



City of Walnut Creek
Development Review Services
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Issued January 2, 2013

Policy Bulletin No. PB-063

Cottage Food Operations

Background: Assembly Bill 1616, effective January 1, 2013, establishes new rules for state and local government with regard to “cottage food operations” (CFOs). In summary, the law provides that residents of a household may prepare low-risk food products for on- or off-site sale under the supervision of the County Health Department. One full-time equivalent employee is also allowed. Two classes of CFOs are designated: Class A is for direct sale (on-site or at farmer’s markets, etc); Class B is for direct and indirect sales (on-site and at restaurants, etc). Limitations on annual sales volume, hygiene, fees, inspections, and other aspects of the operations are also established.

The law provides several permitting options for local governments. The City does not yet have a formal permitting procedure specifically for CFOs. However, the Walnut Creek Municipal Code (WCMC) provides that a Home Occupation may be conducted from a residence, if it meets certain standards established in WCMC *Section 10-2.3.107.A*, by obtaining a non-discretionary permit (over-the-counter). *Section 10-2.3.107.B* goes on to state that a Home Occupation permit shall not be granted administratively if it fails to conform to the standards. However, *Section 10-2.3.107.C* provides that an applicant who cannot meet the standards may request a hearing by the Zoning Administrator who is authorized by *Section 10-2.4.105* to hear and decide such home occupation permits; *Section 10-2.3.107.C* specifies additional findings and conditions for such an approval. The Zoning Administrator’s decision may be appealed to the Planning Commission.

Action: City policy (pending specific ordinance amendments) is as follows:

1. If a CFO can meet all performance standards (except *Section 10-2.3.107.D.2*, which prohibits food handling but has been superseded by State law), the operation may be approved by a standard Home Occupation Permit over the counter.
2. If the CFO will involve an outside employee and/or have visits from customers or delivery vehicles beyond that normal for the district or so as to constitute a nuisance, the operation shall be subject to approval by the Zoning Administrator at a public hearing, pursuant to *Section 10-2.3.107.C*. Such application to the Zoning Administrator may be filed pursuant to *Section 10-2.4.201* et seq.

Other Information:

- Municipal Code: <http://www.codepublishing.com/ca/walnutcreek/>
- State law: http://www.leginfo.ca.gov/cgi-bin/postquery?bill_number=ab_1616&sess=1112

Contacts:

- City Business License Division on the third floor of City Hall, or at 925/943-5821 or businesslicense@walnut-creek.org, for tax payment information.
- Contra Costa County Department of Environmental Health at 2120 Diamond Blvd., Suite 200, Concord, CA 94520, 925/692-2500, www.cchealth.org/eh for other registration, inspection, and permitting requirements.
- State Health Department at <http://www.cdph.ca.gov/programs/Pages/fdbCottageFood.aspx>.