

ORDINANCE NO. _____

An ordinance adding a new Chapter 17 to Division 19 of the Los Angeles Administrative Code implementing the Los Angeles City 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 PEOPLE OF THE CITY OF LOS ANGELES
DO ORDAIN AS FOLLOWS:**

Section 1. A new Chapter 17 is added to Division 19 of the Los Angeles Administrative Code to read as follows:

CHAPTER 17

URBAN AGRICULTURE INCENTIVE ZONE CONTRACTS

Sec. 19.170. Purpose.

The purpose of this chapter is to implement the “City of Los Angeles City 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., as amended from time to time. 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.

Sec. 19.171. Eligibility Criteria.

A. Eligibility for the City’s UAIZ Program shall be assessed by the Designated Administrative Agency (DAA), defined in Section 19.172, based on the following criteria:

1. Requirements set forth in California Government Code Sections 51040 et seq., as amended from time to time;
2. Requirements set forth in the County Planning Code Sections 22.52.3400 et seq., as amended from time to time;
3. Consistency with the definition of Urban Agriculture Incentive Zone as set forth in Los Angeles Municipal Code Section 12.03, as amended from time to time;

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

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

Sec. 19.172. Administration.

The DAA is the City department, board or office that has administrative responsibility under this chapter. For purposes of this chapter, the DAA is the Department of City Planning.

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

B. The DAA shall coordinate with any relevant agencies to monitor compliance with this chapter, including investigation of alleged violations.

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

Sec. 19.173. Required Provisions of Urban Agriculture Incentive Contract.

A. UAIZ Contracts shall include:

1. Those provisions required by Government Code Sections 51040 et seq., as amended from time to time;

2. Those provisions required by the County Planning Code Sections 22.52.3400 et seq., as amended from time to time;

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

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

Sec. 19.174. Procedures for Application and Execution of an Urban Agriculture Incentive Zone Contract.

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

1. The property owner, or the property owner's agent as approved by the DAA, must file an application form with the DAA to enter into a UAIZ Contract;
2. The property owner must use the application form required by the DAA and pay fees established by the DAA, if any;
3. The property owner must execute and notarize the UAIZ Contract, and submit it to the DAA for execution by the City. The UAIZ contract must be in a form approved and provided by the City, which includes the required provisions as set forth in Section 19.173.

B. The DAA's responsibilities include:

1. The DAA shall determine eligibility of the property owner for a UAIZ Contract pursuant to this chapter after the property owner submits a complete application to the DAA;
2. If the property owner meets the City's eligibility criteria, the DAA shall take the steps necessary to verify that the Los Angeles County Office of the Assessor has determined that the unrealized ad valorem property tax revenue does not exceed the maximum allocation, articulated in the County Planning Code Section 22.52.3430, and that the Los Angeles County Department of the Treasurer and Tax Collector has verified that the subject property is current on all tax assessments;
3. If the DAA determines that a property owner has received all of the required approvals for a UAIZ Contract pursuant to this Chapter, the DAA shall notify the property owner and provide the property owner a form of contract that has been approved by City for use in the UAIZ Program;
4. Once the DAA receives an original, notarized UAIZ Contract from the property owner, in accordance with Section 19.174.A.3, the DAA shall countersign the UAIZ Contract and send the original copy of the fully executed UAIZ Contract to the property owner for recordation pursuant to the recordation process set forth in Section 19.175; and
5. The DAA shall maintain a sample of the City's form UAIZ Contract containing all of the provisions required under this chapter.

Sec. 19.175. Recordation of the Executed Urban Agriculture Incentive Zone Contract.

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

- A. The property owner must record the UAIZ Contract with the Los Angeles County Registrar-Recorder/County Clerk;
- B. The property owner must return one certified copy of the recorded UAIZ Contract to the DAA;
- C. The DAA shall provide a certified copy of the recorded UAIZ Contract to the Los Angeles County Office of the Assessor, in a form approved by the Assessor, and maintain a certified copy of the recorded UAIZ Contract in the City's files, in a form approved by the City;
- D. The DAA shall notify the property owner after the UAIZ Contract has been delivered to the Assessor's Office;
- E. Commencement date of the UAIZ Contract may be subject to limitations imposed by the County and the DAA; and
- F. The term of an approved UAIZ Contract shall commence on the first day of January following recordation of the UAIZ Contract.

Sec. 19.176. Enforcement.

- A. Among other provisions, UAIZ Contracts must provide that a violation of this chapter shall constitute a material breach thereof and entitle the City to terminate the UAIZ Contract and otherwise pursue legal remedies that may be available.
- B. Violations of this chapter may be reported to the DAA.

Sec. 19.177. Severability.

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

Sec. 2. The City Clerk shall certify to the passage of this ordinance and have it published in accordance with Council policy, either in a daily newspaper circulated in the City of Los Angeles or by posting for ten days in three public places in the City of Los Angeles: one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall; one copy on the bulletin board located at the Main Street entrance to the Los Angeles City Hall East; and one copy on the bulletin board located at the Temple Street entrance to the Los Angeles County Hall of Records.

I hereby certify that this ordinance was passed by the Council of the City of Los Angeles, at its meeting of _____.

HOLLY L. WOLCOTT, City Clerk

By _____ Deputy

Approved _____

Mayor

Approved as to Form and Legality

MICHAEL N. FEUER, City Attorney

By *Kimberly A. Huangfu*
KIMBERLY A. HUANGFU
Deputy City Attorney

Date 5/4/17

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