



Urban Agriculture Policy in San José



By Avalon Schultz and Sara Sichley

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BACKGROUND AND INTRODUCTION

URBAN AGRICULTURE

Urban agriculture is a term used to cover a variety of activities related to increasing food production and access to food in non-rural environments. A wide variety of practices are included under the umbrella of “urban agriculture,” including but not limited to: co-op grocery stores, farmer’s markets, Community Supported Agriculture (CSA), community gardens, school gardens, entrepreneurial gardens, pocket gardens, backyard gardens, windowsill gardens, rooftop gardens, fruit trees, food-producing green roofs, hobby beekeeping, food composting, and urban gardening classes.ⁱ

Urban agriculture has emerged as an important topic in discussions about the global food system, food security, and global warming. Urban agriculture has been put forth as a possible solution to the impacts of the global agri-food system, including: rising food prices, consolidation of farms and food processing, homogeneity of markets, rise of synthetic fertilizers, water pollution, and soil erosion.ⁱⁱ Increasingly, urban agriculture is being promoted as an antidote to climate change due to decreased vehicle miles traveled and carbon sequestration.ⁱⁱⁱ

Access to food is a growing public health issue across the nation. Approximately 11 percent of American households (35.5 million people) did not have enough money for food in 2006. Access to healthy, affordable foods is not always evenly distributed among wealthy and poor neighborhoods. In many cases, full-service grocery stores follow wealthier families out of the city centers and into the suburbs. As a result, families remaining in city centers can be left without a grocery store that meets their daily needs. The issue of food accessibility has many physical and mental health implications – lack of access to healthy foods contributes to obesity and social segregation. San José is a large metropolitan city of almost 1 million people spread over a huge distance. San José, like many large cities, has a growing suburban population at the city boundaries with all the service amenities for the suburban population. Within the downtown core, there is a lack of services and facilities (such as grocery stores) to accommodate downtown residents. Urban agriculture can be seen as a possible solution to food insecurity, by increasing access to fresh, healthy, and culturally appropriate food.^{iv}

Increasingly, scholars and urban planners have come to view food systems as an important urban system intertwined with issues including: the local economy, jobs, food prices, the loss of agricultural land, waste, water pollution, health, transportation, and equity.^v Additionally, support for local agricultural activities has grown due to the public health benefits of gardening,

including: cognitive improvement, reduced healing time, improved moods, stress reduction, improved nutrition, and increased activity.^{vi} Urban agriculture has also been associated with community benefits, such as increased socialization, increased community organizing and empowerment, reduced crime and increased property values.^{vii} As such, numerous scholars and activists have advocated for policy interventions to support urban agriculture.^{viii}

Cities throughout the nation are adopting policies to remove barriers to urban agriculture and increase access to fresh, healthy food throughout the community. San José will likely be interested in the emerging public health implications of policies that relate to food to help bridge the existing socioeconomic disparities between San José residents and neighborhoods.

This analysis will evaluate San José's current policies related to urban agriculture and provide examples of best practices from city's throughout the United States with progressive urban agriculture land use policies. The following seven types of common urban agriculture practices will be evaluated:

- Home gardens
- Community gardens
- Small-scale agriculture (Market/Neighborhood Gardens)
- Large-scale agriculture
- Farmers markets
- Animals
- Bees

SAN JOSÉ POLICY CONTEXT

The City of San José is preparing a comprehensive update to the 2020 General Plan through the Envision 2040 General Plan, which will include a progressive urban agriculture policy. The 2040 General Plan has passed unanimously through the planning commission and is now being sent to the city council for approval.

One of the city's concepts is the design for a healthful community – encouraging access to healthful foods. In Chapter 1 of the draft plan update, the General Plan supports the development of urban agriculture, and preservation of existing agricultural lands adjacent to San José to increase the supply of locally-grown, healthful foods. The General Plan also supports healthful community regulatory land use policies, enabling operation of farmers markets, urban farming activities, and promoting availability of healthful foods while limiting access to alcohol at retail locations. The Envision 2040 General Plan outlines specific goals and action items to encourage more healthful communities such as: inclusion of services and facilities within each neighborhood to meet daily needs of neighborhood residents, access to healthful foods, contribute to a healthful community, and urban agriculture.

Access to Neighborhood Services and Facilities

One of the goals for the City of San José is to include services and facilities within each neighborhood to meet daily needs of neighborhood residents, usually within ½-mile radial distance of residential neighborhoods.

Access to Healthful Foods

The second goal for the City of San José is to provide better access to healthful foods. San José has included four objectives for better access to healthful foods:

- Encourage full-service grocery stores to locate within or adjacent to neighborhoods;
- Work with Santa Clara County Valley Transportation Authority (VTA) to make sure all grocery stores are easily accessible;
- Support efforts of the state, county, and non-profits to encourage all healthful food retailers to accept public food assistance programs, such as supplemental nutrition assistance programs (SNAP) and women, infants, and children programs (WIC);
- Modify land use in the General Plan to accommodate grocery stores in low-income neighborhoods, and;
- Encourage location of healthful food retails, including farmers markets, in neighborhoods with high concentrations of fast food outlets compared to full-service grocery stores and fresh produce markets.

Many studies have determined that that maximum distance an individual is willing to walk is between ¼-mile to a ½-mile and no further. The first objective of encouraging grocery stores to locate within or adjacent to neighborhoods is factoring in a distance of ½-mile that consumers are willing to walk. Where distance to grocery stores is more than a ½-mile, public transportation will be needed. For the second objective, the city plans to work closely with VTA to make sure all grocery stores are readily accessible. It is important to also factor in the distance an individual will walk from the transportation stops to the grocery store. The grocery stores should still be located within the ¼-mile to ½-mile radius from these stops. Another objective for San José is to increase the amount of stores and food retailers that accept SNAP and WIC benefits, including farmers markets. Currently, the farmers markets in Santa Clara County are not equipped to accept SNAP and WIC benefits, but the city is looking to transform these markets to be more inclusive to lower-income households.

In order to meet the city's goals and objectives of healthy food access, several action items were created:

- Collaborate with Santa Clara County Department of Public Health to measure accessibility of healthful foods as well as relative concentration of fast food restaurants near schools;

- Identify nutrient-deficient neighborhoods by calculating the percent of the population that lives near fast food, neighborhood markets, and convenience stores;
- Work to attract full-service grocery stores and fresh produce markets to low-income neighborhoods and near schools;
- Collaborate with the county to explore the possibility of developing an incentive program for stores that are deficient in fresh produce to start selling fresh produce;
- Identify locations for new farmers markets in low-income neighborhoods;
- Maintain an inventory of available vacant or underutilized lands owned by the city or other public entities that could be used for food production, and;
- Explore limiting the number of fast food restaurants located near schools.

Contribute to a Healthful Community

The 2040 Envision General Plan further elaborates on the previous goal and aims to contribute to a healthful community. Two particular objectives that can contribute to a healthy food policy and more healthful community are:

- Encourage healthful food choices, exercise, and production of locally grown agriculture for personal use by providing community garden facilities, and;
- Spend, as appropriate, Parkland Dedication Ordinance/Park Impact Ordinance (PDO/PIO) fees for community-serving elements (including community gardens) within a 3-mile radius of new neighborhood developments.

In order to accomplish the two above objectives, the city has identified three action items:

- Partner with the county and non-profits to promote community gardens in low-income neighborhoods;
- Connect school children with community gardens (to educate students about best gardening practices as well as the importance of eating healthy), and;
- Provide equitable access to all parks and community gardens.

Urban Agriculture

The last goal that serves to create and improve the food policy for the City of San José is to foster the urban agriculture movement. Objectives pertaining to this goal include:

- Maintain existing and facilitate the development of new and expanded community gardens and farmers markets (with priority in low-income neighborhoods);
- Support backyard, roof-top, indoor, and other gardens for personal consumption;
- Encourage developers to incorporate gardens into development plans;
- Protect and preserve existing farmlands for large-scale agricultural purposes, and;
- Encourage incorporation of edible landscaping in appropriate locations on new and existing residential, commercial, and public development projects.

The city has created several action items to support urban agriculture:

- Develop a city council policy to address ways San José will support urban agriculture;
- Work with the city, county, and non-profits to educate the community on benefits of healthful foods, and;
- Revise zoning ordinance to allow community gardens and incidental gardening as permitted uses in appropriate zoning districts.

The City of San José has developed several goals and objectives that serve to create and improve the existing food policy as well as action items to guide the efforts in the coming years. In order to more clearly understand what municipal code amendments will be necessary to realize the city's movement toward a more healthful community with better access to food, an evaluation of San José's existing policies and a review of what other cities with progressive urban agriculture policies are currently doing to promote food access is required.

EVALUATION OF SAN JOSÉ'S CURRENT POLICIES

The urban agriculture movement is just taking off in San José, but many cities have already developed comprehensive food policies. While San José's zoning code already allows for agriculture and farmers' markets, but not in a way that clearly promotes these as a city objective like the Envision 2040 now does. In order to explore opportunities for San José to strengthen its urban agriculture-related land use policies, a review of other cities' policies is necessary. This section reviews San José's existing municipal code policies for each of the seven topic areas and provides a series of best practices undertaken by cities with progressive urban agriculture policies that San José may wish to borrow from as it prepares its own urban agriculture ordinance.

COMMUNITY GARDENS

Community gardens refer to spaces where community members can grow food or other plants. Plants can be grown communally or through the use of individual plots assigned to garden members. Community gardens can be a principle or accessory use on site. They often occur on publicly-owned land or on sites managed by institutional uses, such as parks, schools, utility districts, or religious uses. Community gardens are typically managed by an organized group of neighbors or the municipality in which they are located. Community gardens are not typically commercial ventures, although there is increasing discussion about whether to permit sales from gardens in many communities throughout the nation.

San José's Policies

While there are no specific regulations in the municipal code that pertain to community gardens, community gardens are included under regulations for community parks and recreational facilities. The municipal code defines community park as "a city park serving the

community that may include more specialized or unique facilities that are not typically provided in a neighborhood park to serve the diverse needs of the community, such as community gardens” and defines recreational facilities as “recreational improvements that are not typically provided in either a neighborhood park or a community park such as trails or community gardens.”

Currently, the City of San José’s Parks and Recreation Department has established a partnership with Health Trust to operate community gardens and to educate community members about health benefits of fresh, healthy foods. Other than that, community gardens are only regulated in that the sales of produce is not allowed.

Best Practices

Cities with progressive urban agriculture policies generally permit community gardens as a permitted use in most zoning districts. Some cities require performance standards that reduce conflicts between community gardens and neighboring uses, typically in residential areas. Key points of divergence include whether sales of produce are permitted on site. The majority of policies surveyed include some regulation of on-site structures and sales.

BALTIMORE: In Baltimore’s draft zoning update, *Community-Managed Open Space* is widely permitted throughout the city, subject only to minor regulations addressing soil contamination, animals, and structures on site.

Community-Managed Open Space is defined in the draft zoning update as an area maintained by more than one household to cultivate fruits, vegetables, flowers, or ornamental plants or as a community gathering space for recreation not including playgrounds. Sales of items grown on site are permitted. Baltimore’s draft zoning update identifies *Community-Managed Open Space* as a use permitted in most districts subject to compliance with specific requirements intended to ensure the safety of participants and reduce impacts on surrounding properties. Baltimore will likely permit *Community-Managed Open Space* in the following zones: open space (§7-201), residential (§8-201, 9-201), commercial (§10-201), office residential (§12-301), and transit-oriented development (§12-402), in addition to three of six industrial zones (§11-201).

Baltimore’s draft use standards include the following provisions (§14-305):

- Accessory structures (sheds, gazebos, etc.) are permitted, but other permanent structures are prohibited. Temporary greenhouses can be erected during the growing season;
- The sale of items grown on site is permitted, but farm stands must be removed or otherwise stored in seasons when they are not in use;
- The keeping of livestock and animals is permitted in compliance with the health department and state department of agriculture regulations, and;

- Clean, imported soil with a permeable barrier must be used to grow food unless proof of soil testing is provided.

CHICAGO: Permits *Community Gardens* up to 25,000 square feet in most parts of the city as long as minor performance standards and parking requirements are met.

Community Gardens are defined as neighborhood-based developments managed and operated by public or civic entities, non-profit organizations, or other community-based organizations for the primary purpose of growing plants (§17-17-0103-F). Sales on site are permitted, but are limited to plants or produce generated on site and do not include value-added products. Chicago permits *Community Gardens* in most zones, including all residential (§17-2-0107), business and commercial (§917-3-0207,) downtown (§17-4-0207), and park and open space districts except natural areas and cemeteries (§17-6-0203-E). In all districts, *Community Gardens* are subject to compliance with specific use standards and parking criteria. *Community Gardens* are not permitted in manufacturing districts (§17-5-0207).

In most zoning districts, *Community Gardens* are required to provide one parking space per three employees plus additional spaces and drop-off/loading area as necessary (§17-10-0207E). A minimum of four bicycle parking spaces are also required.

In Chicago, *Community Gardens* are required to abide by the following performance standards (§17-9-0103.5):

- Maximum site area of 25,000 square feet unless located in parks and open space districts where there is no maximum area;
- Accessory buildings are limited to 575 square feet and must comply with setback and area requirements of the district in which they are located, and;
- Composting is limited to materials generated on site and must be used on site.

KANSAS CITY: Permits *Community Gardens* in most zoning districts but precludes sales in residential districts.

Kansas City defines *Community Garden* as a site managed and maintained by a group of individuals to grow and harvest food for personal or group consumption or for sale and donation (§88-312-02-B). *Community Gardens* are permitted as a principle or accessory use in all residential districts (Table 110-1), office, business, and commercial districts (Table 120-1), downtown districts (Table 130-1), and manufacturing districts (Table 140-1). Sales are permitted to occur on non-residential sites only, with one exception in a residential district.

Additionally, *Community Gardens* must abide by the following performance standards (§88-312-02-B):

- The lot and building standards of the underlying zoning district must be met;

- Chemicals and fuels must be locked in a structure when site is unattended;
- Living on premises is prohibited, and;
- Row crops (24" or more in height except trees, shrubs, or borders) are not permitted in front yards.

MILWAUKEE: Permits *Raising of Crops or Livestock* in several areas without additional performance standards.

Milwaukee allows *Raising of Crops or Livestock*, which includes community gardens, as a permitted use in residential districts (Table 295-503-1), industrial districts (Table 295-803-1), and the parks district (Table 295-903-2-a). It is considered a special use in commercial districts (Table 295-603-1) and the institutional district (Table 295-905-2-a) and is prohibited in downtown districts (Table 295-703-1). The keeping of livestock is permitted subject to compliance with health department standards. Otherwise, there are no performance standards that apply to *Raising of Crops or Livestock*, including no minimum parking requirement (§295-403-2-a).

NASHVILLE: Widely permits community gardens, but establishes a distinction between commercial or non-commercial gardens. Commercial gardens in residential areas are subject to discretionary review and held to specific operational standards.

Nashville separates community gardens into two distinct use categories: *Non-Commercial Community Gardening* and *Commercial Community Gardening*.

Non-Commercial Community Gardening refers to an individual or group of individuals growing and harvesting food or other crops for personal or group consumption or donation. *Non-Commercial Community Gardening* is permitted in agricultural districts, most residential districts, and commercial and industrial districts (§17.08.030). It is a prohibited use in multi-family residential, mobile home park, mixed use, office, or shopping center districts (§17.08.030).

Commercial Community Gardening is defined as a group of individuals growing and harvesting food or other crops for commercial sale. *Commercial Community Gardening* is permitted in agricultural districts, office districts, commercial districts, downtown districts, and industrial zones (§17.08.030). A special exception approval is required in single-family residential and one- and two-family districts (§17.08.030). *Commercial Community Gardening* is not permitted in multi-family residential, mobile home park, mixed use, office, or shopping center districts (§17.08.030).

Where a special exception is required for *Commercial Community Gardens* in single-family and one- and two-family zoning districts, the following criteria apply (§17.16.230):

- Lighting must be shielded to avoided glare and off-site impacts;

- Compost and/or organic matter are limited to 10% of the total site area, must not be visible from adjacent properties, and must be managed to avoid rodents, pests, odors, and leachate;
- Site must not drain onto adjacent properties;
- Trash areas must be provided and screened on at least three sides from public view;
- In the event additional parking is needed, it must have perimeter landscaping. In urban settings, on-street parking may be allowed to satisfy the minimum parking standard;
- The city can require landscape buffering when adjacent to a residentially zoned property, and;
- The city can consider potential impacts on riparian areas or urban streams in deciding whether a particular location is appropriate.

SAN FRANCISCO: *Neighborhood Agriculture* and *Large Scale Urban Agriculture* permit food to be grown and sold in most zoning districts subject to specific livability/neighborhood compatibility requirements.

In San Francisco, *Neighborhood Agriculture*, or the growing and selling of crops on sites less than one acre in area, is permitted in almost every zoning district subject to specific livability/neighborhood compatibility requirements (§102.35). Sites over one acre or those that cannot comply with all of the livability/neighborhood compatibility requirements are classified as *Large-Scale Urban Agriculture* and are permitted in commercial and industrial districts and conditionally permitted in most other districts, including residential districts.

San Francisco's livability/neighborhood compatibility requirements for *Neighborhood Agriculture* and *Large-Scale Urban Agriculture* include:

- Compost must be setback three feet from units and decks;
- Fencing must consist of wood, ornamental, or chain-link with landscape screening;
- In residential districts, mechanized equipment not typically used in residential settings may only be used for land preparation activities;
- Farm equipment must be enclosed or screened;
- Sale of food and/or horticultural products grown on site is limited to the hours of 6:00 a.m. and 8:00 p.m., and;
- Sale of value-added products is not permitted in residential districts.

SEATTLE: Permits *Community Gardens* in all parts of the city, but restricts sales of produce.

Seattle permits *Community Gardens* in all zoning districts with few specific operating standards (§CAM 244). In designated manufacturing and industrial centers, gardens are restricted to rooftops and sides of buildings.

Seattle is well-known for its robust community garden program called P-Patch, which manages community gardens throughout the city and enforces the code of conduct and rules for participants. Sales are not allowed on P-Patch gardens, except through the established market garden community supported agriculture program. Community gardens in Seattle must comply with the following standards:

- Gross area of structures must be less than 1,000 square feet;
- Structures are limited to 12 feet in height, and;
- Structures must meet the accessory structure standards of the District and obtain a building permit if over 120 square feet in area.

HOME GARDENS

Home Gardens refers to growing food as an accessory use on residential properties, which may include commercial sales to the public. Home gardens are distinguished from other urban agriculture uses located on residentially-zoned property because home gardens are accessory to an established residential use on site.

San José's Policies

The City of San José allows incidental gardening for all residential districts and commercial districts, where home gardens are an accessory use and sale of produce is not occurring. Otherwise, the municipal code does not have specific regulations against home gardens.

Best Practices

A growing number of cities are adopting ordinances that address growing food at home. These policies typically encourage food-growing activities while protecting the residential character of neighborhoods. The Cities of San Francisco and Seattle have established sets of standard operating procedures that limit negative impacts that agricultural activities might otherwise have on surrounding properties. One of the key issues that has emerged in this topic area is whether residents should be allowed to sell food grown on site. Cities with leading urban agriculture policies typically weigh the benefits of increased access to fresh and healthy foods with the potential impacts of traffic, noise, and incompatibility. The City of Oakland recently amended its zoning ordinance to allow home businesses to sell fresh food grown on site, joining the likes of Kansas City, San Francisco, and Seattle, whose policies are outlined below.

KANSAS CITY: *Home Gardens* allow seasonal sales of produce grown on site as an accessory use in residential districts.

Kansas City defines *Home Garden* as a garden that is maintained by one or more individuals that reside on a given property (§88-312-02-A). Home gardens are permitted in all residential districts (Table 110-1). They are considered an accessory use – not a commercial activity – and are therefore not subject to typical home occupation standards. Residents can sell whole,

uncut, fresh food or horticultural products seasonally between May 15 and October 15 each year. The only operational standard applied to home gardens is a limit on row crops, which are defined as fruit and vegetable crops greater than 24" in height except for trees, shrubs, or landscape borders.

OAKLAND: Home businesses are allowed to grow and sell crops as long as they utilize non-mechanized farming methods.

Oakland adopted an ordinance on October 4, 2011 that would allow home occupations to include non-mechanized farming conducted by a resident (Ordinance 13090). Sales of crops grown on site are allowed, but signage is limited to one square foot and traffic levels must be consistent with those typical of a residence. Animal raising activities are not addressed by the ordinance, but are planned to be included in a comprehensive urban agriculture update that is in the process of being prepared by city planning staff.

SAN FRANCISCO: *Neighborhood Agriculture* permits food to be grown and sold in residential districts subject to specific livability/neighborhood compatibility requirements.

In San Francisco, *Neighborhood Agriculture*, or the growing and selling of crops on sites less than one acre in area, is permitted in residential districts subject to specific livability/neighborhood compatibility requirements (§102.35). Sites over one acre or those that cannot comply with every requirement are classified as *Large-Scale Urban Agriculture* and are required to obtain use permit approval in residential districts.

San Francisco's livability/neighborhood compatibility requirements for *Neighborhood Agriculture* in residential districts include the following:

- Compost must be setback three feet from units and decks;
- Fencing must consist of wood, ornamental, or chain-link with landscape screening;
- Mechanized equipment not typically used in residential settings may only be used for land preparation activities;
- Farm equipment must be enclosed or screened;
- Sale of food and/or horticultural products grown on site is limited to the hours of 6:00 a.m. and 8:00 p.m., and;
- Sale of products derived from items grown on site (value-added) is not permitted.

SEATTLE: *Urban Farms* permit food to be grown or sold in residential districts subject to specific livability/neighborhood compatibility requirements.

In Seattle, *Urban Farms* up to 4,000 square feet are permitted as an accessory use in residential districts subject to specific livability/neighborhood compatibility requirements to reduce possible impacts on neighbors (§23.42.051). Seattle's requirements for *Urban Farms* in residential districts include:

- Household mechanical equipment may only be used;
- Retail sales and all other public use of the farm is limited to 7:00 a.m. - 7:00 p.m. daily;
- Commercial deliveries and pickups are limited to one time per day;
- Up to two motor vehicles are permitted, each with a gross vehicle weight of up to 10,000 pounds;
- The farm must be located on the same lot as the principal use or the planting area must be within 800 feet of the lot where the principal use is located;
- One identification sign up to 64 square inches in area may be permitted, and;
- If a lot has no principal structure then the total gross floor area of all urban farm structures may not exceed 1,000 square feet and 12 feet in height.

Urban farms greater than 4,000 square feet may be allowed as an accessory use subject to administrative conditional use approval, which requires a management plan to be prepared that addresses any impacts and necessary mitigation measures (§23.42.051). Management plans require submission of the following:

- Site plan;
- Description of any equipment;
- Statement of intent to spray or use chemicals or pesticides;
- Calculated area of land-disturbing activity, and;
- Sediment and erosion control plan.

SMALL-SCALE AGRICULTURE (I.E. MARKET GARDEN)

Small-Scale Agriculture refers to commercial agricultural operations that take place on a smaller-scale than a typical farm or industrial agriculture business. Due to their reduced size, they may be more appropriate in residential neighborhoods than large-scale operations.

San José's Policies

The zoning code allows for any property in the city to be zoned for agriculture, which would allow small-scale agriculture. However, there are no specific municipal code ordinances that regulate small-scale agriculture. Existing small-scale operations, such as Veggielution, are located on either public land or land owned by non-profit organizations.

Best Practices

Seattle and San Francisco stand out by addressing different scales of production separately in their municipal codes. Both permit *Small-Scale Agriculture* in commercial and industrial districts as well as in residential districts as long as certain performance standards are met. These performance standards typically address neighborhood compatibility issues such as the use of heavy equipment, visual appearance, and traffic.

SAN FRANCISCO: *Neighborhood Agriculture* classification permits food to be grown and sold on sites less than one acre in every zoning district subject to those specific livability/neighborhood compatibility requirements.

In San Francisco, *Neighborhood Agriculture*, or the growing and selling of crops on sites less than one acre, is permitted in residential districts subject to requirements (§102.35). San Francisco's livability/neighborhood compatibility requirements for *Neighborhood Agriculture* include:

- Compost must be setback three feet from units and decks;
- Fencing must consist of wood, ornamental, or chain-link with landscape screening;
- In residential districts, mechanized equipment not typically used in residential settings may only be used for land preparation activities;
- Farm equipment must be enclosed or screened;
- Sale of food and/or horticultural products grown on site is limited to the hours of 6:00 a.m. and 8:00 p.m., and;
- Sale of value-added products is not permitted in residential districts.

SEATTLE: Allows *Urban Farms* of any size to sell items grown on site in addition to value-added products. Smaller *Urban Farms* are permitted outright in residential districts as long as they abide by certain performance standards meant to limit off site impacts.

Seattle's *Urban Farms* classification allows sales of items grown on site and value-added products (CAM 244). In commercial and industrial districts *Urban Farms* are permitted as a primary or accessory use with no size limitation, but they are restricted to rooftops and sides of buildings in designated manufacturing and industrial centers. In residential districts, *Urban Farms* up to 4,000 square feet are a permitted use, subject to specific performance standards to limit impacts on neighboring residences, including (§23.42.051):

- Household mechanical equipment may only be used;
- Retail sales and all other public use of the farm limited to 7:00 a.m. - 7:00 p.m. daily;
- Commercial deliveries and pickups limited to one time per day;
- Up to two motor vehicles permitted, each with a gross vehicle weight of 10,000 pounds or less;
- Farm must be located on the same lot as the principal use or the planting area must be within 800 feet of the lot where the principal use is located;
- One identification sign up to 64 square inches in area may be permitted, and;
- If a lot has no principal structure then the total gross floor area of all urban farm structures may not exceed 1,000 square feet and 12 feet in height.

LARGE-SCALE AGRICULTURE (I.E. URBAN FARMS)

Large-Scale Urban Agriculture, or *Urban Farm* uses, refers to commercial food-growing operations at a more industrial scale than neighborhood agriculture or market gardens. These types of operations typically include mechanized equipment, permanent structures, and intensive farming methods. As such, they may not be appropriate in all zoning districts without specific standards to manage negative off-site impacts.

San José's Policies

Large-scale urban agriculture is supported by the agriculture zoning district; however, this is also another area in which the city can expand the zoning regulations. As mentioned in a previous section, any property in the city can be re-zoned for agricultural purposes, including large-scale operations.

Best Practices

Cities with progressive urban agriculture policies are increasingly including *Large-Scale Urban Agriculture* as a permitted use in most zoning districts. Many local ordinances apply size, location, and use standards to *Large-Scale Urban Agriculture* to limit the possibility of negative off-site impacts, specifically in residential areas.

AUSTIN: Permits *Urban Farms* to grow and sell food in every zoning district in accordance with size, location, and use standards.

Austin's *Urban Farms* category allows food to be grown and sold as a permitted use in all zoning districts on sites between one and five acres (§25-2-863). In single-family zoning districts, sites are only permitted if they are located outside of the 25-year floodplain and drinking water protection zone. Otherwise, they are conditionally permitted. In the public zoning district, *Urban Farms* must be outside of the 25-year floodplain, 100 feet or more from a creek centerline, and approved by the appropriate city personnel.

Austin's regulations mandate compliance with specific use standards intended to limit the impacts *Urban Farms* on neighboring uses. The following standards apply to *Urban Farm* uses in Austin in all zoning districts (§25-2-863):

- Must be located 50 feet from adjacent lots and residential structures that are not associated with the use;
- Must be located 20 feet or more from utility lines, utility easements, and on-site septic systems;
- One dwelling unit may be permitted;
- Raising of livestock and fowl in compliance with standard city regulations is permitted;
- Only organic fertilizers are permitted and if manure is used, it is required to be composted;
- Sales of agricultural products grown on site are permitted, and;

- One employee per acre is permitted.

BALTIMORE: Proposed zoning update would conditionally permit *Urban Agriculture* in most zoning districts and require compliance with performance standards addressing heavier industrial processes, structures, sales of produce, and contamination.

Baltimore's draft zoning update defines *Urban Agriculture* as growing, processing, and marketing food, including intensive production methods, structures, on site sales, animal husbandry, aquaculture, agro-forestry, vineyards/wineries, and horticulture. *Urban Agriculture* is proposed to be permitted in two-thirds of industrial zones (§11-201) and conditionally permitted in open space districts (§7-201), residential districts (§8-201, 9-201, 12-301), and commercial districts (§10-201). *Urban Agriculture* is proposed to be prohibited in transit-oriented development districts (§12-402).

Urban Agriculture uses that include animal husbandry, food processing, heavy equipment, or the use of manure or chemicals must prepare a management plan for review and approval by the planning director detailing how these activities will be managed appropriately (§14-333). If plants are being cultivated for consumption, clean imported soil and an impermeable barrier are required unless soil testing is performed. There are no proposed limits on the size or number of greenhouse structures permitted in conjunction with *Urban Agriculture* uses. Other accessory structures (sheds, barns, restrooms, etc.) must comply with setback, height and lot coverage requirements. Baltimore's proposed amendments would permit farm stands seasonally.

CHICAGO: Distinguishes between indoor, outdoor, and rooftop *Urban Farms*, which are permitted in a variety of zoning districts and required to comply minimal performance standards.

Chicago divides *Urban Farms* into three distinct categories: *Indoor Urban Farms* that are located in a completely enclosed building (i.e., greenhouses, vertical farming, hydroponic systems, and aquaponic systems) (§17-17-0104-H); *Outdoor Urban Farms* that are located in unenclosed or partially enclosed structures (i.e., growing beds, growing fields, hoopouses, or orchards) (§17-17-0104-H); and *Rooftop Urban Farms* where all activities take place on rooftops (i.e., growing beds and growing trays) (§17-17-0104-H). There is no size limit applied to *Urban Farms* across all three categories.

Indoor Urban Farms are permitted in all commercial districts (§17-3-0207), one of three business districts (§17-3-0207), all manufacturing districts (§17-5-0207), and all planned manufacturing districts (§17-6-0403-F) subject to use standards and parking requirements. They are prohibited in residential districts and all but one downtown district (§17-4-0207).

Outdoor Urban Farms are permitted in all commercial districts (§17-3-0207), two of three manufacturing districts (§17-5-0207), and three of 15 planned manufacturing districts (§17-6-

0403-F) subject to use standards and parking requirements. They are prohibited in business districts (§17-3-0207) and all except one downtown district (§17-4-0207).

Rooftop Urban Farms are permitted in all downtown districts (§17-4-0207), manufacturing districts (§17-5-0207), and planned manufacturing districts (§17-6-0403-F). They are conditionally permitted in 1 of 3 business districts (§17-3-0207).

- The use standards that apply to all three types of *Urban Farms* include (§17-9-0103.3):
- Exemption from landscaping and screening requirements for vehicular use areas;
- Parkway vegetation allowed in lieu of parkway tree requirements;
- Fencing and screening allowed subject to review and approval;
- Composting limited to materials generated on site and incidental sales of compost allowed as an accessory use of an *Urban Farm*, and;
- Accessory sale of goods on site limited to 300 square feet in manufacturing districts.

KANSAS CITY: Permits *Crop Agriculture* without size limit in all zoning districts with minimal operational requirements.

Crop Agriculture is defined as land managed by an individual or group to grow and harvest food for off-site sales and includes: row, field, or tree crops, timber, bees, apiaries, or fur-bearing animals (§88-805-06-A and 88-312-01-A-1). *Crop Agriculture* is a permitted use in all residential districts (Table 110-1), office, business, and commercial districts (Table 120-1), downtown districts (Table 130-1), and manufacturing districts (Table 140-1). In all but one residential district, on site sales require a conditional use permit. The only performance standard applied to *Crop Agriculture* is a requirement that structures comply with accessory structure setback requirements in the underlying zoning district and that the site is designed so that chemicals do not drain onto neighboring properties (88-805-06-A).

MILWAUKEE: Permits *Raising of Crops or Livestock* in several areas without additional performance standards.

Milwaukee allows *Raising of Crops or Livestock*, which includes commercial agriculture, as a permitted use in residential districts (Table 295-503-1), industrial districts (Table 295-803-1), and the parks district (Table 295-903-2-a). *Raising of Crops or Livestock* is considered a special use in commercial districts (Table 295-603-1) and the institutional district (Table 295-905-2-a) and is prohibited in downtown districts (Table 295-703-1). The keeping of livestock is permitted subject to compliance with health department standards. Otherwise, there are no performance standards that apply to *Raising of Crops or Livestock*, including no minimum parking requirement (§295-403-2-a).

NASHVILLE: Permits crops to be grown and sold for profit in a variety of zoning districts. Performance standards to limit conflicts between neighboring uses are only applied in residential districts.

Commercial Community Gardening is defined as an individual or group of individuals growing and harvesting food or other crops for commercial sale. *Commercial Community Gardening* is permitted in agricultural districts, office districts, commercial districts, downtown districts, and industrial zones (§17.08.030). A special exception approval is required in single-family residential and one- and two-family districts (§17.08.030). *Commercial Community Gardening* is not permitted in multi-family residential, mobile home park, mixed use, office, or shopping center districts (§17.08.030).

Where a special exception is required for *Commercial Community Gardens* in single-family and one- and two-family zoning districts, the following criteria apply (§17.16.230):

- Lighting must be shielded to avoid glare and off site impacts;
- Compost and/or organic matter on the site is limited to 10% of the total site area, must not be visible from adjunct properties, must be managed to avoid rodents, pests, odors, and leachate;
- Site must not drain onto adjacent properties;
- Trash areas must be provided and screened on at least three sides from public view;
- In the event additional parking is needed, it must have perimeter landscaping. In urban settings, on-street parking may be allowed to satisfy the minimum parking standard;
- The city can require landscape buffering when adjacent to a residentially zoned property, and;
- The city can consider the potential impacts on riparian areas or urban streams in deciding whether a particular location is appropriate.

San Francisco: *Large Scale Urban Agriculture* permits food to be grown and sold in most zoning districts subject to specific livability/neighborhood compatibility requirements.

In San Francisco, a set of livability/neighborhood compatibility standards apply to urban agriculture at the small (*Neighborhood Agriculture*) or large (*Large-Scale Urban Agriculture*) scale. *Large-Scale Urban Agriculture* refers to sites over one acre or those that cannot comply with all of the livability/neighborhood compatibility requirements outlined in the municipal code. *Large-Scale Urban Agriculture* is permitted in commercial and industrial districts and conditionally permitted in most other districts, including residential districts.

San Francisco's livability/neighborhood compatibility requirements include:

- Compost must be setback three feet from units and decks;
- Fencing must consist of wood, ornamental, or chain-link with landscape screening;

- In residential districts, mechanized equipment not typically used in residential settings may only be used for land preparation activities;
- Farm equipment must be enclosed or screened;
- Sale of food and/or horticultural products grown on site is limited to the hours of 6:00 a.m. and 8:00 p.m., and;
- Sale of value-added products is not permitted in residential districts.

SEATTLE: Permits crops to be grown and sold in commercial and industrial districts without size limitation or performance standards. In residential districts, restrictions on size and operations are imposed to reduce conflicts between *Urban Farms* and residential uses. Seattle permits sales of value-added products in addition to crops grown on site.

Seattle's *Urban Farms* classification allows sales of items grown on site and value-added products (CAM 244). In commercial and industrial districts, *Urban Farms* are permitted as a primary or accessory use with no size limitation, but they are restricted to rooftops and sides of buildings in designated manufacturing and industrial centers. In residential districts, *Urban Farms* up to 4,000 square feet are a permitted use, subject to specific performance standards to limit impacts on neighboring residences.

In residential districts, *Urban Farms* greater than 4,000 square feet may be allowed as an accessory use subject to administrative conditional use approval, which requires a management plan to be prepared that addresses any impacts and necessary mitigation measures (§23.42.051). Management plans require submission of the following:

- Site plan;
- Description of any equipment;
- Statement of intent to spray or use chemicals or pesticides;
- Calculated area of land-disturbing activity, and;
- Sediment and erosion control plan.

FARMERS' MARKETS

Farmers' Markets refer to a market where local farmers can bring produce to sell to the general public seasonally or year-round. Farmers' Markets are the most common form of urban agriculture experienced with 7,175 markets in the United States as of August 2011.¹

San José's Policies

¹ U.S. Department of Agriculture, "Farmers Market Growth: 1994-2011", August 8, 2011, <http://www.ams.usda.gov/AMSV1.0/ams.fetchTemplateData.do?template=TemplateS&leftNav=WholesaleandFarmersMarkets&page=WFMFarmersMarketGrowth&description=Farmers%20Market%20Growth&acct=frmrdirnkt>.

Policies that pertain to farmers' markets are not clearly defined in the zoning and municipal code for the city. The city is currently reviewing opportunities to facilitate development of more farmers' markets by streamlining the permit process. San José will not distinguish between farmers' markets that offer food assistance programs and regular farmers' markets, rather the goal is to streamline the process in general so long as the location of potential markets is compatible with the adjacent land use and neighborhood.

Best Practices

It is not uncommon for *Farmers' Markets* to be permitted in a community whose municipal code does not refer to them. Zoning ordinances that do reference *Farmers' Markets* typically treat them as a temporary/limited use that is permitted across zoning districts subject to minimal time and performance standards. Some cities, including New York City, require permit approval for Farmers' Markets to review possible impacts related to issues such as traffic, noise, and site cleanup.

BALTIMORE: Draft zoning update proposes to permit *Farmers' Markets* throughout the city without codified restrictions.

Baltimore's draft zoning update permits *Farmers' Markets* in all zoning districts. Products displayed at markets are limited to fresh dairy, fruits, vegetables, juices, flowers, plants, herbs, and spices produced or grown by the vendor and baked goods made by the vendor (§14-403).

MILWAUKEE: Allows *Seasonal Markets* as a limited use in most zones.

Milwaukee permits *Seasonal Markets*, which are allowed up to 180 days per year if 75% of the products offered for sale are Wisconsin-grown farm products. Other markets that do not meet the above criteria are only permitted for up to 14 days (§295-703-2-r-2). *Seasonal Markets* are permitted as a limited use in industrial, commercial, and residential districts.

SAN FRANCISCO: Permits *Farmers' Markets* as temporary uses in almost every district, subject to specific requirements regarding duration and hours of operation.

San Francisco allows *Farmers' Markets* as a temporary/interim use in all zoning districts except specific residential zones (§205.4). Farmers' markets are also permitted in any suitable location owned or leased by the city or under supervision by the recreation and park department subject to approval by the agricultural commissioner (Chapter 9.a). All *Farmers' Markets* are subject to the following operational criteria (§205.4)

- Located outdoors;
- Open for fewer than six days and 12 hours/day in any given 7-day period or three days for 24 hours per day in any 7-day period;
- Required to abide by hours of operation limits for the district in which it is located, and;
- Required to comply with any notification procedures of district in which it is located.

ANIMALS

Animals refer to raising animals, including on residential properties. Chickens can be raised to produce eggs and meat and goats or rabbits can be used to produce fertilizer or get rid of waste.

San José's Policies

San José's Municipal Code has guidelines for people that own small animals. One of the most important regulations is the type of animal and the maximum amount of animals allowed without a permit. It is illegal for any person to maintain livestock or more than 6 small animals without a permit. If someone does have more than 6 small animals, a permit is required and valid for 2 years. Furthermore, the municipal code also states that it is against the law for any person to maintain a rooster over 4 months old. There are no proximity regulations if an individual has less than 6 small animals, just as no permit is required. Over six animals, there are also regulations in place for how close animals can be to a dwelling unit.

Best Practices

Due to the potential for impacts on neighboring properties as a result of keeping animals, such as noise, odor, and disease, cities that allow farm animals require specific distance criteria be met and cap the number of animals or hives allowed in residential districts.

DENVER: Permits chickens, ducks, and dwarf goats without permit approval with basic restrictions on the number and location of such animals.

Denver permits the keeping of up to eight chickens and ducks and two dwarf goats as accessory uses in residential zones without separate permits (§11.8.6.1.A). Structures for animals must be located at least 15 feet from any dwelling that is not the residence of the keeper and the animals must be maintained on the rear half of the lot. The slaughtering of animals is prohibited.

The zoning administrator may allow different animals or greater numbers of animals as accessory uses upon finding that they comply with the general provisions for accessory uses and subject to the following criteria (§11.8.6.1.B):

- A discretionary review with public notice is required;
- Animals prohibited by federal, state, or other city law shall not be allowed;
- The animal must be kept for one of the following purposes: hobby, educational, research, rehabilitation, propagation, or production of food products for personal consumption;
- Slaughtering is prohibited, and;
- Structures for animals must be located five feet from side and rear property lines and at least 15 feet from any dwelling.

KANSAS CITY: Permits *Animal Agriculture* in most districts and places limits on the number and location of animals in proximity to buildings used by humans.

Kansas City permits *Animal Agriculture*, in residential districts (Table 110-1), office, business, and commercial districts (Table 120-1), 1 out of 3 downtown districts (Table 130-1), and manufacturing districts (Table 140-1).

Livestock: In Kansas City, up to two livestock (horses, mules, cattle, sheep, goats, swine, etc.) animals are permitted on land zoned other than for agriculture or a commercial stockyard (§14-12(a)). Livestock may not be pastured or fed within 200 feet of a building used by humans and all structures housing animals must comply with zoning regulations. Manure must be removed, stored or disposed of to avoid attracting flies, the spread of disease, or noxious odors.

Small Animal and Fowl: Kansas City permits up to 15 chickens, 50 chicks, or 25 rabbits within 100 feet of a building used by humans except the keeper of such animals (§14-15). Pens for small animals may not be located in front yards. For pens located in proximity to property lines and buildings, odors must be controlled, manure must be stored and disposed of properly, and structures must be maintained. The on site sale of eggs is prohibited in residential districts. Exceptions may be granted if written consent is obtained from surrounding property owners and occupants. Exceptions are granted for one year terms and sites are subject to biannual inspection by the city.

MILWAUKEE: Allows the keeping of up to four female chickens with permit approval if neighbors provide written consent.

Milwaukee permits residents to keep up to four female chickens with approval of a \$35 permit that requires the written consent of all surrounding properties. Additionally, Milwaukee requires certain criteria to be met, including the following (Ordinance 101416):

- Slaughtering is prohibited;
- A sanitary enclosure, fresh water, and adequate feed must be provided;
- Chicken coops must be raised off the ground or placed on a hard surface and provide 16 square feet per chicken;
- Enclosures must be located at least 25 feet from any residential structure on an adjacent lot;
- Enclosures shall not be located in the front yard of a dwelling;
- No person shall keep chickens that cause any nuisance, unhealthy condition, create a public health threat or otherwise interfere with the normal use of property or enjoyment of life by humans or animals, and;
- If a permit is revoked for failure to comply with any of the ordinance provisions, no new permits will be issued.

SAN FRANCISCO: Permits four animals to be kept for non-commercial purposes in residential districts when located away from residential structures.

San Francisco permits up to four total animals to be kept for non-commercial purposes, including dogs, hares, rabbits, guinea pigs, rats, mice, gerbils, chickens, turkeys, geese, ducks, doves, pigeons, game birds of any species, or cats (Section 37). Animals must be kept in coops or enclosures approved by the director of public health and located at least 20 feet from any doors or windows of buildings used for human habitation.

SEATTLE: Allows three small animals, eight domestic fowl, and bee hives on most lots. Larger lots are allowed greater numbers of animals and farm animals.

Seattle allows the keeping of small animals, farm animals, fowl, and bees as a permitted accessory use in all zoning districts (CAM 244).

Small Animals: Up to three small animals (cats, dogs, rabbits, goats, etc.) are allowed as accessory to each dwelling unit or business (CAM 244). Lots over 20,000 square feet are allowed four small animals plus one additional small animal for each 5,000 square feet over 20,000 square feet. Seattle limits potbelly pigs and only allows one miniature potbelly pig up to 22 inches in height at the shoulder and 150 pounds. Miniature, Dwarf or Pygmy Goats are allowed, but they must be dehorned and male goats must be neutered.

Fowl: In addition to the small animals permitted, up to eight domestic fowl may be kept on any lot (CAM 244). Lots greater than 10,000 square feet with a community garden or urban farm may have one additional fowl for every 1,000 square feet of lot area over 10,000 square feet. Seattle does not permit roosters to be kept within the city. Structures housing domestic fowl are required to be located a minimum of 10 feet from neighboring residential structures.

Farm Animals: Farm animals (cows, horses, sheep, etc.) are only permitted on lots greater than 20,000 square feet and one farm animal is permitted for every 10,000 square feet of lot area (CAM 244). Animals and the structures they live in must be located a minimum of 50 feet from neighboring lots in residential districts.

BEES

Bees can be important to urban farming due to the role they play in pollination and their production of honey.

San José's Policies

San José has specified practices regarding beekeeping in city limits. A permit is required for beekeeping in any lot or parcel within the city and is valid for only 12 months from permit issuance. In order for permit approval and issuance, there are certain restrictions, such as:

- No more than 2 hives are allowed on any lot or parcel;

- The owner of the bee hives must be registered with the office of Santa Clara County Agricultural Commission;
- The hive must be kept or maintained more than 10 feet away from any side property line or parcel, and more than 50 feet away from any dwelling other than that occupied by the person maintaining the hive(s), and;
- No hive(s) may be kept or maintained within any required front or side setbacks.

A permit is not required in all instances; beehives may be kept or maintained without having a permit on lots or parcels that are situated in open space, agricultural, industrial, manufacturing, and planned development (PD) districts that are zoned for such uses (excluding lots or parcels being used for residential or commercial legal nonconforming uses), as long as the beehives are situated more than 150 feet from any dwelling unit and at least 100 feet from any public street, roadway, or public access.

The regulations set forth in the municipal code only apply to domestic beekeeping, if it can be called that. It is illegal for any person to keep, maintain, or allow remaining a wild swarm of bees on any lot or parcel.

Best Practices

City's that allow bee hives typically regulate their location relative to other properties and stipulate that hives must be well-maintained to avoid nuisance characteristics. More detailed regulations, such as in Santa Monica, require hives to be registered, an adequate water supply to be maintained to reduce the possibility of bees congregating at neighboring water sources, and screening to be provided to keep bees on the property.

DENVER: Allows two domestic honey bee hives per lot as accessory to a residential use without triggering a separate permit as long as basic setback requirements are met and a six-foot barrier is provided.

Denver permits the keeping of domestic honey bees as accessory to a residential use without a separate permit. Up to two hives per lot are permitted and hives must be located in the rear third of the lot a minimum of five feet from the side and rear lot lines. Hives must be screened so that bees would need to overcome a six-foot barrier, which can be vegetated, to leave the property. Bee paraphernalia and supplies are not permitted to be kept outdoors (§11.8.6.1.A). The zoning administrator may allow a greater number of hives as accessory to a residential use upon finding that they comply with the general provisions for accessory uses (§11.8.6.1.B).

NEW YORK: Widely permits bees to be kept so long as owners keep well-maintained hives and respond to any nuisance conditions.

New York permits honey bees to be kept throughout the city as long as beekeepers notify the health department and adhere to appropriate practices, such as (§161.01(B)(12)):

- Maintain the bee colonies in maintained moveable-frame hives;
- Provide the colony with adequate water;
- Locate the hives so as not to create a nuisance, and;
- Control bee swarms immediately and remediate nuisance conditions.

Beekeeping nuisance is defined as conditions that include “aggressive or objectionable bee behaviors, hive placement or bee movement that interferes with pedestrian traffic or persons residing on or adjacent to the hive premises; and overcrowded, deceased or abandoned hives” (§161.02).

SANTA MONICA: Permits two domestic honey bee hives per single-family residential lot as long as bees are maintained according to specific standards to avoid negative impacts on neighboring properties and public safety.

Santa Monica has established a robust set of standards for beekeepers in residential areas. Up to two domestic honey bee hives may be located on single-family residential properties and hives must be registered with the city’s animal control office (§4.04.130).

Santa Monica has designed the following performance standards to apply to honey bee hives:

- Must be inspectable with movable frames and combs;
- Must be maintained in good condition;
- Must be located five feet from property lines;
- Entrances must face away from or be parallel to neighboring property lines;
- Bees must fly over a six-foot barrier, which may be vegetative, before leaving the property or hives must be placed at least eight-feet above ground level;
- Adequate space must be provided to prevent swarming;
- Queens must be replaced with younger queens (“re-queening”) every two years;
- A continual water source must be provided to discourage bees visiting swimming pools or water sources at other properties, and;
- Hive maintenance materials must be kept indoors.

Santa Monica defines bee-related nuisances as: exhibiting defensive or objectionable behavior; interfering with normal use of neighboring properties; swarming; any violation of bee code requirements; or hives that are abandoned by bees or owner.

SEATTLE: Allows bee hives in all zoning districts with limits on the number and location of hives and includes a definition of bee-related nuisances.

Seattle permits the keeping of bee hives that are registered with the state department of agriculture as an accessory use in every zoning district (23.45.150). Up to four hives with one swarm each are permitted on lots less than 10,000 square feet in area. Hives must be located a

minimum of 25 feet from property lines, except when located eight feet or more above or below grade. Seattle defines bee-related nuisances as bees living in trees, buildings, or any other space except in movable-frame hives; abandoned colonies; or diseased bees (10.36.020).

WHERE DOES SAN JOSÉ GO FROM HERE?

Once the Envision 2040 General Plan is complete, San José will begin looking to implement the visionary policies outlined in the General Plan. San José is currently in the process of reviewing the zoning code for amendments to more easily facilitate healthy food options, by incorporating “neighborhood agriculture” as an identified use and expand the ability for sale of agricultural products as part of a home occupation within single-family residential districts. This action item is up for consideration in city council starting this month (December 2011), and will likely be completed by September 2012.

Additionally, the city has several grants with the Health Trust to facilitate healthy food options within the city planning context. We’ve already learned that the San José Parks and Recreation Department are working with Health Trust to oversee the management of community gardens, but city staff are also working with Health Trust to review city ordinances relating to the various urban agricultural components (such as farmers’ markets, food carts, community gardens).

In the short-term, it is recommended that the city convene stakeholders, including residents, non-profits, and businesses interested in issues of food, public health, and the urban environment when beginning to draft its urban agriculture policy. The city should look to expand on already existing, mobile food practices, such as food carts, to increase healthy food options throughout San José. As detailed in the preceding section, the city has ample opportunity to amend its land use policies to remove barriers and encourage urban agriculture. The above analysis provides examples of how to manage potential conflicts between agricultural practices and surrounding land uses in order to enable increased access to fresh healthy food while preserving the character of existing neighborhoods.

ⁱ Marcia Caton Campbell, “Building a Common Table,” *Journal of Planning Education and Research* 23, no. 4 (June 1, 2004): 341 -355; Wendy Mendes et al., “Using Land Inventories to Plan for Urban Agriculture: Experiences From Portland and Vancouver.,” *Journal of the American Planning Association* 74, no. 4 (2008): 435-449; Kate H. Brown and Andrew L. Jameton, “Public Health Implications of Urban Agriculture.,” *Journal of Public Health Policy* 21, no. 1 (January 2000): 20-39.

ⁱⁱ Patricia Allen and Alice Brooke Wilson, “Agrifood Inequalities: Globalization and localization,” *Development* 51, no. 4 (December 2008): 534-540.

ⁱⁱⁱ Heather A Okvat and Alex J Zautra, “Community gardening: a parsimonious path to individual, community, and environmental resilience,” *American Journal of Community Psychology* 47, no. 3-4 (June 2011): 374-387.

^{iv} Allen and Wilson, “Agrifood Inequalities.”

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- ^v Campbell, "Building a Common Table"; Kate Clancy, "Potential Contributions of Planning to Community Food Systems," *Journal of Planning Education and Research* 23, no. 4 (June 1, 2004): 435-438, <http://jpe.sagepub.com/content/23/4/435.abstract> (accessed June 19, 2011); Mendes et al., "Using Land Inventories to Plan for Urban Agriculture"; Leonie J. Pearson, Linda Pearson, and Craig J. Pearson, "Sustainable urban agriculture: stocktake and opportunities," *International Journal of Agricultural Sustainability* 8 (February 2010): 7-19; Kameshwari Pothukuchi, "Community Food Assessment," *Journal of Planning Education and Research* 23, no. 4 (June 1, 2004): 356-377, <http://jpe.sagepub.com/content/23/4/356.abstract> (accessed June 17, 2011); Kameshwari Pothukuchi and Jerome L. Kaufman, "Placing the food system on the urban agenda: The role of municipal institutions in food systems planning," *Agriculture and Human Values* 16, no. 2 (1999): 213-224, <http://www.springerlink.com.libaccess.sjlibrary.org/content/?Author=Kameshwari+Pothukuchi> (accessed June 19, 2011); K. Pothukuchi and J. L. Kaufman, "The Food System: A Stranger to the Planning Field," *Journal of the American Planning Association* 66, no. 2 (Spring 2000): 113-124, <http://direct.bl.uk/bld/PlaceOrder.do?UIN=076635857&ETOC=RN&from=searchengine> (accessed June 19, 2011).
- ^{vi} Campbell, "Building a Common Table"; Lacey Arneson McCormack et al., "Review of the Nutritional Implications of Farmers' Markets and Community Gardens: A Call for Evaluation and Research Efforts," *Journal of the American Dietetic Association* 110, no. 3 (March 2010): 399-408; Okvat and Zautra, "Community gardening."
- ^{vii} Donna Armstrong, "A survey of community gardens in upstate New York: Implications for health promotion and community development," *Health & Place* 6, no. 4 (December 1, 2000): 319-327; Troy D. Glover, Kimberly J. Shinew, and Diana C. Parry, "Association, Sociability, and Civic Culture: The Democratic Effect of Community Gardening," *Leisure Sciences: An Interdisciplinary Journal* 27, no. 1 (2005): 75; Okvat and Zautra, "Community gardening"; Ioan Voicu and Vicki Been, "The Effect of Community Gardens on Neighboring Property Values," *Real Estate Economics* 36, no. 2 (June 1, 2008): 241-283.
- ^{viii} Campbell, "Building a Common Table"; Clancy, "Potential Contributions of Planning to Community Food Systems"; Mendes et al., "Using Land Inventories to Plan for Urban Agriculture"; Pearson, Pearson, and Pearson, "Sustainable urban agriculture"; Pothukuchi, "Community Food Assessment"; Pothukuchi and Kaufman, "Placing the food system on the urban agenda: The role of municipal institutions in food systems planning"; Pothukuchi and Kaufman, "The Food System: A Stranger to the Planning Field"; Jane E Schukoske, "Community Development through Gardening: State and Local Policies Transforming Urban Open Space," *New York University Journal of Legislation and Public Policy* 3 (2000 1999): 351.

CITY POLICIES REFERENCED

City	Policies Referenced (with Hyperlink)	Website Address
Austin, TX	Austin City Code	http://amlegal.com/austin_tx/
Baltimore, MD	Baltimore Zoning Draft	http://www.rewritebaltimore.org
Chicago, IL	Ordinance SO2011-6411	http://tinyurl.com/chicagosurbanag
Denver, CO	Denver Zoning Code	http://tinyurl.com/denverzoning
Kansas City, MO	Ordinance 100299	http://tinyurl.com/kcurbanag
Milwaukee, WI	City Charter and Code of Ordinances	http://city.milwaukee.gov/TableofContents
Nashville, TN	The Code of the Metropolitan Government Of Nashville	http://tinyurl.com/nashvillecode
New York	Rules of the City of New York	http://24.97.137.100/nyc/rcny/entered.htm
Oakland, CA	Ordinance 13090	http://tinyurl.com/oakland13090
San Francisco, CA	Ordinance 66-11	http://tinyurl.com/sf66-11
San Jose, CA	San Jose Municipal Code; Envision 2040 General Plan, 2020 General Plan	http://sanjose.amlegal.com/nxt/gateway.dll/California/sanjose_ca/sanjosemunicipalcode?f=templates\$fn=default.htm\$3.0\$vid=amlegal:sanjose_ca; http://www.sanjoseca.gov/planning/
Santa Monica, CA	Santa Monica Municipal Code	http://tinyurl.com/santamonibees
Seattle, WA	Seattle Municipal Code Client Assistance Memo 244	http://clerk.seattle.gov/public/code1.htm http://tinyurl.com/seattlecam244

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