



SAN FRANCISCO PLANNING DEPARTMENT

Executive Summary Planning Code Text Amendment

HEARING DATE: JUNE 20, 2019
90-DAY DEADLINE: AUGUST 5, 2019

Project Name: Temporary Uses: Intermittent Activities
Case Number: 2019-006421PCA [Board File No. 190459]
Initiated by: Supervisor Brown / Introduced April 30, 2019
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 415-575-9173
Reviewed by: Aaron Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362
Recommendation: **Approval**

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

PLANNING CODE AMENDMENT

The proposed Ordinance would amend the Planning Code to allow operation of a farmers market on the Department of Motor Vehicles Field Office parking lot at 1377 Fell Street by allowing an intermittent activity to be located on a lot with a Public Facility in specified residential zoning districts.

The Way It Is Now:

Intermittent activities are only allowed in the RH, RM, RED, and RTO Zoning Districts if they are located on a parcel that contains a Hospital or Post-Secondary Educational Institution.

The Way It Would Be:

Intermittent activities would be allowed in these Zoning Districts if they are located on a parcel that contains a Hospital, Post-Secondary Educational Institution, **or a Public Facility**.

BACKGROUND

The Pacific Coast Farmers' Market Association (PCFMA) has operated a local farmers market at the intersection of Grove and Divisadero since 2008. In efforts to expand the farmers market and to avoid the required street closure, the PCFMA entered into a private agreement with the State of California to be able to operate at the Department of Motor Vehicles (DMV) parking lot at 1377 Fell Street. The Ordinance is required to allow the farmers market at said property.

ISSUES AND CONSIDERATIONS

Entrepreneurs/Small Businesses

PCFMA is a non-profit organization that operates multiple farmers markets throughout the bay area. PCFMA's mission is to empower local farmers and ranchers and provide them an opportunity to sell their goods directly in local neighborhoods. This allows local farmers to quickly and directly sell their goods without the added costs of shipping, storage, and inventory control. Not only does this provide

cost savings to the farmers, but it also reduces the environmental footprint of transporting goods into the region.

The farmers market also provides an opportunity for small business incubators. Newer or smaller businesses can participate in the farmers market and grow their business slowly. Without such an option, some businesses may fail before having the chance to refine their products or business model.

Accessibility

All PCFMA markets accept EBT (Cal-Fresh) and WIC FMNP (Women, Infants and Children Farmers' Market Nutrition Program coupons). This makes the farmers market inclusive and allows low-income community members to benefit from the farmers markets as well.

Citywide Impacts

The Ordinance will allow intermittent uses, such as farmers markets, on parcels with Public Facilities citywide. Public Facilities are similar to the other uses that already allow intermittent uses on the parcel because they all tend to be institutions. This Ordinance provides more opportunities to introduce new farmers markets in other neighborhoods. Additionally, the Ordinance increases the potential to activate institutions during non-business hours.

General Plan Compliance

The proposed Ordinance will retain an existing neighborhood farmers market, which provides accessible fresh produce to the neighborhood, aligning with the Commerce and Industry Element of the General Plan. By relocating a few blocks from the existing location to 1377 Fell Street, the farmers market will also be able to expand allowing more vendors to participate. Additionally, this relocation will improve traffic circulation in neighborhood during the farmers market because it would not require weekly street closure anymore.

Racial and Social Equity Analysis

The Department has determined that this Ordinance does not present any new burdens to the neighborhood or farmers market participants. The Ordinance will allow the existing neighborhood farmers market to relocate to the DMV parking lot at 1377 Fell Street. In doing so, the farmers market will be able to potentially add more five to seven more vendors. Many of these vendors may be small entrepreneurs or family-owned businesses. Additionally, this farmers market also accepts EBT and WIC FMNP, ensuring that low-income community members have access to the fresh produce.

Implementation

The Department has determined that this ordinance will not impact our current implementation procedures.

RECOMMENDATION

The Department recommends that the Commission *approve* the proposed Ordinance and adopt the attached Draft Resolution to that effect.

BASIS FOR RECOMMENDATION

The Department supports the proposed Ordinance because it supports the Commerce and Industry Element's goals to strengthen neighborhood-serving goods and services. The Ordinance will also allow the farmers market to expand and invite more local farmers to be able to participate. Additionally, relocating said farmers market will eliminate the need to close the street, improving the traffic circulation in the neighborhood during Sundays.

REQUIRED COMMISSION ACTION

The proposed Ordinance is before the Commission so that it may approve it, reject it, or approve it with modifications.

ENVIRONMENTAL REVIEW

The proposed amendments are not defined as a project under CEQA Guidelines Section 15060(c) and 15378 because they do not result in a physical change in the environment.

PUBLIC COMMENT

As of the date of this report, the Planning Department has not received any public comment regarding the proposed Ordinance.

Attachments:

- Exhibit A: Draft Planning Commission Resolution
- Exhibit B: Board of Supervisors File No. 190459



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Draft Resolution HEARING DATE JUNE 20, 2019

Project Name: Temporary Uses: Intermittent Activities
Case Number: 2019-006421PCA [Board File No. 190459]
Initiated by: Supervisor Brown / Introduced April 30, 2019
Staff Contact: Veronica Flores, Legislative Affairs
Veronica.Flores@sfgov.org, 415-575-9173
Reviewed by: Aaron D Starr, Manager of Legislative Affairs
aaron.starr@sfgov.org, 415-558-6362

1650 Mission St.
Suite 400
San Francisco,
CA 94103-2479

Reception:
415.558.6378

Fax:
415.558.6409

Planning
Information:
415.558.6377

RESOLUTION APPROVING A PROPOSED ORDINANCE THAT WOULD AMEND THE PLANNING CODE TO ALLOW OPERATION OF A FARMERS MARKET ON THE DEPARTMENT OF MOTOR VEHICLES FIELD OFFICE PARKING LOT AT 1377 FELL STREET BY ALLOWING AN INTERMITTENT ACTIVITY TO BE LOCATED ON A LOT WITH A PUBLIC FACILITY IN SPECIFIED RESIDENTIAL ZONING DISTRICTS; 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.

WHEREAS, on April 30, 2019 Supervisor Brown introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 190459, which would amend the Planning Code to allow operation of a farmers market on the Department of Motor Vehicles Field Office parking lot at 1377 Fell Street by allowing an intermittent activity to be located on a lot with a public facility in specified residential zoning districts;

WHEREAS, The Planning Commission (hereinafter "Commission") conducted a duly noticed public hearing at a regularly scheduled meeting to consider the proposed Ordinance on June 20, 2019; and,

WHEREAS, the proposed Ordinance has been determined to be categorically exempt from environmental review under the California Environmental Quality Act Section 15060(c); and

WHEREAS, the Planning Commission has heard and considered the testimony presented to it at the public hearing and has further considered written materials and oral testimony presented on behalf of Department staff and other interested parties; and

WHEREAS, all pertinent documents may be found in the files of the Department, as the custodian of records, at 1650 Mission Street, Suite 400, San Francisco; and

WHEREAS, the Planning Commission has reviewed the proposed Ordinance; and
WHEREAS, the Planning Commission finds from the facts presented that the public necessity, convenience, and general welfare require the proposed amendment; and

MOVED, that the Planning Commission hereby **approves** the proposed ordinance.

FINDINGS

Having reviewed the materials identified in the preamble above, and having heard all testimony and arguments, this Commission finds, concludes, and determines as follows:

1. The Commission finds that the relocation and expansion of the existing farmers market is an important neighborhood resource to preserve.
2. **General Plan Compliance.** The proposed Ordinance is consistent with the following Objectives and Policies of the General Plan:

COMMERCE AND INDUSTRY ELEMENT

OBJECTIVE 2

MAINTAIN AND ENHANCE A SOUND AND DIVERSE ECONOMIC BASE AND FISCAL STRUCTURE FOR THE CITY.

Policy 2.1

Seek to retain existing commercial and industrial activity and to attract new such activity to the city.

The proposed Ordinance will retain an existing neighborhood farmers market. By relocating a few blocks from the existing location, the farmers market will also be able to expand allowing more vendors to participate.

OBJECTIVE 6

MAINTAIN AND STRENGTHEN VIABLE NEIGHBORHOOD COMMERCIAL AREAS EASILY ACCESSIBLE TO CITY RESIDENTS.

Policy 6.1

Ensure and encourage the retention and provision of neighborhood-serving goods and services in the city's neighborhood commercial districts, while recognizing and encouraging diversity among the districts.

The proposed Ordinance will retain an existing neighborhood farmers market, which provides accessible fresh produce to the neighborhood. The farmers market will relocate a few blocks to 1377 Fell Street. This parcel is located just outside the boundaries of the Divisadero Street Neighborhood Commercial Transit District, but its proximity to said NCT still meets this policy.

Policy 6.2

Promote economically vital neighborhood commercial districts which foster small business enterprises and entrepreneurship and which are responsive to economic and technological innovation in the marketplace and society.

The proposed Ordinance will retain an existing neighborhood farmers market, which provides accessible fresh produce to the neighborhood. By relocating a few blocks from the existing location to 1377 Fell Street, the farmers market will also be able to expand allowing more vendors to participate.

Policy 6.9

Regulate uses so that traffic impacts and parking problems are minimized.

The existing farmers market has operated at the intersection of Grove and Divisadero Streets every Sunday for at least a decade. This location requires closing a portion of the street and diverting traffic. This also requires neighbors living on this block to plan ahead if they need to access their cars or garages. The proposed Ordinance will improve traffic circulation in neighborhood during the farmers market because it would not require such street closure anymore.

3. **Planning Code Section 101 Findings.** The proposed amendments to the Planning Code are consistent with the eight Priority Policies set forth in Section 101.1(b) of the Planning Code in that:

1. That existing neighborhood-serving retail uses be preserved and enhanced and future opportunities for resident employment in and ownership of such businesses enhanced;

The proposed Ordinance would not have a negative effect on neighborhood serving retail uses and will not have a negative effect on opportunities for resident employment in and ownership of neighborhood-serving retail. The proposed Ordinance would allow an existing farmers market to expand and continue to operate in the same neighborhood.

2. That existing housing and neighborhood character be conserved and protected in order to preserve the cultural and economic diversity of our neighborhoods;

The proposed Ordinance would not have a negative effect on housing or neighborhood character.

3. That the City's supply of affordable housing be preserved and enhanced;

The proposed Ordinance would not have an adverse effect on the City's supply of affordable housing.

4. That commuter traffic not impede MUNI transit service or overburden our streets or neighborhood parking;

The proposed Ordinance would not result in commuter traffic impeding MUNI transit service or overburdening the streets or neighborhood parking.

5. That a diverse economic base be maintained by protecting our industrial and service sectors from displacement due to commercial office development, and that future opportunities for

resident employment and ownership in these sectors be enhanced;

The proposed Ordinance would not cause displacement of the industrial or service sectors due to office development, and future opportunities for resident employment or ownership in these sectors would not be impaired.

6. That the City achieve the greatest possible preparedness to protect against injury and loss of life in an earthquake;

The proposed Ordinance would not have an adverse effect on City's preparedness against injury and loss of life in an earthquake.

7. That the landmarks and historic buildings be preserved;

The proposed Ordinance would not have an adverse effect on the City's Landmarks and historic buildings.

8. That our parks and open space and their access to sunlight and vistas be protected from development;

The proposed Ordinance would not have an adverse effect on the City's parks and open space and their access to sunlight and vistas.

4. **Planning Code Section 302 Findings.** The Planning Commission finds from the facts presented that the public necessity, convenience and general welfare require the proposed amendments to the Planning Code as set forth in Section 302.

NOW THEREFORE BE IT RESOLVED that the Commission hereby APPROVES the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on June 20, 2019.

Jonas P. Ionin
Commission Secretary

AYES:

NOES:

ABSENT:

ADOPTED: June 20, 2019

EXHIBIT B

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
22 Code Sections 21000 et seq.). Said determination is on file with the Clerk of the Board of
23 Supervisors in File No. _____ and is incorporated herein by reference. The Board
24 affirms this determination.
25

1 (b) On _____, the Planning Commission, in Resolution No. _____, adopted
2 findings that the actions contemplated in this ordinance are consistent, on balance, with the
3 City’s General Plan and eight priority policies of Planning Code Section 101.1. The Board
4 adopts these findings as its own. A copy of said Resolution is on file with the Clerk of the
5 Board of Supervisors in File No. _____, and is incorporated herein by reference.

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

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

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

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

18 * * * *

19 (b) An intermittent activity is allowed in a RH, RM, RED, and RTO District only if it: (1)
20 satisfies all the conditions set forth in Subsection (a); and (2) is located on a parcel that
21 contains or is part of a Hospital, as defined in Section 102, ~~or~~ a Post-Secondary Educational
22 Institution, as defined in Section 102, or a Public Facility, as defined in Section 102. An
23 intermittent activity authorized under this Subsection shall not operate between the hours of
24 10:00 p.m. to 7:00 a.m.

1 Section 3. Effective Date. This ordinance shall become effective 30 days after
2 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
3 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
4 of Supervisors overrides the Mayor's veto of the ordinance

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

12
13 APPROVED AS TO FORM:
14 DENNIS J. HERRERA, City Attorney

15 By: _____
16 JUDITH A. BOYAJIAN
17 Deputy City Attorney

n:\legana\as2019\1900547\01358748.docx