

June 16, 2022

MEMBERS OF THE PARKS AND RECREATION COMMISSION

City of Long Beach
California

RECOMMENDATION

Authorize the Director of Parks, Recreation and Marine to approve a right of entry permit to Strength Based Community Change, a non-profit 501c3, for the development, management, and operation of a community garden at McBride Park for a period of three years starting July 1, 2022, through June 30, 2025, with two (2) three-year renewals at the discretion of the Director. (District 6)

DISCUSSION

Strength Based Community Change (SBCC), a non-profit organization, has partnered with residents to empower communities across Los Angeles County for the last 48 years. Dedicated to activating individuals, families, and communities to advocate for social justice and equity, SBCC's commitment is to help build and sustain resilient, adaptable, and socially engaged communities known as NAC (Neighborhood Action Councils) groups. NAC's build relationships around shared values to design and implement projects, programs and events centered around improving quality of life. Unity Garden, a NAC group, developed a garden at the Mark Twain Neighborhood Library in November 2018. Due to vandalism and unsanitary conditions, the garden at the library shut down in July 2021.

SBCC and its local NAC group, Unity Garden, plan to develop, operate, and manage a community garden located at McBride Park (Attachment A) that will engage the community through regular gardening workshops for both children and older adults. The partnership will increase park visitors and regularly engage the NAC who will help maintain the garden. The goal of the garden is to promote diversity, cross-generational work, community meetings, workshops, and events.

The proposed right of entry permit will contain the following major terms and conditions:

- Permittee: Strength Based Community Change (SBCC), a 501(c)(3) nonprofit corporation.
- Term: One (1) three-year term from July 1, 2022, through June 30, 2025.
- Options to Renew: Two (2) three-year options to renew at the discretion of the Director.

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- Termination: Either party may terminate the lease without cause by providing the other party with a 60-day prior written notice.
- Premise: Permittee accepts premise "as is" (Attachment A).
- Meeting Space: Permittee will contact the Parks, Recreation and Marine Department (Department) to schedule and coordinate use of the teen center for community meetings that directly relate to the garden.
- Use: Management, operation, and maintenance of the garden. All costs for the use of the garden will be the sole responsibility of the Permittee with the exception of water. If at any time the garden becomes a financial burden to the Department or falls into a state of disrepair due to lack of maintenance, this permit may be revoked. Anything brought on site such as recycled materials, structures, storage unit, building materials, etc., will be approved first by the Department and become the responsibility of the Permittee with removal by Permittee upon termination of the agreement. The Department will not provide any funding, supplies or staff support, unless approved in advance and in writing by the Director of Parks, Recreation and Marine (Director).
- Improvements: Permittee shall request advance written permission from the Director to add any improvements or make any modifications to the garden. Permittee understands that at the expiration or sooner termination of the permit, improvements become the property of the City.
- Allocation of Garden Plots: Permittee understands that the intent of the permit is to provide the community with access to gardening, education, and fresh produce. Therefore, Permittee shall conduct outreach and partner with other organizations to provide priority access to garden plots to the community at large.
- Rent: Annual rent for the garden shall be waived in consideration of the community benefits of providing local gardening opportunities to the community. Benefits to the community include outdoor experiences, social interaction, environmental education, and the ability to access a low-cost source of food.
- Hours of Operation: Permittee's hours are limited to the park hours which are dusk to dawn. Should the Permittee choose to hold an event past normal operating hours, depending on the scope of the event, the Permittee shall pull a separate permit through the Department Reservations Office, or the City's Special Events and Filming Office. The Permittee will be responsible for all applicable fees, including staff time.
- Utilities: The Department shall be responsible for water.



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- Parking and Restrooms: Permittee understands that limited public parking may be available and no freestanding public restrooms are available. Public restrooms are available at the McBride Community Center during standard park hours.
- Security: Permittee shall be solely responsible for and pay for all maintenance and repairs due to any vandalism, graffiti or damage to the garden. Permittee shall allow the Department to place a City lock on all Garden entry gates so that the City may easily enter the garden in the event of an emergency.
- Vermin: Permittee shall immediately remove fallen fruit from the ground, store extra wood in a manner that doesn't provide opportunities for rodent housing, and maintain compost piles, among other measures to keep the garden free from vermin.
- Easements: Permittee shall arrange the garden area to not block any doors or access to the Department's pipeline, storm drain, or equipment that may be located under the garden.
- Laws and Other Permits: Permittee shall apply, pay for, and follow all applicable local, regional, state, and federal laws, codes, regulations, requirements, and health orders necessary to manage and operate the garden.
- Fingerprinting: Pursuant to Department policies regarding adult activity with children on Department property, Permittee shall ensure that all Permittee members, instructors, and volunteers are fingerprinted for background checks prior to teaching and/or interacting with children.
- ADA Access: Permittee shall be solely responsible for ensuring that the garden and any improvements thereon comply with all applicable local, state and/or federal laws pursuant to the Americans with Disabilities Act, at Lessee's sole cost and expense.
- Bi-Annual Reports: Permittee shall provide bi-annual reports to the Department no later than July 31st and January 31st, covering garden's accomplishments for that six-month period.
- Insurance: Lessee shall purchase and maintain all applicable insurance and endorsements, as required and approved by the City Risk Manager.
- Publicity and Social Media: Where possible, the Department will assist the Permittee with promoting and marketing the garden's activities and events. The Department and the Permittee will not use the other party's name, marks or logos in any advertising, promotional material, press release, publication, public announcements,



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or through other media, whether written or oral, without the prior written consent of the other party.

- Grant Approval Process: Prior to submitting a grant application, the Permittee will send a written notification of the grant opportunity to the Department at least two weeks prior to the grant deadline to seek written permission to apply for funding. The Department will review the request, the grant criteria, and consider other Department programming and facilities seeking funding. The City reserves the right to deny the request if the grant performance measures are not financially or operationally feasible or unreasonably burdensome for any other reason or violates City policies of obligation to fulfill grant requirements without City Council approval.

It is requested that the Park and Recreation Commission approve the right of entry permit for the development and maintenance of a community garden at McBride Park.

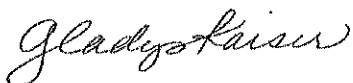
FISCAL IMPACT

The fiscal impact includes a one-time cost of \$2,500 for irrigation and an annual cost of \$400 for water. This is not currently budgeted, and the department will need to absorb until such time as ongoing budget is added. There's no job impact with the recommended action.

SUGGESTED ACTION.

Approve recommendation

Respectfully submitted,



GLADYS KAISER
MANAGER
COMMUNITY RECREATION SERVICES



HURLEY OWENS
MANAGER
MAINTENANCE AND OPERATIONS



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NANCY VILLASEÑOR
MANAGER
PARK PLANNING AND PARTNERSHIPS

APPROVED:



BRENT DENNIS
DIRECTOR

BD:SS:NV:HO:GK:AC

Attachment A: Proposed Community Garden



ATTACHMENT A

McBride Park

1550 Martin Luther King Jr Ave

