

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

1 abutting a residential district otherwise none is required.

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

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

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

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

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

12
13 Section 6. Chapter 8.77 is hereby added to the Long Beach Municipal
14 Code to read as follows:

15 Chapter 8.77

16 URBAN AGRICULTURE INCENTIVE ZONE (UAIZ) ACT

17
18 8.77.010 Purpose.

19 The purpose of this Chapter is to implement the "City of Long Beach
20 Urban Agriculture Incentive Zone (UAIZ) Program", which promotes urban
21 agriculture and increases access to healthy food in accordance with
22 California Government Code Sections 51040 et seq. and County of Los
23 Angeles Planning and Zoning Code (County Planning Code) Sections
24 22.52.3400 et seq. Under the UAIZ Program a property owner may
25 voluntarily enter into an agreement with the City to use vacant or
26 unimproved property for small-scale agricultural purposes (UAIZ Contract),
27 and be subject to a reduced property tax assessment under California
28 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.

1
2 Section 7. The Long Beach Municipal Code is amended by adding
3 Section 21.15.3155 to read as follows:

4 21.15.3155 Urban agriculture use.

5 "Urban agriculture use" means farming in all its branches including,
6 but not limited to, the cultivation and tillage of the soil, the production,
7 cultivation, growing, and harvesting of any agricultural or horticultural
8 products, the raising of livestock, bees, fur-bearing animals, dairy-producing
9 animals, and poultry, agriculture education, the sale of produce through field
10 retail stands or farm stands, and any practices performed by a farmer or on
11 a farm as an incident to or in conjunction with farming operations. For
12 purposes of this definition, the term "urban agriculture use" does not include
13 timber production and does not include cultivation of marijuana.
14

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

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

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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

**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.