

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 ~~strikethrough-normal~~.

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.

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.

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.

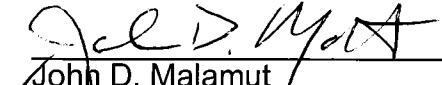
11 (b) An intermittent activity is allowed in a RH, RM, RED, and RTO District only if: (1)
12 satisfies all the conditions set forth in Subsection (a) and (2) is located on a parcel that contains or is
13 part of a medical institution, as defined in Section 209.3(a), or a post-secondary educational
14 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.

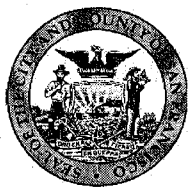
16 Section 3. Effective Date. This ordinance shall become effective 30 days from the
17 date of passage.

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.

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

By: 
John D. Malamut
Deputy City Attorney



City and County of San Francisco

Tails
Ordinance

City Hall
1 Dr. Carlton B. Goodlett Place
San Francisco, CA 94102-4689

File Number: 120125

Date Passed: June 25, 2013

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

June 10, 2013 Land Use and Economic Development Committee - RECOMMENDED

June 18, 2013 Board of Supervisors - PASSED, ON FIRST READING

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

June 25, 2013 Board of Supervisors - FINALLY PASSED

Ayes: 11 - Avalos, Breed, Campos, Chiu, Cohen, Farrell, Kim, Mar, Tang, Wiener and Yee

File No. 120125

I hereby certify that the foregoing Ordinance was FINALLY PASSED on 6/25/2013 by the Board of Supervisors of the City and County of San Francisco.

Angela Calvillo
Clerk of the Board

Mayor

Date Approved