

BOARD of SUPERVISORS



City Hall  
1 Dr. Carlton B. Goodlett Place, Room 244  
San Francisco 94102-4689  
Tel. No. 554-5184  
Fax No. 554-5163  
TDD/TTY No. 554-5227

May 7, 2019

Planning Commission  
Attn: Jonas Ionin  
1650 Mission Street, Ste. 400  
San Francisco, CA 94103

Dear Commissioners:

On April 30, 2019, Supervisor Brown introduced the following legislation:

**File No. 190459**

**Ordinance amending the Planning Code to allow operation of a farmers market on the Department of Motor Vehicles Field Office parking lot at 1377 Fell Street; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

The proposed ordinance is being transmitted pursuant to Planning Code, Section 302(b), for public hearing and recommendation. The ordinance is pending before the Land Use and Transportation Committee and will be scheduled for hearing upon receipt of your response.

Angela Calvillo, Clerk of the Board

A handwritten signature in cursive script, appearing to read "Erica Major".

By: Erica Major, Assistant Clerk  
Land Use and Transportation Committee

c: John Rahaim, Director  
Scott Sanchez, Acting Deputy Zoning Administrator  
Corey Teague, Zoning Administrator  
Lisa Gibson, Environmental Review Officer  
Devyani Jain, Deputy Environmental Review Officer  
AnMarie Rodgers, Director of Citywide Planning  
Dan Sider, Director of Executive Programs  
Aaron Starr, Manager of Legislative Affairs  
Joy Navarrete, Environmental Planning  
Laura Lynch, Environmental Planning

1 [Planning Code - Temporary Uses: Intermittent Activities]

2  
3 **Ordinance amending the Planning Code to allow operation of a farmers market on the**  
4 **Department of Motor Vehicles Field Office parking lot at 1377 Fell Street; affirming the**  
5 **Planning Department's determination under the California Environmental Quality Act;**  
6 **making findings of consistency with the General Plan, and the eight priority policies of**  
7 **Planning Code, Section 101.1; and adopting findings of public necessity, convenience,**  
8 **and general welfare under Planning Code, Section 302.**

9 NOTE: **Unchanged Code text and uncodified text** are in plain Arial font.  
10 **Additions to Codes** are in *single-underline italics Times New Roman font*.  
11 **Deletions to Codes** are in *strikethrough italics Times New Roman font*.  
12 **Board amendment additions** are in double-underlined Arial font.  
13 **Board amendment deletions** are in ~~strikethrough Arial font~~.  
14 **Asterisks (\* \* \* \*)** indicate the omission of unchanged Code  
15 subsections or parts of tables.

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

17 Section 1. Findings.

18 (a) The Planning Department has determined that the actions contemplated in this  
19 ordinance comply with the California Environmental Quality Act (California Public Resources  
20 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of  
21 Supervisors in File No. \_\_\_\_\_ and is incorporated herein by reference. The Board  
22 affirms this determination.

23 (b) On \_\_\_\_\_, the Planning Commission, in Resolution No. \_\_\_\_\_, adopted  
24 findings that the actions contemplated in this ordinance are consistent, on balance, with the  
25 City's General Plan and eight priority policies of Planning Code Section 101.1. The Board

1 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the  
2 Board of Supervisors in File No. \_\_\_\_\_, and is incorporated herein by reference.

3 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this  
4 ordinance will serve the public necessity, convenience, and general welfare for the reasons  
5 stated in Planning Commission Resolution No. \_\_\_\_\_.

6  
7 Section 2. The Planning Code is hereby amended by revising Section 205.4, to read  
8 as follows:

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

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

15 \* \* \* \*

16 (b) An intermittent activity is allowed in a RH, RM, RED, and RTO District only if it: (1)  
17 satisfies all the conditions set forth in Subsection (a); and (2) is located on a parcel that  
18 contains or is part of a Hospital, as defined in Section 102, ~~or~~ a Post-Secondary Educational  
19 Institution, as defined in Section 102, *or a Public Facility, as defined in Section 102*. An  
20 intermittent activity authorized under this Subsection shall not operate between the hours of  
21 10:00 p.m. to 7:00 a.m.

22  
23 Section 3. Effective Date. This ordinance shall become effective 30 days after  
24 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the  
25

1 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board  
2 of Supervisors overrides the Mayor's veto of the ordinance

3  
4 Section 4. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors  
5 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,  
6 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal  
7 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment  
8 additions, and Board amendment deletions in accordance with the "Note" that appears under  
9 the official title of the ordinance.

10  
11 APPROVED AS TO FORM:  
12 DENNIS J. HERRERA, City Attorney

13 By:

  
14 JUDITH A. BOYAJIAN  
15 Deputy City Attorney

16 n:\legana\as2019\1900547\01356908.docx

## **LEGISLATIVE DIGEST**

[Planning Code - Temporary Uses: Intermittent Activities]

**Ordinance amending the Planning Code to allow operation of a farmers market on the Department of Motor Vehicles Field Office parking lot at 1377 Fell Street; affirming the Planning Department's determination under the California Environmental Quality Act; making findings of consistency with the General Plan, and the eight priority policies of Planning Code, Section 101.1, and adopting findings of public necessity, convenience, and general welfare under Planning Code, Section 302.**

### **Existing Law**

Planning Code Section 205.4 authorizes intermittent activities such as mobile food facilities, farmers markets, and open-air craft markets to operate as temporary uses for a period not to exceed one year. An intermittent activity is allowed in an RH, RM, RED, or RTO zoning district only if it is located on a parcel that contains or is part of a Hospital or Post-Secondary Educational Institution.

### **Amendments to Current Law**

The proposed ordinance would authorize an intermittent activity to operate in an RH, RM, RED, or RTO zoning district if it is located on a parcel that contains or is part of a Public Facility.

### **Background Information**

The State of California has entered into a non-exclusive license agreement with Pacific Coast Farmers' Market Association that authorizes the temporary operation of a farmers' market on the parking lot of the Department of Motor Vehicles Field Office at 1377 Fell Street. The farmers' market will operate on Sundays from 8:00 a.m. to 3:00 p.m.