



Legislation Text

File #: 17-0455, **Version:** 1

Recommendation to request 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)

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

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.

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.

Approve recommendation.

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DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:

PATRICK H. WEST
CITY MANAGER