

DEPARTMENTAL INSTRUCTION PARK AND RECREATION DEPARTMENT	Number 7.27	Pages 12	Effective Date May 1, 2013
Subject COMMUNITY GARDENS IN CITY PARKS	Supersedes	Pages	Dated

BACKGROUND

There has been growth in the number of requests to develop community gardens (CG's) on City-owned land, including land managed by the Park and Recreation Department (Department). The Department recognizes the recreational and social benefits of community gardens within the park system. This internal Department Instruction (DI) pertains to the provision of community gardens in City-owned or operated parks (City Parks). The inclusion of CG's in City Parks will be based on each community's characteristics and needs. Consideration must be given to balancing the needs and interests of the community, impact on the park and the environment and operational sustainability of the CG.

The Department has developed this DI to provide staff with policies, procedures and guidelines to improve the process of planning, designing, constructing and operating CG's. This DI is also intended to provide an organized and consistent method for reviewing requests to develop and operate CG's in City Parks.

All community gardens will be developed and maintained at no cost to the City of San Diego, have a minimal amount of impact on City staff time and resources, and will be operated by community volunteers. The Department, at its discretion, may assist the community garden group on a case-by-case basis. The Community Garden Group (CGG) must agree to administer and operate the gardens according to a Department-issued Special Use Permit which will extend a limited non-exclusive use within City Parks. Community gardens are intended for leisure and recreational use. The use of the CG, or individual plots within the CG, for the growth of food or any other goods to be sold is prohibited.

PURPOSE

The purpose of this DI is to provide staff with guidance on how requests for CG's will be processed and the criteria by which approval will be recommended. This DI is intended to set forth clearly defined instructions involving CG's within City Parks and set forth the application process, outreach guidelines, planning and design standards and guidelines for operational roles and responsibilities.

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AUTHORITY

Park and Recreation Director

Council Policy 600-26 – Policy to Encourage Temporary Agricultural Activities on Properties Not Designated for Agriculture

Council Policy 600-33 – Community Notification and Input for City-Wide Park Development Projects

City of San Diego General Plan – Recreation Element

DEFINITIONS

Americans with Disabilities Act (ADA): Reference to ADA and/or accessibility regulations shall mean references to the Federal ADA or the State of California Building Code Title 24 regulations, whichever is more restrictive.

Athletic Facilities: Existing park facilities, including, but not limited to athletic fields, basketball, tennis and volleyball courts, or any other area within a City Park which is regularly programmed and permitted by the Department for active recreation.

City Park: Any undeveloped or developed dedicated or designated park land or land assigned to the Department for management.

City Standards: City Standards shall include, but not be limited to the latest edition of the following documents:

- Standard Specifications for Public Works Construction [Greenbook], including the Regional and City of San Diego Supplement Amendments [Whitebook].
- City of San Diego Standard Drawings
- City of San Diego Drainage Design Manual
- Park and Recreation Department's Consultant's Guide to Park Design and Development

Community Garden Group (CGG): An active volunteer group that will act as the applicant to undertake the design, construction, monitoring and maintenance of the community garden.

General Development Plan (GDP): A general plan of existing developed parks which identifies the approved use of areas within that particular park.

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Park Advisory Body: A general term to identify an advisory body such as a Recreation Council, or other park advisory committee recognized by the Park and Recreation Board for the purpose of advising the Department on matters related to the planning, design, maintenance and programming of recreation facilities.

Right of Entry Permit (ROE): A permit used and issued by the Park and Recreation Department which allows a private entity such as a volunteer organization or private contractor to perform work on park property . This permit generally defines the scope of work to be performed, insurance requirements, and roles and responsibilities of the permittee and City.

SCOPE

This DI applies to the evaluation of proposals for new CG's in existing City Parks. CG's proposed for new parks will be incorporated into the project during the park general development plan and park capital improvement program project process. This DI does not apply to existing CG's unless a proposal is received to modify the size, design or operation of the existing CG.

POLICY

All CG's shall be designed and constructed in accordance with the applicable City Codes, Regulations, Policies and the Consultant's Guide to Park Design and Development. Applications for CG's will follow application processes and planning and design guidelines described and referenced in this DI.

Location

Applications for CG's will be considered for City Parks where the sites meet the criteria established for the location of CG's.

Applications for CG's will not be accepted in the following areas:

- Established athletic facilities as indicated on the park's GDP.
- Passive recreational areas permitted by the Department
- Active and passive recreational areas within undeveloped parks in which an approved GDP has been prepared.
- Prominent areas of a park where they may detract from the aesthetics of the park as determined by the Department.
- Golf courses
- Beaches
- Campgrounds
- Cemeteries

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- Designated heritage, memorial, commemorative and ceremonial areas
- Joint-Use school/park sites
- Areas within 100 feet of picnic tables, picnic shelters, barbeque or children's play areas
- Areas within 500 feet of a Multi-Habitat Planning Area (MHPA) and/or an area found to be environmentally sensitive as determined by the City

General Planning and Design Guidelines

CG shall be planned in accordance with the standards set out in the Consultant's Guide to Park Design and Development. CG's should be sized to allow for the establishment of enough individual garden plots to make the operation and maintenance of the CG sustainable from an operational and financial standpoint. Size may vary based upon the number of garden plots, size of individual plots and amount of space allowed for supporting uses such as tool storage, shade shelters and picnic tables, mulching and composting areas and areas for educational activities and demonstration plots.

The preferred CG shall optimally be one quarter (.25) acre in size and the minimum number of individual plots in a CG shall be twenty-five (25). The optimum size of each individual plot shall be 100 square feet (100 SF). The buildings and facilities within each CG shall comply with ADA requirements and should provide a minimum of one raised accessible individual plot for every twenty-five (25) plots.

CG's shall be located on land that is level enough to support the intended use. In addition, CG's shall meet all ADA requirements without the use of retaining walls that exceed thirty inches (30") in height. The proposed CG shall be limited in size and scope such that it will continue to allow the park to accommodate necessary park maintenance activities. Areas will be designed to facilitate periodic closure to accommodate regular park maintenance.

CG's shall be located in areas that receive adequate sunlight for the intended purpose without the removal or excessive trimming of existing trees. CG's should be located in areas that are agriculturally suitable, including soil conditions, topography and solar access.

CG improvements shall include hose-bibbs as necessary to service all garden plots using a maximum 50 foot hose, ADA accessible paths, trash receptacles and an information kiosk. All CG's shall be enclosed with a minimum five-foot high vinyl coated chain link fence per City Standards with ADA accessible locking pedestrian gate to provide security for the CG, unless otherwise approved by the Park and Recreation Director or designee. Each enclosure should include an eight-foot wide maintenance gate. Areas shall not exceed a 10% grade (10:1) (ten feet horizontal for every one foot in elevation).

CG's shall not be connected to the park's irrigation or potable water systems. CG's are responsible for obtaining their own water meters and paying all water bills associated with the CG.

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All CG's shall have a standard City sign stating the CG rules and hours of operation for public access. Signs shall be posted at the entry of each CG. CG's may include additional improvements including tool storage building, composting and mulching area, picnic tables, security lighting and training aide features.

APPLICATION PROCEDURE

PHASE 1 – APPLICATION

CG's require an active volunteer or partner group to act as a Community Garden Group (CGG) and applicant for the establishment of the CG and to assume responsibility for the development and operation of the CG. CGG must demonstrate their commitment, competency, organizational skills and willingness to support and promote the CG standards to the satisfaction of the Department Director. An identifiable responsible partner is required for new CG's. A current "Friends of..." group is sufficient to initiate a CG planning and design process. An acceptable CGG can be a subcommittee of a recognized Park Advisory Body. Other options include affiliating with an existing non-profit community gardening group or the establishment of a new non-profit organization specifically for the creation of the CG.

Initial Request and CG Application

Upon request, the Park and Recreation Department Area Manager, District Manager or Deputy Director responsible for the park shall provide a copy of the CG Application, CG Petition Form, CG Checklist, CG Cost Estimate Form and a copy of the Park General Development Plan (GDP).

Site Survey with Park and Recreation Department

Once the staff receives a completed Community Garden Application and Site Survey from the CGG, staff shall schedule an appointment with the applicant to discuss the project proposal (Project). The staff shall invite a Department's Asset Management Section (Asset Manager) staff member to attend the site meeting. If in the opinion of the District Manager, Deputy Directory or Asset Manager the project location meets the Community Garden Design Guidelines, the Area Manager will request that the applicant complete the Community Garden Checklist and Community Garden Cost Estimate Form and submit them to the Department staff along with the Community Garden Application and Community Garden Site Survey Forms.

Application Review

The District Manager and the Asset Manager shall review the application for completeness and return to the applicant for additions and revisions as necessary. When the application is complete, the Area Manager shall notify the applicant of the date that the application is deemed complete and then notifies the Park Advisory Body of the application. The Deputy Director for the park within which the CG is

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proposed to be created shall notify the appropriate Council Office in writing and include a copy of the CG Application to inform the Council Office that an application for a CG has been submitted in their council district.

Park Advisory Body - Information Item

The applicant shall be responsible for requesting from the District Manager or Area Manager that the CG project be placed appropriate Park Advisory Body meeting agenda as an information item. The District Manager and/or Area Manager shall place the project on the agenda of the Park Advisory Body meeting as an information item. However, the item will not be heard at the Park Advisory Body meeting until the District Manager and/or the Area Manager has verified the applicant has successfully publicly noticed the meeting in accordance with Council Policy 600-33. In addition to the Council Policy 600-33 notification, a public notice of the meeting shall be posted at the site and at the nearest recreation center a minimum of two weeks prior to the meeting date. The applicant is responsible for making a presentation to the Park Advisory Body of the proposed CG including proposed location, size and improvements proposed, how the project meets the design guidelines, estimated fiscal impacts and potential capital and operational funding sources for public comment on the proposal.

Park Advisory Body Meeting - Action Item

After the applicant has presented the informational item to the Park Advisory Body and has addressed the comments received during the informational item presentation, the applicant shall be responsible for requesting from the District Manager and/or Area Manager that the CG project be placed on the meeting agenda of the appropriate Park Advisory Body as an action item. The District Manager and/or Area Manager shall place the project on the agenda of the Park Advisory Body meeting. However, the item will not be heard at the Park Advisory Body meeting until the District Manager and/or the Area Manager has verified the applicant has successfully publicly noticed the meeting in accordance with Council Policy 600-33. In addition to the Council Policy 600-33 notification, a public meeting notice shall be posted at the proposed CG site and at the nearest recreation center a minimum of two weeks prior to the meeting date. The applicant is responsible for making a presentation to the Park Advisory Body of the proposed CG including proposed location, size and improvements proposed, how the project meets the design guidelines, estimated fiscal impacts and potential capital and operational funding sources and how comments received when the project was presented as an informational item were addressed. Should the Park Advisory Body approve the CG application, the General Development Plan amendment process as outlined below may be initiated by the applicant. If the Park Advisory Body denies approval of the CG, the applicant may continue to address the reasons expressed by the Park Advisory Body for denial and repeat the approval process outlined above or abandon the CG project. Appeals to a higher authority will not be processed by the Department.

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If the Park Advisory Body does not make a recommendation within two meeting agendas with the item listed as an action item due to meeting cancellations, lack of quorum or other reason beyond the Park Advisory Body's control, the item may be forwarded to the Park and Recreation Board to take action upon. The Park Advisory Body Secretary shall provide the applicant written record documenting the reason(s) why the Park Advisory Body did not make a recommendation. The District Manager is to contact the Park and Recreation Board staff liaison to place the action item on the Board's next available agenda. The Deputy Director will prepare a brief staff report regarding the proposal including application information and forms related to the application for submission to the Board. The District Manager along with the applicant shall attend the Board meeting and make a brief presentation if so desired by the Board. The Board will hear the item and make a recommendation to the Department. Should the Board approve the CG application, the General Development Plan amendment process as outlined below may be initiated by the applicant. If the Board denies approval of the CG, the applicant may continue to address the reasons expressed by the Board for denial and repeat the approval process outlined above for the Park Advisory Body or abandon the CG project. The CG project will not be resubmitted to the Board for consideration. Appeals to a higher authority will not be processed by the Department.

PHASE TWO - PLANNING

The General Development Plan (GDP) for a park site indicates the general recreational uses within that park: For example, a soccer field may be shown on the plan, but that does not mean that area can only be used for soccer. A soccer field shown on the plan does indicate that area of the park is meant for active recreation. Likewise, a picnic shelter or group of picnic tables shown on the plan is an indication of passive recreational uses within that area of the park. When a proposal is brought forward to change an existing use within a park or add a new feature to the park such as a community garden, an amendment to the GDP must be processed through the Park and Recreation Department approval process. For the purpose of adding a CG to an existing park, thus requiring an amendment to the park's GDP, the steps outlined above for the approval process from the Park Advisory Body will suffice as the Park Advisory Body's approval of the GDP amendment. The following requirements relate to presenting the GDP amendment to the Park and Recreation Board for consideration.

Discretionary Permits and Environmental Review

After recommendation for approval of the CG by the Park Advisory Body, the CGG applicant shall submit the project to the Development Services Department (DSD) for a Public Project Assessment per Bulletin 510 available from DSD. The applicant shall be responsible for paying all fees and preparing all documents required by DSD at the time the project is submitted for review. The Public Project Assessment will provide the applicant with information related to required environmental reviews and discretionary permits which may be required before the project can move forward to implementation. In the event it is determined through the Public Project Assessment review that further environmental review

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or an environmental document is necessary for approval, the required environmental documents and any required draft discretionary permits must be obtained before presentation to the Park and Recreation Board for consideration of the GDP amendment. The City shall not be responsible for any costs associated with environmental review compliance or obtaining any required discretionary permits; specifically the City may require reimbursement of its expenditures in this regard.

Park and Recreation Board Meeting – Action Item

When the appropriate environmental process has been completed or a draft environmental document created and any required draft discretionary permits are obtained, the applicant will request Department Deputy Director and/or District Manager place the proposed CG project on the Park and Recreation Board meeting agenda as an action item. Department Deputy Director and/or District Manager, in conjunction with applicant, will prepare a staff report for the GDP amendment. The CGG applicant (as notified by the Department) shall be responsible for making a presentation to the Park and Recreation Board. This presentation shall be similar to the presentations made to the Park Advisory Body for their consideration.

PHASE THREE – CONSTRUCTION

Project Construction Plans

After having secured approval of the new GDP or GDP amendment, the appropriate CEQA document and any required discretionary permits, construction plans shall be prepared per the Park and Recreation's Consultant's Guide to Park Design and Development which can be found on the Park and Recreation Department webpage (<http://www.sandiego.gov/park-and-recreation/pdf/parkdesign/consultantsguide2011.pdf>). In addition, the plans shall be reviewed by the City's ADA compliance department to ensure all ADA requirements are being satisfied. No permission to start construction shall be given until all plans have been approved by the Park and Recreation Department and, if necessary, DSD. The Community Garden Group applicant shall provide Department Deputy Director and/or District Manager with written proof they have obtained all necessary building permits and have paid all fees. The applicant shall be responsible for all water meter installation and capacity fees as charged by the City and other agencies.

Project Construction and Right of Entry (ROE) Permit

When the project construction contains public funds, the project will be managed by the Public Works Department as a Capital Improvement Program (CIP) project.

When the project is privately funded, the District Manager will coordinate and process the ROE permit for execution. The ROE permit will include milestone dates for the Asset Manager to review the project construction and approve the project. The District Manager shall notify the applicant that the applicant or

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the applicant's contractor is responsible for obtaining all necessary insurance certificates identified in the ROE and any DSD required ministerial permits prior to processing the ROE for City review and approval. The applicant and shall be responsible for coordinating all necessary City inspections identified in the ROE.

Project Funding

The applicant shall not be authorized start construction until it has demonstrated to the satisfaction of the Department Director or designee that all funds are available to complete construction. The Area Manager shall notify the applicant that he or she is responsible for providing a cost estimate and a letter certifying the availability of funds.

Construction Inspection

The applicant shall be notified that he or she is responsible for coordinating inspections that may be required by the Department or DSD for any required permits. The applicant shall also be notified that he or she is responsible for contacting the Department staff for site observations during construction as may be appropriate to the project, or as determined to be necessary by Department staff. These inspections may include, but not be limited to:

- 1) Pre-construction meeting
- 2) Rough grading and drainage
- 3) Irrigation mainline pressure test
- 4) Hardscape at time of finished staking and layout
- 5) Fencing at time of finished staking and layout
- 6) Approval and installation of signage.
- 7) Project construction 90% complete (develop punch list)
- 8) Final walk-through, acceptance by the City (Applicant to submit As-Built plans to the City)

PHASE FOUR - OPERATION

CG's shall operate under a Department issued Special Use Permit (SUP) issued by the Park and Recreation Department to the CGG. Failure to comply with the conditions of the SUP shall result in closure of the CG or revocation of the SUP or issuance to another party. In general, the following are some important provisions contained in the SUP:

1. CG's shall be administered by the CGG in conjunction with the Park Advisory Body. If at any time the Community Garden Group fails to maintain representation on the Park Advisory Body as defined by the bylaws of the Park Advisory Body, the Community Garden Group will be considered in default and the CG will be closed.

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2. The CGG shall be responsible for the proper maintenance of the CG in accordance with all federal, state and local laws and ordinances. The Park and Recreation Department shall ensure that there are rules prohibiting the growing of State and Federal controlled substances and Department identified invasive plant species within the CG and that the Community Garden Group strictly enforces such rules. The Park and Recreation Department shall not approve any set of rules governing any CG without the inclusion of such a provision.
3. Failure to comply with federal, state and local laws and ordinances may result in closure of the CG or revocation of the SUP or issuance to another party if not remedied within thirty days' notice of the regulating agency or Department.
4. If Community Garden Group still fails to comply with federal, state and local laws, the Department Director will immediately request the condition be remedied or the CG be removed and the CG site be restored by the Community Garden Group to its original condition to the satisfaction of the Department Director per the conditions set out in the SUP.
5. The Community Garden Group shall be responsible for payment of all utilities, materials and supplies in relation to the proper maintenance and operation of the CG. Failure to make payments in a timely manner shall result in closure of the CG if not remedied within thirty days' notice of the creditor/payee. If after 6 months the Community Garden Group still fails to pay its bills, the Department Director will request that the CG be removed by the Community Garden Group and the CG site be restored to its original condition to the satisfaction of the Department Director.

The Community Garden Group shall be responsible for establishment and enforcement of rules for the CG which shall be an attachment to the SUP. Rules shall be subject to approval of the Department Director or designee. If the Community Garden Group fails to enforce the rules, the Department Director shall have the discretion to enforce the rules. This shall include rules for assignment and rotation of garden plots in the CG. Plot assignments shall be rotated to allow community members on the waiting list to have access to a garden plot within a reasonable period of time, but in no case shall a person be required to wait longer than three years. The Community Garden Group shall create rules and procedures for the rotation of garden plots and the management of waiting lists.

The CG shall be a non-profit endeavor. Community gardens are for generally for recreational and leisure purposes CG's are not for the purposes of raising revenue or to be operated as commercial venture.

The hours of operation for the CG shall generally be from sunrise until sunset unless otherwise set out in the SUP. The CG shall be locked during non-operating hours.

The Community Garden Group may share costs to operate the community garden among its participants. To this end, the Community Garden Group may require participants to pay a portion of the cost to establish and operate the community garden, hereinafter known as "Allotment Charges". Allotment

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Charges may cover the yearly watering, maintenance, and site improvement costs, unless otherwise determined by the Department. Allotment Charges charged to gardeners who have been assigned plots shall not exceed the amount necessary to cover the normal annual operating costs of the CG. Records of Allotment Charges to gardeners and expenses will be kept by the Community Garden Group for a period of three years. Allotment Charges must be approved by the City prior to implementation.

PHASE FIVE - EVALUATION

Letter of Completion and Initiation of One Year Review Period

When the project construction is complete and the Community Garden Group has begun operation of the CG, the Department Director or designee shall prepare a letter of completion identifying the one year review period has begun and will send the letter to the Community Garden Group.

Evaluation

The CG review period will begin effective the day the CG is open for public use. Should operational and programmatic issues inconsistent with the terms of the SUP or the rules and regulations established for the operation of the CG arise during the evaluation period, the CGG and the Park Advisory Body will be notified by the District Manager in writing and given a 30 day time period to correct the problems.

At the end of one year, the District Manager will evaluate the CG using the CG Evaluation Form. The evaluation will include input solicited from park neighbors, park maintenance staff and, other City department staff and agencies and the lead contact for the Community Garden Group at the time of the evaluation. The Department will also consider input received over the course of the review period from local community groups in the form of written records, commendations, complaints, and warnings/citations and the number, severity, and resolution of complaints and issues indentified during the evaluation period.

The Department will attempt to address any complaints received during the evaluation with the Community Garden Group within 30 days. Department Staff will report to the Park Advisory Body on the nature and status of all complaints.

Within 30 days of the completion of the one year review period, the Department staff will complete an evaluation and make a written determination whether to continue, modify or revoke the CG status. If the intention is to continue the CG status, the Department Director will notify the Community Garden Group and Park Advisory Body in writing.

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If the intention is to modify or revoke the CG status, the Department Director will notify the Community Garden Group and Park Advisory Body in writing of the intention and the reasons, and will offer the Community Garden Group an opportunity to meet and discuss the issues. After the meeting, if the Director's decision is still to modify or revoke the CG status, a final notice of this intended action will be sent to the Community Garden Group and the Park Advisory Body. In addition, written notice of the modification of status will be posted by the District Manager or designee on-site 60 days prior to the effective date. The Community Garden Group will be responsible for removing all improvements and returning the site to its original condition within 90 days per conditions set out in the SUP.


After the initial review, the CG will be evaluated every three (3) years. An evaluation will be held in the interim period if the Department determines that conditions warrant it.

Designation of a CG area may be cancelled or temporarily closed by the Department Director where in the opinion of the Director any of the following is occurring: (1) the CG is not being used on a regular basis; (2) extensive damage to the park and / or natural environment is occurring; (3) the park is no longer suitable for an CG; (4) conflicts between park users cannot be resolved; or, (5) there is repeated, ongoing, or egregious non-compliance with the SUP and the rules for CG use posted at each CG or any applicable law or regulation.

Individuals who wish to appeal the decision to cancel the CG designation may do so within 30 days, in writing, to the Department Director.

REFERENCE DOCUMENTS

- Community Garden Planning and Design Guidelines
- CG Application Form
- CG Petition Form
- CG Site Survey Form
- CG Evaluation Form
- CG Maintenance Activity Schedule
- CG Sample Garden Contract
- CG Cost Estimate Form
- CG Checklist Form

Authorized By 	Title Park and Recreation Director	Dated May 1, 2013
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