

ORDINANCE NO. _____

An ordinance amending Section 12.24 and Section 14.00 of the Los Angeles Municipal Code to allow for discretionary approval of Certified Farmers' Markets in Residential zones and ministerial approval in the A, C, M and P zones as a Public Benefit.

**THE PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. Subdivision 6 of Subsection X of Section 12.24 is amended in its entirety to read as follows:

6. Certified Farmers' Markets. A Zoning Administrator may, upon application, permit the operation of a Certified Farmers' Market, as defined in Section 1392.2, Title 3, of the California Code of Regulations as that section may be amended from time to time, on any lot in an R Zone subject to the following:

(a) **Application.** A copy of each application shall be provided to the Councilmember of the district in which the property is located. A Zoning Administrator shall approve an application only if all the following requirements are met:

(1) The operation is conducted by one or more certified producers, by a nonprofit organization or by a local government agency;

(2) If selling fruits, nuts or vegetables, the producer is authorized by the County Agricultural Commissioner to sell directly to consumers these products that are produced upon the land which the certified producer farms and owns, rents, leases or sharecrops; and

(3) If selling eggs, honey, fish, and other seafood and freshwater products, live plants and other agricultural products, the market operator and producer secure all necessary licenses, certificates and health permits which are required to sell these products directly to consumers, provided these products are raised, grown or caught and processed, if necessary, in California.

(b) **Procedures.** A permit application pursuant to this subdivision shall follow the procedures for adjustments set forth in Section 12.28 C.1, 2 and 3 of this Code. A hearing is not required if the applicant submits with its application the written approval of the owners of all abutting properties, including properties across the street or alley from or

having a common corner with the subject property, and the written approval of 60 percent of the owners of properties within a radius of 300 feet of the subject property.

(c) Requirements.

(1) All market activities shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., except that necessary preparation of the site for sales activities and cleanup may be conducted for not more than one hour before and one hour after this period. No Certified Farmers' Market may operate more than twice in the same week;

(2) Any light used during market activities shall be shielded so as not to shine directly or indirectly on adjacent property or streets;

(3) The operator of a Certified Farmers' Market shall provide trash containers during the hours of operation;

(4) Signs advertising the market shall conform to Article 4.4 of this Code;

(5) The noise level of any activity related to a Certified Farmers' Market, including noise resulting from the use of amplified sound equipment, shall not exceed the ambient noise levels applicable to an R Zone as set forth in Section 111.03 of the Municipal Code;

(6) Any portion of the lot used for market activities shall be cleaned at the close of hours of operation. For purposes of this section only, "cleaned" shall include, but not be limited to, the removal of stalls, materials, debris, trash, etc., used in conjunction with market activities;

(7) The operator of a Certified Farmers' Market shall maintain a list of vendors participating in the Certified Farmers' Market during the day of operation; and

(8) Certification of the Certified Farmers' Market and contact information for the operator shall be posted at the main entry and provided as part of the application. The contact person shall be available during the hours of operation and shall respond to any complaints. The operator shall keep a log of complaints with the date and time received, and their disposition.

(d) **Violations.** The Zoning Administrator may consider revoking the grant for failure to maintain the site in a satisfactory manner or failure to comply with the requirements above.

(e) **Annual Review.** Each year, at least 30 days prior to the effective anniversary date of any grant made pursuant to this subdivision, the operator of a Certified Farmers' Market shall submit to the Office of Zoning Administration a request for continued operation on a form prescribed for that purpose. The form shall contain all pertinent information which a Zoning Administrator may specify. Failure to submit this request shall automatically revoke any previously approved grant.

Sec. 2. A new Subdivision 11 is added to Subsection A of Section 14.00 to read as follows:

11. **Certified Farmers' Markets**, as defined in Section 1392.2, Title 3, of the California Code of Regulations as that section may be amended from time to time, are permitted by right in the A, C, M and P Zones and subject to the following Performance Standards:

(a) **Performance Standards:**

(1) All market activities shall be conducted only between the hours of 7:00 a.m. and 7:00 p.m., except that necessary preparation of the site for sales activities and cleanup may be conducted for not more than one hour before and one hour after this period. No Certified Farmers' Market may operate more than twice in the same week;

(2) Any light used during market activities shall be shielded so as not to shine directly or indirectly on adjacent property or streets;

(3) The operator of a Certified Farmers' Market shall provide trash containers during the hours of operation;

(4) Signs advertising the market shall conform to Article 4.4 of this Code;

(5) The noise level of any activity related to a Certified Farmers' Market abutting an A or R zone shall not exceed the ambient noise levels applicable to an A or R zone as set forth in Section 111.03 of the Municipal Code, and as measured at the property line of any adjacent A or R zone. The noise level from any Certified Farmers' Market includes noise resulting from the use of amplified sound equipment;

(6) Any portion of the lot used for market activities shall be cleaned at the close of hours of operation. For purposes of this section only, "cleaned" shall include, but not be limited to, the removal of stalls, materials, debris and trash, etc., used in conjunction with market activities;

(7) The operator of a Certified Farmers' Market shall maintain a list of vendors participating in the Certified Farmers' Market during the day of operation;

(8) Certification of the Certified Farmers' Market and contact information for the operator shall be posted at the main entry, and provided as part of the application. The contact person shall be available during the hours of operation and shall respond to any complaints. The operator shall keep a log of complaints received, the date and time received, and their disposition; and

(9) When located on a parking lot, the Certified Farmers' Market shall not use more than 80 percent of the provided parking spaces. Safety barricades that protect vendors and their customers from vehicles shall be used to separate the market and the remaining parking area.

(b) **Purpose.** Farmers' markets increase communities' access to fresh and healthy produce. The purpose of these Performance Standards is to minimize any impacts on the surrounding neighborhood that may result from the operation of a farmers' market, such as noise, light, trash or parking. Additional permits may be required by other City departments.

Sec. 3. **SEVERABILITY.** If any portion, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this ordinance and each portion or subsection, sentence, clause and phrase herein, irrespective of the fact that any one or more portions, subsections, sentences, clauses or phrases be declared invalid.

Sec. 4. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By *Oscar Medellin*
OSCAR MEDELLIN
Deputy City Attorney

Date September 28, 2017

File No. CF 10-1832

Pursuant to Charter Section 559, I **disapprove** this ordinance on behalf of the City Planning Commission and recommend that it **not** be adopted

September 28 2017

See attached report.

Vincent P. Bertoni
Vincent P. Bertoni, AICP
Director of Planning

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I hereby certify that the foregoing ordinance was passed by the Council of the City of Los Angeles, **by a vote of not less than two-thirds** of all its members.

CITY CLERK

MAYOR

Ordinance Passed _____

Approved _____