



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT

CITY PLANNING COMMISSION

DATE: October 13, 2016
TIME: after 12:00 p.m.*
PLACE: Los Angeles City Hall
200 North Spring Street
Room 340
Los Angeles, CA 90012

CASE NO: CPC-2016-3161-CA
COUNCIL FILE: 14-1378
CEQA: ENV-2016-3162-CE
LOCATION: Citywide
COUNCIL DISTRICT: All
PLAN AREAS: All

PUBLIC HEARING HELD ON: September 15, 2016

SUMMARY: An Ordinance amending Section 12.03 of the Los Angeles Municipal Code (LAMC) to add a definition for Urban Agriculture Incentive Zone and establish an Urban Agriculture Incentive Zone program.

RECOMMENDED ACTIONS:

1. **Adopt** the staff report as its report on the subject.
2. **Recommend that the City Council Adopt** the Proposed Ordinance and Map (Exhibits A and B).
3. **Recommend that the City Council Adopt** the Findings (Exhibit C).
4. **Recommend that the City Council Adopt** the Categorical Exemption ENV-2016-3162-CE (Exhibit D) as the CEQA clearance on the subject.

VINCENT P. BERTONI, AICP
Director of Planning

KEVIN KELLER, AICP, Deputy Director

THOMAS ROTHMANN, Principal City Planner

ERICK LOPEZ, City Planner
(213) 978-1323

BONNIE KIM, Planning Assistant
(213) 978-1330

ADVICE TO PUBLIC: *The exact time this report will be considered during the meeting is uncertain since there may be several other items on the agenda. Written communication may be mailed to the Commission Secretariat, 200 North Spring Street, Room 532, Los Angeles, CA 90012 (Phone No. 213/978-1300). While all written communications are given to the Commission for consideration, the initial packets are sent a week prior to the Commission's meeting date. If you challenge these agenda items in court, you may be limited to raising only those issues you or someone else raised at the public hearing agendized herein, or in written correspondence on these matters delivered to this agency at or prior to the public hearing. As a covered entity under Title II of the Americans with Disabilities Act, the City of Los Angeles does not discriminate on the basis of disability, and upon request, will provide reasonable accommodation to ensure equal access to these programs, services, and activities. Sign language interpreters, assistive listening devices, or other auxiliary aids and/or other services may be provided upon request. To ensure availability of services, please make your request no later than three working days (72 hours) prior to the meeting by calling the Commission Secretariat at 213/978-1300.

Table of Contents

Summary	2
Background and Initiation	2
Discussion of Proposed Ordinance	3
Public Hearings and Communications	4
Conclusion	5

Exhibits

A. Proposed Ordinance Provisions	A-1
B. Urban Agriculture Incentive Zone Map	B-1
C. Findings (Land Use and CEQA)	C-1
D. Categorical Exemption (ENV-2016-3162-CE)	D-1
E. Council Motion (CF 14-1378)	E-1

Summary

The proposed ordinance (Exhibit A) amends the Los Angeles Municipal Code (LAMC) to define an Urban Agriculture Incentive Zone (UAIZ) to support the City's green and healthy community goals and to implement the State's Urban Agriculture Incentive Zone Act. The UAIZ Act incentivizes urban agriculture in urbanized areas in California by offering reduced property tax assessments in exchange for using vacant or unimproved property for an agricultural use through a contract agreement for a period of five years.

While the proposed ordinance establishes a UAIZ, it does not change the existing zoning and land use regulations as they relate to urban agriculture. It does not permit new uses or further restrict existing uses. Currently, urban agriculture is permitted by-right through the enumerated uses of Farming and Truck Gardening. The proposed ordinance defines the UAIZ as any zones in which Farming and Truck Gardening are permitted uses. By establishing a UAIZ in the Zoning Code, the proposed ordinance will enable the City and property owners to enter into UAIZ agreements per the UAIZ Act. Property owners will then be able to apply for a reduced property tax assessment if their properties meet the UAIZ eligibility criteria outlined in the California Government Code, Los Angeles County Code and Los Angeles Municipal Code (LAMC).

Background and Initiation

On October 8, 2014, the City Council passed a motion (Council File No. 14-1378) directing the Department of City Planning and the Department of Building and Safety, in consultation with the City Attorney, to prepare an ordinance establishing the City's Urban Agriculture Incentive Zone and develop a process for the administration and implementation of a UAIZ program. The provisions for the administration and implementation of a subsequent UAIZ program will be established by a parallel amendment to the City's Administrative Code.

In 2013, the State of California enacted the UAIZ Act, as described in section 51040, et seq., of the California Government Code, to promote and foster urban agriculture. Urban agriculture provides benefits such as vibrant green spaces and recreation, sites that help build community, education about the production of fresh food, and increased access to fruits and vegetables in areas that currently lack fresh food.

The UAIZ Act authorizes cities and counties to establish an Urban Agriculture Incentive Zone program and enter into voluntary contracts with eligible property owners. The program is designed to increase access to healthy food by providing a tax incentive for property owners of eligible vacant or unimproved properties within the City to utilize these properties for agricultural uses in exchange for reduced property tax assessments under Section 422.7 of the California Revenue and Taxation Code.

Under the UAIZ Act, a city, such as the City of Los Angeles, may establish a UAIZ by ordinance, following a public hearing and approval from the County Board of

Supervisors. In April of 2016, the Los Angeles County Board of Supervisors adopted an UAIZ Ordinance, which established a UAIZ program for the unincorporated territory of Los Angeles County and enabled incorporated cities to establish their own UAIZ programs.

Discussion of Proposed Ordinance

The UAIZ ordinance (Exhibit A) proposes the addition of a new definition of Urban Agriculture Incentive Zone to the LAMC. The UAIZ is any land designated as being eligible for the Urban Agriculture Incentive Zone Act, in accordance with California Government Code Sections 51040-51042 and County of Los Angeles Planning and Zoning Code Sections 22.52.3400, et seq., and as also shown in the Department of City Planning's Urban Agriculture Incentive Zone Map (Exhibit B). The map will be maintained by the Department of City Planning as part of the Geographic Information Systems database, and identifies all zones in which Farming and Truck Gardening are permitted uses.

Farming is defined as "the cultivation of berries, flowers, fruits, grains herbs, mushrooms, nuts, ornamental plants, seedlings or vegetables for use on-site or sale or distribution on-site or off-site" and is permitted in the A1, A2, MR1, M1, MR2, M2, M3 and PF zones. Truck Gardening is defined as "the cultivation of berries, flowers, fruits, grains herbs, mushrooms, nuts, ornamental plants, seedlings or vegetables for use on-site or sale or distribution off-site" and is permitted in the RA, RE, RS, R1, R2, RMP, R3, RAS3, R4, RAS4, R5, C2, C4, C5, CM, MR1, M2, MR2 and M3 zones. While both Farming and Truck Gardening permit commercial activity as part of the use, Farming allows off-site and on-site sales, and Truck Gardening only permits off-site sales.

The proposed ordinance also authorizes the Director of Planning to determine eligibility for the City's UAIZ program, which will be set forth in Los Angeles Administrative Code Sections 19.170, et seq., based on the criteria outlined in California Government Code Sections 51040 – 51042 and the County of Los Angeles Planning and Zoning Code Sections 22.52.3430 - 22.52.3450. The eligibility criteria are as follows:

- Vacant lot with no habitable structures on-site. Any on-site structures must be accessory to the urban agriculture use.
- Minimum of 0.1 acre (4,356 sq. ft.) to maximum of 3 acres (130,680 sq. ft.) in size.
- May not be located within a Significant Ecological Area, Sensitive Environmental Resource Area, or a National Recreation Area, in accordance with the County of Los Angeles Planning and Zoning Code at Section 22.52.3440

- May not be located on a site listed on the Department of Toxic Substances Control's Envirostor Database.
- Minimum of 5 years of commitment to urban agriculture use.
- Urban agriculture use must be in compliance with existing zoning regulations.

Public Hearings and Communications

The Department of City Planning held a public hearing on September 15, 2016. Of the ten oral comments made at the meeting, eight were in support of the ordinance and two were general comments. The following is a summary of the comments:

- Proposed ordinance is a great tool to support urban agriculture and increase access to locally grown food and green space
- Proposed ordinance implements the Plan for Healthy Los Angeles
- Map boundaries excluding the Santa Monica Mountains should be as accurate as possible
- Would like to see City encourage water-wise agriculture practices and discourage pesticide use
- Would like to see City further support urban agriculture through public acquisition of lands and matchmaking between property owners and community members interested in urban agriculture

In addition, the Department received 3 written comments that were submitted in support of the ordinance, which included a few recommendations for consideration. The following is a summary of the recommendations and the Department's responses:

The Department should consider a way to track and connect interested property owners with urban food growers, including a map of UAIZ eligible properties in each Council District.

The Department is currently working on creating maps of UAIZ eligible properties by Council District that will be made available to the Council offices.

The Department should consider a way to clearly communicate the various types of agricultural activities allowed under the State's UAIZ Act, which include educational activities and other activities such as beekeeping, aquaponics, and composting.

The proposed ordinance specifically relates the Urban Agriculture Incentive Zone to the uses of Farming and Truck Gardening because those are existing land uses that are permitted in essentially every zone in the City today. However, the Department can work with stakeholders to create informational materials that would clarify Zoning Code provisions and regulations for other kinds of agricultural uses.

The Department should consider requiring that contracts between the land owner and tenant include some form of community benefit, such as making the project be open to the public at times or providing educational opportunities.

While the Department supports the intent behind this recommendation, there is no legal authority under the UAIZ Act to require certain contract provisions between the property owner and tenant. The Department, on behalf of the City, is only party to UAIZ contracts between the City and the property owner applying for the UAIZ tax benefit.

Conclusion

The intent of the proposed ordinance (Exhibit A) is to support the City's green and healthy community goals, and to implement the State of California's Urban Agriculture Incentive Zone Act. While the proposed ordinance does not change any existing zoning and land use regulations as they relate to urban agriculture, the establishment of an Urban Agriculture Incentive Zone will enable property owners to apply for and enter into UAIZ agreements with the City to potentially receive a tax benefit if their property meets the eligibility criteria.

Additional materials, including the UAIZ map, required findings, the environmental clearance, and the 2014 City Council motion, are presented in Exhibits B through E.

Exhibits

- A. Proposed Ordinance Provisions (as released to the public September 15, 2016)
- B. Urban Agriculture Incentive Zone Map
- C. Findings (Land Use and CEQA)
- D. Categorical Exemption (ENV-2016-3162-CE)
- E. Council Motion

EXHIBIT A

ORDINANCE NO. _____

An ordinance amending Section 12.03 of the Los Angeles Municipal Code to create the “Urban Agriculture Incentive Zone”, by adding the following definition for Urban Agriculture Incentive Zone.

THE PEOPLE OF THE CITY OF LOS ANGELES DO ORDAIN AS FOLLOWS:

Section 1. Section 12.03 of the Los Angeles Municipal Code is amended to read:

URBAN AGRICULTURE INCENTIVE ZONE. Any land designated as being eligible for the Urban Agriculture Incentive Zone Act, in accordance with California Government Code Sections 51040-51042 and County of Los Angeles Planning and Zoning Code Sections 22.52.3400, et seq., as may be amended from time to time, and as also shown in the Department of City Planning’s Urban Agriculture Incentive Zone Map, dated _____, 2016, attached to Council File No.14-1378. The map is maintained by the Department of City Planning as part of the Geographic Information Systems database, and identifies all zones in which Farming and Truck Gardening are permitted uses, which may be amended from time to time.

The map shall be used by the Director of Planning, or his/her designee, to determine eligibility for the City of Los Angeles’ Urban Agriculture Incentive Zone Program, as set forth in Los Angeles Administrative Code Sections 19.170, et seq., based on the criteria outlined in California Government Code Sections 51040 - 51042, the County of Los Angeles Planning and Zoning Code Sections 22.52.3430 - 22.52.3450, as may be amended from time to time.

Section 2. The City Clerk shall certify....

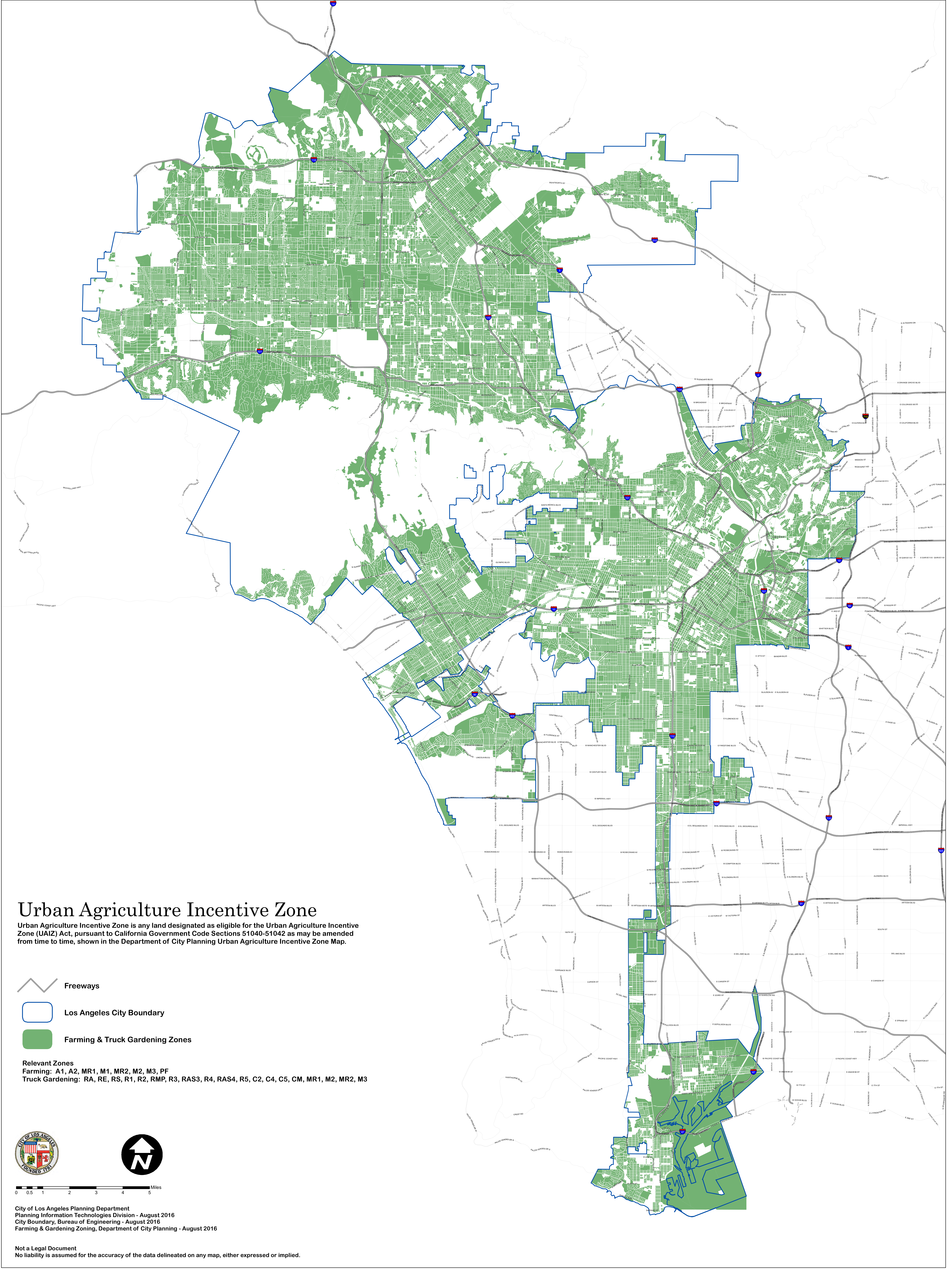


EXHIBIT C

Findings

General Plan/Charter Findings

1. In accordance with **Charter Section 556**, the proposed ordinance is in substantial conformance with the purposes, intent, and provisions of the General Plan in that it would promote and foster urban agriculture by establishing an Urban Agriculture Incentive Zone (UAIZ) for the City of Los Angeles, and enable property owners to potentially receive a tax benefit in exchange for using eligible property for urban agriculture.

General Plan Framework

Resource Conservation and Management

Objective 6.1 Protect the City's natural settings from the encroachment of urban development, allowing for the development, use, management, and maintenance of each component of the City's natural resources to contribute to the sustainability of the region.

The proposed UAIZ ordinance would provide an incentive to use vacant lots for agricultural activity, which fosters increased access to green space and locally grown fresh food, thereby supporting the environmental sustainability of the City and region. In addition, the proposed ordinance expressly excludes any land within a Significant Ecological Area, Sensitive Environmental Resource Area, or a National Recreational Area from being eligible for the UAIZ tax benefit, which further supports the protection of the City's natural settings.

Outdoor Recreation

Objective 6.2 Maximize the use of the City's existing open space network and recreation facilities by enhancing those facilities and providing connections, particularly from targeted growth areas, to the existing regional and community open space system.

Policy: Establish, where feasible, the linear open space system represented in the Citywide Greenways Network map, to provide additional open space for active and passive recreational uses and to connect adjoining neighborhoods to one another and to regional open space resources (see Figure 6-1). This Citywide Greenways Network is hierarchical and is composed of three levels: regional, community, and local/ neighborhood. While these levels are of equal importance, they vary in scale and the degree to which they impact the City at large. Additionally, while these levels overlap one another, they can still be differentiated and broken down as follows:

- c. The local/neighborhood components include pedestrian-supporting streets, open space associated with public facilities such as schools, small parks, and community gardens.

The proposed UAIZ ordinance would provide an incentive to use vacant lots for agricultural activity including community gardens, which fosters increased access to green space, thereby supporting the City's Greenways Network and enhancing the aesthetic qualities of the open space areas.

Health and Wellness Element

The proposed code amendment is also consistent with, and helps further accomplish the following goals and objectives that make up the Health and Wellness Element of the General Plan:

Goal 4 Food that Nourishes the Body, Soul, and Environment

Objective 4.1 Land for urban agriculture and healthy food

Policy: Encourage and preserve land for urban agriculture in the city to ensure a long-term supply of locally produced healthy food, promote resiliency, green spaces, and healthy food access; increase the number of urban agriculture sites including but not limited to: community gardens, parkway gardens, urban farms and rooftop gardens in low-income and underserved areas.

The proposed UAIZ ordinance would provide an incentive to use vacant lots for agricultural activity, thereby increasing the potential number of urban agriculture sites around the City.

2. In accordance with **Charter Section 558(b)(2)**, the adoption of the proposed ordinance will be in conformity with public necessity, convenience, general welfare and good zoning practice because the ordinance provides an incentive for urban agriculture, which supports environmental sustainability, local food production, and increased access to green spaces. By incentivizing urban agriculture, the proposed ordinance will potentially increase the conversion of vacant lots to sites of agricultural activity, such as gardens and urban farms. Such activities encourage environmentally sustainable practices, the local production of food and provide new green spaces.

CEQA Finding

The Department of City Planning determined that the proposed ordinance would not have a significant impact on the environment. A Notice of Exemption (ENV-2016-3162-CE) was prepared for the proposed ordinance after a review for any potential impacts on the physical environment.

On the basis of the whole of the record before the lead agency, including any comments received, the lead agency finds that there is no substantial evidence that the proposed ordinance will have a negative effect on the environment. The attached Notice of Exemption reflects the lead agency's independent judgment and analysis. The records upon which this decision is based are located at the Code Studies Division of the Planning Department in Room 701, 200 North Spring Street.

EXHIBIT D

COUNTY CLERK'S USE	CITY OF LOS ANGELES OFFICE OF THE CITY CLERK 200 NORTH SPRING STREET, ROOM 360 LOS ANGELES, CALIFORNIA 90012 CALIFORNIA ENVIRONMENTAL QUALITY ACT <h2 style="margin: 0;">NOTICE OF EXEMPTION</h2> (State CEQA Guidelines Section 15062)	CITY CLERK'S USE
Filing of this form is optional. If filed, the form shall be filed with the County Clerk, 12400 E. Imperial Highway, Norwalk, CA 90650. Pursuant to State CEQA Guidelines Section 15062(d), the filing and posting of this notice starts a 35-day statute of limitations on legal challenges to the approval of the project.		
LEAD CITY AGENCY City of Los Angeles Department of City Planning		COUNCIL DISTRICT All
PROJECT TITLE Urban Agriculture Incentive Zone Ordinance		LOG REFERENCE ENV-2016-3162-CE
PROJECT LOCATION Citywide		
DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT: The proposed project includes an ordinance amending Section 12.03 of the Los Angeles Municipal Code (LAMC) to add a definition for an Urban Agriculture Incentive Zone and authorize the Department of City Planning, on behalf of the City of Los Angeles, to establish an Urban Agriculture Incentive Zone program.		
NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:		
CONTACT PERSON Bonnie Kim	AREA CODE TELEPHONE NUMBER (213) 978-1330	EXT.
EXEMPT STATUS: (Check One)		
<input type="checkbox"/> MINISTERIAL	STATE CEQA GUIDELINES Sec. 15268	CITY CEQA GUIDELINES Art. II, Sec. 2b
<input type="checkbox"/> DECLARED EMERGENCY	Sec. 15269	Art. II, Sec. 2a (1)
<input type="checkbox"/> EMERGENCY PROJECT	Sec. 15269 (b) & (c)	Art. II, Sec. 2a (2) & (3)
<input type="checkbox"/> STATUTORY EXEMPTION	Sec. 15273(a)(4)	Art. II, Sec. 2a
<input checked="" type="checkbox"/> CATEGORICAL EXEMPTION Class <u>3 and 4</u> - State CEQA Guideline Sections 15303 and 15304	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
<input type="checkbox"/> OTHER/GENERAL EXCLUSION (See also Pub. Resources Code § 21080(b)(8).)		
JUSTIFICATION FOR PROJECT EXEMPTION: The adoption of this ordinance is categorically exempt in accordance with Sections 15303 and 15304 of the State CEQA Guidelines (classes 3 and 4, respectively) applicable to: Construction or Conversion of Small Structures and Minor Alterations to the Condition of Land. The ordinance does not permit any new land uses or restrict existing land uses; it enables a tax incentive program for property owners who use their land for an urban agricultural use.		
IF FILED BY APPLICANT, ATTACH CERTIFIED DOCUMENT ISSUED BY THE CITY PLANNING DEPARTMENT STATING THAT THE DEPARTMENT HAS FOUND THE PROJECT TO BE EXEMPT.		
SIGNATURE	TITLE Planning Assistant	DATE 10/4/16
FEE:	RECEIPT NO.	REC'D. BY
DATE		DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record.
 IF FILED BY THE APPLICANT:

Rev. 11-1-03 Rev. 1-31-06 Word

NAME (PRINTED)

SIGNATURE

DATE

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NARRATIVE FOR URBAN AGRICULTURE INCENTIVE ZONE PROJECT

ENV-2016-3162-CE

I. PROJECT DESCRIPTION

The purpose of the City of Los Angeles' ("City") Urban Agriculture Incentive Zone ("UAIZ") ordinance, or "Project," is to establish and implement the UAIZ Act (codified at California Government Code Section 51040, *et seq.*) and to authorize the City to enter into voluntary contracts with owners of properties that meet the UAIZ Program's eligibility criteria to encourage active agricultural uses. Through these contracts, property owners of eligible parcels can agree to commit their land to be used for an urban agriculture use (i.e., Farming and Truck Gardening) for a minimum of five years in exchange for a reduced property tax assessment during the contract term. The eligibility criteria are listed below:

- o Vacant lot with no habitable structures on-site. Any on-site structures must be accessory to the urban agriculture use.
- o Minimum of 0.1 acre (4,356 sf) to maximum of 3 acres (130,680 sf) in size.
- o May not be located within a Significant Ecological Area, Sensitive Environmental Resource Area, or a National Recreation Area, in accordance with the County of Los Angeles Planning and Zoning Code at Section 22.52.3440, as may be amended by from time to time.
- o May not be located on a site listed on the Department of Toxic Substances Control's Envirostor Database.
- o Minimum of 5 years of commitment to urban agriculture use.
- o Urban agriculture use must be in compliance with existing zoning regulations.

II. PROJECT BACKGROUND

In 2013, the State of California enacted the UAIZ Act, as described in section 51040, *et seq.*, of the California Government Code, to promote and foster urban agriculture. Urban agriculture provides benefits such as vibrant green spaces and recreation, sites that help build community, education about the production of fresh food, and increased access to fruits and vegetables in areas that currently lack fresh food.

The UAIZ Act authorizes cities and counties to establish an Urban Agriculture Incentive Zone and administrative program to enter into voluntary contracts with eligible property owners. The program is designed to increase access to healthy food by providing a tax incentive for property owners of eligible vacant or unimproved properties within the City to utilize these properties for agricultural uses in exchange for reduced property tax assessments under section 422.7 of the California Revenue and Taxation Code.

Under the UAIZ Act, a city, such as the City of Los Angeles, may establish a UAIZ by ordinance, following a public hearing and approval from the County Board of Supervisors. In April of 2016, the Los Angeles County Board of Supervisors adopted an UAIZ Ordinance, which established a

UAIZ program for the unincorporated territory of Los Angeles County and enabled incorporated cities to establish their own UAIZ programs.

The City Council Motion (Council File No. 14-1378) directed the Department of City Planning and the Department of Building and Safety, in consultation with the City Attorney, to prepare an ordinance establishing a UAIZ program. Since introduction of the Council Motion, the Planning Department has been in communication with the Building and Safety Department and Office of the City Attorney, as well as Council offices, and determined that the City can adopt a UAIZ program by ordinance per the UAIZ Act.

III. THE PROJECT IS EXEMPT FROM CEQA PURSUANT TO CEQA GUIDELINES SECTIONS 15303 (NEW CONSTRUCTION OR CONVERSION OF SMALL STRUCTURES) AND 15304 (MINOR ALTERATIONS TO LAND)

The proposed UAIZ Resolution is exempt from the California Environmental Quality Act of 1970 (CEQA). Staff has concluded that the following CEQA exemptions are appropriate for the proposed Project based on the following:

- A. *State CEQA Guidelines, Article 19, Section 15303, **Class 3** consists of “construction and location of limited numbers of new, small facilities or structures; installation of small new equipment and facilities in small structures; and the conversion of existing small structures from one use to another where only minor modifications are made in the exterior of the structure.”*

City of Los Angeles Environmental Quality Act Guidelines, Article III, Class 3 includes accessory structures as part of this exemption. While the primary use of a property under a UAIZ contract must be Farming or Truck Gardening, small structures that are accessory to the primary use, such as a tool shed, are permitted by the UAIZ Act and the City's Zoning Code. Any accessory structures built on a property would need to comply with the existing zoning regulations and building requirements, which have size and development limitations. The physical form of the structures that may be built on properties as an accessory to the agricultural use of the land is consistent with the exemption per CEQA Guidelines Section 15303.

- B. *State CEQA Guidelines, Article 19, Section 15304, **Class 4** consists of “minor public or private alterations in the condition of land, water, and/or vegetation which do not involve removal of healthy, mature, scenic trees except for forestry or agricultural purposes”, such as “new gardening or landscaping, including the replacement of existing conventional landscaping with water efficient or fire resistant landscaping.”*

The proposed Project does not change any existing land use regulations. Urban agriculture is already permitted by-right throughout the City in various zones used for farming and truck gardening. Thus, the Project allows property owners to apply for a UAIZ contract and for various tax rate incentives, in exchange for using the property for an urban agriculture use. CEQA Guidelines Section 15304 (Class 4 Categorical Exemption) includes new gardening as part of this exemption. Therefore, the potential use of a vacant lot for urban agriculture is consistent with the exemption per 15304.

IV. NO EXCEPTIONS LIMIT THE APPLICABILITY OF CLASS 3 AND CLASS 4 CATEGORICAL EXEMPTIONS TO THE PROJECT

The Project does not fall within any of the identified exceptions triggering the need for environmental review under CEQA. CEQA Guidelines Section 15300.2 exceptions, specifically Location, Cumulative Impact, Significant Effect, Scenic Highways, Hazardous Waste Sites, and Historical Resources (collectively, “Exceptions”) are not applicable for the following reasons:

- A. Location Exception: *“Classes 3, 4, 5, 6, and 11 are qualified by consideration of where the project is to be located -- a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant. Therefore, these classes are considered to apply in all instances, except where the project may impact on an environmental resource of hazardous or critical concern where designated, precisely mapped, and officially adopted pursuant to law by federal, state, or local agencies.”* (CEQA Guidelines §15300.2(a).) This exception applies to Class 3 and 4 Categorical Exemptions wherein the project is located in a particularly sensitive environment. As discussed in further detail below, the Project would not impact “particularly sensitive environments”, and thus the Location Exception is not applicable to the Project.

The City designates maps and officially adopted areas of special resources and hazards in the City’s Safety Element of the General Plan, as identified in Exhibits A through H of the City’s Safety Element. These areas are comprised of the following:

Alquist-Priolo Special Study Zones and Fault Rupture Study Areas: The Alquist-Priolo Act requires the State Geologist to map active earthquake fault zones. These faults in the Los Angeles area typically are visible, above ground faults, e.g., the San Andreas fault. The fault zones located within the City are depicted on Exhibit A. (City Safety Element at p. II-15.)

Areas Susceptible to Liquefaction: Exhibit B of the City’s Safety Element identifies liquefiable areas with groundwater at less than 30 feet deep, and potentially liquefiable areas with groundwater between 30 and 50 feet deep.

Landslide Inventory and Hillside Areas: Under natural conditions, slopes often give way, resulting in landslides. Exhibit C generally depicts some of the significant potential landslide hazard areas. (City’s Safety Element at p. II-18.)

Selected Wildfire Hazard Areas: Exhibit D of the Safety Element identifies selected wildland fire hazards and selected urban fire and secondary hazards.

Oil Field and Oil Drilling Areas: Exhibit E delineates the boundaries of state-designated oil field and major oil drilling areas in the City.

100-Year and 500 Year Flood Plains: Exhibit F identifies the 100-year and 500-year flood plains areas, in accordance with Federal Emergency Management Agency (“FEMA”) Flood Insurance Rate Map (“FIRM”). Flood hazard areas, or flood plains which are subject to 100-year floods (see Exhibit F), comprise approximately 30 square

miles of the City. These areas were mapped by the Federal Emergency Management Agency (FEMA), which deemed that approximately 15 square miles of the hazard areas were buildable. (City's Safety Element at p. II-15.)

Inundation and Tsunami Hazard Areas: Exhibit G depicts potential tsunami hazard areas. Tsunamis are large ocean waves which are generated by major seismic events. Storms at sea also can generate heavy waves. Both have the potential of causing flooding of low lying coastal areas. (City's Safety Element at p. II-16.)

Critical Facilities and Lifeline Systems: Exhibit H depicts selected transportation routes for selected disaster routes, as well as emergency facilities and other infrastructure designed for instances of natural disasters and other emergency response.

Analysis of Location Exceptions: Because the Project proposes to establish a Citywide UAIZ Zone, it is possible that some areas zoned for agriculture and truck gardening will occur in the sensitive areas detailed above.

There is no evidence, however, that such an occurrence will result in any adverse impact. Implementation of the Project will result in agricultural or truck gardening uses on vacant sites. The development of habitable structures on-site is expressly prohibited under the UAIZ contract and the governing statute, codified at California Government Code Section 51040, *et seq.* This type of urban farming on small sites (less than 3 acres) and that has currently been planned and zoned for agricultural uses would not be expected to result in or exacerbate any existing fault line, liquefaction zone, landslide or hillside area, wildlife hazard area, flood plain, existing oil field or drilling operations, or critical facilities and lifeline system. Moreover, the use of property for a small farm or garden would not be expected to restrict access to oil and gas fields or operations or to critical dependent care or emergency facilities or other major lifeline facilities and transportation routes.

Oversight, as part of the UAIZ Program and City Codes, will ensure no impacts will occur from these urban farming uses. Specifically, the UAIZ Program will include a formal application process, whereby the applicant will be required to submit information identifying the project location, along with photographs and site plans to provide DCP with the proper documentation to assess the existence of any of the identified Location Exceptions, on a project-specific basis. The City may request additional information from the landowner during the application review process to facilitate a thorough and timely review of the application. In accordance with the County's Urban Agriculture Incentive Zone Ordinance and Program Plan No. RPPL2016000595, the County Agricultural Commissioner will conduct annual inspections to verify that the land has been used and will continue to be used for agricultural or truck gardening purposes. LADBS will conduct inspections to verify zoning and building code compliance.

Based on all of the above, this "Location Exception" is not applicable to the Class 3 and 4 exemption for the Project.

- B. Cumulative Impact Exception: All exemptions for these classes are inapplicable when the cumulative impact of successive projects of the same type in the same place, over time is significant. (CEQA Guidelines §15300.2(b).)

The Cumulative Impact Exception is not applicable to this Project for the following reasons: (i) there are no successive projects of the same type planned within the City; and (ii) the proposed Project would permit property owners to apply for a UAIZ contract if they meet the eligibility criteria, including the requirement that all UAIZ projects occur within areas that were previously zoned for agriculture or truck gardening.

It is not reasonably foreseeable that the UAIZ Program, intended to provide tax incentives for urban farming, will result in a large number of farms and truck gardens in the same area of the City in the same period of time, such that there would be cumulatively significant impact. Based on a map compiled by the Department of City Planning's GIS team, the number of vacant parcels throughout the City that would qualify under the proposed UAIZ Program are spread throughout the City and are not limited to a certain area. Thus, even if there were multiple urban farms of the same type in the same location, implementation of the UAIZ Program is not expected to result in cumulatively significant impacts due to the limited scale and scope of these projects, consistent with the analysis set forth in the Additional Factual Support discussed in Section V. below.

- C. Significant Effect Due to Unusual Circumstances Exception: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the activity will have a significant effect on the environment due to unusual circumstances. (CEQA Guidelines §15300.2(c).)

There is no reasonable possibility that the proposed Project will have a significant effect due to unusual circumstances. Urban farming on vacant land on land that is zoned and planned for agricultural uses is not unusual in the City of Los Angeles. To the extent it were to be found that such urban farm uses were unusual, it would not be expected to result in significant impacts based on the Additional Factual Support analyzed in Section V. below.

- D. Scenic Highways: A categorical exemption shall not be used for a project which may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources, within a highway officially designated as a state scenic highway. This does not apply to improvements which are required as mitigation by an adopted negative declaration or certified EIR. (CEQA Guidelines §15300.2(d).)

The only designated State Scenic Highway in Los Angeles County is Route 2 from 2.7 miles north of State Route 210 at La Canada to the San Bernardino County Line. This

sole designated State Scenic Highway is not located within Los Angeles City boundary and, therefore, is not applicable to the proposed Project.

- E. Hazardous Waste Sites: A categorical exemption shall not be used for a project located on a site which is included on any list compiled pursuant to Section 65962.5 of the Government Code. (CEQA Guidelines §15300.2(e).)

The Department of Toxic Substances Control (DTSC) maintains a list of sites and facilities that fall within this exception, as identified in California Government Code 65962.5 (Envirostor Database). Based on the number of listed sites in the City of Los Angeles, it would be speculative and not reasonably foreseeable at this time that an urban farm will result from this Project on a site or facility listed in Envirostor Database.

- F. Historical Resources: *Projects that may cause a substantial adverse change in the significance of an historical resource.*

The proposed Project would not cause an adverse change in the significance of historical resources, as defined in CEQA Guidelines Section 15064.5. Lots must be vacant in order to meet the eligibility criteria and the development of habitable structures on-site is expressly prohibited under the UAIZ contract. Therefore, the Project would not cause a substantial change in the significance of historical resources, including but not limited to, historical buildings, landmarks, monuments, or similar resources.

V. ADDITIONAL FACTUAL SUPPORT

And finally, this section contains additional analyses to further support the City's determination of no Project-related impacts, in support of the City's determination that the proposed Project is exempt from CEQA review in accordance with CEQA Guideline Sections 15303 and 15304:

Aesthetics

The proposed Project will have none to minimal aesthetic environmental effects. The proposed Project would permit property owners to apply for a UAIZ contract if they meet certain eligibility criteria. In accordance with California's UAIZ statute, the development of habitable structures on-site is expressly prohibited under the UAIZ contract. Moreover, the proposed Project will not degrade the existing visual character or quality of the Project site and its surroundings in either natural or urban areas. The Project will not introduce contrasting features into nor result in the loss of aesthetically valued natural or urban areas, eliminate context or associations with history, or create visual discord where there have been conservation efforts in natural or urban areas.

Agriculture and Forestry Resources

According to the Farmland Mapping and Monitoring Program for Los Angeles County (2012), there is a small amount of designated farmland of statewide importance, unique farmland, and farmland of local importance in the vicinity of the Project area. A significant impact may occur if the proposed Project were to result in conversion of farmland to another non-agricultural use. In the converse, however, the proposed Project incentivizes agricultural uses and urban farming.

Thus, the only conversion of land use would be from vacant land to an agricultural use. As such, the proposed Project will not have a negative impact on agricultural uses.

Air Quality

The Project is located in the South Coast Air Basin, within the South Coast Air Quality Management District's (SCAQMD) jurisdiction. The SCAQMD is responsible for reducing emissions from stationary, mobile, and indirect sources, and has established standards for air quality constituents generated by construction and by operational activities. The 2012 Air Quality Management Plan (AQMP) was prepared to comply with federal and state air quality standards. Projects consistent with forecasts identified in the Regional Comprehensive Plan and Guide (RCPG), prepared by the Southern California Association of Governments (SCAG), are consistent with the AQMP because the Growth Management Chapter of the AQMP is based on forecasts identified in the RCPG. Moreover, a project that is consistent with a city's land use designations is considered to be consistent with the RCPG and is, in turn, consistent with the AQMP.

In this instance, the proposed Project is consistent with the AQMP and RCPG because the Project will not cause an exceedance of the AQMP's projected population forecast. Part of the UAIZ Program's eligibility criteria mandates that the use of vacant lots restrict property owner's ability to construct "habitable structures". Moreover, the use of emission-emitting machinery is not typical of urban farming operations, and would be subject to EPA Tier 4 and other emissions standards. Therefore, the proposed Project does not conflict with or obstruct the implementation of the AQMP, violate any air quality standards, or contribute to a net increase of any criteria pollutant.

Biological Resources

The proposed Project will not create changes in conditions that could yield an incremental increase in potential impacts to any species identified as a candidate, sensitive, or special status species. There are no biological resources, including riparian habitat, or other sensitive natural community or federally protected wetlands, native resident or migratory fish/wildlife species that would be negatively impacted. The proposed Project would not result in direct removal, filling, or hydrological interruption to any resources. Moreover, the proposed Project does not conflict with any local protection of biological resources. This is because the proposed Project excludes any properties within City boundaries that are located wholly or partially within a Significant Ecological Area, Sensitive Environmental Resource Area or a National Recreation Area, consistent with the Los Angeles County's Ordinance 2016-0023, as may be amended from time to time. Furthermore, the development of habitable structures on-site is expressly prohibited under the UAIZ contract.

Cultural Resources

The proposed Project would not cause an adverse change of historical resource as defined in CEQA Guidelines Section 15064.5. The proposed Project does not supersede any existing regulation or protection of historic resources, such as nationally designated monuments or buildings in a historic preservation overlay zone. Furthermore, lots must be vacant in order to meet the eligibility criteria and the development of habitable structures on-site is expressly

prohibited under the UAIZ contract. The proposed Project does not disturb, damage, or degrade unique archaeological sites, paleontological resources, or unique geologic features. Any individual project with a potential impact to archaeological sites, paleontological resources, or geologic features would be required to conduct project-specific environmental analysis.

Geology/Soils

The proposed Project in and of itself will not pose any risks to humans or property damage due to potential regional earthquakes. As is common in the Southern California region, there will be continued risks of human injury and property damage because of potential regional earthquakes. While generally the potential exists for geologic hazards due to geologic and seismic conditions throughout the City, this specific Project proposes no changes that would alter these conditions because the proposed Project would permit property owners to apply for a UAIZ contract if they meet the eligibility criteria. The UAIZ Program does not seek to supersede existing regulations related to geology and soils, and thus no impacts would result. Furthermore, the development of habitable structures on-site is expressly prohibited under the UAIZ contract. The Project proposes no land use changes and thus there would be no changes in topography or surface relief features beyond what would otherwise occur.

Greenhouse Gas Emissions

An increase in urban agriculture may reduce greenhouse gas emissions due to cultivation of plants and crop on otherwise vacant lots. Ultimately, urban agriculture use would also support local food sources, which reduces long distance transport of produce and a decrease of greenhouse gas emissions. The proposed Project would not generate greenhouse gas emissions nor conflict with regulations adopted for the purpose of reducing the emissions of greenhouse gas emissions.

Hazards & Hazardous Materials

The proposed Project would not result in the routine transport, use, production or disposal of hazardous materials. The proposed Project would not involve the use of potentially hazardous materials that could create a significant public hazard through the accidental release of hazardous materials into the environment. Urban agriculture does not involve the transport or use of hazardous materials. Therefore, adoption of the proposed Project would not result in any change from the baseline conditions.

Hydrology/Water Quality

The proposed Project does not involve any change in density or incentives for increased construction activity. In fact, the development of habitable structures on-site is expressly prohibited. The proposed Project would not substantially alter existing drainage patterns of a site or area, including the alteration of the course of a stream or river, in a manner which would result in substantial erosion on- or off-site. The proposed Project would not create or contribute to runoff water or substantially degrade water quality, nor would it have a significant impact on groundwater supplies or groundwater recharge based on the limited size and scale of the proposed urban farm facilities. Applicants interested in the UAIZ Program would be required to comply with all applicable water quality standards or waste discharge requirements, subject to oversight by the Los Angeles Regional Water Quality Control Board

Land/Planning

The primary objective of the proposed Project is to promote and foster urban agriculture. The Project would allow property owners to apply for a UAIZ contract and potentially receive a tax benefit if they meet the eligibility criteria. In accordance with Charter Section 556, the proposed Project is in substantial conformance with the purposes, intent, and provisions of the General Plan. The Project would not conflict with any applicable land use plan, policy or regulation adopted for the purpose of avoiding mitigating an environmental effect and does not conflict with any conservation plan. The Project does not, in any way, impose any physical changes on any community and therefore would not physically divide the community neither within itself, nor from the surrounding communities.

The proposed Project helps to accomplish the following goals, objectives, and policies of the Plan for a Healthy Los Angeles, an element of the General Plan.

Chapter 4: Food that Nourishes the Body, Soul, and Environment

Objective: Increase the number of community gardens so that every Community Plan Area has at least one community garden (one acre) per 2,500 households. (Health Atlas Map 86)

Policy Topic 4.1 Land for urban agriculture and healthy food - Encourage and preserve land for urban agriculture in the city to ensure a long-term supply of locally produced healthy food, promote resiliency, green spaces, and healthy food access; increase the number of urban agriculture sites including but not limited to: community gardens, parkway gardens, urban farms and rooftop gardens in low-income and undeserved areas.

Policy Topic 4.7 Empower Angelenos to grow and eat healthy food - Foster and promote local initiatives and partnerships that empower, educate, and train Angelenos to grow and eat healthy food.

Mineral Resources

It is conceivable that the Project may occur on or near areas identified by the State Mining and Geology Board ("SMGB") as containing significant mineral deposits, or where it is judged that a high likelihood exists for their presence. Major mineral deposits are located in the Big Tujunga Wash and the Los Angeles River flood plain. However, much of the areas identified as significant mineral deposits have already been developed with structures and are thus inaccessible for mining extraction. Moreover, the proposed Project and any associated UAIZ contracts would not involve digging or the extraction of minerals that would result in the loss of availability of a known mineral resource or locally important mineral source recovery site.

Noise

The proposed Project would not result in the exposure of persons or the generation of noise levels in excess of standard levels. Any noise levels deriving from activities associated with urban agriculture would not result in the exposure of people to, or generation of excessive

ground borne noise levels or create a substantial periodic or permanent increase in ambient noise levels.

Population/Housing

The proposed Project has no bearing on the distribution of population and housing within the City of Los Angeles. The development of habitable structures on-site is expressly prohibited under the California UAIZ statute, codified at California Government Code Section 51040, *et seq.*

Public Services

The Los Angeles Fire Department (LAFD) and the Los Angeles Police Department (LAPD) have fire and police stations strategically located throughout the City. The proposed project would not result in an increase in population and, thus, would not generate a need for new or altered protection facilities. The proposed Project is not proposing to use, manufacture, or store toxic, readily combustible, or otherwise hazardous material. Therefore, the proposed Project and any associated activities would not create hazards that would increase the need for protection or exceed the capacity of the LAFD or LAPD to serve any Project area. The proposed project does not result in any local or regional population increase or in the construction of new housing. Therefore, the Project would not require the construction of new schools, or result in schools exceeding their capacities.

Recreation

Pursuant to Los Angeles Municipal Code Section 17.12, the City requires land dedication or payment of fees for park or recreational purposes for projects involving residential subdivisions. The fees are used to acquire land or develop new parks or recreational facilities to serve the residential developments. However, the proposed Project does not affect recreational facilities because the Project is not proposing the construction or expansion of housing units. In fact, the development of habitable structures on-site is expressly prohibited under the UAIZ contract. The Project will not result an increase in population that would cause or accelerate a substantial physical deterioration of recreational resources. Public recreational facilities will continue to operate in the same fashion as they do prior to adoption of the proposed Project.

Transportation/Traffic

The proposed Project does not involve any zone changes which would increase population density or alter traffic patterns. No direct or indirect impacts are expected on existing traffic patterns and road capacity. The proposed Project would not exceed a level of service standard established by the county congestion management agency for designated roads and highways nor result in a change in air traffic patterns. The proposed Project does not regulate any public thoroughfare and does not include any regulations that would conflict with adopted policies, plans, or programs supporting alternative transportation.

Utilities/Service Systems

The proposed Project would not impact utilities and service systems, nor will it result in increased density or population growth. The proposed Project would not require the construction of new stormwater drainage facilities or expansion of existing facilities. The proposed Project

would not have an effect on water supplies, nor affect wastewater treatment. Moreover, the proposed Project would not have any solid waste disposal needs or generate solid waste disposal itself. Furthermore, the development of habitable structures on-site is expressly prohibited under the UAIZ contract.

CONCLUSION

In light of the foregoing, the proposed Project is exempt under the Class 3 and Class 4 exemption and no exception under CEQA Guidelines Section 15300.2 applies.

14-1378

EXHIBIT E

Motion

PLANNING & LAND USE MANAGEMENT

The *Urban Agriculture Incentive Zones Act*, AB 551 (Ting), encourages the development of vacant, unproductive land for growing food.

AB 551 allows cities, with approval from the county board of supervisors, to designate Urban Agriculture Incentive Zones. Within these zones, property owners who allow their land to be used for agriculture purposes for a minimum of five years can receive a property tax adjustment; their land would be reassessed at the average statewide irrigated agriculture lands rate.

The property tax adjustment is intended to incentivize landowners who are not utilizing their property to make it available for urban agriculture. Parcels would be eligible for the incentive if they are between 0.10 and 3 acres in size, dedicated to agriculture or animal husbandry, free of dwellings not intended for agriculture or educational purposes, and located within a zone that allows for agricultural use.

In addition to encouraging productive uses for vacant land, the implementation of Urban Agriculture Incentive Zones in the city would also increase access to fruits and vegetables in areas that currently lack fresh foods. More than 40% of low-income adults in Los Angeles County are food insecure and more than 60% of adults are obese or overweight, according to the Los Angeles Food Policy Council's October 2013 Los Angeles Food System Snapshot.

I THEREFORE MOVE that Council instruct the Department of City Planning and the Department of Building and Safety, in consultation with the City Attorney, to prepare and present an ordinance establishing Urban Agriculture Incentive Zones, and which includes the following:

1. Designate the boundaries of one or more Urban Agriculture Incentive Zones within the city and clarify zoning where food growing operations are allowed.
2. Develop a process by which the City can determine property owners' eligibility and by which property owners can apply for the incentive.
3. Develop an enforcement mechanism to ensure property owners are following local, county, and state regulations for Urban Agriculture Incentive Zones.
4. Coordinate with the County of Los Angeles the approval, establishment, and implementation of Urban Agriculture Incentive Zones as required by AB 551 (Ting), the *Urban Agriculture Incentive Zones Act*.

PRESENTED BY: _____

FELIPE FUENTES
Councilmember, 7th District

CURREN PRICE
Councilmember, 9th District

SECONDED BY: _____

OCT - 8 2014

ORIGINAL