



OFFICE OF THE CITY ATTORNEY
Long Beach, California

H-1

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October 3, 2017

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HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive the supporting documentation into the record, conclude the public hearing, and accept Categorical Exemption CE-17-081;

Declare ordinance amending Long Beach Municipal Code by adding Chapter 8.77 to establish the Urban Agriculture Incentive Zone (UAIZ) Program; and by amending Title 21 to define land use zones eligible to participate in the UAIZ Program; read the first time and laid over to the next regular meeting of the City Council for final reading;

Adopt a Resolution approving the form of the UAIZ contract, and authorizing the City Manager, or his designee, or Director of Development Services to execute such UAIZ contracts with each owner of property that is eligible for the UAIZ Program under Chapter 8.77 of the Long Beach Municipal Code; and

Adopt a Resolution directing the Director of Development Services to submit a request to the California Coastal Commission to certify an implementing amendment to the Certified Local Coastal Program. (Citywide)

DISCUSSION

Pursuant to your request on June 13, 2017, the attached Ordinance has been prepared and is submitted for your consideration. If adopted, the Ordinance would implement a City of Long Beach "Urban Agriculture Incentive Zone Program" to promote urban agriculture and increase access to healthy food items in the City.

The proposed program established by this Ordinance is consistent with recently enacted provisions of the California Government Code and the County of Los Angeles Planning and Zoning Code. The Ordinance would allow property owners to voluntarily enter into an agreement with the City to use vacant or unimproved property for small scale agricultural purposes and be subject to a reduced property tax assessment in accordance with certain provisions of the State's Revenue and Taxation Code.

October 3, 2017

Page 2

Urban Agricultural uses that could be permitted by this ordinance could include small scale cultivation of crops, the raising of certain types of livestock, bees, dairy producing animals or poultry and would also allow the sale of produce through field retail stands or other farm stands. In addition to adding Chapter 8.77 to the Municipal Code, the ordinance also makes minor changes to the Zoning Regulations of City to facilitate urban agricultural activities. The proposed changes to the City's Zoning Regulations (Title 21) were approved by the Planning commission on June 1, 2017.

The first attached resolution approves the form of Urban Agriculture Incentive Zone (UAIZ) contract and authorizes the City Manager or designee, or the Director of Development Services, to execute such UAIZ contracts with each owner of property that is eligible for the UAIZ Program under Chapter 8.77 of the Long Beach Municipal Code.

The second attached resolution directs the Director of Development Services to submit a request to the California Coastal Commission to certify an implementing amendment to the Certified Local Coastal Program.

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, a Categorical Exemption was prepared for the project (CE-17-081), finding that this project qualifies for a Categorical Exemption per Section 15035 of the California Environmental Quality Act Guidelines.

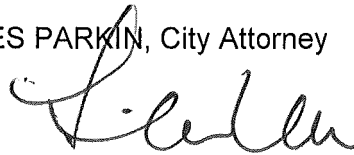
SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,

CHARLES PARKIN, City Attorney

By



LINDA T. VU
Deputy City Attorney

MJM:LTV:kjm

A17-00331

L:\Apps\CtyLaw32\WPDocs\D015\P033\00799548.docx

Attachments



NOTICE of EXEMPTION from CEQA

CITY OF LONG BEACH | DEPARTMENT OF DEVELOPMENT SERVICES
333 W. OCEAN BLVD., 5TH FLOOR, LONG BEACH, CA 90802
(562) 570-6194 Fax: (562) 570-6068
lbds.longbeach.gov

TO: Office of Planning & Research
1400 Tenth Street, Room 121
Sacramento, CA 95814

FROM: Department of Development Services
333 W. Ocean Blvd, 5th Floor
Long Beach, CA 90802

L.A. County Clerk
Environmental Fillings
12400 E. Imperial Hwy., Room 1201
Norwalk, CA 90650

Project Title: CE-17-081

Project Location/Address: Citywide, City of Long Beach

Project Activity/Description: Define and allow urban agricultural uses within all zones in the City of Long Beach. This zoning text amendment allows agriculture use but does not include or approve any particular project or involve any specific parcel at this time.

Public Agency Approving Project: **City of Long Beach, Los Angeles County, California**

Applicant Name: Long Beach Development Services

Mailing Address: 333 West Ocean Boulevard

Phone Number: _____ Applicant Signature: _____

BELOW THIS LINE FOR STAFF USE ONLY

Application Number: 1703-41 Planner's Initials: CK

Required Permits: Ordinance (Zoning Text Amendment)

THE ABOVE PROJECT HAS BEEN FOUND TO BE EXEMPT FROM CEQA IN ACCORDANCE WITH STATE GUIDELINES SECTION 15308 Protection of the environment

15304 Minor Alterations to Land

Statement of support for this finding: This action will amend the zoning code to allow urban agricultural uses, including farming, which represents a minor alteration similar to landscaping and is enacting to promote local food sources, and improve the appearance and use of vacant lots

Contact Person: Christopher Koontz Contact Phone: 562-570-6288

Signature: _____ Date: April 24, 2017

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

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ORDINANCE NO.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AMENDING THE LONG BEACH MUNICIPAL CODE BY AMENDING TABLE 31-1 IN CHAPTER 21.31, TABLE 32-1 IN CHAPTER 21.32, TABLE 32-1A IN CHAPTER 21.32, TABLE 33-2 IN CHAPTER 21.33, AND SECTION 21.52,260; AND BY ADDING CHAPTER 8.77, AND SECTION 21.15.3155, ALL RELATED TO IMPLEMENTING THE CITY OF LONG BEACH URBAN AGRICULTURE INCENTIVE ZONE PROGRAM TO PROMOTE URBAN AGRICULTURE IN EXCHANGE FOR REDUCED PROPERTY TAX ASSESSMENTS IN ACCORDANCE WITH CALIFORNIA GOVERNMENT CODE SECTIONS 51040 ET SEQ., AND COUNTY OF LOS ANGELES PLANNING AND ZONING CODE SECTIONS 22.52.3400 ET SEQ., COMMONLY KNOWN AS THE URBAN AGRICULTURE INCENTIVE ZONE (UAIZ) ACT

The City Council of the City of Long Beach ordains as follows:

Section 1. Table 31-1 in Chapter 21.31 of the Long Beach Municipal Code is amended to add "e. Urban Agriculture" under the Interim Parks section and by adding Footnote (g) as shown on Exhibit "A" attached hereto and incorporated herein by this reference. In all other respects, Table 31-1 remains the same.

Section 2. Table 32-1 in Chapter 21.32 of the Long Beach Municipal Code is amended to add "Urban Agriculture Use" to the Interim Parks section and by

1 adding Footnote (2) as shown on Exhibit “B” attached hereto and incorporated herein by
2 this reference. In all other respects, Table 32-1 remains the same.

3

4 Section 3. Table 32-1A in Chapter 21.32 of the Long Beach Municipal
5 Code is amended to add “Urban agriculture use” to the Interim Parks section and by
6 adding Footnote (d) as shown on Exhibit “C” attached hereto and incorporated herein by
7 this reference. In all other respects, Table 32-1A remains the same.

8

9 Section 4. Table 33-2 in Chapter 21.33 of the Long Beach Municipal
10 Code is amended to add “1.1 Urban Agriculture Use” as shown on Exhibit “D” attached
11 hereto and incorporated herein by this reference. In all other respects, Table 33-2
12 remains the same.

13

14 Section 5. Section 21.52.260 of the Long Beach Municipal Code is
15 amended to read as follows:

16

21.52.260 Interim playgrounds, urban agriculture use, community
17 gardens and recreational parks.

18

The following shall apply to interim playgrounds, community
19 gardens and recreational parks. A, B and C only apply to urban
20 agriculture uses.

21

A. Improvements for an interim playground/community
22 garden/recreational park shall be limited to landscaping, irrigation systems,
23 accessory buildings and structures.

24

B. The following setbacks shall be the same apply to all
25 accessory buildings and structures:

26

1. Front. The front setback shall be the same as a
27 principal structure in the applicable zoning district.

28

2. Side. A four foot (4') side setback is required when

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abutting a residential district otherwise none is required.

3. Rear. A ten foot (10') rear setback is required when abutting a residential district otherwise none is required

C. The maximum height of any accessory building shall be thirteen feet (13').

D. The interim playground/community garden/recreational park hours of operation shall be seven-thirty (7:30) a.m. to dusk.

E. Off-street parking shall not be required for an interim playground/community garden/recreational park.

F. Adequate trash receptacles shall be provided and maintained for the life of the use.

Section 6. Chapter 8.77 is hereby added to the Long Beach Municipal Code to read as follows:

Chapter 8.77

URBAN AGRICULTURE INCENTIVE ZONE (UAIZ) ACT

8.77.010 Purpose.

The purpose of this Chapter is to implement the "City of Long Beach Urban Agriculture Incentive Zone (UAIZ) Program", which promotes urban agriculture and increases access to healthy food in accordance with California Government Code Sections 51040 et seq. and County of Los Angeles Planning and Zoning Code (County Planning Code) Sections 22.52.3400 et seq. Under the UAIZ Program a property owner may voluntarily enter into an agreement with the City to use vacant or unimproved property for small-scale agricultural purposes (UAIZ Contract), and be subject to a reduced property tax assessment under California Revenue and Taxation Code Section 422.7 during the term of the

1 agreement.

2 8.77.020 Eligibility criteria.

3 A. Eligibility for the City's UAIZ Program shall be assessed by
4 the Designated Administrative Agency (DAA), defined in Section 8.77.030,
5 based on the following criteria:

6 1. Requirements set forth in California Government Code
7 Sections 51040 et seq.;

8 2. Requirements set forth in the County Planning Code
9 Sections 22.52.3400 et seq.;

10 3. Consistency with the definition of Urban Agriculture
11 Incentive Zone and permitted urban agricultural uses as set forth in Long
12 Beach Municipal Code Chapter 21.15 and Sections 21.31.110, 21.32.110,
13 21.33.060 and 21.52.260;

14 4. The property must not be located, wholly or partially, on
15 a site or facility listed on the Department of Toxic Substance Control's
16 Envirostar Database; and

17 5. Any such other requirements reasonably imposed by
18 the City or the DAA.

19 8.77.030 Administration.

20 The DAA is the City department, board or office that has
21 administrative responsibility under this Chapter. For purposes of this
22 Chapter, the DAA is the City's Department of Development Services.

23 A. The DAA shall promulgate rules and regulations for
24 administration and implementation of this Chapter, including, but not limited
25 to, developing the application form and contracting requirements and
26 procedures.

27 B. The DAA shall coordinate with any relevant agencies to
28 monitor compliance with this Chapter, including investigation of alleged

1 violations.

2 C. The DAA shall have the authority to terminate UAIZ Contracts
3 subject to the provisions of the UAIZ Contract, this Chapter, and the DAA's
4 rules and regulations governing this Chapter.

5 8.77.040 Required provisions of Urban Agriculture Incentive Contract.

6 A. UAIZ Contracts shall include:

7 1. Those provisions required by Government Code
8 Sections 51040 et seq.;

9 2. Those provisions required by the County Planning
10 Code Sections 22.52.3400 et seq.;

11 3. Those provisions required by the DAA, and any
12 subsequently adopted DAA rules and regulations; and

13 4. A provision requiring the property owner to furnish the
14 DAA with all information that the DAA requires to determine whether the
15 property is eligible for the UAIZ Program.

16 8.77.050 Procedures for application and execution of an Urban Agriculture
17 Incentive Zone Contract.

18 A. A property owner who is interested in participating in the City's
19 UAIZ Program must perform the following steps, as required by the DAA:

20 1. The property owner, or the property owner's agent as
21 approved by the DAA, must file an application form with the DAA to enter
22 into a UAIZ Contract;

23 2. The property owner must use the application form
24 required by the DAA and pay fees established by the DAA, if any;

25 3. The property owner must execute and notarize the
26 UAIZ Contract, and submit it to the DAA for execution by the City. The
27 UAIZ Contract must be in a form approved and provided by the City, which
28 includes the required provisions as set forth in Section 8.77.040.

1 B. The DAA's responsibilities include:

2 1. The DAA shall determine eligibility of the property
3 owner for a UAIZ Contract pursuant to this Chapter after the property owner
4 submits a complete application to the DAA;

5 2. If the property owner meets the City's eligibility criteria,
6 the DAA shall take the steps necessary to verify that the Los Angeles
7 County Office of the Assessor has determined that the unrealized ad
8 valorem property tax revenue does not exceed the maximum allocation,
9 articulated in the County Planning Code Section 22.52.3430, and that the
10 Los Angeles County Department of the Treasurer and Tax Collector has
11 verified that the subject property is current on all tax assessments;

12 3. If the DAA determines that a property owner has
13 received all of the required approvals for a UAIZ Contract pursuant to this
14 Chapter, the DAA shall notify the property owner and provide the property
15 owner a form of contract that has been approved by City for use in the UAIZ
16 Program;

17 4. Once the DAA receives an original, notarized UAIZ
18 Contract from the property owner, in accordance with Section 8.77.050.A.3,
19 the DAA shall countersign the UAIZ Contract and send the original copy of
20 the fully executed UAIZ Contract to the property owner for recordation
21 pursuant to the recordation process set forth in Section 8.77.060; and

22 5. The DAA shall maintain a sample of the City's form
23 UAIZ Contract containing all of the provisions required under this Chapter.
24 8.77.060 Recordation of the executed Urban Agriculture Incentive Zone
25 Contract.

26 The following steps must be completed as a part of the UAIZ
27 Contract recordation process:

28 A. The property owner must record the UAIZ Contract with the

1 Los Angeles County Registrar-Recorder/County Clerk;

2 B. The property owner must return one certified copy of the
3 recorded UAIZ Contract to the DAA;

4 C. The DAA shall provide a certified copy of the recorded UAIZ
5 Contract to the Los Angeles County Office of the Assessor, in a form
6 approved by the Assessor, and maintain a certified copy of the recorded
7 UAIZ Contract in the City's files, in a form approved by the City;

8 D. The DAA shall notify the property owner after the UAIZ
9 Contract has been delivered to the Assessor's Office;

10 E. Commencement date of the UAIZ Contract may be subject to
11 limitations imposed by the County and the DAA; and

12 F. The term of an approved UAIZ Contract shall commence on
13 the first day of January following recordation of the UAIZ Contract.

14 8.77.070 Enforcement.

15 A. Among other provisions, UAIZ Contracts must provide that a
16 violation of this Chapter shall constitute a material breach thereof and
17 entitle the City to terminate the UAIZ Contract and otherwise pursue legal
18 remedies that may be available.

19 B. Violations of this Chapter may be reported to the DAA.

20 8.77.080 Severability.

21 If any section, subsection, sentence, clause or phrase of this article is
22 for any reason held to be invalid or unconstitutional by a court of competent
23 jurisdiction, such decision shall not affect the validity of the remaining
24 portions of this ordinance. The City Council hereby declares that it would
25 have adopted this Chapter, and each and every subsection, sentence,
26 clause and phrase thereof not declared invalid or unconstitutional, without
27 regard to whether any portion of the ordinance would be subsequently
28 declared invalid or unconstitutional.

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Section 7. The Long Beach Municipal Code is amended by adding Section 21.15.3155 to read as follows:

21.15.3155 Urban agriculture use.

“Urban agriculture use” 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, agriculture education, the sale of produce through field retail stands or farm 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 “urban agriculture use” does not include timber production and does not include cultivation of marijuana.

Section 8. The City Clerk shall certify to the passage of this ordinance by the City Council and cause it to be posted in three (3) conspicuous places in the City of Long Beach, and it shall take effect on the thirty-first (31st) day after it is approved by the Mayor.

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I hereby certify that the foregoing ordinance was adopted by the City Council of the City of Long Beach at its meeting of _____, 2017, by the following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk

Approved: _____
(Date)

Mayor

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lona Beach, CA 90802-4664

**Table 31-1
Uses in Residential Zones**

Residential Zone District Land Use	R-1-S	R-1-M	R-1-L	R-1-N	R-1-T	R-2-S	R-2-I	R-2-L	R-2-N	R-3-A	R-3-S	R-3-4	R-4-T	R-4-R	R-4-N	R-4- H(d)	R-4-U	R-M	R-4-M	RP
Interim Parks																				
a. Community gardens (see Section 21.52.260)	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	N	IP
b. Passive parks (see Section 21.45.155)	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	N	IP
c. Playgrounds (see Section 21.52.260)	IP	IP	IP	IP	IP	P	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	IP	Y	IP
d. Recreational parks (see Section 21.52.260)	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	AP	N	IP
e. Urban Agriculture (g)	AP	AP	AP	AP	AP	AP	AP	AP	AP	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y	Y

Abbreviations:

Y = Yes (permitted use).

N = Not permitted.

C = Conditional use permit required. Refer to provisions in Chapter 21.52.

A = Accessory use. Permitted subject to provisions contained in Chapter 21.51.

T = Temporary Use. Permitted subject to provisions contained in Chapter 21.53.

AP = Administrative use Permit required. Refer to provisions in Chapter 21.52.

IP = Interim park use permit required. Refer to provisions in Chapter 21.52.

- (a) Retail and office commercial uses are subject to the development standards specified in Section 21.45.160.
- (b) Unless the site can provide 4 independently accessible parking spaces, one unit is limited to 450 sq. ft. as a zero bedroom.
- (c) One unit shall not exceed 800 sq. ft. or 12 percent of lot area, whichever is greater. The 800 sq. ft. limit shall apply to the rear unit. If both units exceed 800 sq. ft., the rear unit, or bottom unit in a stacked duplex, shall be considered the legal nonconforming unit.
- (d) For commercial uses permitted in the R-4-H zone see Section 21.45.160.
- (e) This use does not include uses that meet the definition of "Residential care facility" or "Special group residences" as defined in Chapter 21.15.
- (f) Development is subject to the density limits of the zoning district in which it is located.
- (g) All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260.

**Table 32-1
Uses In All Other Commercial Zoning Districts**

	Neighborhood			Community				Regional	Other	
	CNP	CNA	CNR	CCA	CCP	CCR	CCN	CHW	CS	
Interim Parks										
Community garden	IP	IP	IP	IP	IP	IP	IP	IP	IP	See Section 21.52.260.
Passive park	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Section 21.45.155.
Playground	IP	IP	IP	IP	IP	IP	IP	IP	IP	See Section 21.52.260.
Recreational park	AP	AP	AP	AP	AP	AP	AP	AP	AP	See Section 21.52.260.
Urban Agriculture Use (2)	Y	Y	Y	Y	Y	Y	Y	Y	Y	See Section 21.52.260.

Abbreviations:

Y = Yes (permitted use).

N = Not permitted.

C = Conditional use permit required. For special conditions, see Chapter 21.52.

A = Accessory use. For special development standards, see Chapter 21.51.

AP = Administrative use permit required. For special conditions, see Chapter 21.52.

T = Temporary use subject to provisions contained in Chapter 21.53.

IP = Interim park use permit required. For special conditions, see Chapter 21.52.

Footnotes:

(1) The following alcoholic beverage sales may be exempted from the conditional use permit requirement:

a. Restaurants with alcoholic beverage service only with meals. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed bar. A sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than thirty percent (30%) of gross sales consisting of alcoholic beverages shall lose its exemption and be required to obtain a conditional use permit to continue to sell alcohol.

b. Florist with accessory sale of alcoholic beverages.

c. Existing legal, nonconforming uses.

(2) All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260.

**Table 32-1A
Uses In All Other Commercial Zoning Districts**

USE	CO	CH	CT
Interim Parks			
Community gardens (see Section 21.52.260)	IP	IP	IP
Passive parks (see Section 21.45.155)	Y	Y	Y
Playgrounds (see Section 21.52.260)	IP	IP	IP
Recreational parks (see Section 21.52.260)	AP	AP	AP
Urban agriculture use (d)	Y	Y	Y

Abbreviations:	Y=	Yes (permitted use).
	N =	Not permitted.
	C =	Conditional use permit required. Refer to Chapter 21.52.
	A =	Accessory use. For special development standards, refer to Chapter 21.51.

	T =	Temporary use, permitted subject to provisions contained in Chapter 21.53.
	AP =	Administrative use permit required. For special conditions refer to Chapter 21.52.
	IP =	Interim park use permit required. For special conditions refer to Chapter 21.52.
	* =	Special standards apply. Refer to Chapter 21.45.
Notes:	(a)	Billboards are subject to special development standards contained in Chapter 21.54.
	(b)	The following alcoholic beverage sales shall be exempted from the conditional use permit requirement:
		1. Restaurants with alcoholic beverage service only with meals. This generally means any use with a fixed bar is not exempt. A service bar is not considered a fixed bar. A sushi bar, where alcoholic beverages are served at the same bar where meals are served, is considered serving alcoholic beverages only with meal service. A cocktail lounge without a bar, but with primarily service of only hors d'oeuvres and alcoholic beverages is not exempt. Any restaurant with more than thirty percent (30%) of gross sales consisting of alcoholic beverage sales shall lose its exemption and be required to obtain a conditional use permit to continue to sell alcohol.
		2. Florist with accessory sale of alcoholic beverages.
		3. Existing legal, nonconforming uses.
	(c)	Refer to Section 21.32.235 (Residential uses in commercial districts) for development standards. Residential zone designated as overlay zone will supersede the density and standards specified in Table 32-1.
	(d)	All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260.

**Table 33-2
Uses In Industrial Districts**

Use	IL	IM	IG	IP	*Notes and Exceptions
1. Agriculture And Related Uses	N	N	C	See Item 10 in this table.	a. Permitted in IL and IM
(SIC codes 01, 02, 07*)					• 0742 (Veterinary Services for Animal Specialties)
					• 0752 (Animal Specialty Services, Boarding, Kennels, Shelters)
					• 078 (Landscape and Horticultural Services)
1.1 Urban Agriculture Use*	Y	AP	AP	AP	* All urban agriculture uses, whether by-right or permitted through an Administrative Use Permit, must meet the standards outlined in Section 21.52.260.

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH APPROVING THE FORM OF URBAN AGRICULTURE INCENTIVE ZONE (UAIZ) CONTRACT; AND AUTHORIZING THE CITY MANAGER, HIS/HER DESIGNEE, OR THE DIRECTOR OF DEVELOPMENT SERVICES TO EXECUTE SUCH UAIZ CONTRACTS WITH EACH OWNER OF PROPERTY THAT IS ELIGIBLE FOR THE UAIZ PROGRAM UNDER CHAPTER 8.77 OF THE LONG BEACH MUNICIPAL CODE

WHEREAS, Chapter 8.77 was added to the Long Beach Municipal Code for the implementation of the City of Long Beach Urban Agriculture Incentive Zone (“UAIZ”) Program to promote urban agriculture in exchange for reduced property tax assessments in accordance with California Government Code Sections 51040 et seq., and County of Los Angeles Planning and Zoning Code Sections 22.52.3400 et seq., commonly known as the UAIZ Act; and

WHEREAS, under the UAIZ Program a property owner may voluntarily enter into an agreement with the City to use vacant or unimproved property for small-scale agricultural purposes (“UAIZ Contract”), and be subject to a reduced property tax assessment under California revenue and Taxation Code Section 422.7 during the term of the agreement; and

WHEREAS, pursuant to Chapter 8.77 of the Long Beach Municipal Code, the City is required to maintain a sample of the City’s form UAIZ Contract containing all of the provisions required under said Chapter; and

WHEREAS, City staff recommends approving the form of the UAIZ Contract, substantially in the form set forth in Exhibit “A” attached hereto (the “Form UAIZ

OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

1 Contract”) and authorizing the City Manager, his/her designee, or the Director of
2 Development Services to execute a UAIZ Contract with each owner of property that is
3 eligible for the UAIZ Program under Chapter 8.77 of the Long Beach Municipal Code;

4 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
5 follows:

6 Section 1. The City Council hereby approves the Form UAIZ Contract,
7 and authorizes and directs the City Manager, his/her designee, or the Director of
8 Development Services to execute a UAIZ Contract, in substantially the form attached
9 hereto as Exhibit “A”, with each owner of property that is eligible for the UAIZ Program
10 under Chapter 8.77 of the Long Beach Municipal Code.

11 Section 2. This resolution shall take effect immediately upon its adoption
12 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

13 I hereby certify that the foregoing resolution was adopted by the City Council of the City
14 of Long Beach at its meeting of _____, 2017, by the following
15 vote:

16
17 Ayes: Councilmembers: _____
18 _____
19 _____
20 _____

21 Noes: Councilmembers: _____
22 _____

23 Absent: Councilmembers: _____
24 _____

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27 _____
28 City Clerk

Recording Requested By:
CITY OF LONG BEACH
DEPT. OF DEVELOPMENT SERVICES

When Recorded, Mail To:

CITY OF LONG BEACH DEVELOPMENT SERVICES DEPARTMENT
ATTN:
333 WEST OCEAN BLVD., 5TH FLOOR
LONG BEACH, CALIFORNIA 90802-4664

Free Recording Requested Under Govt. Code §6103

URBAN AGRICULTURE INCENTIVE ZONES CONTRACT

By and Between the City of Long Beach,
a Municipal Corporation, and

(Print Name of Each Owner as Listed on Title)

For the Property Located at

(Street Number and Street Name)

EXHIBIT "A"

URBAN AGRICULTURE INCENTIVE ZONES CONTRACT

THIS AGREEMENT (“Agreement”), is made and entered into by and between the **CITY OF LONG BEACH**, a municipal corporation (hereinafter referred to as the “City”), and _____ (hereinafter referred to as the “Owner(s)”).

WHEREAS, the State of California has adopted the “Urban Agriculture Incentive Zones Act” (California Government Code Sections 51040, et seq., and California Revenue & Taxation Code, Article 1.5 [Sections 422.7 et seq.]) authorizing local governments to enter into agreements with property owners to reduce their property taxes, or to prevent increases in their property taxes, in return for a commitment to a sustainable urban farm enterprise in an urban area; and

WHEREAS, the County of Los Angeles adopted Los Angeles County Code Sections 22.52.3400 et seq. to allow property owners of eligible properties within the county and cities located within the county to participate in the program authorized under the Urban Agriculture Incentive Zones Act; and

WHEREAS, Owners are the owners of the hereinafter legally described property located in the City of Long Beach, County of Los Angeles, State of California:

Legal Description (lot, block, tract)

Site Address

(hereinafter referred to as the “Property”). The City of Long Beach Development Services Department has determined that the Property is eligible under the California Urban Agriculture Incentive Zones Act for an Urban Agriculture Incentive Zones Contract; and

WHEREAS, the County Assessor has determined that secured property tax obligations are current and paid according to installments determined by State law, as reflected in Exhibit "A". Owners desire to enter into an Urban Agriculture Incentive Zones Contract (hereinafter referred to as "Agreement" or "UAIZ Contract") with the City to help mitigate expenditures for the use of the Property for small-scale urban agricultural use. The City is willing to enter into such Agreement to promote the use of vacant, undeveloped land for sustainable urban agricultural use and to provide public benefits to the City such as connecting residents to the broader food system, providing green space and recreational opportunities, building community, and promoting food access, public health, and economic development potential; and

WHEREAS, for the purposes of this Agreement, the City's Designated Administrative Agency ("DAA") is the Department of Development Services. In this capacity, the DAA has been given administrative responsibility pursuant to Chapter 8.77 of the Long Beach Municipal Code;

NOW, THEREFORE, in consideration of the mutual terms, conditions and covenants hereinafter set forth, it is agreed between City and Owners as follows:

Section 1. Effective Date and Term of Agreement. This Agreement is effective upon **January 1, 20__**, and remains in full force and effect for a term of five (5) years, which commences on the effective date, unless earlier terminated ("Initial Term").

Section 2. Use of the Property. Owners shall dedicate the entire Property to an agricultural use consistent with Title 21 of the Long Beach Municipal Code ("Zoning Code") and shall undertake and complete the work set forth in Exhibit "B" ("Site Plan"), attached hereto as approved by the City. Owners shall proceed diligently in commencing agricultural uses, as set forth in the Site Plan, and shall commence such use no later than the effective date of this Agreement. No dwelling units shall be permitted on the Property, except as to other permitted

structures set forth in State law. Failure to timely commence agricultural use, or the presence or construction of any dwelling unit(s) on the Property may result in cancellation of this Agreement. [If applicable: the use of pesticides or fertilizers are prohibited on this Property, except those permitted by the United States Department of Agriculture's National Organic Program, pursuant to California Government Code Section 51042(d).]

Section 3. Cessation of Agricultural Use. Owners shall report in writing to the Department of Development Services any cessation of agricultural use for any reason or any other change in use from that approved under the attached Site Plan within two (2) weeks of the cessation of activity.

Section 4. Inspections. Owners shall permit periodic examination of the Property by representatives of the County's Assessor-Recorder, the City Department of Building and Safety, the Department of Development Services, and the County Agricultural Commissioner, to monitor Owners' compliance with the terms of this Agreement. Owners shall provide all reasonable information and documentation about the Property demonstrating compliance with this Agreement as requested by any of the above-referenced entities.

Section 5. Valuation. This Agreement must have been executed and recorded on or before the lien date (January 1) for a fiscal year (the following July 1 - June 30) for the Property to be valued under the taxation provisions of the Urban Agriculture Incentive Zones Act for that fiscal year.

Section 6. Renewal and Extension. Owners may apply for an extension of the Agreement for an additional term of up to five (5) years, provided that the California Urban Agriculture Incentive Zones Act and Los Angeles County Code Sections 22.52.3400 et seq. permit such an extension. Any such extension shall be subject to the same requirements as set forth under the initial application as well as any new requirements imposed by DAA regulation, or law

or ordinance, and shall follow the DAA's then current process for approving and executing UAIZ contracts or amendments, including, but not limited to recordation.

Section 7. Enforcement. Any violation of this Chapter constitutes a material breach and the City may terminate the Agreement and pursue any legal remedies available.

Section 8. Default. An event of default under this Agreement may be any one of the following:

A. Owners' failure to conduct the agricultural use set forth in Exhibit "A";

B. Owners' failure to resume agricultural use after cessation in accordance with the requirements of Section 3 herein;

C. Owners' failure to allow any inspections as provided in Section 4 herein;

D. Owners' failure to comply with the DAA's rules and regulations, California Government Code Sections 51040, et seq., or California Revenue & Taxation Code, Article 1.5 Sections 422.7 et seq., the County of Los Angeles' adopted Los Angeles County Code Sections 22.52.3400 et seq., and Chapter 8.77 of the City's Municipal Code;

E. Owners' failure to be current on property taxes for the parcel; or

F. Owners' failure to comply with any provision of this Agreement.

Section 9. Notice and Opportunity to Cure Default. If Owners breach or fail to perform any of the provisions of this Agreement, the City may give Owners written notice of such default with a reasonable opportunity to cure. If Owners do not cure such default or provide a plan to cure such default, which is acceptable to the City within the time permitted by the City, then the City may cancel this Agreement due to Owners' breach of this Agreement.

The DAA may establish any such rules and regulations as are necessary to

administer the Agreement cancellation process.

All notices required or permitted by this Agreement, including notice of a change of address, must be in writing and given by personal delivery to be sent by United States Mail, return receipt requested, addressed to the party intended to be notified. Notice will be deemed given as of the date of delivery in person or the date of receipt of the notice if mailed by First Class Mail or some other delivery method.

Notice to the City must be addressed:

City of Long Beach, Department of Development Services

Re: UAIZ Program

333 West Ocean Blvd., 3rd Floor

Long Beach, California 90802

Notice to the Owners must be addressed:

Name: _____

Address: _____

City, State, Zip: _____

Section 10. Cancellation by City. City may cancel this Agreement if the DAA makes a reasonable determination that Owners have breached any condition or covenant contained in this Agreement. Upon City's cancellation of the Agreement, the DAA shall execute a cancellation document and record it with the Registrar-Recorder/County Clerk and notify the Agricultural Commissioner and Assessor. The process for cancellation as set forth in this Agreement and the DAA's rules and regulations will control.

Section 11. Cancellation by Owners. In the event Owners cancel this Agreement during the Term, Owner shall provide written notice to the Department of Development Services within ten (10) business days of the cancellation date. Upon Owners'

cancellation of this Agreement, Owners shall execute a cancellation document and record it with the Registrar-Recorder/County Clerk and notify the Agricultural Commissioner and Assessor. The process for cancellation as set forth in this Agreement and the DAA's rules and regulations will control.

Section 12. Cancellation Payment of Taxes. If the City cancels this Agreement as set forth in Section 10 above or Owners cancel the Agreement as set forth in Section 11 above, Owners shall pay a fee, in the form of a secured property tax bill, equal to the cumulative value of the tax benefit received during the duration of this Agreement prior to cancellation of the UAIZ Contract, as determined by the Assessor, as set forth in Government Code Section 51042(a)(2)(B). This tax bill shall include the cumulative tax owed, including any penalties and interest. The tax bill shall be paid to the County Treasurer and Tax Collector at such time and in such manner as prescribed by State law. The Director of Development Services or his/her designee may waive the fee, or any portion thereof, pursuant to Section 22.52.3510(B) of the County Planning Code, if it determines that the cancellation was caused by extenuating circumstances despite the good faith effort by Owners to comply with the provisions of this Agreement. Upon satisfaction of any such tax bill described above, the Director of Development Services shall execute a cancellation document at Owners' request. Owners are responsible for recordation of the cancellation document and any and all related recording fees.

Section 13. Indemnification. Owners shall indemnify, defend, and hold harmless the City and all of its boards, commissions, departments, agencies, agents and employees (individually and collectively, the "City") from and against any and all liabilities, losses, costs, claims, judgments, settlements, damages, liens, fines, penalties and expenses incurred in connection with or arising in whole or in part from: (a) any accident, injury to or death of a person, loss of or damage to property occurring in or about the Property; (b) the use or occupancy of the

Property by Owners, their agents or invitees; (c) the condition of the Property; (d) any construction or other work undertaken by Owners on the Property; or (e) any claims by unit or interval Owners for property tax reductions in excess those provided for under this Agreement. This indemnification shall include, without limitation, reasonable fees for attorneys, consultants, and experts and related costs that may be incurred by the City and all indemnified parties specified in this Section and the City's cost of investigating any claim. In addition to Owners' obligation to indemnify City, Owners specifically acknowledge and agree that they have an immediate and independent obligation to defend City from any claim that actually or potentially falls within this indemnification provision, even if the allegations are or may be groundless, false, or fraudulent, which obligation arises at the time such claim is tendered to Owners by City, and continues at all times thereafter. Owners' obligations under this Section shall survive termination of this Agreement.

Section 14. Binding on Successors and Assigns. The covenants, benefits, restrictions, and obligations contained in this Agreement shall be deemed to run with the land throughout its duration and shall be binding upon and inure to the benefit of all successors and assigns in interest of Owners.

Section 15. Governing Law. This Agreement shall be construed and enforced in accordance with the laws of the State of California.

Section 16. Recordation. Within twenty (20) days from the date of execution of this Agreement, Owners shall cause this Agreement to be recorded with the Office of the Registrar Recorder of the County of Los Angeles. Following recordation, the Owners shall submit a certified copy of the recorded Agreement to the Department of Development Services. The City will provide an electronic version of the recorded Agreement to the County Assessor, unless the City informs Owners that the City is unable to perform that service. Owners are

responsible for any and all related recording and indexing fees.

Section 17. Amendments. This Agreement may be amended in whole or in part only by a written instrument executed by the parties hereto in the same manner as this Agreement and recorded pursuant to Section 16, above.

Section 18. No Implied Waiver. No failure by the City to insist on the strict performance of any obligation of Owners under this Agreement or to exercise any right, power, or remedy arising out of a breach hereof shall constitute a waiver of such breach or of the City's right to demand strict compliance with any terms of this Agreement.

Section 19. Authority. If Owners sign as a corporation, limited liability company, or a partnership, each of the persons executing this Agreement on behalf of Owners does hereby covenant and warrant that such entity is a duly authorized and existing entity, that such entity has and is qualified to do business in California, that Owners have full right and authority to enter into this Agreement, and that each and all of the persons signing on behalf of Owners are authorized to do so.

Section 20. Severability. If any provision of this Agreement is determined to be invalid or unenforceable, the remainder of this Agreement shall not be affected thereby, and each other provision of this Agreement shall be valid and enforceable to the fullest extent permitted by law.

IN WITNESS WHEREOF, the City and Ownersv have executed this Agreement on the day and year written above.

_____, Owners

By: _____
_____, Owner

By: _____

_____, Owner

[Attach Notary Acknowledgments]

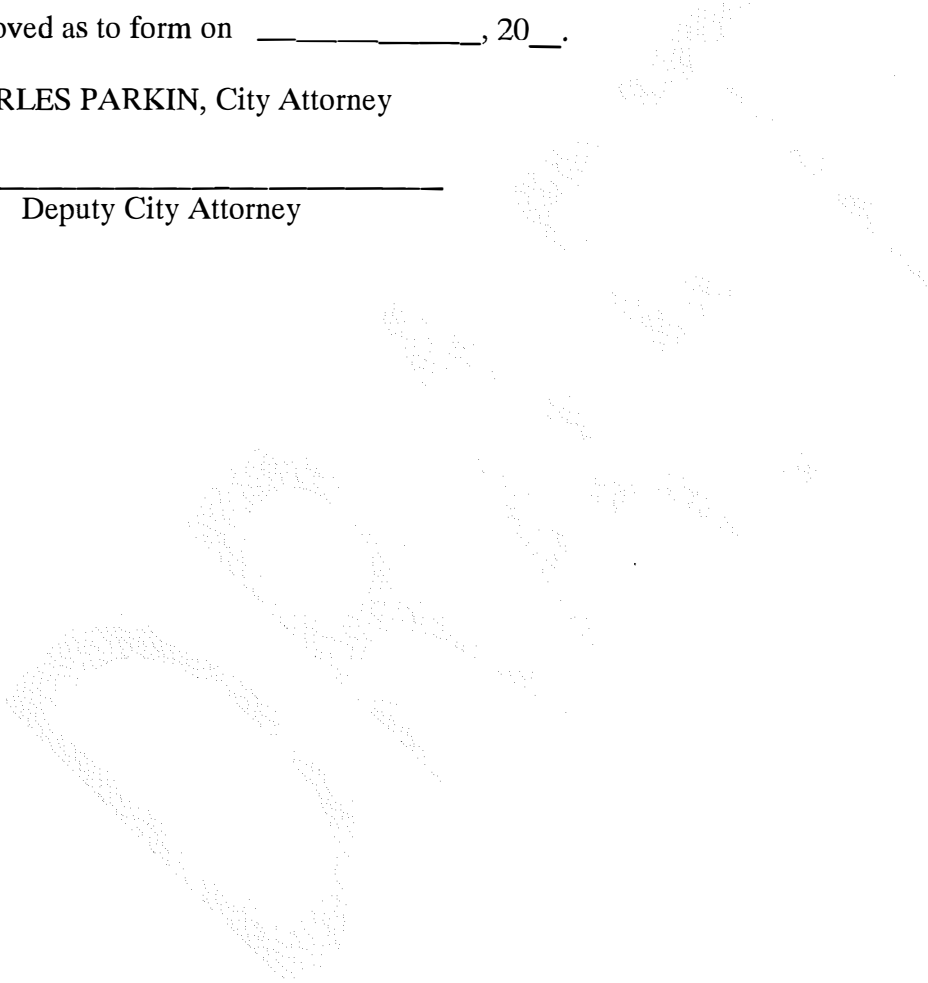
ACCEPTED BY THE CITY OF LONG BEACH:

By: _____
PATRICK H. WEST, City Manager

Approved as to form on _____, 20__.

CHARLES PARKIN, City Attorney

By _____
Deputy City Attorney



OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Long Beach, CA 90802-4664

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RESOLUTION NO.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LONG BEACH AUTHORIZING THE DIRECTOR OF DEVELOPMENT SERVICES TO SUBMIT AMENDMENTS TO THE LONG BEACH MUNICIPAL CODE TO THE CALIFORNIA COASTAL COMMISSION FOR APPROVAL AND MAKING A CEQA DETERMINATION

WHEREAS, on _____, 2017, the City Council of the City of Long Beach amended certain provisions of Title 21 of the Long Beach Municipal Code to define land use zones eligible to participate in the Urban Agriculture Incentive Zone (UAIZ) Program implemented by the addition of Chapter 8.77 to the Long Beach Municipal Code; and

WHEREAS, it is the desire of the City Council to submit the above referenced amendments to the Long Beach Municipal Code to the California Coastal Commission for its review; and

WHEREAS, the City Council gave full consideration to all facts and the proposals respecting the amendments to the Long Beach Municipal Code at a properly noticed and advertised public meeting; and

WHEREAS, the City Council approved the proposed amendments to the Long Beach Municipal Code by adopting amendments to Title 21 and Title 8. The proposed amendments are to be carried out in a manner fully consistent with the Coastal Act and become effective in the Coastal Zone immediately upon Coastal Commission certification; and

WHEREAS, the City Council hereby finds that the proposed amendments will not adversely affect the character, livability or appropriate development in the City of Long Beach and that the amendments are consistent with the goals, objectives and

1 provisions of the General Plan;

2 NOW, THEREFORE, the City Council of the City of Long Beach resolves as
3 follows:

4 Section 1. The amendments to Title 21 of the Long Beach Municipal
5 Code adopted on _____, 2017, by Ordinance No. ORD-17-_____, a
6 copy of which is attached to and incorporated in this resolution is hereby submitted to the
7 California Coastal Commission for its earliest review as to that part of the ordinance that
8 directly affects land use matters in that portion of the California Coastal Zone within the
9 City of Long Beach.

10 Section 2. The Director of Development Services of the City of Long
11 Beach is hereby authorized to and shall submit a certified copy of this resolution, together
12 with appropriate supporting materials, to the California Coastal Commission with a
13 request for its earliest action, as an amendment to the Local Coastal Program that will
14 take effect automatically upon Commission approval pursuant to the Public Resources
15 Code or as an amendment that will require formal City Council adoption after Coastal
16 Commission approval.

17 Section 3. CEQA Determination. The City Council finds that the project
18 is categorically exempt from the California Environmental Quality Act (CEQA) pursuant to
19 Title 14, California Code of Regulations Section 15061(b)(3), in that it can be seen with
20 certainty that the adoption of the amendments to the Long Beach Municipal Code
21 propose no activity that may have a significant effect on the environment and will not
22 cause a direct physical change in the environment or a reasonably foreseeable indirect
23 physical change in the environment.

24 Section 4. This resolution shall take effect immediately upon its adoption
25 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

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OFFICE OF THE CITY ATTORNEY
CHARLES PARKIN, City Attorney
333 West Ocean Boulevard, 11th Floor
Lana Beach, CA 90802-4664

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I hereby certify that the foregoing resolution was adopted by the City Council of the
City of Long Beach at its meeting of _____, 2017, by the
following vote:

Ayes: Councilmembers: _____

Noes: Councilmembers: _____

Absent: Councilmembers: _____

City Clerk