



DEPARTMENT OF CITY PLANNING RECOMMENDATION REPORT



CITY PLANNING COMMISSION

DATE: March 25, 2010
TIME: after 8:30AM
PLACE: Van Nuys City Hall
14410 Sylvan Street
Council Chamber, 2nd Floor
Van Nuys, CA 91401

CASE NO: CPC 2010-0445-CA
CEQA: ENV 2010-0446-CE
LOCATION: Citywide
COUNCIL DISTRICT: All
PLAN AREAS: All

SUMMARY: A proposed ordinance amending Sections 12.03, 12.04.09, 12.05, 12.06, 12.07, 12.07.01, 12.07.1, 12.08, 12.09.3, and 12.17.5 of the Los Angeles Municipal Code (LAMC) to clarify permitted truck gardening and farming uses in each zone, and create consistency between home occupation conditions and standards and truck gardening operations.

RECOMMENDED ACTIONS:

1. **Adopt** the staff report as its report on the subject.
2. **Adopt** the findings included in Attachment 1.
3. **Adopt** the General Exemption as the CEQA clearance on the subject.
4. **Approve** the proposed ordinance (Appendix A) and recommend its adoption by the City Council.

S. GAIL GOLDBERG, AICP
Director of Planning

MICHAEL LOGRANDE
Chief Zoning Administrator

ALAN BELL, AICP
Senior City Planner, Office of Zoning Administration

THOMAS ROTHMANN
City Planner, Code Studies Unit

DEBORAH KAHEN
Planning Assistant, Code Studies Unit
Telephone: (213) 978-1395

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 Main 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.

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SUMMARY

Currently, the Los Angeles Municipal Code (LAMC) is ambiguous with respect to the type of agricultural-related uses that are permitted in each zone. Namely, truck gardening is an allowable use in many zones, including R1. However, the City's LAMC does not define truck gardening. The Department of Building and Safety (DBS) Zoning Manual interprets truck gardening as the growth and off-site sale of vegetables only. This definition prohibits the growth of all other plants for sale off-site. Additionally, home occupation conditions and standards preclude truck gardening operations. Furthermore, the agricultural uses listed within each zone are undefined and unclear. For these reasons, the LAMC has become an obstacle for Los Angeles residents to grow produce to sell at local establishments, such as farmer's markets and restaurants.

To maintain internal code consistency, promote Los Angeles' green goals, and to support the growing truck gardening movement, the proposed ordinance (Appendix A) amends the LAMC to define that truck gardening is the cultivation of berries, flowers, fruits, herbs, mushrooms, nuts, seedlings or vegetables for use on-site or sale or distribution off-site. It also clarifies the definition of farming, clearly indicates which agricultural-related uses are allowed in each zone, and amends the home occupation conditions and standards to allow for truck gardening.

STAFF REPORT

Initiation

On October 13, 2009, the Council's Planning and Land Use Management (PLUM) Committee referred Motion CF 09-1685 (Garcetti-Reyes) to the Planning Department. The motion directed staff to prepare a report on the feasibility of defining truck gardening to include the cultivation of flowers, fruits, nuts or vegetables, defined as the food product of any tree, vine or plan, for use on-site or sale off-site.

Background

Prior to 1946, farming was allowed in the R1 zone with certain limitations. In 1946, permitted uses were expanded to include truck gardening. After 1960, farming was no longer allowed, but truck gardening remained an allowable use.

It is clearly identified when truck gardening is listed as an allowable use. Thus, it is given that the intent of the LAMC is to allow for truck gardening in certain zones. However, every zone where truck gardening is allowed, other than the RA (Suburban) Zone, paradoxically prohibits every type of crop growth listed (field crops, bush or berry crops, tree crops, flower gardening, orchards or mushroom farms). Therefore, the LAMC is self-contradictory in that it permits truck gardening without permitting the growth of virtually all produce.

This ambiguity remained unchallenged until 2009, when the off-site sale of flowers grown on an R1 zoned parcel was contested. The Department of Building and Safety then determined from its Zoning Manual that truck gardening "consists of the growing of vegetables for delivery to an approved retail (market) establishment." This definition precludes the growth of every other type of produce, including berries, flowers, fruits, herbs, mushrooms, ornamental plants, nuts, and seedlings.

Councilman Garcetti then introduced a motion at Council on July 8, 2009 (CF 09-1685) directing staff to report on the feasibility of creating an expanded definition of truck gardening. On October 13, 2009, the PLUM Committee referred this motion to the Department of City Planning. In response, staff has conducted research and identified additional obstacles to truck gardening in the home occupation conditions and standards section of the LAMC. Staff proposes an ordinance to remedy these obstacles.

Proposed Ordinance

The proposed ordinance (Appendix A) accomplishes three things. One, it simplifies allowable agricultural-related uses in the zones; two, it defines truck gardening and farming; and three, it makes the home occupation standards and conditions consistent with truck gardening.

1. Simplification of Uses

The proposed ordinance simplifies uses by folding nine existing agricultural-related uses into two uses. Field crops, berry or bush crops, tree crops, flower gardening, gardens, orchards and mushroom farms would be consolidated into the new definitions of truck gardening and farming. This simplifies the code and improves its readability. The charts below compare existing code language with propose code language.

EXISTING		A1	A2	RA	RE	RS	R1, R2, R3	RMP	MR1, M1, MR2, M2, M3	PF
1	Berry or bush crops	x	x						x	
2	Farming			x						
3	Field crops	x	x						x	x
4	Flower gardening	x	x						x	
5	Gardens									x
6	Mushroom farms	x	x						x	
7	Orchards	x	x						x	
8	Tree crops	x	x						x	
9	Truck gardening	x	x	x	x	x	x	x	x	

PROPOSED		A1	A2	RA	RE	RS	R1, R2, R3	RMP	MR1, M1, MR2, M2, M3	PF
1	Truck gardening			x	x	x	x	x		
2	Farming	x	x						x	x

To clarify the "PROPOSED" chart above, farming is the same as truck gardening with two exceptions: certain on-site sales are allowed, and operations are not subject to the home occupation conditions and standards. Therefore, truck gardening is technically an allowable use in the A1, A2, MR1, M1, MR2, M2, M3 and PF zones.

2. Definition of Uses

Currently, the LAMC does not define truck gardening or farming. The proposed ordinance uses the intent of the DBS interpretation of truck gardening insomuch that vegetables can be grown for sale off-site, but clarifies that it also applies to other types of plants.

Truck gardening is defined as:

The cultivation of berries, flowers, fruits, herbs, ornamental plants, mushrooms, nuts, seedlings or vegetables for use on-site or sale or distribution off-site.

Farming is defined as:

The cultivation of berries, flowers, fruits, herbs, ornamental plants, mushrooms, nuts, seedlings or vegetables for use on-site or sale or distribution on-site or off-site.

The two existing distinctions between truck gardening and farming would not change. They are that (1) farming allows for on-site sale, and that (2) home occupation conditions and standards apply to truck gardening, but not to farming.

3. Home Occupation Modifications

The proposed ordinance also modifies home occupation conditions and standards. Truck gardening is proposed to be exempt from the requirement to be contained within the main dwelling unit. Similarly, truck gardening is also proposed to be exempt from the requirement that activities associated with the home occupation not be visible from the outside of the dwelling unit.

Conclusion

This proposed ordinance merely clarifies the list of allowable agricultural-related uses in each zone. It also aligns the definition of truck gardening and home occupation conditions and standards with typical truck gardening industry practice as well as City policy to be the largest green city in the country.

All zones in which truck gardening is currently permitted (RA, RE, RS, R1, R2, R3, RMP, MR1, M1, MR2, M2, and M3) will be able to cultivate flowers, fruits, herbs, mushrooms, nuts, ornamental plants, seedlings or vegetables for use on-site or sale or distribution off-site, provided that they meet the amended home occupation standards and conditions.

Removing obstacles that are prohibitive to truck gardening meets goals of the City as well as many residents. Truck gardening meets goals of the City as well as many residents. Benefits include increased neighborhood access to fresh produce, and reduced carbon emissions due to short and often walkable distances between the producer and consumers and the point-of-sale. Furthermore, there are increased social benefits from consumer-producer relations, more green space that results in improved storm water management, economic benefits from local sustainable job creation, and a higher level of food security. It is therefore in the best interest of the City to create a clear and logical truck gardening definition and home occupation standards and conditions.

ATTACHMENT 1

LAND USE FINDINGS

The Department of City Planning recommends that the City Planning Commission find:

1. In accordance with Charter Section 556, that the proposed ordinance (Appendix A) is in substantial conformance with the purposes, intent, and provisions of the General Plan. Specifically, the proposed ordinance implements Economic Development Policy 7.2.4, "Ensure that the City has enough capacity to accommodate the development of general commercial uses which support community needs in all parts of Los Angeles.", and Policy 7.3.2, "Retain existing neighborhood commercial activities within walking distance of residential areas." It also helps implement Goal 2 of the Air Quality Element, "Less reliance on single-occupant vehicles with fewer commute and non-work trips.", and Objective 3.2 of the Air Quality Element, "It is the objective of the City of Los Angeles to reduce vehicular traffic during peak periods."

The proposed ordinance increases the capacity for the citywide community need for fresh produce at farmers' markets and local restaurants, which are often within walking distance of residential areas. Further, home occupation by its nature creates opportunities for City residents to avoid a commute to a work site, thereby reducing the number of single-occupant vehicles on the City's street system during peak periods. This reduction in traffic reduces carbon emissions which degrade regional air quality; and

2. In accordance with Charter Section 558 (b) (2), the proposed ordinance (Appendix A) is in substantial conformance with public necessity, convenience, general welfare and good zoning practice. Consistent with City policy that truck gardening is an allowable use in many zones, the ordinance clarifies which product types are permitted to be grown for sale off-site. Accordingly, the impact of truck gardening is mitigated using the same regulations and controls as are imposed on existing home occupations. The proposed ordinance does not change what is allowed to be grown for sale off-site. It merely clarifies inconsistencies within the LAMC.

ENVIRONMENTAL FINDING

In accordance with the California Environmental Quality Act (CEQA), this ordinance meets the criteria of a General Exemption pursuant to Article IV, Section 15061, Subsection (b), Subdivision 3 of the State of California CEQA Guidelines. The proposed ordinance (Appendix A) will have no potential for causing a significant impact on the environment. The proposed ordinance makes no changes to existing zoning or any specific plans. The proposed ordinance merely makes a clear statement on allowable uses that were previously ambiguous and contradictory, but does not change the zoning where such uses are allowed or enable any intensity of land use.

APPENDIX A

ORDINANCE NO. _____

A proposed ordinance amending Sections 12.03, 12.04.09, 12.05, 12.06, 12.07, 12.07.01, 12.07.1, 12.08, 12.09.3, and 12.17.5 of the Los Angeles Municipal Code to clarify permitted truck gardening and farming uses in each zone, and create consistency between home occupation conditions and standards and truck gardening operations.

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 by adding the following definitions in alphabetical order:

FARMING. The cultivation of berries, flowers, fruits, herbs, mushrooms, nuts, ornamental plants, seedlings or vegetables for use on-site or sale or distribution on-site or off-site.

TRUCK GARDENING. The cultivation of berries, flowers, fruits, herbs, mushrooms, nuts, ornamental plants, seedlings or vegetables for use on-site or sale or distribution off-site.

Sec. 2. Subdivision 1 of Subsection B of Section 12.04.09 of the Los Angeles Municipal Code is amended to read as follows:

1. ~~Agricultural uses including: field crops, gardens~~ Farming and nurseries, under power transmission rights-of-way.

Sec. 3. Subdivision 6 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is amended to read as follows:

6. ~~Agricultural uses, including field crops, truck gardening, berry or bush crops, tree crops, flower gardening,~~ Farming, nurseries, orchards, aviaries, and apiaries, ~~and mushroom farms.~~

Sec. 4. Subparagraphs 1, 3 and 8 of Paragraph (a) of Subdivision 16 of Subsection A of Section 12.05 of the Los Angeles Municipal Code are amended to read as follows:

(1) No changes are made which alter the residential character or appearance of the dwelling unit or property in any manner which precludes its residential use, and activities associated with the home occupation are not visible from the outside of the dwelling unit, except for truck gardening.

(3) The use shall be conducted within the main dwelling unit, except for truck gardening, and only by persons residing within the dwelling unit. However, no more than one person not residing on the premises may be employed to work on the premises as part of all of the home occupations ~~carried on in the dwelling unit~~.

(8) No more than one client visit or one client vehicle per hour shall be permitted, and only from 8:00 a.m. to 8:00 p.m. for all of the home occupations ~~carried on in the dwelling unit~~.

Sec. 5. Paragraph (e) of Subdivision 16 of Subsection A of Section 12.05 of the Los Angeles Municipal Code is added as follows:

(e) **Truck Gardening.** Truck gardening shall be subject to the provisions of this subdivision if the main use of the property is a dwelling.

Sec. 6. Paragraph (f) of Subdivision 2 of Subsection A of Section 12.06 of the Los Angeles Municipal Code is amended to read as follows:

(f) ~~Agricultural uses, including field crops, truck gardens, berry or bush crops, tree crops, flower gardening, Farming, nurseries, orchards, aviaries, and apiaries, and mushroom farms.~~

Sec. 7. Subdivision 6 of Subsection A of Section 12.07 of the Los Angeles Municipal Code is amended to read as follows:

6. ~~Farming, (excluding animal raising) and (Truck gardening and (including nurseries).~~

Sec. 8. Subdivision 3 of Subsection A of Section 12.07.01 of the Los Angeles Municipal Code is amended to read as follows:

3. ~~Truck gardening (except nurseries); the keeping of equines, poultry, rabbits and chinchillas in conjunction with the residential use of the lot, and subject to the following limitations provided that:~~

(a) Such animal keeping is activities ~~are~~ not for commercial purposes.

(b) The keeping of equines shall be permitted only on lots having an area of 17,500 square feet or more. Where equines are being kept, the number of such animals being kept shall not exceed one for each 4,000 square feet of lot area.

Sec. 9. Subdivision 3 of Subsection A of Section 12.07.1 of the Los Angeles Municipal Code is amended to read as follows:

3. Truck gardening (~~except nurseries~~); the keeping of equines, poultry, rabbits and chinchillas in conjunction with the residential use of the lot, ~~and subject to the following limitations provided that:~~

(a) Such animal keeping is ~~activities are~~ not for commercial purposes.

(b) The keeping of equines shall be permitted only on lots having an area of 20,000 square feet or more. Where equines are being kept, the number of such animals being kept shall not exceed one for each 5,000 square feet of lot area.

Sec. 10. Subdivision 3 Subsection A of Section 12.08 of the Los Angeles Municipal Code is amended to read as follows:

3. Truck gardening (~~except nurseries~~); the keeping of equines, poultry, rabbits and chinchillas in conjunction with the residential use of the lot, ~~and subject to the following limitations provided that:~~

(a) Such animal keeping is not for commercial purposes.

(b) The keeping of equines shall be permitted only on lots having an area of 20,000 square feet or more. Where equines are being kept, the number of such animals being kept shall not exceed one for each 5,000 square feet of lot area.

Sec. 11. Subdivision 4 of Subsection B of Section 12.09.3 of the Los Angeles Municipal Code is amended to read as follows:

4. Truck gardening (~~except nurseries~~); the keeping of equines, poultry, rabbits and chinchillas, in conjunction with the residential use of the lot, if provided that such activities are animal keeping is not for commercial purposes.

Sec. 12. Paragraph (a) of Subdivision 3 of Subsection B of Section 12.17.5 of the Los Angeles Municipal Code is amended to read as follows:

a. ~~Agricultural uses, including field crops, Farming, berry or bush crops, tree crops, flower gardening, nurseries, orchards, aviaries, and apiaries; and mushroom farms.~~

Sec. 13. The City Clerk shall certify that...

COUNTY CLERK'S USE

CITY 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
NOTICE OF EXEMPTION
 (California Environmental Quality Act Section 15062)

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 Public Resources Code Section 21152 (b). Pursuant to Public Resources Code Section 21167 (d), the filing of this notice starts a 35-day statute of limitations on court challenges to the approval of the project. Failure to file this notice with the County Clerk results in the statute of limitations being extended to 180 days.

LEAD CITY AGENCY City of Los Angeles Department of City Planning	COUNCIL DISTRICT All
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PROJECT TITLE *Truck Gardening Clarification	LOG REFERENCE ENV 2010-0446-CE
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PROJECT LOCATION
*Citywide

DESCRIPTION OF NATURE, PURPOSE, AND BENEFICIARIES OF PROJECT:
 * A proposed ordinance amending Sections 12.03, 12.04.09, 12.05, 12.06, 12.07, 12.07.01, 12.07.1, 12.08, 12.09.3, and 12.17.5 of the Los Angeles Municipal Code to clarify permitted truck gardening and farming uses in each zone, and create consistency between home occupation standards and truck farming operations.

NAME OF PERSON OR AGENCY CARRYING OUT PROJECT, IF OTHER THAN LEAD CITY AGENCY:
 *

CONTACT PERSON *Deborah Kahen	AREA CODE * 213	TELEPHONE NUMBER *978 - 1395	EXT.
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EXEMPT STATUS: (Check One)

	STATE CEQA GUIDELINES	CITY CEQA GUIDELINES
<input type="checkbox"/> MINISTERIAL	Sec. 15268	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"/> CATEGORICAL EXEMPTION	Sec. 15300 <i>et seq.</i>	Art. III, Sec. 1
<input checked="" type="checkbox"/> GENERAL EXEMPTION	Sec. 15060	n/a

Class N/A Category Article II (1) (City CEQA Guidelines)

OTHER (See Public Resources Code Sec. 21080 (b) and set forth state and City guideline provision.)

JUSTIFICATION FOR PROJECT EXEMPTION: There is no potential that the activity in question may have a significant effect on the environment per Article II (2) of the City of Los Angeles CEQA Guidelines, and Article V, Section 15061 (b) (3) of the CEQA Guidelines.


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 2/24/2010
FEE:	RECEIPT NO.	REC'D. BY
		DATE

DISTRIBUTION: (1) County Clerk, (2) City Clerk, (3) Agency Record
 Rev. 11-1-03 Rev. 1-31-06 Word

IF FILED BY THE APPLICANT:

* THOMAS ROTHMANN
 NAME (PRINTED)

* 
 SIGNATURE

* MARCH 2, 2010
 DATE