



SAN FRANCISCO PLANNING DEPARTMENT

Planning Commission Resolution No. 19028

HEARING DATE NOVEMBER 21, 2013

Project Name: **Cottage Food Operations**
Case Number: 2013.1504T [Board File No. 130998]
Initiated by: Supervisor Chiu / Introduced October 3, 2013
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Recommendation: **Recommend Approval with Semantic Update**

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RECOMMENDING THAT THE BOARD OF SUPERVISORS ADOPT A PROPOSED ORDINANCE THAT WOULD AMEND PLANNING CODE BY ADDING SECTION 102.37 AND AMENDING SECTION 204.1, TO ALLOW COTTAGE FOOD OPERATION AS AN ACCESSORY USE FOR DWELLING UNITS, INCREASE THE ALLOWABLE AREA FOR ACCESSORY USES IN DWELLING UNITS, AND EXPAND ACCESSORY USE CONTROLS FOR DWELLING UNITS TO ALL ZONING DISTRICTS; ADOPTING FINDINGS, INCLUDING ENVIRONMENTAL FINDINGS, PLANNING CODE SECTION 302 FINDINGS, AND FINDINGS OF CONSISTENCY WITH THE GENERAL PLAN AND PLANNING CODE SECTION 101.1.

WHEREAS, on October 3, 2013, Supervisors Chiu introduced a proposed Ordinance under Board of Supervisors (hereinafter "Board") File Number 130998, which would amend the Planning Code by adding Section 102.37 and amending Section 204.1, to allow Cottage Food Operations (hereinafter CFO) as an accessory use for dwelling units, increase the allowable area for accessory uses in dwelling units, and expand accessory use controls for dwelling units to all 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 November 21, 2013; 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

MOVED, that the Planning Commission hereby recommends that the Board of Supervisors **approve with a semantic update** the proposed ordinance. The semantic update to the Planning Code includes:

Revise Section 204.1(c) as follows:

The employment of any person not resident in the dwelling unit, other than a domestic *worker servant*, gardener, janitor or other person concerned in the operation or maintenance of the dwelling unit;

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. When the City passed the Urban Agriculture Ordinance in 2011 it did so recognizing the importance of locally grown sustainable food. Food produced in San Francisco contributes to the continued expansion of the "local food" movement and associated businesses, provides additional recreation, outdoor physical activity, and when consumed within the Bay Area, has fewer greenhouse gas emissions than food imported from other regions.
2. Although AB 1616 is a mandate from the State, this legislation helps continue the City's support for such locally-based, environmental sustainable, healthy food.
3. The proposed Ordinance protects the City's supply of housing and the quality of life in its residential neighborhoods while not placing undue burdens on CFOs.
4. With the passage of the City's dwelling unit demolition and conversion controls in Planning Code Section 317 and the advent of the Cottage Food Act, the Commission finds that it is necessary to expand the accessory use controls for dwelling units to all districts.
5. The Commission finds that increasing the allowable floor area of accessory uses from ¼ to 1/3 of the total floor area of the unit will more realistically accommodate CFOs and other accessory uses.
6. This term "Domestic Servant" is an older English term that is not widely used and that has a pejorative connotation, "Domestic Worker" is a more contemporary and neutral term.
7. **General Plan Compliance.** The proposed Ordinance and the Commission's recommended modifications are consistent with the following Objectives and Policies of the General Plan:

I. HOUSING ELEMENT

OBJECTIVE 2

RETAIN EXISTING HOUSING UNITS, AND PROMOTE SAFETY AND MAINTENANCE STANDARDS, WITHOUT JEOPARDIZING AFFORDABILITY.

The proposed Ordinance places reasonable limits on CFOs to ensure that a commercial use does not displace an existing dwelling unit.

OBJECTIVE 11

SUPPORT AND RESPECT THE DIVERSE AND DISTINCT CHARACTER OF SAN FRANCISCO'S NEIGHBORHOODS.

POLICY 11.8

Consider a neighborhood's character when integrating new uses, and minimize disruption caused by expansion of institutions into residential areas.

The proposed Ordinance limits the size and scope of CFOs to help preserve the residential character of existing neighborhoods.

II. 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 seeks to attract new commercial and small production activity to the City by allowing CFOs as accessory uses to residential dwelling units with minimal regulatory process.

8. **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 affect opportunities for resident employment in and ownership of neighborhood-serving retail.

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 limit the size and scope of CFOs in order to protect the City's housing stock and 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;

CFOs are limited by the total amount of annual gross sales and cannot have business signs to attract customers to the site, thus even though on-site sales will be permitted traffic generated by CFOs will be less than a typical retail operations. 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 a negative 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 a negative 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 a negative effect on the City's parks and open space and their access to sunlight and vistas.

- 8. 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 recommends that the Board ADOPT the proposed Ordinance as described in this Resolution.

I hereby certify that the foregoing Resolution was adopted by the Commission at its meeting on November 21, 2013.

Jonas P. Ionin
Commission Secretary

AYES: Commissioners Antonini, Borden, Fong, Hillis, Moore, and Wu

NOES: none

ABSENT: Commissioner Sugaya

ADOPTED: November 21, 2013