

# Land and Sovereignty

*Food First*

Policy Brief #8  
Summer 2016



## Land for Food Justice? AB 551 and Structural Change

Erin Havens and Antonio Roman-Alcalá

Copyright © 2016 by Food First / Institute for Food and Development Policy  
All rights reserved. Please obtain permission to copy.

Food First / Institute for Food and Development Policy  
398 60th Street, Oakland, CA 94618-1212 USA  
Tel (510) 654-4400 Fax (510) 654-4551  
www.foodfirst.org land@foodfirst.org

Cover and design by Ahna Kruzic.

This brief is supported in part by the Ralph Ogden Foundation.

About the authors:

Erin Havens is a former Research and Writing Intern with Food First. She studied Society & Environment and Peace & Conflict Studies at UC Berkeley and currently works with an urban agriculture nonprofit in San Jose.

Antonio Roman Alcalá is a food systems researcher, writer, urban farming educator and activist based in San Francisco, CA. He holds degrees from UC Berkeley (BA) and the International Institute of Social Studies in The Hague (MA). He currently works with Friends of the Earth to promote agroecology in the USA.

The authors would like to express gratitude to Zoe Brent and Elyse Mills, who worked on earlier versions of this report, and to all those who struggle for food justice and food sovereignty, whether through policy efforts or outside them.

The authors acknowledge the following individuals for participating in interviews, ultimately shaping the content of this brief: Max Cadji, of Phat Beets Produce (Oakland), D'Artagnan Scorza of Social Justice Learning Initiative (Los Angeles), Al Renner of LA Community Garden Council (Los Angeles), Hank Herrera of C-PREP and New Hope Farms (Oakland), Eli Zigas of San Francisco Bay Area Planning and Urban Research Association (San Francisco), Peter Ruddock of California Food Policy Council (East Palo Alto), Chanowk Yisrael of Yisrael Family Farms (Sacramento), Esperanza Pallana of Oakland Food Policy Council (Oakland), Ryan Thayer of Tenderloin Neighborhood Development Corporation (San Francisco), Matt Read of Sacramentans for Sustainable Community Agriculture (Sacramento), Clare Fox of LA Food Policy Council (Los Angeles), Steve King of Oakland Community Land Trust (Oakland), and Breanna Morrison of LA Food Policy Council (Los Angeles).

Suggested citation for this brief:

Havens, Erin and Antonio Roman Alcalá. 2016. *Land for Food Justice? AB 551 and Structural Change* (Land and Sovereignty Policy Brief #8, Summer 2016). Oakland, CA: Food First/Institute for Food and Development Policy.

## Introduction

In the past decade, Californian urban agriculture has broken through the asphalt and into the core of the politics and practice of urban life. Today, the many forms of urban agriculture are as diverse as the people who tend the soil in cities throughout the state. For many, it is a way to have fresh herbs for the kitchen or spend less at the grocery store. For others, urban agriculture helps address unequal access to healthy, affordable and local food, and illuminates the many problems in the food system.

Many non-profits and community groups use urban agriculture to work towards urban “food security” – a state in which all people have access to sufficient food and nutrition. However, urban agriculture may also be used to advance more radical changes toward “food justice” and “food sovereignty.” The food justice movement goes beyond increasing food production to address the racial and economic inequalities embedded in the food system and assert the rights of low-income communities and communities of color. Food sovereignty entails the right of working class and low-income communities to define their own food systems and calls for the redistribution of resources and “structural reforms to markets and property regimes” (Giménez and Shattuck, 2011) necessary to achieve this right.

It is important to consider the three concepts of food

*It is important to consider the three concepts of food security, food justice, and food sovereignty and the varying social class interests they promote and represent when assessing the significance of urban agriculture in California cities.*

security, food justice, and food sovereignty – including the varying social class interests they represent and promote – when assessing the significance of urban agriculture in California cities. While urban agriculture may help alleviate food insecurity, it does not necessarily support food justice or food sovereignty – and may even increase patterns of exclusion and marginalization. This brief explores some of the tensions that urban agriculturalists and the food justice movement must navigate, especially when seeking policy solutions to make land more accessible for farming in urban areas.

In 2013, food justice activists played a central role in the passage of California State Assembly Bill (AB) 551, the “Urban Agriculture Incentive Zones Act.” AB 551 was presented as an innovative policy tool to incentivize the use of undeveloped urban land for agriculture and to advance food justice. However, the policy has raised questions around the possibility of further exclusion and gentrification as a result of new urban agriculture projects, specifically in low income communities and communities of color. To understand the implications

## ABOUT THIS BRIEF:

### WHAT?

How urban agriculture, and specifically, California’s AB 551, addresses (or doesn’t) food security, justice, and sovereignty

### WHERE?

Communities in California

### CONTACT

To arrange a media interview with the author of this report, please write to [akruzic@foodfirst.org](mailto:akruzic@foodfirst.org) or call (510) 654-4400, ext. 223

of this legislation, we interviewed policymakers, urban gardeners, and food justice advocates, and compared AB 551 with its predecessor and role-model, the “Williamson Act” – an earlier legislative attempt to protect rural and peri-urban farmland from development.

What becomes clear is that while tax incentives for private landowners may bring small victories for urban agriculture, they are simply not enough to address the structural inequalities embedded in California’s land and food system. In the absence of social movements shaping how such incentives are enacted on the ground, such legislation may simply serve the interests of propertied classes, without benefitting the economically and socially marginalized communities prioritized by food justice and food sovereignty movements. To advance not just food security, but food justice and food sovereignty, we must look beyond incentives to public land, alternative land ownership models, and additional forms of state regulation.

### How Urban Agriculture Contributes to Food Justice

*“[U]rban agriculture alone is not going to fix the problems in South Oak Park, however, it engages residents around a common interest, which is food, empowers them to visualize beauty and solidarity in a place where there is none and through working together as a community towards a common goal can employ youth, aid the elderly and start to build community power.” (Chanowk Yisrael, The Yisrael Family Urban Farms, Oak Park, Sacramento, CA).*

The current corporate-dominated food system is exacerbating inequality. Low-income communities of color suffer disproportionately from poor access to food and diet related diseases. For most of the working poor, corner stores or fast food chains are the most readily available sources of food. In many places, patterns of land ownership exemplify and perpetuate inequality in urban centers. In Oakland, for example, a history of redlining and exclusion of Black homeowners from white neighborhoods as well as the construction of freeways

through Black businesses, has led to the devaluation of the lower-income flatlands (McClintock, 2008; Self, 2003). These are the neighborhoods from which the food justice movement has emerged, emphasizing the need to dismantle racism in the food system and increase community control over food production and distribution.

Many food justice advocates see the potential for urban agriculture to increase food production, provide economic opportunities, and build power in communities that are geographically and economically marginalized in our current food system (Lawson, 2005). A survey conducted on open space in Oakland found that even the most conservative use of this land could contribute to between 2.9 and 7.3% of Oakland’s current produce consumption (McClintock, Cooper, & Khandeshi, 2013). In addition to providing food, urban agriculture can contribute economically to communities by creating food-related jobs and keeping food dollars circulating locally between producers and consumers.

One of the greatest benefits of expanding urban agriculture is not its contribution to the food system per se, but the social networks that are built in the process of expanding urban agriculture, which can strengthen social and political power. Ryan Thayer argues that the Tenderloin People’s Garden acts as an organizing tool to engage community members in issues beyond food production. According to Max Cadji from Oakland’s Phat Beets Produce, “the change comes when you get a group of people that have a shared interest together, and then they have a shared culture, and a shared value system then they can build together in incremental steps to increase their power [...] that’s what leads to healthier communities [...] that’s the value of urban agriculture” (personal communication, 2014).

### Urban Agriculture’s Limits, Contradictions, and Challenges

However, as Holt-Giménez notes, “[No] amount of fresh produce will fix urban America’s food and health gap unless it is accompanied by changes in the structures of ownership and a reversal of the diminished political and economic power of low income people of color” (Holt-Giménez, 2010). In other words, urban agriculture itself cannot alter the underlying structures – the rules and institutions – which determine the food system. Currently, this structure is dominated by cor-

porations and exemplified in policies that govern trade, property rights, and labor in their favor (Holt-Giménez and Wang, 2011). Thus, while urban agriculture has the potential to increase access to fresh produce or provide jobs, it may not radically transform structural conditions or address the root causes of food insecurity.

One of the biggest structural challenges that urban agriculture faces is access to land. Land ownership has consistently been held disproportionately in the hands of white populations, and the historical racial hierarchies that have restricted land ownership for non-whites continue to shape structures of land ownership today (Minkoff-Zern, et al., 2011). Due to historical devaluation in low-income communities, land in white communities is often much more expensive than in communities of color (Pulido, 2000). Although historic disinvestment in inner city neighborhoods has generated empty lots with potential for urban agriculture, profit-driven investment and speculative expectations of continuously growing property values have limited community use of such spaces. Instead, a growing “rent gap” between what low-income communities pay for disinvested urban spaces and what speculative investment interests can potentially charge newer richer residents and businesses tends to lead to gentrification: the displacement of poorer residents by richer ones (Smith, 1987).

Even when land is available for urban farming, there are many challenges associated with food production in urban areas. Often urban agriculture projects led by NGOs and community organizations have small budgets and depend on volunteers and grant money to provide food for low-income communities (Golden, 2013; Kaufman & Bailkey, 2000). For urban farmers who do not rely on grants, it can be challenging to establish a market and distribution network for their produce. Many sell at farmers markets or farm stands, CSAs, local restaurants, or to wholesalers. Often, the high prices they are often forced to charge to cover their own costs means that the food remains inaccessible to low-income consumers – precisely the ones urban farming is supposed to benefit. Need is not the same as market demand, a contradiction inherent to market-based approaches (Alkon & Mares, 2012). In short, many urban farmers have difficulty accessing



*Urban Agriculture in Oakland, CA. Photo by Food First.*

land, establishing a market, and/or distributing food to those for whom the market is inaccessible.

The price of land in urban spaces outpaces the potential profits from urban agriculture, especially when compared to selling or developing the land. Much of urban agriculture takes place on land leased from private landowners (Milburn & Vail, 2005). Ultimately, decision-making power remains with landowners, who often see these as short-term leases, and may terminate them with little warning (Lovell, 2010). Achieving greater and more stable land access for low-income communities to pursue urban agriculture is thus an important step for food justice, though it may only begin to address structural conditions of ownership and decision-making.

In the face of farmland access challenges in both urban and rural regions of the US, policy debates have focused on “land use planning.” In California, much of this policy discourse concentrates on zoning laws that classify spaces based on their function and on tax incentives to encourage particular uses in certain zones. Zoning laws became part of local governance in the early 19th century to deal with land use conflicts between different sectors (Voigt, 2011). Many cities and municipalities, for example, place restrictions on raising animals such as chickens, while others restrict agriculture to personal use, making it illegal to sell products from

urban farms. However, these policies are beginning to shift as cities pass policies that incorporate urban agriculture into city planning. In 2011, San Francisco passed a zoning law that created a new land use category specifically for urban agriculture (Goldstein et al., 2011). In 2015, Sacramento lifted restrictions on commercial or entrepreneurial urban agriculture, and subsequently passed a policy to allow backyard garden sales. AB 551 was passed in 2013 to incentivize urban agriculture through tax breaks for agricultural uses of urban parcels.

### What is AB 551?

On January 1st, 2014, AB 551<sup>1</sup> was enacted statewide to urban areas with populations over

*“To ensure that urban agriculture can thrive in California’s high tax urban centers, AB 551 is necessary to reduce the burden of urban property tax, creating the opportunity for a sustainable network of small market urban farms” (Reed, 2013).*

250,000, allowing landowners to receive a lower tax assessment for agricultural land use for a minimum of five years. According to Eli Zigas, a major proponent of the policy who works for San Francisco Bay Area Planning and Urban Research Association (SPUR), this bill has two primary goals: 1) To help farmers gain access and open property to urban agriculture, and 2) to increase land security for urban farmers (personal communication, 2014). But before the legislation can take effect, both the city and county of each locality must pass legislation that creates incentive zones for urban agriculture. Once these zones are created, landowners who commit to using the land for urban agriculture for five years or more can apply for the tax break, which revalues the land at its agricultural value rather than its much higher market value. The parcel must be between 0.1 and 3.0 acres, and dedicated solely to commercial or non-commercial

<sup>1</sup> A number of similar policies have been implemented across the country in recent years. Missouri (2013), Utah (2012), and Maryland (2010) have passed policies that give tax breaks for agricultural land use. Utah’s law gives these tax breaks specifically to nonprofits who use land for urban gardens.

urban agriculture. Physical structures on the property are only allowed if their purpose is to support the farm or garden operation. In short, AB 551 was passed with expectations that it would increase access to urban land for new farmers and improve land security for existing farmers. San Francisco was the first to create urban agriculture incentive zones (UAIzs) in August of 2014, and other cities have since followed.

In Sacramento County, which approved its ordinance for incentive zones in August 2015, urban farmer Chanowk Yisrael and lawyer Matt Read are optimistic that the policy will be implemented in a way that benefits low-income communities, such as Oak Park, Sacramento. Yisrael says that his community has many empty lots, and that the policy encourages new uses for the land, which is often littered by illegal dumping. Read served as a liaison with community groups to ensure that they were aware of the policy prior to its passing. Read expressed in 2014 that, “[It] is complicated enough that they are going to need to have some legal support to do it, to access those breaks, or to even know about it, [but] we have a lot of organizations here that I think are really well suited to bridge that gap” (personal communication, 2014). In the first phase of implementation, two parcels applied to receive tax breaks – a private property owner and an Oak Park based non-profit, Oak Park Sol. The Sacramento Urban Ag Coalition and Oak Park Sol are putting on workshops with hopes that there will be a larger interest in the second round of applications later this year.

In Los Angeles County, a proposal for the adoption of AB 551 was passed unanimously in September 2015 that required six months to determine the details of implementation. Once approved, the policy will be in effect in unincorporated areas of LA County, with a number of the 88 cities in the county working to pass the legislation as well. Breanna Morrison from the LA Food Policy Council says that there are thousands of potential sites that would be able to take advantage of the tax break, and they are working to strengthen partnerships so that the policy will be taken advantage of immediately (personal communication, 2016).

Similarly, Santa Clara County approved the ordinance in October 2015, taking effect in the unincorporated parts of the county. While in December 2015 the City

Council in San Jose identified AB 551 as a priority for 2016, there were initially concerns from the Planning Department that the policy would interfere with vacant land reserved for future housing developments (SPUR, 2016). With over 500 properties eligible in San Jose, local non-profits including Garden to Table and La Mesa Verde are optimistic that the policy will be implemented soon and are currently developing a plan to connect property owners with interested urban farmers.

According to the San Diego Food System Alliance, San Diego is also moving forward with implementation. After approval from the City Council subcommittee on Land Use and Smart Growth, the City Council subsequently voted to implement the ordinance in March 2016, with hopes for adoption by June (Brown, 2016). The County staff has also been approved to study AB 551 implementation and to potentially support cities in the county with their implementation.

### Implementing AB 551: From State Policy to City Practice

*"I have no objection to [AB 551], I would support it. But you know I don't know what the total impact could be because the gap between passing the legislation and producing food in a systematic and productive and efficient way – that gap is ginormous, it's huge." –Hank Herrera, C-PREP/New Hope Farms*

While AB 551 has been passed on a state-level, there are a number of steps that local governments and communities must take before implementation, steps which may limit the policy's ability to significantly shift California's urban agricultural landscape. Several factors must be considered:

First, the policy has a much higher chance of being utilized in cities where the right to practice urban agriculture has already been granted through supportive zoning legislation. For instance, prior to 2015 it was illegal to sell produce on site at urban farms in Sacramento. Matt Read of Sacramento's Sustainable Community Agriculture states, "[Until] you have a really city wide zoning code that embraces

urban agriculture and really calls it out as a specific use... I don't think that a lot of counties or cities will feel like they can issue the tax breaks," (personal communication, 2014). In 2015, both ordinances were passed in Sacramento allowing farm sales and the creation of UAIzs, opening new opportunities for urban agriculture in the city.

Second, the policy is limited to private lots, and only to those with exclusively agricultural uses. While cities such as Los Angeles and Sacramento have large numbers of empty plots, the impact of the policy is limited in cities such as San Francisco where open land is being developed at an exceptionally fast rate. Even where plots are available, they must be privately owned, of a certain size, and cannot include other buildings such as homes or schools. For example, while Little City Gardens in San Francisco had initially hoped to take advantage of AB 551, the landowners' plans to construct a school on the farm property makes their site ineligible.

Third, landowners of empty lots must be interested in taking advantage of the tax break, because ultimately the land is private property, and a tax break is only an incentive. In Oakland, this has been one of the primary obstacles to creating urban agriculture incentive zones. According to Esperanza Pallana, former coordinator of the Oakland Food Policy Council (OFPC), the Oakland city council has noted that "[The] owners who have abandoned properties are not going to be financially incentivized to participate in this program, because while it would take care of taxes hence forward, they have back taxes to pay, and they're non-responsive" (personal communication, 2014). Additionally, community groups and non-profits must be aware of the policy and mobilize to push it forward with city and county governments. In East Palo Alto, the temporary loss of a key organizing body, Collective Roots, virtually stopped discussions around its implementation in 2014 (Peter Ruddock, personal communication, 2014).

Fourth, on a policy level, a common concern in counties is the loss of revenue to the local governments due to the tax break. According to D'Artagnan Scorza of Inglewood City and LA County, this was initially a primary concern for the county, leading them to put a cap at \$3 million over a 5 year time period. However, despite this concern in a number of larger cities, Esperanza



Urban garden in Oakland, Ca. Photo by Leonor Hurtado.

Pallana of the OFPC says this would be a surprising argument in a city like Oakland, “If they are upset about revenue from taxes, they should be focusing on holding those folks accountable for their abandoned properties, because it’s not only a financial problem, it is a problem in our neighborhoods” (personal communication, 2014).

### Potential for Gentrification and Displacement?

While there is interest in AB 551, community organizers and food justice advocates have expressed some concern over who will benefit from AB 551 and who will be left out. As Ryan Thayer of the Tenderloin Neighborhood Development Corporation states, “Urban agriculture tends to be popular with folks from more privileged backgrounds and I think it’s really essential that the voices of low-income people are heard and are prioritized in that process” (personal communication, 2014). Without explicit support for low-income communities, some fear that this policy may follow the same trend. AB 551 allows the same opportunity for newcomers to work with landowners to apply for the tax break as long-term members of the community. The legal and financial process to access this policy can be daunting, and without specific support, low-income communities are likely to find it difficult to take advantage of AB 551. According to Cadji, this creates a situation where “AB 551 will just naturally benefit young white farmers” (personal communication, 2014).

Indeed, in Alameda County, an Oakland land use attorney who mostly works for developers along with a white-owned urban farm landscaping company that recently expanded into West Oakland from Los Angeles, have

been pushing to implement AB 551 quickly. According to Pallana, the OFPC has discussed concerns about this push, and hopes to leverage longstanding community voices to influence how a local ordinance would turn out. But there is no guarantee that such an ordinance would prioritize low-income communities – especially when advocated by white urban farmers and developer lawyers who have not sought input from local residents and existing urban farm projects.

Cadji further argues that this policy may have implications in aiding gentrification, the process in which low-income communities (often communities of color) are displaced from their neighborhoods due to increases in the cost of housing and profit-driven displacement of existing residents and businesses:

*“[Land owners] basically get tax credits for getting their land improved...more people are attracted and then it’s like they’re raising their own property values if you get enough of them on a block...so you know we are really concerned about the implications of urban agriculture/urban greening in gentrification.”* –Max Cadji

The link between environmental space and gentrification within cities has been documented (involving not just gardens but green space in general), and described as “ecological gentrification” (Dooling, 2009). Quastel (2009) explains the Onni Community Park and Gardens case in Vancouver in which a private real estate developer used gardens as a way to market their development as an example of such eco-gentrification. In 2014, a real estate company video featured a Phat Beets Produce garden to sell its low-income, but gentrifying, Oakland neighborhood as an “up and coming” district for homebuyers.<sup>2</sup> Similarly, Steve King from the Oakland Community Land Trust (OCLT) claims that, “[Gardens] have been used as essentially marketing fodder for investors” (personal communication, 2014). In starting urban agriculture initiatives in low-income neighborhoods, even well intentioned food justice organizations “may inadvertently contribute to the gentrification process” if their gardens attract richer populations (McClintock, 2013: 156).

<sup>2</sup> See <http://www.newyorker.com/business/currency/gentrification-and-the-urban-garden> and <http://www.phatbeetsproduce.org/nobe-a-great-example-of-the-forces-of-gentrification/>



Others critique the shortsightedness of the policy's five-year lease requirement<sup>3</sup>, as it can take several years simply to build the necessary soil structure and infrastructure for a productive urban garden. Because the policy focuses on interim land use on otherwise vacant land, the potential for long-term lease agreements is limited. Thus, while AB 551 may increase the use of private land for short-term projects, the policy fails to create long-term stability in access to and use of land. Without opportunities for secure land tenure, there is no promise that the garden remains in the hands of community members. This poses another way that, in the long term, the policy could contribute to processes of gentrification more than to food justice.

In reality, these tensions are not unique to AB 551. Rather, they highlight one of the central questions about the role of urban agriculture in food justice. Despite its potential for contributing to food justice, urban agriculture may, in some cases, serve to further marginalize low-income people and/or communities of color. Developers and city planners promote urban agriculture as a way to increase green space, reduce blight, improve safety, increase home values, and provide recreational space (Golden, 2013; Surls et al., 2014). When used as a form of "beautification" of cities, and in the absence of low-income community ownership, self-determination, and food sovereignty, urban agriculture can be linked to increasing property values and gentrification.

Many food justice advocates from cities across the state are working with community groups to ensure that these concerns of gentrification and displacement are addressed during implementation of AB 551. According to Breanna Morrison of the LA Food Policy Council, community groups in Los Angeles are trying to come up

with a way to incorporate community engagement into the application for tax breaks. One idea being considered is to include a community review of applications to be sure that the growers who cultivate the land embody the values of a good food system – such as equity and health (personal communication, 2016). In Sacramento, Matt Read is optimistic that with outreach from advocacy groups to make the application process less intimidating, more community groups in low income communities will feel comfortable taking advantage of the policy. In Oakland, Cadji calls for stipulations within the creation of the incentive zone that would mandate that some portion of incentivized parcels of land be made available for community member use, and provide money for outreach and translation, microloans, or technical assistance.

### **The Williamson Act: Lessons from California History**

In light of the many challenges involved in any effort to make land more accessible for farming, looking to California history may provide some insights. AB 551 is modeled off the Williamson Act, or the California Land Conservation Act of 1965, which gives tax breaks for agricultural and open space land use. One author of AB 551 describes the policy as basically a Williamson Act for California's cities (Reed, 2013).

The Williamson Act has made an impact in rural areas. In 2010, about 16.6 million acres – or about half of California's agricultural land and a third of total private land – was held under the Williamson Act (Sokolow, 2010). A 1989 study found that without the Williamson Act, 1 in 3 contracted ranchers would have lost their parcels of land (Land Conservation Act, n.d.). In a 2009 study, approximately 71% of contracted ranchers reported their profit to be equal to or less than the tax break offered by the Act (Wetzel et al., 2012), meaning the break was useful. The implementation of the Williamson Act was intended to ensure that people did not lose their property due to unrealistic tax assessments, and according to Nicholas Reed, "perhaps the most significant challenge to urban agriculture – California's high property taxes –

<sup>3</sup> Additionally, Peter Ruddock expresses concerns that landowners might terminate the lease even before the 5 year minimum, as even though they would be required to pay back the tax break, the profits they make from selling or developing the land are much higher. In order to maximize land security, Ruddock recommends creating an additional contract between the landowner and the urban gardener, in the event that the landowner decides to sell the land before the lease is up. For example, some gardens have already created agreements guaranteeing that the landowner will pay back the food and infrastructure investments, as well as the property tax, in the event that they decide to sell or develop the land. With this additional agreement, the gardener is fully protected for the minimum five years.

remains. This challenge is similar to the challenge that once influenced state legislators to pass the Williamson Act” (Reed, 2013).

The idea of “high property taxes” also influenced the 1978 passage of Proposition 13, which limited property tax increases and state and county abilities to level other taxes, and led to ongoing budgetary instability in the state (McClintock, 2015: 21). Prop 13 influences AB 551 in two main ways: one, by having created the context whereby county-level governments are hesitant to pass any laws which would reduce their already-limited tax revenue, and two, by having encouraged suburban and peri-urban housing sprawl, as those same county governments have been incentivized to pursue new developments as their best means to increase tax revenue (Guthman, 2008).

The continuing pressure of sprawl has displaced much farmland, regardless of the Williamson Act, leading scholars to criticize the Act for its failure to prevent urban sprawl (Sokolow, 2010). According to Carman, “property tax relief, while important, can be economically insignificant in the face of strong development pressures and potential” (1984). Thus, land that is less likely to be developed in the first place is more likely to be protected through the Williamson Act (Onsted, 2007). Similarly, AB 551 cannot slow the development of land, insofar as the value of land continues to be much higher than the tax breaks received. A key similarity between these two policies is that they are both incentive-based tax relief mechanisms. Knowing the Williamson Act’s limitations begs the question, “What is the long-term viability of voluntary incentive-based conservation programs in the face of inexorable development pressure?” (Onsted, 2007). The use of incentives reflects the American privileging of private property rights (with government control limited) over public and other forms of property rights. Incentives are one method to encourage land use in a certain way, but decisions are still made at a landowners’ discretion.

The policies also differ in significant ways. For instance, the Williamson Act emerged from land preservation agenda at a time when people were worried about population growth and development in California. AB 551, on the other hand, is specifically for interim land use, and does not have the same goal of decreasing development, emerging instead from an effort to use

neglected urban land and increase short-term land security (Eli Zigas, personal communication, 2014). Additionally, the amount of eligible land under each policy varies greatly: while rural farmland composes millions of acres of land in California, urban land is much more limited. While rural agriculture prior to the implementation of the Williamson Act perhaps faced a high tax burden, this is not necessarily the same for urban agriculture. Rather, one of the greatest barriers for urban agriculture is finding any land at all, due to development pressures.

If the history of incentive-based policies like the Williamson Act is any indication, AB 551 is not set up to change the structural conditions of land ownership, access, and use. Because of this, it may be limited in the amount of space it is able to create for the type of urban agriculture that contributes to food justice across the state. To truly support food justice and food sovereignty would require providing greater opportunities for sustained land tenure for marginalized communities, and while incentive-based policies may help bring these issues into the public debate, they are simply not set up to enable such fundamental transformation of land ownership and use patterns.

### **Broadening the Land Policy Agenda: Reclaiming the Public Sphere**

The passage of AB 551 brings up skeptical questions about the potential for voluntary, incentive-based policies to transform the food landscape in California. With so many limitations to increasing food access and urban agriculture in low-income communities, is AB 551 a stepping-stone toward more comprehensive change, or is it a reformative approach that sidesteps real transformation? Worse, could it be a regressive measure, leading to greater marginalization of low-income communities while benefiting landowners and investors? What other types of land policy tools could benefit urban agriculture for food justice and sovereignty? And what additional measures might ensure that AB 551 contributes to more democratic and equal distribution of access and control over land for food production?

It is clear that private property and market-led incentives are not enough to ensure food justice

or food sovereignty. Many activists have expressed interest in the potential of public land as spaces for more permanent urban agriculture. While agriculture has faced similar challenges when utilizing public land on short-term leases, public land designated as a park or recreational space is much more difficult to develop than private land (and communities tend to have greater leverage with local governments than private landowners). A coalition of groups from Oakland, including Cadji and Pallana, have created the Edible Parks Task Force, which is attempting to push the city to allow edible plants in its landscaped areas. Cadji hopes to see a future not only of edible parks, but also of “edible libraries and edible schoolyards, edible public spaces, edible parkways, edible plazas” (personal communication, 2014). Another idea in Oakland is to create an edible greenway, which grows food throughout non-motorized pathways in Oakland. In the case of San Francisco, Thayer agrees: “I think with the rate of development in the city, public land is really the only place” (personal communication, 2014).

Advocates such as Steve King from the OCLT are also imagining alternative land ownership models as part of a longer-term vision: “[AB 551] might ultimately backfire if the tax break only has a limited term... I’d really like to see a longer term vision built into the implementation where potentially a community land trust could be involved to ensure that there is a long-term solution, [so] organizations or residents would not get displaced from land they had worked on for five years when the tax credit expires” (personal communication, 2014). Land trusts more generally may provide a viable path to secure land tenure in urban areas. While urban community land trusts traditionally focus on affordable housing, advocates are starting to look at urban agriculture as worthy of secure land access (Milburn & Vail, 2005). For example, in Madison, Wisconsin, community and conservation land trusts worked together to secure a site for affordable housing, gardens and open spaces, protecting Troy Gardens from development plans (Campbell & Salus, 2003). In California, the OCLT has announced the development of plans to support urban agriculture initiatives in the city (Healthy Food and CLTs, n.d.). However, Steve King notes that not everybody agrees that urban agriculture should be a priority: “I don’t think that urban agriculture is necessarily given a fair shake in thoughts about the use of public land or vacant land. And maybe housing is more important, but

it needs to be a broader discussion” (Steve King, personal communication, 2014).

Activists that we interviewed stressed that in refocusing efforts on the role of the state in the construction of food justice, there is a need for punitive and redistributive measures. For example, Pallana’s idea of “focusing on holding those folks accountable for their abandoned properties” indicates that city governments could already be raising revenue and altering land use by going after existing cases of land neglect and property tax evasion. Going further, in some cases the use of eminent domain could be leveraged to redistribute such properties to low-income communities and their urban agriculture projects. Existing requirements for developers to pay into local affordable housing funds could be raised, with additional funding directed to securing long-term tenure via land trusts and other alternative ownership models.

Despite the many limitations to AB 551, many food justice activists on the ground are attempting to ensure that it is implemented in a way that is useful to low-income communities and communities of color. For example, La Mesa Verde is a San Jose based food justice organization that works with low-income families to build backyard gardens and provide training and support, in order to increase access to healthy food and elevate community voices in local policy work. As rent prices have increased across the Silicon Valley, La Mesa Verde has found that fewer families have space in which to cultivate food for their families. Because AB 551 offers a tool to convert vacant lots to urban agriculture for families that do not have space to cultivate in their own backyards, La Mesa Verde has found in AB 551 an opportunity to engage its community in the political process, and has worked with an organizing committee of its low-income community members to demand the city’s accountability in the process of implementing the policy. While there is a danger in AB 551’s reformative approach, the policy has provided La Mesa Verde (along with other food justice organizations in Los Angeles and other cities across the state) the opportunity to organize around land use – in cities where low-income communities and

their demands for land access too often go unheard.

## Conclusion

AB 551 has helped open a policy door and a public debate in California. With sufficient government buy-in and public investment, AB 551 has the potential to support efforts at increasing food security in urban spaces. However, AB 551 alone is not particularly well equipped to ensure that low-income communities and communities of color have sustained control over urban farmland – a major barrier to achieving food justice. In fact, in the absence of low-income communities and grassroots organizations fighting for implementation that takes their needs into account, AB 551 is likely to further exacerbate these communities' marginalization, through gentrification and the increasing dominance of urban agriculture by and for whiter, wealthier people.

Building food sovereignty requires transforming the structural inequalities that make land for urban agriculture so hard to access and keep under cultivation; ultimately, it requires overturning the longstanding lack of control that low-income residents and communities of color have over urban land and development. Addressing such big challenges will require more than market-led solutions such as tax incentives or new zoning policies for private land, which almost invariably support landowning classes without substantially shifting overall land use and development patterns. Use of public land, along with punitive and redistributive governmental regulatory measures, are essential components of building a just food system: it is unrealistic to expect a bill like AB 551 to do this work alone. The challenge now is to mobilize the political pressure that can channel the interest among policymakers in land access for urban agriculture into more transformative measures.

## References

- Alkon, A. H., & Mares, T. M. (2012). Food sovereignty in US food movements: radical visions and neoliberal constraints. *Agriculture and Human Values*, 29(3), 347–359. doi:10.1007/s10460-012-9356-z
- Brown, E. (2016). Urban Agriculture Incentive Zones (AB 551) approved by City of SD Land Use Committee! <http://www.sdfsa.org/blog/2016/1/29/urban-agriculture-incentive-zones-ab551-approved-by-city-of-sd-land-use-committee>
- Campbell, M. C., & Salus, D. A. (2003). Community and conservation land trusts as unlikely partners? The case of Troy Gardens, Madison, Wisconsin. *Land Use Policy*, 20(2), 169–180. doi:10.1016/S0264-8377(03)00002-4
- Carman, Hoy. (1984). An Analysis of Proposition 13 Impacts on California Land Conservation Act Participation. *Land Economics*, 60(4), 360-366.
- Dooling, S. (2009). Ecological Gentrification: A Research Agenda Exploring Justice in the City. *International Journal of Urban and Regional Research* 33(3), 621-639. doi:10.1111/j.1468-2427.2009.00860.x
- Golden, S. (2013). Urban Agriculture Impacts: Social, Health, and Economic: A Literature Review. UC Sustainable Agriculture Research and Education Program.
- Goldstein, M., Bellis, J., Morse, S., Myers, A., & Ura, E. (2011). Urban Agriculture: A sixteen city survey of urban agriculture practices across the country. Turner Environmental Law Clinic at Emory Law School.
- Guthman, J. (2008). Neoliberalism and the Making of Food Politics in California. *Geoforum*, 39(3): 1171-1183.
- Healthy Food and CLTs. (2014). Oakland Community Land Trust. [http://www.oakclt.org/index.php?option=com\\_content&view=article&id=97&Itemid=39](http://www.oakclt.org/index.php?option=com_content&view=article&id=97&Itemid=39)
- Holt-Giménez, E. (2010). Food Security, Food Justice, or Food Sovereignty? *Food First Backgrounder* 16(4).
- Holt-Giménez, E., & Shattuck, A. (2011). Food crises, food regimes and food movements: rumblings of reform or tides of transformation? *The Journal of Peasant Studies* 38 (1), 109-144.
- Holt-Giménez, E., & Wang, Y. (2011). Reform or Transformation? The Pivotal Role of Food Justice in the U.S. Food Movement. *Race/Ethnicity: Multidisciplinary Global Contexts*, 5(1), 83–102.
- Kaufman, J., & Bailkey, M. (2000). *Farming Inside Cities: Entrepreneurial Urban Agriculture in the United States*. Lincoln Institute of Land Policy.
- Lawson, Laura J. (2005). *City Bountiful: A Century of Community Gardening in America*. Berkeley. University of California Press.
- Lovell, S. T. (2010). Multifunctional Urban Agriculture for Sustainable Land Use Planning in the United States. *Sustainability*, 2(8), 2499–2522. doi:10.3390/su208249
- McClintock, N. (2008). From Industrial Garden to Food Desert: Unearthing the Root Structure of Urban Agriculture in Oakland, California. Institute for the Study of Societal Issues Fellows Working Papers.
- McClintock, N. (2013). Radical, reformist, and garden-variety neoliberal: coming to terms with urban agriculture's contradictions. *Local Environment*, 19(2), 147–171. doi:10.1080/13549839.2012.72797
- McClintock, N. (2015). A Critical Physical Geography of Urban Soil Contamination, *Geoforum*, 65: 69-85.
- McClintock, N., Cooper, J., & Khandeshi, S. (2013). Assessing the potential contribution of vacant land to urban vegetable production and consumption in Oakland, California. *Landscape and Urban Planning*, 111, 46–58. doi:10.1016/j.landurbplan.2012.12.009
- Milburn, L. S., & Vail, B. A. (2005). Sowing the Seeds of Success: Cultivating a Future for Community Gardens. *Landscape Journal*, 29,

- 1–10.
21. Minkoff-Zern, L., Peluso, N., Sowerwine, J., and Getz, C. (2011). "Race and Regulation: Asian Immigrants in California Agriculture." In *Cultivating Food Justice*, editors Alkon and Agyeman. Cambridge, MA: MIT Press.
  22. Land Conservation Act. (n.d.). Department of Conservation. [http://www.conservation.ca.gov/dlrp/lca/basic\\_contract\\_provisions/Pages/LCA\\_QandA.aspx#what](http://www.conservation.ca.gov/dlrp/lca/basic_contract_provisions/Pages/LCA_QandA.aspx#what)
  23. Onsted, J. A. (2009). *The Effectiveness of the Williamson Act: A Spatial Analysis*. VDM Verlag Dr. Müller.
  24. Pulido, L. (2000). Rethinking Environmental Racism: White Privilege and Urban Development in Southern California. *Annals of the Association of American Geographers*, 90(1), 12-40.
  25. Quastel, N. (2009). Political Ecologies of Gentrification. *Urban Geography*, 30(7), 694-725. doi: 10.2747/0272-3638.30.7.694
  26. Reed, N. (2013). Making an Urban Agriculture Small Business Sector Feasible in San Francisco: A "Williamson Act" for California's Cities. *Stanford Law & Policy Review*, 1.
  27. Self, R. (2003). *American Babylon: Race and the Struggle for Postwar Oakland*. Princeton University Press.
  28. Smith, N. (1987) Gentrification and the Rent Gap. *Annals of the Association of American Geographers*, 77(3), 462-465.
  29. Sokolow, A. D. (2010). Outlook: Budget cuts threaten the Williamson Act, California's longstanding farmland protection program. *California Agriculture*, 64(3), 118-120.
  30. SPUR (2016). SPUR Comments on SJ Urban Ag Incentive Zone Resolution. <http://www.spur.org/publications/policy-letter/2015-11-17/spur-comments-sj-urban-ag-incentive-zone-resolution>.
  31. Surls, R., Feenstra, G., Golden, S., Galt, R., Hardesty, S., Napawan, C., & Wilen, C. (2014). Gearing up to support urban farming in California: Preliminary results of a needs assessment. *Renewable Agriculture and Food Systems*, 30(1), 33-42. doi:10.1017/S1742170514000052.
  32. Urban Agriculture State Legislation. (2014). National Conference of State Legislators.
  33. <http://www.ncsl.org/research/agriculture-and-rural-development/urban-agriculture-state-legislation.aspx>.
  34. Voigt, K. A. (2011). Pigs in the Backyard or the Barnyard: Removing Zoning Impediments to Urban Agriculture. *Boston College Environmental Affairs Law Review*, 38(2).
  35. Wetzel, W. C., Lacher, I. L., Swezey, D. S., Moffitt, S. E., & Manning, D. T. (2012). Analysis reveals potential rangeland impacts if Williamson Act eliminated. *California Agriculture*, 66(4), 131–136. doi:10.3733/ca.v066n04p131.

Food First is “people’s think tank” dedicated to ending the injustices that cause hunger and helping communities to take back control of their food systems. We advance our mission through three interrelated work areas—research, education, and action—designed to promote informed citizen engagement with the institutions and policies that control our food.

[www.foodfirst.org](http://www.foodfirst.org)  
[www.foodfirst.org/become-a-member](http://www.foodfirst.org/become-a-member)  
 398 60th Street, Oakland, CA 94618, USA

©2016 Institute for Food and Development Policy/ Food First/ Food First Books.  
 All rights reserved. Please do not copy without written permission from the publisher.

