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April 1, 2011

Council of the City of Los Angeles
Planning and Land Use Management (PLUM) Committee
200 North Spring Street
Los Angeles, CA 90012

Re: Report on Farmers' Markets
Council File 10-1832 (Wesson, Koretz)

Honorable Members of the Planning and Land Use Management (PLUM) Committee,
Councilmember Ed P. Reyes, Councilmember Jose Huizar, and Councilmember Paul
Krekorian:

On November 19, 2010, Councilmember Wesson introduced a motion (10-1832) requesting that the Planning Department, in consultation with the City Attorney, prepare a report with recommendations on the feasibility of allowing farmers' markets by-right in residential zones.

After analyzing this issue, the Planning Department recommends amending the Los Angeles Municipal Code (LAMC) to incentivize farmers' markets throughout the City with necessary land use controls.

Existing Zoning Regulations

Currently, farmers' markets are not allowed by-right in any zone. They are permitted in specified zones when approved by a Zoning Administrator Determination (ZAD), requiring a public hearing. The ZAD process allows farmers' markets to be permitted in agricultural zones, commercial zones, most manufacturing zones, church and school parking lots in residential zones, and public parks. Any request to establish a farmers' market outside of a specified zone requires a variance.

The granting of a farmers' market ZAD mandates that six operational requirements be met related to: (1) hours of operation, (2) sanitation, (3) signage, (4) noise, (5) trash, and (6) clean-up deposit. It also requires that three findings be met related to: (1) general welfare and zoning, (2) conformance with the General Plan, and (3) adverse affects from noise and traffic. Although the City supports the placement of farmers' markets in non-residential zones, the often time-consuming ZAD process poses a barrier to them.

Benefits of Farmers' Markets

Farmers' markets provide fresh, locally-grown, and often organic produce to communities that might not otherwise have access to such nutritious food. These markets also promote social interaction and exposure to a variety of food items. There are also less transportation and energy costs than importing produce from far distances, thereby reducing overall vehicle miles traveled.

Encouraging the establishment of farmers' markets supports the local economy, helps build relationships amongst community members and farmers, creates a gathering point for social interaction and involvement in community-based events, and creates an environment for people to learn about healthy, locally-grown food. Most importantly, these markets encourage healthy eating and are a means to curtail obesity in Los Angeles.

Locating Farmers' Markets in Residential Zones as Conditional Uses

Maintaining the character of residential neighborhoods is a priority for the Planning Department. As such, with the exception of home occupations, businesses are not allowed by-right in single-family or duplex residential zones. While farmers' markets may be permitted in church and school parking lots in residential zones with a Zoning Administrator Determination (ZAD), permitting farmers' markets by-right in residential zones could create incompatible land uses that would not be consistent with the General Plan due to potential noise, traffic, trash, parking, and public safety issues.

However, there still may be appropriate locations within residential zones to locate farmers' markets. Permitting them as conditional uses in residential zones would utilize land use analysis, local community input, and operating conditions to make that determination.

Locating Farmers' Markets in Non-Residential Zones as Public Benefits

A Public Benefit is a land use permitted in specified zones through a ministerial process when performance standards are met. It does not require a public hearing or a letter of determination. Examples of existing public benefits include libraries, museums, and homeless shelters.

Farmers' markets provide a benefit to the public by serving residents of the City, especially those living in "food deserts", with access to fresh produce. The advantages of regulating farmers' markets as public benefits are twofold. First, it holds them to standards that protect the community to ensure that the quality of the neighborhood is maintained. Second, it incentivizes farmers' markets by replacing a lengthy permitting process with an over-the-counter decision, also reducing work of City staff.

Performance standards for farmers' markets might include the six previously mentioned ZAD requirements plus an additional performance standard to ensure adequate parking.

Recommendation

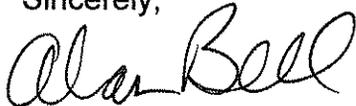
The Planning Department recognizes the need to encourage farmers' markets throughout the City. The Department also recognizes that the busy nature of farmers' markets requires conditions be placed on their operation in residential areas to protect neighborhood harmony and safety. The Department believes that a higher level of review be required for farmers' markets to be permitted in residential zones than other zones. As such, the Department recommends a two-tiered approach for permitting farmers' markets throughout the City.

First, the Department recommends the creation of a new conditional use for farmers' markets in residential zones. A conditional use requires a 500-foot notification and a public hearing to allow farmers' markets to be located anywhere in a residential zone.

Second, the Department recommends the creation of a new Public Benefit for farmers' markets in non-residential zones. Allowing these uses to be located by-right in agricultural, commercial, and manufacturing zones with appropriate performance standards will encourage their placement in parts of the City that can best accommodate them while increasing access to fresh produce.

For further information, please contact Charlie Rauch at (213) 978-1306 or Tom Rothmann at (213) 978-1891.

Sincerely,



Alan Bell, AICP
Deputy Director of Planning

AB: TR: NS

10-1832

NOV 19 2010

MOTION

Farmers Markets provide high quality produce directly to City residents, and fill the gap in many communities, particularly those that are under-served and economically challenged, in providing fresh food and vegetables. The public hearing process to permit them, however, can sometimes be very cumbersome especially for non-profit entities that are pressed for time, and are not fully familiarized with the land use application process.

In the interest of enabling community members to have access to nutritious food, the City should streamline the farmers market permitting process, and allow non-profit organizations to provide this valuable service by right in the R zone. This in turn, will allow non-profits to expeditiously provide fresh food and vegetables to all communities, and particularly to those communities that are socially and economically challenged.

I THEREFORE MOVE that the Council instruct the Planning Department, in consultation with the City Attorney, to report with recommendations that discuss the feasibility of allowing non-profits to obtain a permit by-right for farmers markets in the R (residential) zone only without the need for a Zoning Administrator hearing, or other discretionary action.

PRESENTED BY

Herb J. Wesson, Jr.

Herb J. Wesson, Jr.
Councilmember, 10th District

SECONDED BY

Paul Kretz

NOV 19 2010

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