



CITY OF LONG BEACH

R-10

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 3rd Floor, Long Beach, CA 90802 (562) 570-5237

June 13, 2017

HONORABLE MAYOR AND CITY COUNCIL

City of Long Beach
California

RECOMMENDATION:

Request the City Attorney to draft an Ordinance amending Title 8 of the Long Beach Municipal Code to establish the Urban Agriculture Incentive Zone (UAIZ) Program and Title 21 to define land use zones eligible to participate in the UAIZ Program. (Citywide)

DISCUSSION

In 2014, the State of California implemented Assembly Bill 551 (AB 551), the Urban Agriculture Incentive Zones Act, which authorizes cities and counties to provide tax incentives to landowners who allow their vacant properties to be used for small-scale agricultural purposes. AB 551 authorizes landowners to enter into an Urban Agriculture Incentive Zone (UAIZ) Program agreement for a minimum period of five years.

On April 5, 2016, the County of Los Angeles Board of Supervisors adopted a UAIZ Ordinance that establishes a UAIZ Program for the unincorporated territory of Los Angeles County and enables incorporated cities to establish their own UAIZ programs. Therefore, the City of Long Beach has the ability to adopt an Ordinance to establish its own UAIZ Program.

On May 10, 2016, the City Council requested that staff explore the feasibility of implementing the UAIZ Program in Long Beach. On February 7, 2017, the City Manager's Office provided a feasibility report about the UAIZ Program and the process of implementing the program within Long Beach (Exhibit A – UAIZ Memo). The report determined that for an UAIZ Program to be established, it is recommended the City prepare an Ordinance that addresses the following:

- Designates the boundary of the UAIZ within the City and clarifies zoning where food growing operations are allowed.
- Eligible vacant lots must be between 4,356 and 130,680 square feet in area.
- Designates the Department of Development Services as the lead agency and establishes a process by which the City can determine property owners' eligibility and by which property owners can apply for the incentive.
- Develops an enforcement mechanism to ensure property owners are following local, county, and State regulations for UAIZ, including the requirement that only organic farming methods may be used.

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- Coordinates with the County of Los Angeles the approval, establishment, and implementation of the UAIZ as required by AB 551, the UAIZ Act.

On May 4, 2017, the Planning Commission approved a recommendation to the City Council to revise sections of Title 21 of the Long Beach Municipal Code to define and permit urban agriculture uses in designated land use zones in Long Beach. The proposed changes to Title 21 would allow urban agriculture as a matter of right within multi-family, commercial, and light industrial zones, and will require an Administrative Use Permit within single-family, two-family and heavy industrial zones. The changes adopt the State of California definition of urban agriculture, subject to all applicable laws, rules, and regulations of the Long Beach Municipal Code, with additional language to clarify that urban agriculture will not include cultivation of marijuana. The proposed zoning code changes support the implementation of a Long Beach UAIZ Program. The Planning Commission staff report is attached (Exhibit B – Planning Commission Staff Report).

Further, the requested Ordinance would amend Title 8 of the Long Beach Municipal Code to create and implement the UAIZ Program, which would provide that a property owner may voluntarily enter into a contract with the City to use vacant or unimproved property for small-scale agriculture purposes, in exchange for a reduced property tax assessment during the term of the UAIZ Contract. The Ordinance would 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 related to the UAIZ Contract, and guidance related to the City's enforcement mechanisms.

The City Attorney's Office shall prepare a UAIZ Contract form, which will create 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 the Department of Development Services.

In addition, with the expected adoption of a Vacant Lot Registry Ordinance in Long Beach, the community will be able to access a publicly available vacant lot database and become informed on existing vacant land opportunity sites that could be used for specific community-serving uses, such as urban agriculture. Staff can coordinate UAIZ Program efforts with Vacant Lot Registry efforts to enhance Long Beach's emerging local food system while decreasing the negative impacts of inadequate maintenance of vacant lots.

This matter was reviewed by Deputy City Attorney Linda T. Vu and by Budget Management Officer Rhutu Amin Gharib on May 25, 2017.

SUSTAINABILITY

The preparation of a UAIZ Program Ordinance will support City sustainability goals by helping to increase access to healthy foods for residents, reduce emissions from food transportation, educate residents on sustainable gardening practices, and prevent blight on vacant lots through illegal dumping. These goals are consistent with the sustainability

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goals of the Long Beach Sustainable City Action Plan and the Draft General Plan Land Use Element.

TIMING CONSIDERATIONS

City Council action on this matter is not time critical. However, the UAIZ Act currently includes a sunset clause that requires new UAIZ contracts to be established prior to January 1, 2019.

FISCAL IMPACT

There is no fiscal or job impact associated with preparing the Ordinance. Implementation of the Ordinance will not require any additional City resources. Even though the participants in the program will receive a financial incentive through a reduction in their property tax assessment and bill, the City will not experience a commensurate reduction. The County of Los Angeles has allocated \$3 million to cover any potential tax revenue losses.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LR:cm
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APPROVED:



PATRICK H. WEST
CITY MANAGER

Attachments: Exhibit A - UAIZ Memo
 Exhibit B – Planning Commission Staff Report

**City of Long Beach**
Working Together to Serve

Date: February 7, 2017

To: Patrick H. West, City Manager *P.H.W.*

From: Amy J. Bodek, Director of Development Services *A.J.B.*

For: Mayor and Members of the City Council

Subject: **Urban Agriculture Incentive Zone Program Feasibility**

On May 10, 2016, the City Council requested that the City Manager explore the feasibility of implementing California's Urban Agricultural Incentive Zone (UAIZ) Program in Long Beach. The Office of Sustainability has conducted this research and finds that a locally implemented UAIZ Program can provide property tax benefits to the owners of underutilized vacant parcels, as well as enhance Long Beach's emerging local food system and the City's overall livability and sustainability. The City Council can create a UAIZ Program simply by passing a resolution that designates a lead agency to establish a local approval and administrative process. Throughout California, this program has not been widely implemented, presenting an opportunity for Long Beach to lead this effort.

In 2014, California implemented Assembly Bill 551, the Urban Agriculture Incentive Zones Act, which promotes urban agriculture by providing tax breaks to landowners who allow their vacant properties to be used for agricultural purposes for a minimum of five years. Once a commitment is in place, a landowner's property tax will be assessed on the agricultural value of the land rather than the full market value. On April 5, 2016, the County of Los Angeles Board of Supervisors approved a UAIZ ordinance, allowing cities within Los Angeles County to participate in the program upon adoption of a local resolution. Eligible landowners can receive significant reductions to their property taxes, with a maximum savings of \$15,000 per year. The tax incentive would be funded solely by the County of Los Angeles pro rata share, with no reduction from the Long Beach share of property tax revenue.

The following requirements are needed for a property to participate in the program:

- Vacant lot with no habitable structures on-site. Any on-site structures must be accessory to the urban agriculture use.
- Between 4,356 and 130,680 square feet in size.
- Minimum of five years of commitment to urban agriculture use.
- Urban agriculture use must be in compliance with existing zoning regulations.

The use of vacant lots for urban agriculture can increase access to healthy foods for residents, reduce emissions from food transportation, educate residents on sustainable gardening practices, and prevent blight on vacant lots through illegal dumping, all of which support the goals of the Long Beach Sustainable City Action Plan and the Draft General Plan Land Use Element.

Urban agriculture uses are allowed in commercial and some industrial zones with the issuance of an interim park permit. On-site farm stands would also be allowed in commercial zones. Future

Urban Agriculture Incentive Zone Program Feasibility
February 7, 2017
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zoning updates could extend the eligibility and benefits of this program to more properties, particularly in residential zones.

The Office of Sustainability conducted a Citywide survey of vacant lots that could be eligible for this program, through which 88 vacant lots were identified. A preliminary analysis of estimated annual property tax incentives for these lots is detailed in Table 1.

Table 1: Potential Eligible Lots	
Estimated UAIZ Annual Incentive	Commercial and Industrial Vacant Lots
\$10,000 - \$15,000	1
\$5,000 - \$9,999	7
\$1,000 - \$4,999	41
Less than \$1,000	39
Total Parcels	88

The UAIZ Program can be created through a City Council resolution. The City must be designated as the "Lead Agency" and must establish an application process. In Long Beach, the Lead Agency would be the Development Services Department through its Planning Bureau, with support from the Office of Sustainability.

With proper promotion and management of this program, Long Beach has an opportunity to become a leader in the State in urban agriculture practices. To date, only four other cities in California have implemented this program: San Francisco, Sacramento, San Jose, and San Diego. Among them, only one property is currently under a UAIZ contract in San Francisco. The City of Los Angeles is currently working to implement their own UAIZ Program.

Urban agriculture has many potential benefits for the City, providing locally grown produce, supporting sustainability goals, and creating new economic opportunities. Where these activities are already permitted, a UAIZ creates incentives to expand urban agriculture by providing tax breaks to participating landowners. Staff will soon return to the City Council with a resolution to implement a UAIZ pilot program.

If you have any questions regarding this matter, please call Linda Tatum, Planning Manager, at (562) 570-6261.

AJB:OO:LR
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CC: CHARLES PARKIN, CITY ATTORNEY
LAURA L. DOUD, CITY AUDITOR
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LINDA TATUM, AICP, PLANNING MANAGER
LARRY RICH, SUSTAINABILITY COORDINATOR
CITY CLERK (REF. FILE #16-0408)



CITY OF LONG BEACH

DEPARTMENT OF DEVELOPMENT SERVICES

333 West Ocean Blvd., 5th Floor

Long Beach, CA 90802

(562) 570-6194

FAX (562) 570-6068

May 4, 2017

CHAIR AND PLANNING COMMISSIONERS
City of Long Beach
California

RECOMMENDATION:

Accept Categorical Exemption 17-081, and recommend that the City Council approve a Zoning Code Amendment and Local Coastal Program Amendment to revise the Long Beach Municipal Code Chapter 21.15 and Sections 21.31.110, 21.32.110, 21.33.060 and 21.52.260, related to defining and permitting urban agriculture uses. (Citywide)

APPLICANT: City of Long Beach
 333 West Ocean Boulevard, 3rd Floor
 Long Beach, CA 90802
 (Application No. 1703-41)

DISCUSSION

Urban agriculture has existed since early civilizations and continues today. From a single avocado tree in a homeowner's backyard to larger scale farming of vacant lots awaiting investment and redevelopment, urban agriculture is an important and growing contributor to local food systems and overall sustainability of the urban environment. However, urban agriculture is not currently defined in the Long Beach Zoning Code, and as a result is not recognized as a permitted use within the City. This action would allow urban agriculture as a matter of right within multi-family, commercial, and light industrial zones and require an Administrative Use Permit within single-family, two-family and heavy industrial zones.

This action is necessary for the City to take advantage of AB 551, the Urban Agriculture Incentive Zones Act, which authorizes cities and counties to provide tax incentives to landowners who allow their vacant properties to be used for small-scale agricultural purposes. City Council authorization of this program is pending and is intended to work in concert with the City's recently completed vacant lot survey, which is scheduled for consideration by the City Council in the coming weeks. Vacant lots, particularly those that are not well kept, are associated with decreased perceptions of neighborhood safety and decreased property values. Therefore, allowing urban agriculture on vacant lots can help mitigate the negative impacts associated with vacant lots while creating opportunities for local food production.

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On average, produce purchased in Los Angeles County travels 1,500 miles before consumption, so localizing food sources can help reduce vehicle miles traveled while increasing community resilience to climate impacts. These programs are collectively intended to remove blight, provide economically beneficial and environmentally sustainable uses for vacant lots all while promoting local healthy food availability and consumption.

The following section describes the proposed Zoning Code changes, which are provided in red-line format in Exhibit A (Draft Zoning Code Amendment).

Definition:

The proposed Ordinance is based on the definition found in State law, with an additional clarification that urban agriculture does not include the cultivation of marijuana:

"Urban Agriculture" means farming in all its branches including, but not limited to, the cultivation and tillage of the soil, the production, cultivation, growing, and harvesting of any agricultural or horticultural products, the raising of livestock, bees, fur-bearing animals, dairy-producing animals, and poultry, agricultural education, the sale of produce through field retail stands or farms stands, and any practices performed by a farmer or on a farm as an incident to or in conjunction with farming operations. For purposes of this definition, the term "agricultural use" does not include timber production and does not include cultivation of marijuana.

Locational Requirements

It is anticipated that the common application of urban agriculture and AB 551 incentives will involve the raising of fruits and vegetables for sale on or off site. The current zoning code does not allow agriculture as a use, therefore it is not allowed beyond incidental backyard urban agriculture by homeowners. This is remedied by adding urban agriculture to the zoning code use tables for multi-family, commercial and light industrial zones denoting the use as Y, allowed as a matter of right.

Within single-family and two-family zones (R1 and R2), the sales component of urban agriculture as well as the fencing, agricultural transitions, noise, light and other impacts may require review on a case-by-case basis. Additionally, while urban agriculture can be a great way to remove visual blight, secure vacant lots and provide sustainable food sources, it may not be appropriate in areas subject to contaminated soils or areas adjacent to heavy industrial uses. For this reason, urban agriculture is listed as AP (denoting that an Administrative Use Permit is required), in single-family, two-family, medium industrial, general industrial and heavy industrial zones as proposed in Exhibit A.

Staff recommends the application of development standards outlined in Section 21.52.260 of the Long Beach Municipal Code. These standards include applying the front yard setback of the underlying zone, 4-foot side yard setbacks, and 10-foot rear yard setbacks. The only improvements allowed for an urban agriculture use will be landscaping, irrigation systems, and accessory buildings and structures. Accessory buildings and structures can have a maximum 13-foot building height.

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It is important to understand that these proposed standards do not exempt urban farmers from compliance within other sections of the Long Beach Municipal Code including prohibitions on livestock within 100 feet of a residential building (6.16.010), maximum number of chickens (fowl) (6.20.020), distance of chickens (fowl) from hotels and dwelling units (6.20.030), prohibition of roosters (6.20.040), chicken enclosure and cleanliness standards (6.20.060), prohibition of chickens in front yards (6.20.070), requirement for regular food and water for chickens (6.20.080), coop size (6.20.090), animal cruelty (6.20.100 through 6.20.130), and limitations on goats (6.20.150 through 6.20.200). These regulations were all updated in early 2015, when the City Council allowed small livestock and beekeeping within single-family home yards for the first time. No changes to these regulations are proposed. Furthermore, no changes to the community garden regulations are proposed at this time.

Review Process

Planning will review all proposed urban agriculture uses through the City's business license application process. All applicants will be required to meet standards A, B and C outlined in Section 21.52.260 of the Long Beach Municipal Code. Those in the R1, R2 and IP zones will also be required to apply for an Administrative Use Permit.

The Municipal Code does not set forth required findings for approval of a Zoning Code Amendment. However, this change is consistent with the General Plan, specifically Land Use Element goals regarding neighborhood services such as neighborhood emphasis, economic development, and citizen opportunity, and ensuring quality development and public safety. This change is consistent with several goals of the draft General Plan Land Use Element update, including prioritizing green and healthy living approaches, and addressing and adapting to climate change. Staff recommends that the Planning Commission recommend that the City Council approve Zoning Code Amendment No. 1703-41 to create provisions to allow urban agriculture. Should the Planning Commission recommend City Council approval of these amendments, staff anticipates that this item will be presented for a City Council hearing in June 2017.

As an example, local food sources increase community resilience to major weather events such as an earthquake or storm that could hinder transportation networks currently relied upon for food supply. More generally, activating vacant lots with community-serving destinations such as mini-parks, community gardens or community programming in local neighborhoods increases perceptions of neighborhood safety, helping residents feel comfortable walking or biking, while providing new local destinations accessible by non-motorized transportation.

PUBLIC HEARING NOTICE

The required public hearing notice was provided in accordance with the Municipal Code. A public hearing notice was published in the Long Beach Press-Telegram, public hearing notices were mailed to the California Coastal Commission and all City libraries, and three

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public hearing notices were posted in public places within the City. No comments have been received as of the preparation of this report.

ENVIRONMENTAL REVIEW

This project qualifies for a categorical exemption per Section 15308 of the California Environmental Quality Act Guidelines (Exhibit B - Categorical Exemption CE 17-081).

Respectfully submitted,

Linda F. Tatum

LINDA F. TATUM, AICP
PLANNING BUREAU MANAGER

Amy J. Bodek

AMY J. BODEK, AICP
DIRECTOR OF DEVELOPMENT SERVICES

AJB:LFT:CK:as

Attachments: Exhibit A – Draft Zoning Code Amendment
 Exhibit B – Categorical Exemption 17-081