



Legislation Text

File #: 12-0029, **Version:** 1

Recommendation to authorize City Manager to execute any and all documents necessary for a lease with Long Beach Organic, Inc., a California nonprofit corporation, for the re-establishment of the Wild Oats Community Garden, located on the City-owned former Pacific Electric Right-of-Way property between 10th Street and Loma Avenue, as recommended by the Parks and Recreation Commission, for an initial term of three years, with two additional three-year renewal options at the discretion of the City Manager. (District 4)

On April 8, 2003, the City Council authorized the execution of a lease with Long Beach Organic, Inc. (Lessee), for the establishment and management of the Wild Oats Community Garden (Garden), located within the former Pacific Electric Right-of-Way between 10th Street and Loma Avenue (Premises).

On June 15, 2010, the City accepted \$200,000 in discretionary funding from the County of Los Angeles (County), Fourth Supervisorial District, of which approximately \$10,000 was earmarked specifically for the Garden. Shortly thereafter, the County commenced its Termino Storm Drain Project (Project), which required the closure of the Garden, and the discretionary funds were set aside for the Garden's reestablishment. On December 12, 2010, the Garden ceased operations and Lessee vacated the Premises in order to accommodate the Project. In September 2011, the County notified the Department of Parks, Recreation and Marine (PRM) that it had finished the portion of the Project that impacted the Premises. Thereafter, PRM staff and Long Beach Organic, Inc., negotiated terms for a new lease for the reestablishment of the Garden.

On November 10, 2011, the Parks and Recreation Commission approved and recommended City Council approval of the proposed new lease containing the following major terms and provisions:

- Lessor: City of Long Beach, a municipal corporation.
- Lessee: Long Beach Organic, Inc., a California nonprofit corporation.
- Premises: The Premises shall consist of approximately 1.45 acres of the City-owned former Pacific Electric Right-of-Way property between 10th Street and Loma Avenue.
- Term: The initial three-year term shall commence retroactively on October 1, 2011, so as to mirror the City of Long Beach (City) fiscal year, and shall terminate on September 30, 2014. Lessee may further extend the term for up to two additional three-year periods at the discretion of the City Manager.
- Use: The Premises shall be used for the reestablishment and management of the Wild Oats Community Garden, as well as other ancillary uses related to the promotion and education of sustainable organic gardening, as approved by the City Manager or his designee.

- **Rent:** The Premises shall be leased for the nominal fee of \$1 per year in consideration of the community benefits of local sustainable organic gardening that the Wild Oats Community Garden will provide. As additional consideration, Lessee shall be responsible for all costs associated with the Premises, including operations, maintenance, and utilities.
- **Construction and Funding:** Lessee shall facilitate and/or complete all construction for the reestablishment of the Garden. Lessor shall reimburse Lessee for approximately \$10,000 of its construction costs from funds received from the County. All remaining costs shall be borne solely by Lessee.
- **ADA Compliance:** Lessee shall comply, at all times, with all applicable local, state, and/or federal laws, ordinances, and/or regulations pursuant to the Americans with Disabilities Act (ADA).

In accordance with the California Environmental Quality Act (CEQA), Categorical Exemption No. 01-12 has been issued for the project.

This matter was reviewed by Deputy City Attorney Gary J. Anderson on December 28, 2011, and Budget Management Officer Victoria Bell on January 4, 2012.

SUSTAINABILITY

As identified by the American Community Garden Association, the benefits of community gardens include acting as a catalyst for sustainable neighborhood and community development, the encouragement of self-reliance with respect to subsistence, the promotion of the conservation of resources, the preservation of open and green space, and the potential reductions in the amount of heat released from paved parking lots and streets. In addition, Long Beach Organic, Inc., proposes including an educational component to its on-site activities, wherein local residents and students will be able to learn about sustainable organic gardening and environmental stewardship.

City Council action is requested on January 24, 2012, in order to finalize and execute the lease in a timely manner and allow Long Beach Organic, Inc., to begin reestablishment of the Wild Oats Community Garden upon full execution of the lease.

All City costs and a portion of the Lessee's construction costs for the proposed Project will be paid and/or reimbursed utilizing discretionary funding provided by the County, of which, approximately \$10,000 has been specifically earmarked for the proposed Project. These funds are budgeted in the Capital Projects Fund (CP 201) in the Department of Parks, Recreation and Marine (PR). All remaining construction costs above and beyond the earmarked amount shall be borne solely by the Lessee. The recommended action will result in a positive impact on jobs through the creation of several temporary construction jobs, although the exact number is unknown at this time.

Approve recommendation.

GEORGE CHAPJIAN
DIRECTOR OF PARKS, RECREATION AND MARINE

MICHAEL P. CONWAY
DIRECTOR OF PUBLIC WORKS

APPROVED:

PATRICK H. WEST
CITY MANAGER

