



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

CITY PLANNING COMMISSION

DATE: October 13, 2016
TIME: after 12:00 p.m.*
PLACE: Los Angeles City Hall
200 North Spring Street
Room 340
Los Angeles, CA 90012

CASE NO: CPC-2016-3161-CA
COUNCIL FILE: 14-1378
CEQA: ENV-2016-3162-CE
LOCATION: Citywide
COUNCIL DISTRICT: All
PLAN AREAS: All

PUBLIC HEARING HELD ON: September 15, 2016

SUMMARY: An Ordinance amending Section 12.03 of the Los Angeles Municipal Code (LAMC) to add a definition for Urban Agriculture Incentive Zone and establish an Urban Agriculture Incentive Zone program.

RECOMMENDED ACTIONS:

1. **Adopt** the staff report as its report on the subject.
2. **Recommend that the City Council Adopt** the Proposed Ordinance and Map (Exhibits A and B).
3. **Recommend that the City Council Adopt** the Findings (Exhibit C).
4. **Recommend that the City Council Adopt** the Categorical Exemption ENV-2016-3162-CE (Exhibit D) as the CEQA clearance on the subject.

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ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

Table of Contents

Summary.....	2
Background and Initiation.....	2
Discussion of Proposed Ordinance.....	3
Public Hearings and Communications.....	4
Conclusion	5

Exhibits

A. Proposed Ordinance Provisions.....	A-1
B. Urban Agriculture Incentive Zone Map.....	B-1
C. Findings (Land Use and CEQA).....	C-1
D. Categorical Exemption (ENV-2016-3162-CE).....	D-1
E. Council Motion (CF 14-1378).....	E-1

Summary

The proposed ordinance (Exhibit A) amends the Los Angeles Municipal Code (LAMC) to define an Urban Agriculture Incentive Zone (UAIZ) to support the City's green and healthy community goals and to implement the State's Urban Agriculture Incentive Zone Act. The UAIZ Act incentivizes urban agriculture in urbanized areas in California by offering reduced property tax assessments in exchange for using vacant or unimproved property for an agricultural use through a contract agreement for a period of five years.

While the proposed ordinance establishes a UAIZ, it does not change the existing zoning and land use regulations as they relate to urban agriculture. It does not permit new uses or further restrict existing uses. Currently, urban agriculture is permitted by-right through the enumerated uses of Farming and Truck Gardening. The proposed ordinance defines the UAIZ as any zones in which Farming and Truck Gardening are permitted uses. By establishing a UAIZ in the Zoning Code, the proposed ordinance will enable the City and property owners to enter into UAIZ agreements per the UAIZ Act. Property owners will then be able to apply for a reduced property tax assessment if their properties meet the UAIZ eligibility criteria outlined in the California Government Code, Los Angeles County Code and Los Angeles Municipal Code (LAMC).

Background and Initiation

On October 8, 2014, the City Council passed a motion (Council File No. 14-1378) directing the Department of City Planning and the Department of Building and Safety, in consultation with the City Attorney, to prepare an ordinance establishing the City's Urban Agriculture Incentive Zone and develop a process for the administration and implementation of a UAIZ program. The provisions for the administration and implementation of a subsequent UAIZ program will be established by a parallel amendment to the City's Administrative Code.

In 2013, the State of California enacted the UAIZ Act, as described in section 51040, et seq., of the California Government Code, to promote and foster urban agriculture. Urban agriculture provides benefits such as vibrant green spaces and recreation, sites that help build community, education about the production of fresh food, and increased access to fruits and vegetables in areas that currently lack fresh food.

The UAIZ Act authorizes cities and counties to establish an Urban Agriculture Incentive Zone program and enter into voluntary contracts with eligible property owners. The program is designed to increase access to healthy food by providing a tax incentive for property owners of eligible vacant or unimproved properties within the City to utilize these properties for agricultural uses in exchange for reduced property tax assessments under Section 422.7 of the California Revenue and Taxation Code.

Under the UAIZ Act, a city, such as the City of Los Angeles, may establish a UAIZ by ordinance, following a public hearing and approval from the County Board of

Supervisors. In April of 2016, the Los Angeles County Board of Supervisors adopted an UAIZ Ordinance, which established a UAIZ program for the unincorporated territory of Los Angeles County and enabled incorporated cities to establish their own UAIZ programs.

Discussion of Proposed Ordinance

The UAIZ ordinance (Exhibit A) proposes the addition of a new definition of Urban Agriculture Incentive Zone to the LAMC. The UAIZ is any land designated as being eligible for the Urban Agriculture Incentive Zone Act, in accordance with California Government Code Sections 51040-51042 and County of Los Angeles Planning and Zoning Code Sections 22.52.3400, et seq., and as also shown in the Department of City Planning's Urban Agriculture Incentive Zone Map (Exhibit B). The map will be maintained by the Department of City Planning as part of the Geographic Information Systems database, and identifies all zones in which Farming and Truck Gardening are permitted uses.

Farming is defined as "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" and is permitted in the A1, A2, MR1, M1, MR2, M2, M3 and PF zones. Truck Gardening is defined as "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" and is permitted in the RA, RE, RS, R1, R2, RMP, R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, MR1, M2, MR2 and M3 zones. While both Farming and Truck Gardening permit commercial activity as part of the use, Farming allows off-site and on-site sales, and Truck Gardening only permits off-site sales.

The proposed ordinance also authorizes the Director of Planning to determine eligibility for the City's UAIZ program, which will be set forth in Los Angeles Administrative Code Sections 19.170, et seq., based on the criteria outlined in California Government Code Sections 51040 – 51042 and the County of Los Angeles Planning and Zoning Code Sections 22.52.3430 - 22.52.3450. The eligibility criteria are as follows:

- Vacant lot with no habitable structures on-site. Any on-site structures must be accessory to the urban agriculture use.
- Minimum of 0.1 acre (4,356 sq. ft.) to maximum of 3 acres (130,680 sq. ft.) in size.
- May not be located within a Significant Ecological Area, Sensitive Environmental Resource Area, or a National Recreation Area, in accordance with the County of Los Angeles Planning and Zoning Code at Section 22.52.3440

- May not be located on a site listed on the Department of Toxic Substances Control's Envirostor Database.
- Minimum of 5 years of commitment to urban agriculture use.
- Urban agriculture use must be in compliance with existing zoning regulations.

Public Hearings and Communications

The Department of City Planning held a public hearing on September 15, 2016. Of the ten oral comments made at the meeting, eight were in support of the ordinance and two were general comments. The following is a summary of the comments:

- Proposed ordinance is a great tool to support urban agriculture and increase access to locally grown food and green space
- Proposed ordinance implements the Plan for Healthy Los Angeles
- Map boundaries excluding the Santa Monica Mountains should be as accurate as possible
- Would like to see City encourage water-wise agriculture practices and discourage pesticide use
- Would like to see City further support urban agriculture through public acquisition of lands and matchmaking between property owners and community members interested in urban agriculture

In addition, the Department received 3 written comments that were submitted in support of the ordinance, which included a few recommendations for consideration. The following is a summary of the recommendations and the Department's responses:

The Department should consider a way to track and connect interested property owners with urban food growers, including a map of UAIZ eligible properties in each Council District.

The Department is currently working on creating maps of UAIZ eligible properties by Council District that will be made available to the Council offices.

The Department should consider a way to clearly communicate the various types of agricultural activities allowed under the State's UAIZ Act, which include educational activities and other activities such as beekeeping, aquaponics, and composting.

The proposed ordinance specifically relates the Urban Agriculture Incentive Zone to the uses of Farming and Truck Gardening because those are existing land uses that are permitted in essentially every zone in the City today. However, the Department can work with stakeholders to create informational materials that would clarify Zoning Code provisions and regulations for other kinds of agricultural uses.

The Department should consider requiring that contracts between the land owner and tenant include some form of community benefit, such as making the project be open to the public at times or providing educational opportunities.

While the Department supports the intent behind this recommendation, there is no legal authority under the UAIZ Act to require certain contract provisions between the property owner and tenant. The Department, on behalf of the City, is only party to UAIZ contracts between the City and the property owner applying for the UAIZ tax benefit.

Conclusion

The intent of the proposed ordinance (Exhibit A) is to support the City's green and healthy community goals, and to implement the State of California's Urban Agriculture Incentive Zone Act. While the proposed ordinance does not change any existing zoning and land use regulations as they relate to urban agriculture, the establishment of an Urban Agriculture Incentive Zone will enable property owners to apply for and enter into UAIZ agreements with the City to potentially receive a tax benefit if their property meets the eligibility criteria.

Additional materials, including the UAIZ map, required findings, the environmental clearance, and the 2014 City Council motion, are presented in Exhibits B through E.

Exhibits

- A. Proposed Ordinance Provisions (as released to the public September 15, 2016)
- B. Urban Agriculture Incentive Zone Map
- C. Findings (Land Use and CEQA)
- D. Categorical Exemption (ENV-2016-3162-CE)
- E. Council Motion