

REVISED LEGISLATIVE DIGEST
(Amended in Committee, 7/22/19)

[Planning Code - Conditional Use Authorization Required for Employee Cafeterias within Office Space]

Ordinance amending the Planning Code to require a conditional use authorization for Employee Cafeterias, as defined, within office space, except for existing Employee Cafeterias; 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 welfare under Planning Code, Section 302.

Existing Law

Section 102 of the Planning Code defines uses and terms used throughout the Code. “Office Use” is defined in Section 102 as “A grouping of uses that includes General Office, Retail Professional Services, and Non-Retail Professional Services. This use shall exclude: retail uses other than Retail Professional Services; repair; any business characterized by the physical transfer of tangible goods to customers on the premises; wholesale shipping, receiving and storage; and design showrooms or any other space intended and primarily suitable for display of goods.” Section 202.2 establishes location and operating conditions for specific use categories. Section 303 sets forth the Conditional Use authorization procedure.

Amendments to Current Law

The definition of “Office Use” in Section 102 is amended make it subject to the operating conditions of Section 202.2.

Section 202.2, in turn, defines an “Employee Cafeteria” as “a food facility within the premises where the employees are provided food on a regular basis. The operators of the food facility are either employees of the business or are contracted by that business. Foods are prepared and cooked on the site business premise in a full-service kitchen with an exhaust ventilation system. The food facility requires plan review and a health permit to operate from the Department of Public Health.” Section 202.2 is further amended to provide that an “Employee Cafeteria” requires a Conditional Use authorization in Office space, except if the Employee Cafeteria: (1) is located at the first story; (2) is open to the public during all operating hours; (3) complies with all relevant design standards for street frontages as found in Planning Code Sections 145.1(c)(5)-(7) and 145.4(d)(3); and (4) employee meals in the Employee Cafeteria are not more than 50% subsidized by their employer or the employer provides meal vouchers to employees for use outside the Employee Cafeteria. Further, the Ordinance establishes that any Employee Cafeteria lawfully existing prior to July 1, 2019 may continue and be maintained. It may not, however, be expanded or re-installed if abandoned without the required Conditional Use authorization.

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Finally, the Ordinance amends Section 303 to add additional criteria to be considered by the Planning Commission in approving a Conditional Use authorization for an Employee Cafeteria.

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