

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 by allowing an**
5 **intermittent activity to be located on a lot with a public facility in specified residential**
6 **zoning districts; affirming the Planning Department’s determination under the**
7 **California Environmental Quality Act; making findings of consistency with the General**
8 **Plan, and the eight priority policies of Planning Code, Section 101.1; and adopting**
9 **findings of public necessity, convenience, and general welfare under Planning Code,**
10 **Section 302.**

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

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

19 Section 1. Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
21 ordinance comply with the California Environmental Quality Act (California Public Resources Code
22 Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of Supervisors in
23 File No. 190459 and is incorporated herein by reference. The Board affirms this determination.

24 (b) On June 20, 2019, the Planning Commission, in Resolution No. 20469, adopted
25 findings that the actions contemplated in this ordinance are consistent, on balance, with the City’s

1 General Plan and eight priority policies of Planning Code Section 101.1. The Board adopts these
2 findings as its own. A copy of said Resolution is on file with the Clerk of the Board of Supervisors
3 in File No. 190459, and is incorporated herein by reference.

4 (c) Pursuant to Planning Code Section 302, the Board of Supervisors finds that this
5 ordinance will serve the public necessity, convenience, and general welfare for the reasons stated
6 in Planning Commission Resolution No. 20469.

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

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

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

16 * * * *

17 (b) An intermittent activity is allowed in a RH, RM, RED, and RTO District only if it: (1)
18 satisfies all the conditions set forth in Subsection (a); and (2) is located on a parcel that contains
19 or is part of a Hospital, as defined in Section 102, ~~or~~ a Post-Secondary Educational Institution, as
20 defined in Section 102, or a Public Facility, as defined in Section 102. An intermittent activity
21 authorized under this Subsection shall not operate between the hours of 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
17
18
19
20
21
22
23
24
25
n:\legana\as2019\1900547\01358748.docx