



SAN FRANCISCO PLANNING DEPARTMENT

Memorandum on Draft Proposal for Urban Agriculture Zoning Controls and Standards

To: Astrid Haryati, Director of Greening
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Re: Draft Proposal for Urban Agriculture

Urban agriculture, gardening, and local food production is seeing a dramatic upsurge in interest and is a core component of the City's sustainability program. In July 2009 the Mayor issued Executive Directive 09-03 regarding "Healthy and Sustainable Food for San Francisco," which directed all City departments to carry out implementing actions consistent with the goal of fostering local food production in the City. Current Planning Code controls regarding food production and gardening substantially reflect attitudes and concerns of the early-mid 20th century regarding separation of uses and do not necessarily support or recognize the various scales and intensities of local food production, from small scale gardens to larger-scale agriculture. The definitions in the Code are antiquated, vague or non-existent, and do not necessarily reflect actual use characteristics or issues, or even recognize the possibility of agriculture (e.g. Articles 7 and 8 do not even contain such a use category, and no NC district even speaks to the issue of gardening or horticulture). There are beginning to be relatively small-scale gardening operations that are running up against the constraints of the current Code. This is an issue that cities around the country are grappling with, and many big cities are revising or considering revising their zoning codes to support at least small-scale urban agriculture. A cross-divisional Department "Urban Agriculture" task force met to briefly discuss the issue and concluded that some modest Code changes are advisable and feasible without too much effort, and would be a major step to implementing the Mayor's executive order. Attached is a conceptual description of the current draft proposal.

Attached: Draft Urban Agricultural Definitions and Standards

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Planning Department Draft Proposal for Urban Agriculture

Proposed Definitions for Urban Agriculture

1. **Home Garden:** A home garden is the use of land, including a roof garden, for the production of food or horticultural crops (other than controlled substances as defined in the performance standards) to be harvested, sold, or donated that is 1) no larger than 2500 sf *and* 2) is maintained by one or more individuals who reside in a residential use located on the subject property. Food and/or horticultural products grown in the home garden that are used for personal consumption and are not regulated by this Section. Fresh food and/or horticultural products grown in a home garden may be harvested, sold, or donated on-site within the limits of the performance standards for limited agricultural uses. A home garden is a permitted accessory use to a principal residential use. On-site sales made in accordance with the performance standards shall not be considered to be commercial activity under this Code, and shall not be subject to the restrictions for accessory uses for dwellings in R or NC districts as described in Section 204.1. Structures are limited to permitted obstructions as regulated through existing Planning Code Section 136¹. Any use of land for agricultural uses that is not accessory to residential uses or that does not meet the performance standards for limited agriculture cannot be considered to be a home garden.
 - **Permitted in all residential, neighborhood commercial and mixed use districts when the performance standards are met.**

2. **Neighborhood Agriculture:** Neighborhood Agricultural uses are those that occupy less than 1 acre for the production of food or horticultural crops (other than controlled substances as defined in the performance standards) to be harvested, sold, or donated. Farms that qualify as Neighborhood Agricultural uses may include community gardens, community-supported agriculture, market gardens, and private farms and may be permitted as long as the standards for limited agriculture use are met. Any farm that cannot meet these standards will be considered Urban Industrial Agricultural (as defined below). Neighborhood Agricultural uses may be principal or accessory use. Limited sales and donation of fresh food and/or horticultural products grown on-site may occur on otherwise vacant property, but may not occur within a dwelling unit.
 - **Permitted in all industrial and PDR districts.**
 - **Permitted in all residential, neighborhood commercial and mixed use districts when the performance standards for limited agriculture are met.**
 - **Permitted by CU as "Urban Industrial Agriculture" in all residential, neighborhood commercial and mixed use districts when the performance standards for limited agricultural use are exceeded. Tailored performance standards may be applied at CU hearing.**

3. **Urban Industrial Agriculture:** Urban Industrial Agricultural uses are those that use land for the production of food or horticultural crops (other than controlled substances as defined in the performance standards) to be harvested, sold, or donated that 1) occur on a plot of land greater than 1 acre *or* 2) occur on smaller parcels *and* cannot meet the defined standards for limited agricultural uses.
 - **Permitted in all industrial and PDR districts.**
 - **Permitted by Conditional Use authorization in all residential districts, neighborhood commercial or mixed-use districts. Performance standards may be applied at CU hearing.**

¹ Section 136 generally limits structures to one 10' x 10' x 8' sized shed.

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Draft Performance Standards for Limited Agricultural Use

(a) **Physical Standards:**

1. The use must comply with the lot and building standards for its zoning district².
2. Compost areas must be set back at least 3 feet from all yards, open space, and operable windows.
3. The site must be designed and maintained so that runoff will not drain onto adjacent property.
4. If the farmed area is enclosed by fencing, the fencing must be wood fencing or ornamental fencing as defined by Planning Code Section 102.32.

(b) **Operational Standards**³

1. Use of mechanized farm equipment is generally prohibited in residential districts-- except that during the initial preparation of the land heavy equipment may be used to prepare the land for agriculture use. Landscaping equipment designed for household use shall be permitted.
2. Farm equipment shall be enclosed or otherwise screened from sight.
3. Synthetic pesticides, herbicides, and chemicals may be applied and stored only in accordance with applicable state and federal regulations.
4. No controlled substances as defined by California Health and Safety Code Sections 11054 et seq. may be grown, harvested or sold at the site.

Notes:

1. Notification. Neighborhood notification to those within 150' per Section 311/312 would be required for a "change of use" permit to an urban agricultural use. Except that a "home garden" would not require notification. CU authorizations require notice to those within 300'.
2. Cost of permit.
 - A "change of use" permit fee depends on the cost of new construction. For a typical urban agricultural use with new construction less than \$10,000 the fee is generally \$319 plus a \$22.50 Board of Appeal surcharge.
 - Fees for Public Notification per Section 311/312 Full Svc. by ReproMail are \$70.50 (= \$48 + \$22.50 BoA) + \$3.26 per envelope.
 - The fee for Conditional Use authorization permits for a typical urban agricultural use with no construction costs would be generally \$1,800, plus a \$111 Board of Supervisors appeal surcharge. Should the cost of staff time exceed the initial fee paid, an additional fee for time and materials may be billed upon completion of the hearing process or permit approval. Additional fees may also be collected for preparation and recordation of any documents with the Assessor-Recorder's office and for monitoring compliance with any conditions of approval.

² Structures (including greenhouses, shipping containers, shade structures, and washstands) are generally permitted within the buildable area, subject to regulation by DBI, Fire, and Planning.

³ The Planning Department has historically struggled with enforcing operational standards. Standards that can be evaluated on plans and by seeing physical structures are preferred. Still, these operational metrics seem like important parameters to consider when locating agricultural uses in residential neighborhoods.