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CARMEN A. TRUTANICH
City Attorney

REPORT NO. R 10 - 0 1 2 8

MAY 12 2010

REPORT RE:

DRAFT OF ORDINANCE AMENDING SECTIONS 12.03, 12.04.09, 12.05, 12.06, 12.07, 12.07.01, 12.07.1, 12.08, 12.09.3, AND 12.17.5 OF THE LOS ANGELES MUNICIPAL CODE TO CLARIFY THE TRUCK GARDENING AND FARMING USES PERMITTED IN EACH ZONE, AND CREATE CONSISTENCY BETWEEN HOME OCCUPATION CONDITIONS AND STANDARDS AND TRUCK GARDENING OPERATIONS

The Honorable City Council
of the City of Los Angeles
Room 395, City Hall
200 North Spring Street
Los Angeles, California 90012

Council File 09-1685-S1
CPC File No. 2010-0445-CA

Honorable Members:

We are transmitting to you for your consideration, approved as to form and legality, a draft ordinance amending Sections 12.03, 12.04.09, 12.05, 12.06, 12.07, 12.07.01, 12.07.1, 12.08, 12.09.3, and 12.17.5 of the Los Angeles Municipal Code.

Summary of Ordinance Provisions

The draft ordinance would clarify the truck gardening and farming uses permitted in each zone and create consistency between home occupation conditions and standards and truck gardening operations. In particular, the ordinance would clarify that truck gardening includes the cultivation of fruits and other produce, and not just vegetables.

Charter Findings

Pursuant to Charter Section 559, the Director of Planning has approved this revised draft ordinance on behalf of the City Planning Commission and recommended that you adopt it. Should you adopt this ordinance, you may comply with the provisions of Charter Section 558 by either adopting the findings of the Director of Planning as set forth in her revised report dated May 10, 2010, or by making your own findings.

CEQA Determination

Regarding the California Environmental Quality Act (CEQA), you may determine that adoption of this ordinance is exempt from the provisions of CEQA pursuant to State of California CEQA Guidelines, Article 18, Section 15304, Class 4, in that the project consists of minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. You must make this determination prior to or concurrent with your action on the ordinance.

Council Rule 38 Referral

The draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety. The Department of Building and Safety was requested to report its comments directly to you.

If you have any questions regarding this matter, please contact Deputy City Attorney Michael Bostrom at (213) 978-8068. He or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

CARMEN A. TRUTANICH, City Attorney

By 
PEDRO B. ECHEVERRIA
Chief Assistant City Attorney

PBE/MJB:za
Transmittal

ORDINANCE NO. _____

An ordinance amending Sections 12.03, 12.04.09, 12.05, 12.06, 12.07, 12.07.01, 12.07.1, 12.08, 12.09.3, and 12.17.5 of the Los Angeles Municipal Code to clarify the truck gardening and farming uses permitted in each zone, and create consistency between home occupation conditions and standards and truck gardening operations.

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

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended by adding the following definitions in alphabetical order:

FARMING. The cultivation of berries, flowers, fruits, grains, herbs, mushrooms, nuts, ornamental plants, seedlings or vegetables for use on-site or sale or distribution on-site or off-site.

TRUCK GARDENING. The cultivation of berries, flowers, fruits, grains, herbs, mushrooms, nuts, ornamental plants, seedlings or vegetables for use on-site or sale or distribution off-site.

Sec. 2. Subdivision 1 of Subsection B of Section 12.04.09 of the Los Angeles Municipal Code is amended to read as follows:

1. Farming and nurseries, under power transmission rights-of-way.

Sec. 3. Subdivision 6 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is amended to read as follows:

6. Farming, nurseries, aviaries, and apiaries.

Sec. 4. Subparagraphs (1), (3), (8), and (19) of Paragraph (a) of Subdivision 16 of Subsection A of Section 12.05 of the Los Angeles Municipal Code are amended to read as follows:

(1) No changes are made which alter the residential character or appearance of the dwelling unit or property in any manner which precludes its residential use. Activities associated with the home occupation may not be visible from the outside of the dwelling unit, except for truck gardening.

(3) The use shall be conducted within the main dwelling unit, except for truck gardening, and only by persons residing within the dwelling unit. However, no more than one person not residing on the premises may be employed to work on the premises as part of all of the home occupations.

(8) No more than one client visit or one client vehicle per hour shall be permitted, and only from 8:00 a.m. to 8:00 p.m. for all of the home occupations.

(19) No sales or exchange of products, processing, manufacturing, display or servicing of any product is conducted on the premises, except for handicrafts, or intellectual or artistic products, or direct sales, or sales where the orders have been previously made by telephone, at a prior meeting or a sales party, and in accordance with the other standards of operation. Nothing in this section shall be construed as to permit other retail or wholesale sales in residential zones. Nor shall anything in this section be construed as allowing any type of on-site sales or distribution in connection with truck gardening.

Sec. 5. Paragraph (e) of Subdivision 16 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is added as follows:

(e) Truck Gardening. Truck gardening shall be subject to the provisions of this subdivision if the main use of the lot is a dwelling.

Sec. 6. Paragraph (f) of Subdivision 2 of Subsection A of Section 12.06 of the Los Angeles Municipal Code is amended to read as follows:

(f) Farming, nurseries, aviaries, and apiaries.

Sec. 7. Subdivision 6 of Subsection A of Section 12.07 of the Los Angeles Municipal Code is amended to read as follows:

6. Truck gardening and nurseries.

Sec. 8. Subdivision 3 of Subsection A of Section 12.07.01 of the Los Angeles Municipal Code is amended to read as follows:

3. Truck gardening; the keeping of equines, poultry, rabbits and chinchillas in conjunction with the residential use of the lot, provided that:

(a) Such animal keeping is not for commercial purposes.

(b) The keeping of equines shall be permitted only on lots having an area of 17,500 square feet or more. Where equines are being kept, the number of such animals being kept shall not exceed one for each 4,000 square feet of lot area.

Sec. 9. Subdivision 3 of Subsection A of Section 12.07.1 of the Los Angeles Municipal Code is amended to read as follows:

3. Truck gardening; the keeping of equines, poultry, rabbits and chinchillas in conjunction with the residential use of the lot, provided that:

(a) Such animal keeping is not for commercial purposes.

(b) The keeping of equines shall be permitted only on lots having an area of 20,000 square feet or more. Where equines are being kept, the

number of such animals being kept shall not exceed one for each 5,000 square feet of lot area.

Sec. 10. Subdivision 3 Subsection A of Section 12.08 of the Los Angeles Municipal Code is amended to read as follows:

3. Truck gardening; the keeping of equines, poultry, rabbits and chinchillas in conjunction with the residential use of the lot, provided that:

(a) Such animal keeping is not for commercial purposes.

(b) The keeping of equines shall be permitted only on lots having an area of 20,000 square feet or more. Where equines are being kept, the number of such animals being kept shall not exceed one for each 5,000 square feet of lot area.

Sec. 11. Subdivision 4 of Subsection B of Section 12.09.3 of the Los Angeles Municipal Code is amended to read as follows:

4. Truck gardening; the keeping of equines, poultry, rabbits and chinchillas, in conjunction with the residential use of the lot, provided that such animal keeping is not for commercial purposes.

Sec. 12. Paragraph a of Subdivision 3 of Subsection B of Section 12.17.5 of the Los Angeles Municipal Code is amended to read as follows:

a. Farming, nurseries, aviaries and apiaries.

Sec. 13. 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.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

JUNE LAGMAY, City Clerk

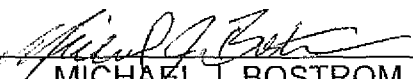
By _____
Deputy

Approved _____

Mayor

Approved as to Form and Legality

CARMEN A. TRUTANICH, City Attorney

By 
MICHAEL J. BOSTROM
Deputy City Attorney

Date May 6, 2010

Council File 09-1685-S1

Pursuant to Charter Section 559, I approve this ordinance on behalf of the City Planning Commission and recommend that it be adopted

May 10, 2010

See attached report.


S. Gail Goldberg
Director of Planning

DEPARTMENT OF
CITY PLANNING
200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

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(213) 978-1270

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May 10, 2010

The Honorable Carmen A. Trutanich
City Attorney
City Hall East, 7th Floor
200 North Main Street
Los Angeles, CA 90012-4131

CF No: 09-1685-S1
CPC No: 2010-0445-CA

Attention: Siegmund Shyu
Deputy City Attorney

RE: Proposed Truck Gardening Ordinance

Dear Mr. Trutanich:

Transmitted is the proposed draft ordinance prepared by your office that amends the Los Angeles Municipal Code to clarify permitted truck gardening and farming uses in each zone, and create consistency between home occupation conditions and standards and truck gardening operations.

The ordinance was prepared pursuant to the latest direction of the Planning and Land Use Management (PLUM) Committee at its meeting of October 13, 2009. At that meeting, Council President Eric Garcetti and Councilman Ed Reyes referred Motion CF 09-1685 to the Planning Department. The motion directed staff to prepare a report on the feasibility of defining truck gardening to include the cultivation of flowers, fruits, nuts or vegetables, defined as the food product of any tree, vine or plant, for use on-site or sale off-site.

The language contained in this draft ordinance is substantially the same as that approved unanimously by the City Planning Commission (CPC) on March 25, 2010.

ENVIRONMENTAL IMPACT

In accordance with the California Environmental Quality Act (CEQA), a Categorical Exemption was published on February 24, 2010. After further review, the Categorical Exemption was amended and will be republished upon adoption of the ordinance. The proposed ordinance is exempt from CEQA per State of California CEQA Guidelines, Section 15304, Class 4. The ordinance is determined to constitute "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes."

FINDINGS

1. In accordance with Charter Section 556, that the proposed ordinance (attached) is in substantial conformance with the purposes, intent, and provisions of the General Plan. Specifically, the proposed ordinance implements Economic Development Policy 7.2.4, "Ensure that the City has enough capacity to accommodate the development of general commercial uses which support community needs in all parts of Los Angeles.", and Policy 7.3.2, "Retain existing neighborhood commercial activities within walking distance of residential areas." It also helps implement Goal 2 of the Air Quality Element, "Less reliance on single-occupant vehicles with fewer commute and non-work trips.", and Objective 3.2 of the Air Quality Element, "It is the objective of the City of Los Angeles to reduce vehicular traffic during peak periods."

The proposed ordinance increases the capacity for the citywide community need for fresh produce at farmers' markets and local restaurants, which are often within walking distance of residential areas. Further, home occupation by its nature creates opportunities for City residents to avoid a commute to a work site, thereby reducing the number of single-occupant vehicles on the City's street system during peak periods. This reduction in traffic reduces carbon emissions which degrade regional air quality; and

2. In accordance with Charter Section 558 (b) (2), the proposed ordinance (attached) is in substantial conformance with public necessity, convenience, general welfare and good zoning practice. Consistent with City policy that truck gardening is an allowable use in many zones, the ordinance clarifies which product types are permitted to be grown for sale off-site. Accordingly, the impact of truck gardening is mitigated using the same regulations and controls as are imposed on existing home occupations. The proposed ordinance does not change what is allowed to be grown for sale off-site. It merely clarifies inconsistencies within the LAMC.

CHARTER SECTION 559

For the foregoing reasons and as provided under the authority of Charter Section 559 and City Plan Case No. 13505-A, I find that my action conforms with all applicable portions of the General Plan and with the March 25, 2010 action of the City Planning Commission, and I therefore approve this ordinance (attached) and recommend that it be adopted by the City Council.

Very truly yours,

S. GAIL GOLDBERG, AICP
Director of Planning



MICHAEL LOGRANDE
Chief Zoning Administrator

GG:VB:ML:AB:TR
Attachment

DEPARTMENT OF
CITY PLANNING

200 N. SPRING STREET, ROOM 525
LOS ANGELES, CA 90012-4801
AND
6262 VAN NUYS BLVD., SUITE 351
VAN NUYS, CA 91401

CITY PLANNING COMMISSION

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YOLANDA OROZCO

BARBARA ROMERO
MICHAEL K. WOO
VACANT, COMMISSIONER

JAMES K. WILLIAMS
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CALIFORNIA



ANTONIO R. VILLARAIGOSA
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FAX: (213) 978-1275

INFORMATION
(213) 978-1270

www.planning.lacity.org

Date: May 10, 2010

City Plan Case No. 2010-0445-CA
Citywide

The Honorable Carmen A. Trutanich
City Attorney
City Hall East, 7th Floor
City Hall, Room 395
Los Angeles, CA 90012

Attention: Michael Bostrom
Deputy City Attorney

Dear Mr. Trutanich:

After further review, attached is the CEQA clearance for the amended proposed truck gardening ordinance. The Department of City Planning will publish the CEQA clearance upon adoption of the ordinance.

Very truly yours,

S. GAIL GOLDBERG, AICP
Director of Planning

MICHAEL LOGRANDE
Chief Zoning Administrator

Attachments:

1. Categorical Exemption
2. Categorical Exemption Narrative

CC: CPC No: 2010-0445-CA
CF No: 09-1685-S1

COUNTY CLERK'S USE

CITY OF LOS ANGELES

CITY CLERK'S USE

OFFICE OF THE CITY CLERK
 200 NORTH SPRING STREET, ROOM 360
 LOS ANGELES, CALIFORNIA 90012

CALIFORNIA ENVIRONMENTAL QUALITY ACT

NOTICE OF EXEMPTION

(California Environmental Quality Act Section 15062)

Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650, pursuant to Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT All
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PROJECT TITLE *Truck Gardening Clarification	LOG REFERENCE ENV 2010-0446-CE
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PROJECT LOCATION
*Citywide

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
 * An ordinance amending Sections 12.03, 12.04.09, 12.05, 12.06, 12.07, 12.07.01, 12.07.1, 12.08, 12.09.3, and 12.17.5 of the Los Angeles Municipal Code to clarify permitted truck gardening and farming uses in each zone, and create consistency between home occupation standards and truck farming operations.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
 *

CONTACT PERSON *Deborah Kahen	AREA CODE * 213	TELEPHONE NUMBER *978 - 1395	EXT.
----------------------------------	--------------------	---------------------------------	------

EXEMPT STATUS: (Check One)

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
<input type="checkbox"/> GENERAL EXEMPTION	Sec. 15060	n/a

Class 4 Category _____ **Section 15304** (State CEQA Guidelines)

OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)

JUSTIFICATION FOR PROJECT EXEMPTION: Per State of California CEQA Guidelines, Section 15304, Class 4, the ordinance is determined to constitute "minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes." This includes new gardening or landscaping. Per CEQA Guidelines, Section 15352, the passing of the ordinance by City Council is the final legislative action and constitutes an "approval" for purposes of CEQA.

IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.

SIGNATURE	TITLE	DATE
-----------	-------	------

FEE:	RECEIPT NO.	REC'D. BY	DATE
------	-------------	-----------	------

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record. Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

* _____
 NAME (PRINTED)

* _____
 DATE

* _____
 SIGNATURE

TRUCK GARDENING ORDINANCE CATEGORICAL EXEMPTION NARRATIVE

PROJECT DESCRIPTION

The proposed project is a modification to Sections 12.03, 12.04.09, 12.05, 12.06, 12.07, 12.07.01, 12.07.1, 12.08, 12.09.3, 12.07.5 of the Los Angeles Municipal Code (LAMC). The proposed ordinance accomplishes three things. One, it simplifies allowable agricultural-related uses in the zones; two, it defines truck gardening and farming; and three, it makes the home occupation standards and conditions consistent with truck gardening.

PROJECT HISTORY

Prior to 1946, farming was allowed in the R1 zone with certain limitations. In 1946, permitted uses were expanded to include truck gardening. After 1960, farming was no longer allowed, but truck gardening remained an allowable use.

It is clearly identified when truck gardening is listed as an allowable use. Thus, it is given that the intent of the LAMC is to allow for truck gardening in certain zones. However, every zone where truck gardening is allowed, other than the RA (Suburban) Zone, paradoxically prohibits every type of crop growth listed (field crops, bush or berry crops, tree crops, flower gardening, orchards or mushroom farms). Therefore, the LAMC is self-contradictory in that it permits truck gardening without permitting the growth of virtually all produce.

This ambiguity remained without controversy until 2009, when the off-site sale of flowers grown on an R1 zoned parcel was contested. The Department of Building and Safety then determined from its Zoning Manual that truck gardening "consists of the growing of vegetables for delivery to an approved retail (market) establishment." This definition precludes the growth of every other type of produce, including berries, flowers, fruits, herbs, mushrooms, ornamental plants, nuts, and seedlings.

Councilman Garcetti then introduced a motion at Council on July 8, 2009 (CF 09-1685) directing staff to report on the feasibility of creating an expanded definition of truck gardening. On October 13, 2009, the PLUM Committee referred this motion to the Department of City Planning. In response, staff has conducted research and identified additional obstacles to truck gardening in the home occupation conditions and standards section of the LAMC. Staff proposes an ordinance to remedy these obstacles.

ENVIRONMENTAL REVIEW

Staff has concluded that Categorical Exemption Class 4 of the State CEQA Guidelines is appropriate.

State of California CEQA Guidelines, Article 18, Section 15304, Class 4, consists of "*minor public or private alterations in the condition of land, water, and/or vegetation which do not involve the removal of healthy, mature, scenic trees except for forestry and agricultural purposes. Examples include but are not*

limited to...(b) New gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping."

The proposed ordinance accomplishes three things. One, it simplifies allowable agricultural-related uses in the zones; two, it defines truck gardening and farming; and three, it makes the home occupation standards and conditions consistent with truck gardening.

The proposed ordinance collapses a multitude of existing uses into just two: truck gardening and farming. The uses are repackaged within the definition of truck gardening and farming. The purpose of this collapse was to simplify the code and to expand the universe of what products can be sold off-site in a truck garden. Currently, per Department of Building and Safety practice, products permitted for off-site sale include only vegetables. This proposed ordinance expands the type of produce permitted for sale off-site through the operation of truck gardening from simply vegetables to berries, flowers, fruits, grains, herbs, ornamental plants, mushrooms, nuts, seedlings and/or vegetables.

The proposed ordinance also defines truck gardening and farming. Truck gardening is defined as: *The cultivation of berries, flowers, fruits, herbs, ornamental plants, mushrooms, nuts, seedlings or vegetables for use on-site or sale or distribution off-site.* Farming is defined as: *The cultivation of berries, flowers, fruits, herbs, ornamental plants, mushrooms, nuts, seedlings or vegetables for use on-site or sale or distribution on-site or off-site.*

The only difference in the two definitions is that farming permits on-site sales, whereas truck gardening does not. The proposed ordinance makes no change from which zones are currently permitted or prohibited from on- or off-site sales. Therefore, in this respect, no change has been made from the existing environmental conditions.

The third purpose of this ordinance is to make the home occupation standards and conditions consistent with truck gardening. The changes to the home occupation standards and conditions do not liberalize nor restrict existing practice with respect to vehicular traffic, pedestrian traffic, and use of hazardous materials.

Currently, staff is aware of less than a dozen truck garden operations in the City of Los Angeles boundaries. Based on this and staff's experience in the effects of similar types of ordinances, staff anticipates that the increase in truck gardening operations in non-vegetable produce resulting from this proposed ordinance would not be significant.

Furthermore, the proposed ordinance would not lead to the removal of healthy, mature, scenic trees for non-agricultural purposes because the allowed uses would be expressly for agricultural uses (gardening). Also, healthy and mature oak, Southern California Black Walnut, Western Sycamore, and California Bay trees would still be protected by the City's Protected Tree Regulations, LAMC 46.00-46.06 .

Therefore, the proposed ordinance would qualify as a Class 4 Categorical Exemption (minor alteration of land).

Exceptions to the Use of Categorical Exemptions

Planning staff evaluated all the potential exceptions to the use of Categorical Exemptions for the proposed project and determined that none of these exceptions apply as explained below:

Location: The exception applies to Class 4 Categorical Exemptions where the project is located in a particularly sensitive environment.

The City of Los Angeles designates, precisely maps and officially adopts areas of special resources and hazards in the Safety Element of the General Plan, adopted in 1996. The proposed ordinance expands the definition of truck gardening, which is permitted in the RA, RE, RS, R1, R2, R3, RMP, MR1, M1, MR2, M2, M3 zones. One or more of these zones is included in each of the maps in the Safety Element. Per the Los Angeles CEQA Thresholds Guide, Chapter 4, Section F Hazards, which identifies the thresholds at which there is a significant impact, each designated and adopted map of the Safety Element has been reviewed. The resulting analysis per each map is as follows:

Alquist-Priolo Special Study Zones and Fault Rupture Study Areas Map: The expansion of products permitted for truck gardening does not impact the Alquist-Priolo Earthquake Fault Zone, or any other Fault Rupture Study Area.

Areas Susceptible to Liquefaction: The expansion of products permitted for truck gardening does not significantly impact areas susceptible to liquefaction.

Landslide Inventory and Hillside Areas: The expansion of products permitted for truck gardening does not negatively impact landslide and hillside areas. In fact, plantings, such as a truck garden, in hillsides stabilize soil and reduce susceptibility to erosion.

Selected Wildfire Hazard Areas: The expansion of products permitted for truck gardening does not significantly impact Selected Wildfire Hazard Areas.

Oil Field and Oil Drilling Areas: The expansion of products permitted for truck gardening does not impact Oil Field and Oil Drilling Areas.

100-Year and 500-Year Flood Plains: The expansion of products permitted for truck gardening does not significantly impact 100-Year and 500-Year Flood Plains.

Inundation and Tsunami Hazard Areas: The expansion of products permitted for truck gardening does not impact Inundation and Tsunami Hazard Areas.

Critical Facilities and Lifeline Systems: The expansion of products permitted for truck gardening does not impact Critical Facilities and Lifeline Systems.

Cumulative Impact: The exception applies when, although a particular project may not have a significant impact, the impact of successive projects, of the same type, in the same place, over time is significant.

There are no successive projects of the same type planned for the City of Los Angeles. It should be noted that existing conditions already allowed truck gardening of some form to be carried out in the City of Los Angeles. Thus, this is not an entirely new impact on the City, though it is an expansion of current practice. However, as noted above, the impact will be minor.

Significant Effect: This exception applies when, although the project may otherwise be exempt, there is a reasonable possibility that the project will have a significant effect due to unusual circumstances. Examples include projects which may affect scenic or historical resources.

There is no reasonable possibility that this project will have a significant effect due to unusual circumstances. All other regulations governing landscaping, including the City's Landscape Ordinance and any historical landscapes, still apply. The ability to truck garden does not supersede these regulations.

Scenic Highway: Projects that may result in damage to scenic resources within a duly designated scenic highway

The project does not affect what type of buildings can or cannot be built and will therefore not damage scenic resources within a duly designated scenic highway. Furthermore, the majority of lots with the ability to truck garden are residential, which are not commonly found abutting scenic highways. In addition, the majority of truck gardening takes place in a backyard, mostly out of site from the viewpoint of those on the streets.

Hazardous Waste Site: Projects located on a site or facility listed pursuant to California Government Code 65962.5.

The project does not supersede any existing regulation on hazardous material site or requirements for vendors at a California State Farmer's Market or other such off-site distribution site for truck garden produce.

Historical Resources: Projects that may cause a substantial adverse change in the significance of an historical resource.

The proposed project would not cause an adverse change in the significance of a historical resource as defined in State CEQA 15064.5. Regulation regarding historically designated landscapes would not be superseded by this proposed ordinance.