

1 [Planning Code - Mobile Food Facilities at Certain Institutions in Specified Districts]

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3 **Ordinance amending the Planning Code, Section 205.4, to allow mobile food facilities at**  
4 **certain types of institutions in RH (Residential House), RM (Residential Mixed), RED**  
5 **(Residential Enclave), and RTO (Residential Transit Oriented) Districts, subject to**  
6 **specified conditions; and making findings, including environmental findings and**  
7 **findings of consistency with the General Plan and priority policies of Planning Code,**  
8 **Section 101.1.**

9 NOTE: Additions are *single-underline italics Times New Roman*;  
10 deletions are ~~*strike-through italics Times New Roman*~~.  
11 Board amendment additions are double-underlined;  
12 Board amendment deletions are ~~strike through normal~~.

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

14 Section 1. Findings. The Board of Supervisors of the City and County of San Francisco  
15 hereby finds and declares as follows:

16 (a) The popularity of and options provided by mobile food facilities have generated a  
17 desire to allow such facilities to provide convenient food vending services to institutional uses  
18 where few other eating establishments exist.

19 (b) On April 19, 2012, the Planning Commission adopted Resolution No. 18587  
20 recommending adoption of this Ordinance, and adopted findings that the legislation is  
21 consistent, on balance, with the City’s General Plan and eight priority policies of Planning  
22 Code Section 101.1(b). The Board adopts these findings as it own. A copy of this  
23 Commission Resolution is on file with the Clerk of the Board in File No. 120125, and is  
24 incorporated by reference herein.

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1 (c) Pursuant to Planning Code Section 302, this Board finds that this Ordinance will  
2 promote the public necessity, convenience, safety and welfare for the reasons set forth in  
3 Commission Resolution No. 18587, which is incorporated herein by reference.

4 (d) The Planning Department has determined that the actions contemplated in this  
5 ordinance comply with the California Environmental Quality Act (California Public Resources  
6 Code Section 21000 et seq.). Said determination is on file with the Clerk of the Board of  
7 Supervisors in File No. 120125 and is incorporated herein by reference.

8 Section 2. The San Francisco Planning Code is hereby amended by amending  
9 Section 205.4, to read as follows:

10 **SEC. 205.4. TEMPORARY USES: INTERMITTENT ACTIVITIES.**

11 An intermittent activity is an outdoor use which, while occasional, occurs with some  
12 routine or regularity. Intermittent activities include, but are not limited to, the following uses:  
13 mobile food facilities, farmers markets, and open-air craft markets. Such uses typically require  
14 additional authorization(s) from other City Departments. An intermittent activity may be  
15 authorized as a temporary use for a period not to exceed one year ~~within.~~

16 (a) In all Districts, ~~except for other than~~ RH, RM, RED and RTO Districts, ~~so long as an~~  
17 intermittent activity is permissible if it satisfies all of the following conditions ~~are met~~:

18 (~~a~~ 1) It shall not be located within a building as defined in Section 102.3 of this  
19 Code.

20 (~~b~~ 2) It shall not be located on the property for more than either: (i) six (6)  
21 calendar days for longer than 12 hours per day in any seven-day period; or (ii) three (3)  
22 calendar days for longer than 24 hours per day in any seven-day period. At the time of  
23 application, the applicant shall designate in writing which of the foregoing options shall apply  
24 to the activity. No changes shall be made during the authorization period without first filing a  
25 new application.

1           (~~1~~ A) The time periods referenced in Subsection ~~(b)(a)(2)~~ each constitute  
2 complete calendar days and apply without regard to whether the activity is open to the public  
3 or whether the activity is located on the subject property for consecutive days.

4           (~~2~~ B) Days of unused authorization cannot be stored or credited, and any  
5 portion of a day that the intermittent activity is located at the subject property shall count  
6 toward the 12-hour or the 24-hour limit of Subsection ~~(b)(a)(2)~~.

7           (~~3~~ C) This Subsection ~~(b)(a)(2)~~ shall not apply to any mobile food facility located  
8 within a Public (P) District that together with any directly adjoining P District(s) contains more  
9 than one (1) acre.

10           (~~e~~ 3) It shall be open for business only during the hours of operation permitted  
11 as a principal use for the District in which it is located, if any such hourly limits exist.

12           (~~d~~ 4) If located in a District that is subject to any of the neighborhood  
13 notification requirements as set forth in Section 312, notification pursuant to Section 312 shall  
14 be required as follows:

15           (~~1~~ A) Notification shall be required if the vending space, as defined below,  
16 would exceed 300 square feet.

17           (~~2~~ B) Notification shall be required if any portion of the vending space would be  
18 located within 50 feet of an RH, RM, RED or RTO District. Distances to RH, RM, RED and  
19 RTO Districts shall be measured from the extreme perimeter of any vending space to the  
20 nearest property line of any parcel which is partially or wholly so zoned.

21           (~~3~~ C) For purposes of this Section "Vending Space" shall be defined as the  
22 entire area within a single rectangular perimeter formed by extending lines around the  
23 extreme limits of all carts, vehicles, tables, chairs, or other equipment associated with all  
24 intermittent activities located on the parcel.

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1                   (4 D) Notwithstanding Subsections ~~(d)(1) and (2)(4)(A) and (B)~~ above, and in  
2 order to eliminate redundant notification, notification shall not be required for the resumption  
3 of an intermittent activity or the extension of time for an intermittent activity when all of the  
4 following criteria are met: (A i) an intermittent activity is currently authorized on the property or  
5 has been authorized on the property within the 12 months immediately preceding the filing of  
6 an application for resumption or extension; (B ii) the existing or recent intermittent activity  
7 lawfully exceeds or exceeded the thresholds of Subsections ~~(d)(1) and/or (2)(4)(A) and/or (B)~~,  
8 above, and was the subject of neighborhood notice under Section 312 at the time of its  
9 establishment; and (C iii) the intermittent activity would not further exceed the thresholds of  
10 Subsections ~~(d)(1) and/or (2)(4)(A) and/or (B)~~, above.

11                   (b) An intermittent activity is allowed in a RH, RM, RED, and RTO District only if it: (1)  
12 satisfies all the conditions set forth in Subsection (a) and (2) is located on a parcel that contains or is  
13 part of a medical institution, as defined in Section 209.3(a), or a post-secondary educational  
14 institution, as defined in Section 209.3(i). An intermittent activity authorized under this Subsection  
15 shall not operate between the hours of 10 p.m. to 7 a.m.

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

18                   Section 4. This section is uncodified. In enacting this Ordinance, the Board intends to  
19 amend only those words, phrases, paragraphs, subsections, sections, articles, numbers,  
20 punctuation, charts, diagrams, or any other constituent part of the Planning Code that are  
21 explicitly shown in this legislation as additions, deletions, Board amendment additions, and  
22 Board amendment deletions in accordance with the "Note" that appears under the official title  
23 of the legislation.

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

3 By: \_\_\_\_\_  
4 John D. Malamut  
5 Deputy City Attorney  
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