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February 22, 2018

Los Angeles City Council
c/o Office of the City Clerk
City Hall, Room 395
Los Angeles, California 90012

Attention: PLUM Committee

REPORT ON FARMERS' MARKET CODE AMENDMENT (CF 10-1832)

Dear Honorable Members:

On December 5, 2017, the Planning and Land Use Management (PLUM) Committee considered oral reports from the Department of City Planning (DCP) and the City Attorney relative to a draft ordinance amending the Los Angeles Municipal Code to allow for discretionary approval of Certified Farmers' Markets in Residential (R) zones, and to allow for by-right approval of Certified Farmers' Markets in the Agricultural (A), Commercial (C), Manufacturing (M) and Parking (P) zones with performance standards.

At that meeting, PLUM continued the matter and requested the City Attorney and DCP report back on:

1. the feasibility of including farmers' markets as by-right uses in residential zones only when located on the parking lot of an approved institution (such as a church or school); and
2. either a less costly relief mechanism from the hours of operation standards or another option to permit some markets to stay open until 9PM as opposed to the recommended 7PM closure time.

In response to the first item above, DCP recommends the initiation of a separate code amendment to allow farmers' markets by-right on the parking lot of an approved institution (such as a church or school). Amending the current draft ordinance would require amendments to the environmental documentation that could significantly delay its adoption.

In response to the second item above, DCP recommends expanding the allowable hours of operation for non-residentially zoned markets from 7AM – 7P, to 7AM – 9PM.

The current environmental analysis already accounts for the operation of farmers' markets in these aforementioned zones. Extending the hours of operation by two hours is a minor change especially since many of the zones outlined above are already associated with businesses that stay open until 9PM, such as shopping centers. In addition, the performance standards in the ordinance address the anticipated impacts related to noise, lighting and trash. Given these factors, DCP concludes that the proposed changes in the hours of operations, as described above, do not affect the analysis and conclusions in the Negative Declaration (ND) and do not trigger any of the exceptions to the categorical exemptions for this project.

CEQA Guidelines Section 15073.5 requires a lead agency to recirculate a ND when "the document must be substantially revised after public notice of its availability has previously been given but prior to its adoption." Under CEQA Guidelines Section 15073.5, subdivision (b), "substantial revision" is defined as including the disclosure of any of the following: "(1) A new avoidable significant environmental impact and mitigation measures or project revisions must be added in order to reduce the effect to insignificance, or (2) The lead agency determines that the proposed mitigation measures or project revisions will not reduce potential effects to less than significant and new measures or revisions must be required." CEQA Guidelines Section 15073.5(c)(4) states that recirculation of the ND is not required when "[n]ew information is added to the negative declaration which merely clarifies, amplifies, or makes insignificant modifications to the negative declaration." In light of the above, City staff evaluated the proposed changes in the hours of operation and determined that such changes would not require "substantial revisions" to the ND such that recirculation of the document is necessary.

Should you have any questions regarding the Department's modified recommendations, please contact the following members of my staff: Phyllis Nathanson, Senior City Planner (213) 978-1474; Yi Lu, City Planning Associate (213) 978-1287.

Sincerely,

VINCENT P. BERTONI, AICP
Director of Planning



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VPB:KJK:YL:mn