

**PPCC MEETING 1/25/18: AGENDA ITEM 8.2.1 – PlanCheckNCLA Report
by C. Spitz; Status of Ordinance Allowing Farmers Markets in R Zones (CF 10-1832)¹**

Background:

Nov. 2010: CMs Wesson and Koretz propose allowing farmers markets *by right* in R and other zones (goal: to provide greater access to fresh, high quality produce to under-served communities).

April 2011: PPCC opposes *by right* permit process for farmers markets in R zones and expresses concern about weakening protections for R zones via a conditional use or public benefit process (see prior submittals attached and/or at http://clkrep.lacity.org/onlinedocs/2010/10-1832_misc_4-26-11c.pdf).

April - May 2011: Pursuant to Planning Dept. recommendations, PLUM and City Council direct creation of a conditional use process for Certified Farmers Markets (CFMs) in R zones, with “500 ft. notification” and public hearing required.

Nov. 2011: CPC recommends draft ordinance, PLUM approves and City Council directs City Attorney (CA) to complete final ordinance; *almost 6 years then pass with nothing further done.*

May 2017: PLUM (via Chair Huizar) revives the matter, requesting further amendments, such as allowing some CFMs *by right* in R zones (proposed in parking lots next to churches and schools).

Sept. 2017: CA submits revised ordinance (key provisions listed below); does *not* include a *by right* process as requested by PLUM for CFMs in R zones (discretionary permits required in all R zones); recommends adoption of ND (finding of no significant impacts under CEQA).²

Nov. 2017: PLUM directs further amendments, including removing annual review requirement and allowing Council Districts discretion to modify hours of operation; recommends adopting ND.

Dec. 2017: Item scheduled to be heard again in PLUM, but continued to a date to be determined.

Key Ordinance Provisions (as of Sept. 2017):

- CFMs allowed in R zones via a streamlined discretionary permit process (i.e., procedures for adjustments: notice only to abutting owners, on-site posting and public hearing); *but* hearing not required if written approval submitted from 1) all abutting and across street owners; and 2) 60% of owners within 300 ft. radius.
- Application to be provided to the relevant Councilmember.
- Operating hours: 7am-7pm (with 1 hour before and after also allowed for set up/clean up); 2x week only (*but* PLUM has now directed possible modification of hours by Council Districts).
- Other operating standards: any lights used are to be shielded from shining “directly or indirectly” on abutting properties or streets; trash containers must be provided; area used must be “cleaned;” noise levels must not exceed ambient levels in R zones under current Code requirements; all signage shall conform to Art. 4.4 of the Code.
- Violations: the ZA “may consider” revoking the grant for failure to comply with requirements.
- Annual review required (*but* PLUM has now directed removal of this requirement).
- Not included: any parking or toilet requirements; provisions for traffic or vermin control; requirement of notification to local organizations or councils; enforcement mechanisms, including monetary or other penalties, other than possible (discretionary) ZA revocation.
- By right process with performance standards: provided for CFMs in A, C, M and P zones only.

¹ Although not expressly indicated, it appears the ordinance was intended to apply to the use of private property, e.g., vacant lots and parking lots, rather than streets or other public property.

² Form language (signed by Planning Director Vince Bertoni) is included at the end, indicating disapproval of the ordinance on behalf of the CPC and a recommendation against approval (presumably because this latest iteration – 6 years later – was never presented to the CPC).