

H-15

December 10, 2019

HONORABLE MAYOR AND CITY COUNCIL
City of Long Beach
California

RECOMMENDATION:

Receive supporting documentation into the record, conclude the public hearing, and approve an Interim Park Use (IPU) permit (IPU19-001) with Long Beach Organic, Inc., a local nonprofit organization, to establish a community garden at 914 Redondo Avenue in the Neighborhood Commercial and Residential (CNR) Zoning District; and,

Accept Categorical Exemption CE19-239. (District 3)

DISCUSSION

City Council approval is requested to approve an Interim Park Use (IPU) permit (IPU19-001) to establish a community garden at 914 Redondo Avenue (Project Site). The Project Site is a 6,200-square-foot vacant lot located on the east side of Redondo Avenue between 10th Street to the north and 8th Street to the south, in the Neighborhood Commercial and Residential (CNR) Zoning District (Attachment A). The Project Site is surrounded by residences to the north and east, and offices to the west and south. The proposed community garden will consist of 22 ground-level planter beds, two raised planter beds, one 8-foot tall arbor for grapes, one storage shed 6 feet in height, and eight spigots accompanied with a hose to provide water to each of the plots. The pathways throughout the Project Site will be improved with decomposed granite and mulch (Attachment B).

Pursuant to the Zoning Code of the Long Beach Municipal Code (LBMC), community gardens in the CNR Zoning District are subject to compliance with special conditions (LBMC Section 21.52.260) and require approval of an IPU permit by the City Council subject to specific findings including its compatibility with the surrounding uses (Attachment C). The proposed community garden has been conditioned to ensure that it operates in a manner that will be compatible with the neighborhood. The conditions of approval and special development standards for community gardens includes limiting the types of allowable structures, setbacks, hours of operation, trash collection, and restricting the use of herbicides and pesticides (Attachment D).

Vacant lots have the potential to attract nuisance activities such as illegal dumping, lack of maintenance, visual blight, and create criminal activity disruptive to neighborhoods. In addition, vacant lots may negatively affect the value of adjacent properties. In 2017, in recognition of the problems associated with vacant lots, the City Council amended the LBMC to discourage vacant lots through a vacant lot registry requirement to facilitate positive uses such as urban agriculture. The Project Site has been vacant since May 12, 2015, and this is the first

application received by the City of Long Beach (City) for a community garden pursuant to these provisions.

Activating vacant lots with local food production uses not only reduces blight, but also increases perceptions of neighborhood safety and helps further the City's sustainability goals. For this reason, the Long Beach General Plan Land Use Element and the draft Climate Action and Adaptation Plan both contain policies that support projects to activate vacant lots with local food production uses. On average, produce purchased in Los Angeles County travels 1,500 miles before consumption, so localizing food sources can help reduce vehicle miles traveled while increasing community resilience to climate impacts. As an example, local food sources increase community resilience to major weather events such as an earthquake or storm that could hinder transportation networks currently relied upon for food supply. More generally, activating vacant lots with community-serving destinations such as community gardens in local neighborhoods increases perceptions of neighborhood safety, helping residents feel comfortable walking or biking, while providing new local destinations accessible by non-motorized transportation.

The applicant, Long Beach Organic, Inc., is a local nonprofit organization founded in 1994 and currently operates nine community garden locations in the City. The proposed community garden will establish a use beneficial to both the individual gardeners and people living and working nearby by improving a blighted vacant lot with a temporary agricultural use. Staff recommends approval of the IPU permit for the community garden, subject to conditions of approval designed to minimize potential impacts to the neighborhood and ensure ongoing maintenance.

Staff sent out a Notice of Received Application to the nearby neighborhood groups, including the Willard Neighborhood Organization and Greenbelt Heights Neighborhood Association, describing the project on October 30, 2019. Additionally, public hearing notices were distributed on November 21, 2019, in accordance with the requirements of Chapter 21.21 of the LBMC. Since preparation of this report, no public comments were received.

This matter was reviewed by Assistant City Attorney Michael J. Mais and by Budget Analysis Officer Julissa José-Murray on November 20, 2019,

In accordance with the Guidelines for Implementation of the California Environmental Quality Act, the project is exempt per Section 15304 of the LBMC – Minor Alterations to Land, as the project consists of establishing a community garden with new landscaping and minor accessory structures (CE19-239).

TIMING CONSIDERATIONS

On October 3, 2019, an application was submitted by Long Beach Organic, Inc., for an IPU permit for the purpose of establishing a Community Garden at the Project Site. Chapter 21.25, Division XII of the City's Zoning Code requires that an IPU permit be heard before the City

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Council. Per section 21.25.1209 of the LBMC, the matter must be set for public hearing within 60 days of receiving a completed application. Additionally, this application is being made in tandem with an Urban Agriculture Incentive Zone (UAIZ) application with the Office of Sustainability, for it to qualify for the tax exemption in 2020, it must be heard by the City Council in December.

FISCAL IMPACT

This recommendation has no staffing impact beyond the budgeted scope of duties and is consistent with existing City Council priorities. There is no fiscal or local job impact associated with this recommendation.

SUGGESTED ACTION:

Approve recommendation.

Respectfully submitted,



LINDA F. TATUM, FAICP
DIRECTOR OF DEVELOPMENT SERVICES

APPROVED:



THOMAS B. MODICA
ACTING CITY MANAGER

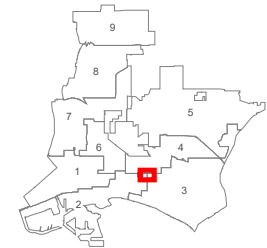
ATTACHMENTS:

- ATTACHMENT A – VICINITY MAP
- ATTACHMENT B – PHOTOS, PLANS, AND BUSINESS PLAN
- ATTACHMENT C – FINDINGS
- ATTACHMENT D – CONDITIONS OF APPROVAL



Subject Area:
914 Redondo Ave
Application No. 1910-07 IPU 19-001
Council District: 3
Zoning Code: CNR

Attachment A



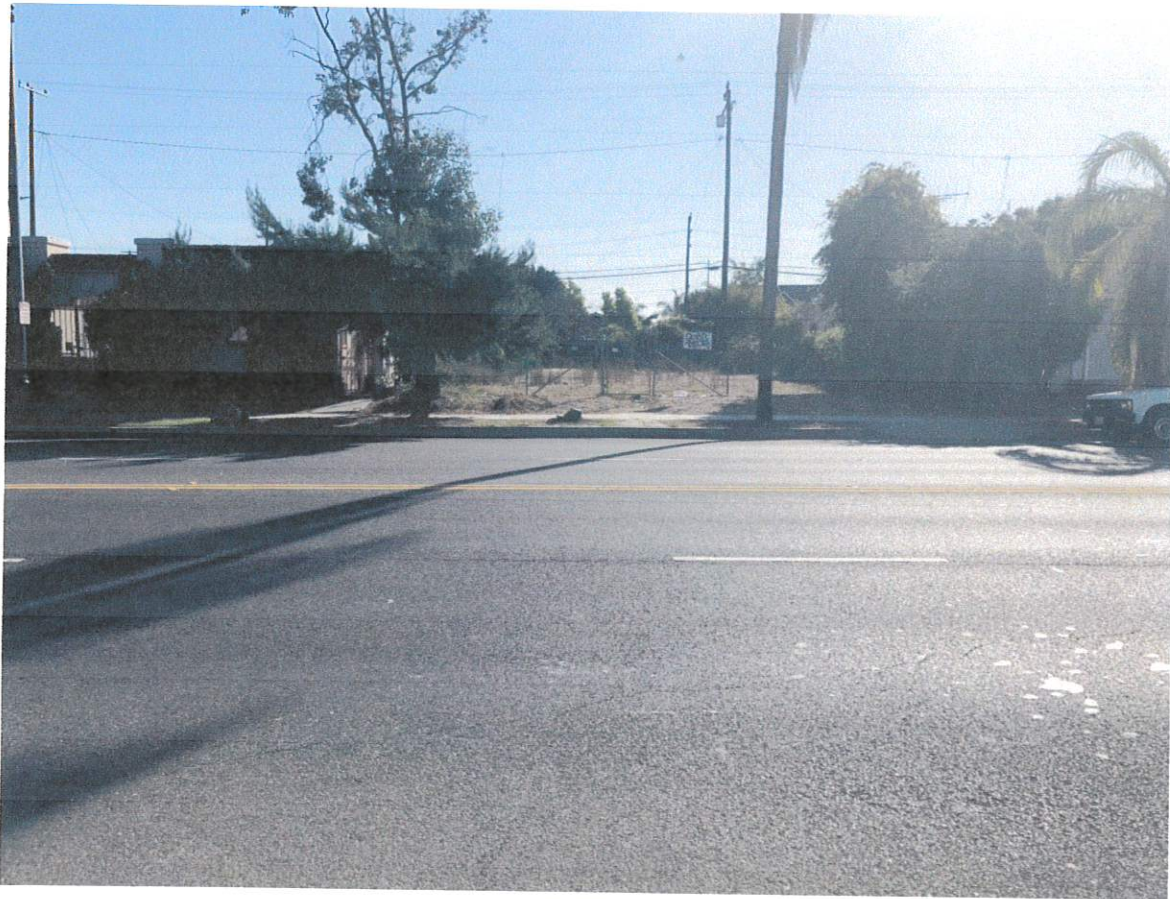
914 Redondo
Front View



Rear View

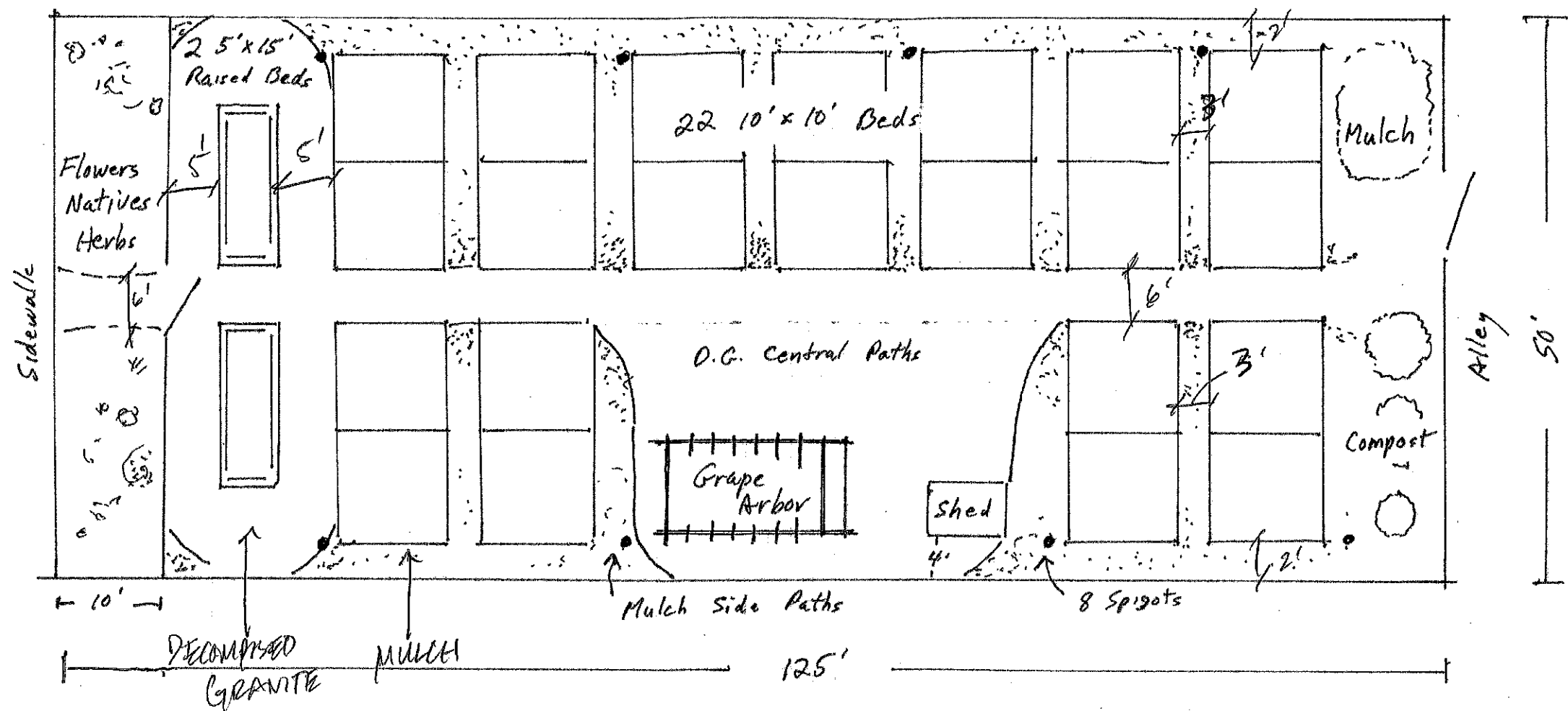


Street View



LONG BEACH ORGANIC COMMUNITY GARDEN
914 Redondo Ave

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BUSINESS PLAN
914 Redondo Avenue

October 3, 2019

Long Beach Organic, Inc. was founded 25 years ago with the mission of turning empty lots into organic gardens. We currently operate seven such projects in the city, and we are seeking a permit to open an eighth garden on the empty lot at 914 Redondo Ave. We have a lease agreement with the owner of the property, A.K. Madden, who plans to file for a property tax reduction under the Urban Agriculture Incentive Zone.

Our nearby Zaferia Junction garden, at 3709 10th St., is our largest and most popular. It is currently full with a long waiting list. The average wait is at least a year. This, along with the visible location and densely built surroundings, gives us confidence that a garden on Redondo will be in high demand.

Unlike the Zaferia Junction garden, which draws from a wider area, the smaller lot at 914 Redondo would be a local, neighborhood project. We plan to give priority to those who live closest, especially those who can walk or bicycle, since there is limited parking in the neighborhood.

Our attached plan includes space for 24 local households to participate:

- 22 10' x 10' plots at ground level
- 2 raised beds, 5' x 15', for handicapped or elderly gardeners *x 24" H Wood*
- Irrigation: Timothy Collier of The Green Plumber will install a permitted watering system at cost, which will include a backflow valve and at least 8 spigots. Hoses will be provided to the gardeners.
- Decomposed granite central pathways, for wheelbarrows or wheelchairs; mulched side paths.
- Tool shed (pre-fab) for communal use *4x4x6'*
- Grape arbor (portable, set on concrete piers 8' x 16' x 8' high) and picnic table for gatherings
- Composting operation, maintained by volunteers in an aerobic (non-smelly) condition. No animal products allowed except eggshells!
- Room for mulch deliveries.
- The front space between the sidewalk and the fence would be planted with flowers, herbs and California natives.
- Refuse: We do not have trash pickup at our gardens. Instead, we require our gardeners to remove any trash that they generate. Compostable refuse is added to our compost piles in a managed way.

Access to the garden will be restricted to daylight hours, 7:30 AM to dusk. Gardeners will have the combination to the gate lock.

Gardeners will grow produce for their own use. Sales of their produce will be strictly forbidden.

As at all of our gardens, gardeners would pay an annual \$25 LBO membership fee, plus a biannual rental fee of \$40, totaling \$105 per year. For families in a financial bind, we often lower the rental fee. Gardeners are also expected to maintain their plots year round, to garden organically, and to participate at our monthly work parties for a minimum number of hours each season. The work parties are when we build and maintain the common areas of the garden.

Our budget for this project is \$11,000. This is for materials; all labor will be performed by volunteers. We have already raised this amount, through a paddle auction at our summer fundraising dinner, combined with the recent Long Beach Gives online donation drive.

FINDINGS
Interim Park Use Permit (IPU19-001)
914 Redondo Avenue
Application No. 1910-07
December 10, 2019

Pursuant to Section 21.25.1207 of the Long Beach Municipal Code, an Interim Park Use Permit can be granted only when positive findings are made consistent with the following criteria set forth in the Zoning Ordinance. These findings and staff analysis are presented for consideration, adoption and incorporation into the record of proceedings:

1. THE PROPOSED USE IS COMPATIBLE WITH THE SURROUNDING NEIGHBORHOOD;

The project site is located in Land Use District #8M – Mixed Office/Residential Strip District. LUD #8M is intended for dense office and medium intensity residential purposes. Also permitted in this district is institutional and open space uses. The proposed community garden is a semi-public/private institutional use consistent with the General Plan. The project is surrounded with multi-family uses with limited open space opportunities and will provide additional gardening opportunities to the surrounding community for both people living and working nearby.

2. THE PROPOSED USE WILL NOT BE DETRIMENTAL TO THE SURROUNDING COMMUNITY INCLUDING PUBLIC HEALTH, SAFETY OR GENERAL WELFARE, ENVIRONMENTAL QUALITY OR QUALITY OF LIFE;

The current site consists of a vacant lot which has been vacant since May 12, 2015. Vacant lots have the potential to contribute to visual blight, increased safety issues that negatively affect the quality of life and the property values in the area. The establishment of a community garden would be conditioned to ensure it operates in a manner that does not negatively affect the health safety and general welfare to be detrimental to the surrounding neighborhood specifically Condition of Approval #4 through #9.

3. THE APPROVAL IS IN COMPLIANCE WITH THE SPECIAL CONDITIONS ESTABLISHED FOR INTERIM PLAYGROUNDS, URBAN AGRICULTURE, COMMUNITY GARDENS, AND RECREATIONAL PARKS, AS LISTED IN CHAPTER 21.52; AND

Section 21.52.260 states that the following conditions shall apply to all Interim Community Gardens; unless findings of fact are made to waive the required conditions (Section 21.25.1211).

A. Improvements for an interim playground/community garden/recreational park shall be limited to landscaping, irrigation systems, accessory building and structures.

The project will consist of (22) 10-foot wide by 10-foot long ground plotted beds, (2) five-foot wide by 15-foot long by two-foot high wood constructed raised planter beds, (1) eight-foot wide by 16-foot long by eight-foot high grape arbor, (1) prefab storage shed of four-foot wide by four foot long by six-foot high, and eight spigots accompanied with a hose to provide water to each of the plots.

B. The following setbacks shall be the same and apply to all accessory building and structures:

a. Front Setback: Same as District.

The building front yard setback for the CNR district is eight-feet. No structures will be erected within front yard setback. Both the arbor and storage shed will be placed beyond the minimum eight-foot front yard setback exceeding the minimum requirement.

b. Side Setback: four-foot when abutting a residential district otherwise none required

The arbor and storage shed will have a four-foot side yard setback consistent with the minimum requirement.

c. Rear Setback: 10-foot when abutting a residential district otherwise none required

The arbor and storage shed will be placed beyond the minimum 10-foot rear yard setback exceeding the minimum requirement.

C. The maximum height of an accessory building shall be 13-feet.

The height of the arbor will be eight feet in height and the storage shed will be six feet in height. Both structures will be below the minimum height requirement.

D. The interim playground/community garden/recreational park hours of operation shall be 7:30 a.m. to dusk.

The hours of operation for the proposed community garden will mirror this requirement, from 7:30 a.m. to dusk.

E. Off-street parking shall not be required for an interim playground/community garden/recreational park.

No parking is proposed on the site.

F. Adequate trash receptacles shall be provided and maintained for the life of the use.

There are no trash receptacles intended for general refuse for the operation. Each gardener is required to dispose of their own trash daily. Condition of Approval (COA) #6 reiterates this as an operational requirement for this permit. In addition, gardeners will have access to the general compost area for composite refuse located at the rear of the lot. Furthermore, COA #17 requires the site to be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants.

CONDITIONS OF APPROVAL
Interim Park Use Permit (IPU19-001)
914 Redondo Avenue
Application No. 1910-07
December 10, 2019

1. This approval is for an Interim Park Use Permit to establish a community garden on a lot located at 914 Redondo Avenue, in the Neighborhood Commercial and Residential (CNR) Zoning District. Zoning District. (District 3)
2. This permit and all development rights hereunder shall terminate two years from the effective date of this permit unless construction is commenced, or a time extension is granted, based on a written and approved request submitted prior to the expiration of the two-year period as provided in Section 21.21.406 of the Long Beach Municipal Code.
3. This permit shall be invalid if the owner(s) and/or applicant(s) have failed to return written acknowledgment of their acceptance of the conditions of approval on the *Conditions of Approval Acknowledgement Form* supplied by the Planning Bureau. This acknowledgment form must be submitted within 30 days from the effective date of approval (final action date or, if in the appealable area of the Coastal Zone, 21 days after the local final action date).

Special Conditions

4. The hours of operation shall be from 7:30 a.m. to dusk.
5. Each gardener shall receive a copy of the rules and regulations for operating at the site.
6. Non-compostable trash shall be removed daily by each gardener.
7. The use of fertilizer, pesticide, herbicide, or another similar repellent shall be prohibited unless labeled "organic."
8. The existing chain link fence shall be replaced with a decorative block wall, vinyl fence, wrought iron fence, or other quality material subject to the satisfaction of the Development Services Director or designee.
9. Number, placement, and final configuration of planting plots along with pathway/walkways shall comply with the American with Disabilities Act (ADA) and Long Beach Building Code requirements.
10. A sign is required to be posted on the site containing the contact information of the community garden manager to address any general questions or concerns that may arise during the hours of operation.

11. Should a verified complaint be received by the City regarding the operation, the applicant shall work with the Development Services Director or designee to revise its operating rules as necessary.

Standard Conditions

12. All conditions pertaining to the operation of the use shall be permanently posted, on a form provided by the Director of Planning and Building, at a location clearly visible to the public utilizing the facility. (Sec. 21.25.1213)
13. All interim park use permits shall be required to undergo an annual reinspection to verify compliance with the conditions of approval. The property owner shall be required to pay an annual fee to the City as established by the City Council to cover the costs of the reinspection program. (Sec. 21.25.1215)
14. If, for any reason, there is a violation of any of the conditions of this permit or if the use/operation is found to be detrimental to the surrounding community, including public health, safety or general welfare, environmental quality or quality of life, such shall cause the City to initiate revocation and termination procedures of all rights granted herewith.
15. In the event of transfer of ownership of the property involved in this application, the new owner shall be fully informed of the permitted use and development of said property as set forth by this permit together with all conditions that are a part thereof. These specific requirements must be recorded with all title conveyance documents at time of closing escrow.
16. All conditions of approval must be printed verbatim on all plans submitted for plan review to the Department of Development Services. These conditions must be printed on the site plan or subsequent reference page.
17. The Director of Long Beach Development Services is authorized to make minor modifications to the approved plans or to any of the conditions of approval if such modifications shall not significantly change/alter the approved design/project. Any major modifications shall be reviewed by the Zoning Administrator or Planning Commission, respectively.
18. The property shall be developed and maintained in a neat, quiet, and orderly condition and operated in a manner so as not to be detrimental to adjacent properties and occupants. This shall encompass the maintenance of all accessory structures, fences, and the perimeter of the site (including all public parkways).
19. All structures shall conform to the Long Beach Building Code requirements. Notwithstanding this subject permit, all other required permits from the Building

Bureau must be secured.

20. On-site landscaping shall be subject to LBMC Section 21.42.035 – Special Requirements for Water Efficient Landscaping. Landscaped areas shall be planted primarily with drought tolerant plant materials and shall be provided with water-conserving, automatic irrigation systems designed to provide complete and adequate coverage to sustain and promote healthy plant life. The irrigation system shall not cause water to spray or flow across a public sidewalk. In addition to the landscaped area, the plots used for the community garden may require water exceeding the MAWA. As such, justification must be provided in the submittal documentation outlining specific hydrozones needed for additional water exceeding the MAWA.
21. Separate building permits are required for fences, retaining walls, landscaping, signs, flagpoles, and pole mounted yard lighting foundations.
22. Demolition, site preparation, and construction activities are limited to the following (except for the pouring of concrete which may occur as needed):
 - a. Weekdays and federal holidays: 7:00 a.m. to 7:00 p.m.;
 - b. Saturday: 9:00 a.m. - 6:00 p.m.; and
 - c. Sundays: not allowed
23. All required utility easements shall be provided to the satisfaction of the concerned department, agency, or utility company.
24. The applicant shall defend, indemnify, and hold harmless the City of Long Beach, its agents, officers, and employees from any claim, action, or proceeding against the City of Long Beach or its agents, officers, or employees brought to attack, set aside, void, or annul an approval of the City of Long Beach, its advisory agencies, commissions, or legislative body concerning this project. The City of Long Beach will promptly notify the applicant of any such claim, action, or proceeding against the City of Long Beach and will cooperate fully in the defense. If the City of Long Beach fails to promptly notify the applicant of any such claim, action or proceeding or fails to cooperate fully in the defense, the applicant shall not, thereafter, be responsible to defend, indemnify, or hold harmless the City of Long Beach.