficient distance from the existing business or existing MFF to avoid conflict arising from sale of "like food".
- iv. "Like Food" shall take into consideration the ethnicity of the food and the composition of each menu, as well as other issues the Hearing Officer deems appropriate to determine whether a conflict of "like food" exists as an example, a coffee cart should not significantly affect a traditional diner just because it also offers coffee on its menu, while a hot dog cart could adversely affect a restaurant that specializes in sausage sandwiches.
- v. The number of MFF on the same block or adjacent blocks.
- vi. Other information deemed relevant to the determination of whether the proposed location is appropriate.



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Protests, Denial, DPW Administrative Hearing and Permit Appeals cont...

## The Director's Decision - Tentative Approval

Upon conducting the hearing, an Administrative Hearing Officer shall make a recommendation concerning the proposed permit to the Director, who in his or her discretion, may disapprove, approve, or conditionally approve the proposed permit.

The Director may authorize tentative approval based on the Administrative Hearing Officers recommendation. The MFF permit is not final and effective unless and until the MFF Vendor has obtained all additional relevant permits from other city agencies. If all relevant permits are not obtained within three (3) months of the date the Director issues his or her permit decision, the permit shall be automatically deemed disapproved.

## What if there are no protests?

If the Director receives no written protest within thirty (30) calendar days from the date listed on the Notice of Intent and if no hearing is requested, the Director may issue a MFF Permit within 14 days of the date of the Notice of Intent and if DPW finds:

- a. That the operation, as proposed by the applicant, would comply with all applicable laws, including but not limited to, the provisions of this Article and the San Francisco Municipal Code.
- b. That the applicant has not made any false, misleading or fraudulent statements of facts in the permit application or any other document required by the Director, Director of Public Health or Fire Marshal in conjunction therewith.
- c. The Director may issue a MFF Permit within 14 days following a Departmental hearing as provided herein, based on his investigation and the investigation of the Director of Public Health and Fire Marshal, if he or she makes the findings specified above in Subsection.
- d. **Any MFF permit that the Director issues is not final and effective unless and until the MFF Vendor has obtained a Certificate of Sanitation from DPH and approval from SFFD. If the Certificate of Sanitation and SFFD approval are not obtained within three (3) months of the date the Director issues his or her permit decision, the permit shall be automatically deemed disapproved.**

## Permit Appeals

Final decisions may be appealed to the Board of Appeals within fifteen (15) calendar days from the date of an approved or denied permit application. For further information, please contact the [Board of Appeals](#) in person at 1650 Mission Street, Suite 304, or call 415-575-6880.

For complete information see DPW Order 179,044. Or contact DPW's Mobile Food Facilities Permits at:

The Department of Public Works  
Bureau of Street-Use and Mapping  
**Mobile Food Facilities**  
875 Stevenson Street, Room 460  
San Francisco, CA 94102  
415-554-5810