



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 17 - 0 1 4 0  
MAY 0 4 2017

**REPORT RE:**

**DRAFT ORDINANCES AMENDING SECTION 12.03 OF THE LOS ANGELES MUNICIPAL CODE TO ADD A DEFINITION FOR URBAN AGRICULTURE INCENTIVE ZONE AND ADDING A NEW CHAPTER 17 TO DIVISION 19 OF THE LOS ANGELES ADMINISTRATIVE CODE TO ESTABLISH AN URBAN AGRICULTURE INCENTIVE ZONE PROGRAM**

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

Council File No. 14-1378

Honorable Members:

As requested by the City Council, this Office has prepared and now transmits for your consideration the enclosed draft ordinances, approved as to form and legality. The first draft ordinance amends Section 12.03 of the Los Angeles Municipal Code (LAMC) to establish an Urban Agriculture Incentive Zone (UAIZ). The second draft ordinance adds a new Chapter 17 to Division 19 of the Los Angeles Administrative Code (LAAC), entitled "Urban Agriculture Incentive Zone Contracts," for purposes of creating and implementing the UAIZ Program.

Background

On October 8, 2014, a motion was introduced (Fuentes-Price-Huizar) that directed the Department of City Planning (Planning Department) and the Los Angeles Department of Building and Safety (DBS), in consultation with the City Attorney, to prepare and present an ordinance to establish the UAIZ and to:

- a) Designate the boundaries of one or more UAIZ(s) within the City to identify zones where food growing operations are allowed;
- b) Develop a process by which the City can determine property owners' eligibility and by which property owners can apply for the incentive;
- c) Develop an enforcement mechanism to ensure property owners are following local, county, and state regulations for the UAIZ; and
- d) Provide for coordination with the County of Los Angeles regarding the approval, establishment, and implementation of the UAIZ, as required by the Urban Agriculture Incentive Zones Act (AB 551, Ting).

On April 15, 2015, the Planning and Land Use Management (PLUM) Committee, considered the motion, and on May 13, 2015, the City Council adopted the motion pursuant to the PLUM Committee's recommendation.

At a meeting on October 13, 2016, the Los Angeles City Planning Commission (CPC) considered an ordinance, developed by Planning Department establishing the UAIZ, and voted to recommend that the City Council adopt the proposed ordinance, map, and General Plan and Charter Section 556 findings.

On February 28, 2017, PLUM considered CPC's report and recommended that the City Council request the City Attorney to prepare and present an ordinance amending Section 12.03 of the LAMC to add a definition for the UAIZ and to establish the UAIZ Program. On March 27, 2017, City Council adopted PLUM's recommendation.

#### Summary of Ordinance Provisions

The first draft ordinance amends LAMC Section 12.03 to add a definition for "Urban Agriculture Incentive Zone," which includes all existing zones where Farm (A1, A2, MR1, M1, MR2, M2, M3 and PF) and Truck Gardening (RA, RE, RS, R1, R2, RMP, R3, RAS3, R5, C2, C4, CM, MR1, M2, MR2 and M3) uses are permitted. The specific parcels that are eligible for participation in the UAIZ Program are identified on the corresponding UAIZ Map. The UAIZ Map will be maintained by the Planning Department as part of the Geographic Information Systems database, and shall be updated from time to time.

The second draft ordinance amends the LAAC to create and implement the UAIZ Program, which provides that a property may voluntarily enter into a contract with the City to use vacant or unimproved property for small-scale agricultural purposes, in exchange for a reduced property tax assessment during the term of the agreement (UAIZ Contract). This draft ordinance adds Chapter 17 to Division 19 of the LAAC to

provide the framework for administering the UAIZ Contract, including specifics related to the UAIZ Program, relevant eligibility requirements, the City's application process and execution procedures relating to the UAIZ Contract, and guidance related to the City's enforcement mechanisms.

Also enclosed for the City Council's review and consideration is a copy of the form UAIZ Contract that will be executed for each property owner who applies for the UAIZ Program. The form UAIZ Contract creates a legally binding agreement that will be recorded with the Office of the Registrar Recorder of the County of Los Angeles, regarding permitted uses of the property, inspection requirements, renewal and extension options, as well as remedies related to cancellation by the City in the event of default or breach on the part of the property owner. The City's UAIZ Program and execution of all UAIZ Contracts will be administered by Planning Department.

Should the City Council decide to approve the draft ordinances, we recommend that the City Council also approve the form UAIZ Contract and delegate approval and execution authority to the Director of Planning. By approving the draft UAIZ Contract, individual UAIZ Contracts can be effectuated on behalf of the City, upon execution by the Director of Planning and the City Attorney's Office, without requiring further City Council review or approval.

#### California Environmental Quality Act (CEQA)

The CPC recommends that the City Council find, based on the whole of the administrative record, that the first draft ordinance amending the LAMC is categorically exempt (No. ENV-2016-3162-CE) under the State CEQA Guidelines Article 19, Section 15303, Class 3, and Article 19, Section 15304, Class 4. Because the second draft ordinance amends the LAAC to implement the UAIZ Program established by the first draft ordinance, the City Council may determine that the second draft ordinance, based on the whole of the administrative record, is part of the project and also categorically exempt (No. ENV-2016-3162-CE) under the State CEQA Guidelines Article 19, Section 15303, Class 3, and Article 19, Section 15304, Class 4.

#### Charter Findings Required

Charter Section 558 applies to the first draft ordinance in that it creates a zone for the purpose of regulating land. (Charter Section 558(a)(1).) Thus, Charter Section (b)(3) requires the City Council to make the findings required in Subsection (b)(2) of the same section, namely whether adoption of the first draft ordinance amending the City's zoning regulations will be in conformity with public necessity, convenience, general welfare and good zoning practice. Charter Section 558(b)(3)(A) allows the City Council to adopt an ordinance conforming to the CPC's recommendation of approval of the ordinance, if the CPC recommends such approval. Similarly, Charter Section 556 requires the City Council to make findings showing that the action is in substantial

conformance with the purposes, intent and provisions of the General Plan. The City Council can either adopt CPC's findings and recommendations, as set forth in CPC's Transmittal Report to City Council dated December 6, 2016, or make its own findings.

Council Rule 38 Referral

A copy of the draft ordinances was sent, pursuant to Council Rule 38, to the Department of Building and Safety and the Planning Department, with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Kimberly Huangfu at (213) 978-8257. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By   
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Transmittals