



REPORT

THE CITY OF SAN DIEGO
TO THE PARK AND RECREATION BOARD

DATE ISSUED: October 12, 2011 REPORT NO. 201
ATTENTION: Park and Recreation Board
Agenda of October 20, 2011
SUBJECT: Community Garden Department Instruction Update – Updated Report to
Park and Recreation Board Report Issued September 8, 2011

SUMMARY

THIS IS AN INFORMATIONAL ITEM ONLY. NO ACTION IS REQUIRED ON THE PART OF THE BOARD.

BACKGROUND

An informational report on the proposed Community Garden Department Instruction (DI) was provided at the September Board meeting. The report was not presented due to the time required to address other matters on the Board agenda and the matter has been carried over to the October Board meeting for discussion.

In the interim period Department staff have been working with the City Attorney's staff to further improve the clarity and content of the draft internal department instruction. Attached for your consideration is an updated version of the document for your further review and comment. The revised DI and Community Garden Planning and Design Guidelines can be found in electronic form along with other supporting forms and sample documents that will be used to facilitate the implementation of community gardens by staff and interested program participants. The link to the information can be found in the News and Announcements Section on the City webpage at <http://www.sandiego.gov/park-and-recreation>.

The current Community Garden DI implementation schedule has been revised to accommodate several key City and Department initiatives. It is anticipated applicants will be accepted starting in Fiscal Year 2013 (July 2012).

Respectfully submitted,

Scott Reese
Assistant Park and Recreation Director

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COMMUNITY GARDENS IN CITY PARKS			

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 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, when identifying appropriate locations for CG areas.

The Department has developed this Department Instruction (DI) to provide staff with formal 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 CG's within 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 volunteers from the community. The Department, at its discretion, may assist the community garden group on a case-by-case basis. The community garden group must agree to administer and operate the gardens according to a Department-issued Special Use Permit which will extend a limited and revocable license for use of the City-owned or operated park land by the community group.

Municipal Code Section 141.0203 regulates Community Gardens on all land within the City of San Diego's jurisdiction. This DI is intended to supplement the Municipal Code for CG's located on City-owned lands maintained and operated by the Department only. This DI will provide additional requirements for location, design, construction, and administration of CG's within City Parks.

PURPOSE

The purpose of this Policy 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 a clearly defined policy involving CG's within City Parks and will set forth the application process, outreach guidelines, planning and design standards and guidelines for operational roles and responsibilities that enhance the opportunity for community participation in CG project planning and design and project approval phases.

AUTHORITY

Policy of the Park and Recreation Director

Municipal Code Section 141.0203 – Community Gardens

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

City of San Diego General Plan – Recreation Element

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DEFINITIONS

City Park: Any undeveloped land or developed neighborhood, community parks and regional parks, on dedicated and designated park land as described in the City's General Development Plan or land assigned to the Department for management.

Community Garden Group: An active volunteer or partner group formed to assist with the development, construction monitoring and maintenance of the community garden.

Park Advisory Body: A general term to identify an advisory body such as a Recreation Council, Area Committee, Area Council or Community Planning Board recognized by the Park and Recreation Board for the purpose of advising the Department and the Board on materials related to the planning and design of parks and the maintenance and programming of recreation facilities.

Site Manager: A Park and Recreation Department management or supervisory employee such as Area Manager, District Manager, or Deputy Director with direct responsibility for the maintenance and programming of the proposed garden site.

SCOPE

This policy 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 Community Garden's shall be designed and constructed in accordance with the applicable 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 permanent location or interim use on undeveloped land and developed neighborhood, community and regional parks, on dedicated and designated park land assigned to the Department 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 fields and sports courts (athletic fields are defined as any area where the Park and Recreation Department issues permits for organized sports play, whether or not the area is fenced).
- Golf courses
- Beaches
- Campgrounds
- Cemeteries
- Designated heritage, memorial, commemorative and ceremonial areas
- Joint-Use school/park sites which are located on School District or City property

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- Areas within 100 feet of picnic tables, picnic shelters, barbecue or children’s splash pads or play areas (tot lots)
- Areas within 500 feet of a Multi-Habitat Planning Area (MHPA) or an area found to be environmentally sensitive as determined by a qualified biologist.

General Planning and Design Guidelines

Community gardens 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 area 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 not be located within a City Park area currently used for vigorously programmed active or passive recreation, or within a park location that has immediate plans to be developed for programmed active or passive recreation as identified in the General Development Plan for the Park. CG’s shall be located on land that is level enough to support the intended use. In addition, CG’s shall meet all Americans with Disabilities Act requirements without the use of retaining walls that exceed three feet (3’) in height. The proposed CG shall also 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 should be located in areas that receive adequate sunlight for the intended purpose without the removal or excessive trimming of trees
- CG’s should not be located in prominent areas of a park where they may detract from the aesthetics of the park
- CG’s should be located in areas that are agriculturally suitable, including soil conditions, topography and solar access.

CG improvements shall include one hose-bib per every eight garden plots, benches, disabled 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 standard details with locking gated entry to provide security for the CG. Each enclosure should include an eight-foot wide gate for maintenance access. Areas shall not exceed a 10% grade (10:1) (ten feet horizontal for every one foot in elevation).

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 within the permitted and provide adequate parking to accommodate users.

APPLICATION PROCEDURE

PHASE 1 - APPLICATION

CG’s require an active volunteer or partner group to act as a Community Garden Committee and assist with CG monitoring and maintenance. Community Garden Committees must demonstrate their commitment, competency, organizational skills and

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willingness to support and promote the CG standards. 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 Community Garden Committee would be a smaller subset or committee of the recognized Park and Recreation Department advisory body (Park Advisory Body).

Initial Request and CG Application

Upon request, the Park and Recreation Department Area Manager or other appropriate Department staff (Site Supervisor) 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. The Site Supervisor will explain CG project proposal processing, project fees, and the evaluation requirements.

Site Survey with Park and Recreation Department

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

Application Review

The Site Supervisor 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 Site Supervisor 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 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 notified that he or she is responsible for requesting that the appropriate Park Advisory Committee schedule the proposed location of the CG as an information item. The Site Supervisor shall place the project on the agenda of the Park Advisory Body meeting as an information item after confirmation from the applicant that public noticing has been accomplished in a timely manner. In addition, the public notice of the meeting shall be posted at the site and at the nearest recreation center five working days prior to the meeting. The Site Supervisor will make a formal presentation to the Park Advisory Body outlining the details of this Community Garden DI. The Site Supervisor shall notify the applicant that he or she is responsible for making a presentation 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.

Park Advisory Body Meeting - Action Item

After the applicant has presented the item to the Park Advisory Committee as an informational item and responded to comments received during the informational item discussion, the Applicant shall be notified that he or she is responsible for officially noticing the Park Advisory Body meeting for a second meeting for the proposed CG as an action item. The Site

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Supervisor shall place the item on the agenda of the next Park Advisory Body meeting as an Action Item after confirmation from the applicant that the public noticing has been accomplished in a timely manner. In addition, the public notice of the meeting shall be posted at the site and at the nearest recreation center two weeks prior to the meeting.

The Park Advisory Body will list an Action/Adoption item on its agenda called "Application for Community Garden in (Name) Park." The applicant shall be notified that presentations on the Action/Adoption item shall include, but not be limited to the Applicant describing the project proposal, steps taken to notify the public about the proposal, and any changes made to the proposal since the previous Park Advisory Body meeting. The Park Advisory Body has the option of recommending modifications to the proposal at the meeting.

If the Park Advisory Body does not make a recommendation in that time frame, it waives its opportunity to make a recommendation and the proposal is taken forward to the Park and Recreation Board. When the minutes are approved at the next Park Advisory Body meeting, the Park Advisory Body Secretary provides the Site Supervisor and Asset Manager a written record of any vote and any motion, documenting the reasons for the recommendation.

The Asset Manager is to contact the Park and Recreation Board to place an informational item on the Board agenda and prepare a staff report for the item regarding the proposal including information and forms related to the application.

PHASE TWO - PLANNING

General Development Plan Amendment Stage

Upon approval of the Park Advisory Body and notification to the Park and Recreation Board, the project can move forward to prepare a General Development Plan (GDP) for those parks without a GDP or to complete an amendment to an existing park GDP where a GDP already exists.

GDP's and GDP amendments shall be processed and noticed per Council Policy 600-33 for community notification and community input process.

- If the design of the proposed project involves use of public funds, then the project will be managed by the Engineering and Capital Projects Department as a Capital Improvement Program (CIP) project.
- If the design of the proposed project is fully funded by the applicant (privately funded), the applicant will take the project through the community input process with assistance from the Park and Recreation Department's Asset Management section. The Department will issue the Applicant a Right of Entry Permit (ROE) to complete construction of the CG.

Park Advisory Body Meeting - Action Item

When the GDP amendment is completed through the public input process defined in Council Policy 600-33, the City project manager (CIP project only) or Park and Recreation Asset Manager (privately funded) will contact the Site Supervisor to place the item on the next Park Advisory Body agenda as an Action Item for recommendation on the GDP amendment. The City project manager (CIP only) or the applicant (privately funded) shall be responsible for making the presentation to the Park Advisory Body.

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Discretionary Permits and CEQA Document

After recommendation by the Park Advisory Body, the Asset Manager will consult with the Department's Development Services Division designated Park and Recreation staff person for environmental review and request that such individual conduct a preliminary California Environmental Quality Act (CEQA) evaluation of the CG to ensure that environmental impacts of the CG are addressed. If appropriate, the City project manager (CIP only) or Applicant (privately funded) may submit the project proposal to the City's Development Services Department (DSD) for a Public Project Assessment in accordance with Information Bulletin #510 to determine if any discretionary permits are required and what type of document will be required under CEQA. In the event it is determined that further CEQA review or a draft CEQA document is necessary for approval, the required CEQA documents and any required draft discretionary permits must be obtained before presentation to the Park and Recreation Board for approval of the GDP amendment. The City shall not be responsible for any costs of CEQA compliance; specifically the City may require reimbursement of its expenditures in this regard.

Park and Recreation Board Meeting – Action Item

When the appropriate CEQA process has been completed or a draft CEQA document created and any required draft discretionary permits are obtained, the City project manager (CIP only) or Park and Recreation Asset Manager (privately funded) will prepare a staff report for the GDP adoption or amendment and place the item on the next Park and Recreation Board agenda as an Action Item. The City project manager (CIP only) or the Asset Manager (privately funded) and the applicant (as notified by the Department) shall be responsible for making a presentation to the Board.

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/consultantsguide.pdf>). No permission to start construction shall be given until all plans have been approved by the Park and Recreation Department and Development Services Department (DSD) if necessary, and necessary permits have been obtained and all fees paid. The applicant shall be notified that he or she is responsible for all water meter installation and capacity fees as charged by the City and other agencies.

Project Construction and Right of Entry Permit

When the project construction contains public funds, the project will be managed by the Engineering and Capital Projects Department as a Capital Improvement Program (CIP) project; no ROE permit is required for City-managed Capital Improvement Projects.

If the project construction is fully funded by the applicant, then a ROE permit is required from the Park and Recreation Department. The Site Supervisor will coordinate and process the ROE permit. The ROE permit will include milestone dates for the Asset Manager to review the project construction and approve the project. The Site Supervisor shall notify the applicant that the applicant or the applicant's contractor is responsible for obtaining any required ministerial permits and for coordinating City inspections.

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Project Funding

The Applicant shall not be authorized start construction until it has demonstrated to the satisfaction of the Park and Recreation Department that all funds are available to complete construction. The Site Supervisor shall notify the applicant that he or she is responsible for providing a cost estimate and a letter certifying the availability of funds. Phasing of construction is acceptable provided phases result in complete and usable garden plots upon completion of that phase.

Construction Inspection

The Applicant shall be notified that he or she is responsible for coordinating inspections that may be required by the Park and Recreation Department or DSD for any required permits.

The Applicant shall also be notified that he or she is responsible for contacting Park and Recreation Department staff for site observations at the following stages of construction as may be appropriate to the project, or as determined to be necessary by Park and Recreation staff:

- 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 Community Garden Committee. 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 in more detail:

1. The SUP shall include insurance and indemnification conditions deemed acceptable by the City's Risk Management Department and the City Attorney's Office.
2. CG's shall be administered by the Community Garden Committee in conjunction with the Park Advisory Body. If at any time the Community Garden Committee fails to maintain representation on the Park Advisory Body as defined by the bylaws of the Park Advisory Body, the Community Garden Committee will be considered in default and the CG will be closed.
3. The Community Garden Committee in conjunction with the Park Advisory Body shall be responsible for the proper maintenance of the CG in accordance with all federal, state and local laws and ordinances. Failure to comply with

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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.

4. If after 6 months the Community Garden Committee still fails to comply with federal, state and local laws, the Park and Recreation Department Director will request the CG be removed and the CG site be restored to its original condition to the satisfaction of the Park and Recreation Department Director.
5. The Community Garden Committee in conjunction with the Park Advisory Body 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 Committee still fails to pay its bills, the Park and Recreation Department Director will request that the CG be removed and the CG site be restored to its original condition to the satisfaction of the Park and Recreation Department Director.

The Community Garden Committee shall be responsible for establishment and enforcement of rules for the CG. This shall include rules for assignment and rotation of garden plots in the CG. Rules shall be subject to approval of the Park and Recreation Department. 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.

The CG shall be a non-profit endeavor. The Community Garden Committee may share costs to operate the community garden among its participants. To this end, the Community Garden Committee may require participants to pay a portion of the cost to establish and operate the community garden, hereinafter known as "Allotment Charges". Allotment 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 Committee for a period of three years. Allotment Charges must be approved by the City, in conjunction with normal fee and charges setting process administered by the City.

In addition to any obligation under this policy, Community Garden Committee and individual gardeners must agree to abide by all federal laws, state laws, and local ordinances, resolutions, or policies. Community Garden Committee members shall report regularly to the Park Advisory Committee on the conditions and activities of the CG.

The hours of operation for the CG shall generally be from sunrise until sunset, as set forth by the National Oceanic and Atmosphere Administration for the San Diego area unless otherwise set out in the SUP. The CG shall be locked during non-operating hours.

The operations and maintenance of the CG shall be placed on the regular Park Advisory Body agenda as a communications item.

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PHASE FIVE - EVALUATION

Letter of Completion and Initiation of One Year Review Period

When the project construction is complete the Community Garden Committee has begun operation of the CG, the city project manager (CIP only) or Park and Recreation Asset Manager (privately funded) shall prepare a letter of completion identifying the one year review period, and send to the Park and Recreation Director or his or her designee for signature.

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 this period, the Community Garden Committee and the Park Advisory Body will be notified by the Site Manager in writing and given a 30 day time period to correct the problems.

At the end of one year, the Site Manager will evaluate the CG using the CG Evaluation Form. The evaluation will include input solicited from park neighbors, park maintenance staff and, if applicable, other City department staff and agencies, and the lead contact for the Community Garden Committee at the time of the evaluation. The Park and Recreation 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. The evaluations should include facility utilization, rules compliance and community and fiscal impacts. The evaluation should also include a satisfaction survey of users and neighbors and consider the number, severity, and resolution of complaints and issues raised during the evaluation period.

The Department will attempt to address any complaints within 30 days. Department Staff will report to the Park Advisory Body on the status of all complaints. Any complaints that are not resolved will be considered by the Park Advisory Body. The Park Advisory Body will work with the complainant and department to determine an appropriate action within 60 days.

Within 30 days of the completion of the one year Review Period, the Park and Recreation Department will make a written determination whether to continue, modify or revoke the CG status of the park area. If the intention is to continue the CG status, the Park and Recreation Director will notify the Community Garden Committee and Park Advisory Body in writing.

If the intention is to modify or revoke the CG status, the Park and Recreation Director will notify the Community Garden Committee and Park Advisory Body in writing of the intention and the reasons, and will offer the Community Garden Committee 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 Committee and the Park Advisory Body. In addition, written notice of the modification of status will be posted by the Site Manager on-site 60 days prior to the effective date. The Community Garden Committee and Park Advisory Body 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 that 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 Park and Recreation Director where in the opinion of Park and Recreation 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

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park users cannot be resolved; or, (5) there is repeated, ongoing, or egregious non-compliance with 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 Park and Recreation Director.

REFERENCE DOCUMENTS

San Diego Municipal Code

Consultant Guide to Park Design and Development: Community Garden Planning and Design Guidelines

Community Garden Application Form

Community Garden Petition Form

Community Garden Site Survey Form

Community Garden Evaluation Form

Community Garden General Guidelines and Roles and Responsibilities for the Maintenance

Community Garden Maintenance Activity Schedule

Community Garden Sample Garden Contract

Community Garden Sample Rules and Regulations for Signage at Community Gardens

Community Garden Sample Special Use Permit

Community Garden Cost Estimate Form

Community Garden Checklist Form

Authorized By	Title Park and Recreation Director	Dated
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