



## Legislation Text

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**File #:** 18-0106, **Version:** 1

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**TO:**

Honorable Mayor and Members of the City Council

**THROUGH:**

Bruce Moe, City Manager

**FROM:**

Mark Leyman, Parks and Recreation Director  
Eve Kelso, Recreation Services Manager

**SUBJECT:**

Consideration of the Request from the Manhattan Beach Botanical Garden for Fee Waivers/Refunds for Permitting Fees for the Construction of a Tool Shed (Parks and Recreation Director Leyman).

**DISCUSS AND PROVIDE DIRECTION**

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**RECOMMENDATION:**

Staff recommends that City Council discuss and provide direction on the request from the Manhattan Beach Botanical Garden for fee waivers/refunds for permitting fees for the construction of a tool shed.

**FISCAL IMPLICATIONS:**

The Manhattan Beach Botanical Garden is requesting refunds from the City in the amount of \$1,928.55 for previous payment of the following permits (Attachments 1-3):

- Building Permit: \$1,679.65
- Electrical Permit: \$ 124.45
- Plumbing Permit: \$ 124.45
- Total amount paid: \$1,928.55

**BACKGROUND:**

The Manhattan Beach Botanical Garden (MBBG) is a nonprofit public education organization dedicated to promoting Earth-friendly gardening techniques, encouraging the use of drought-tolerant and native plants, and conserving our natural resources. Their mission is to promote environmentally conscious gardening for the conservation of water, wildlife and the well-being of our community. MBBG has maintained the 2/3 acre parcel of land on the west end of Polliwog Park since 1992.

The MBBG has funded improvements over the years, including the addition of a water feature, informational signs, amphitheater area, drinking fountain, and sitting areas. Permits were not required for these projects, only approval by the Parks and Recreation Department Head and a review of the plans by the Community Development Department.

The MBBG also provides ongoing services to the community, including free classes on sustainable

landscaping, composting, trees and container gardening.

The MBBG has a seven-year agreement with the City of Manhattan Beach, which expires January 31, 2019. The property for the Botanical Gardens in Polliwog Park is owned by the Manhattan Beach School District and leased to the City.

### **DISCUSSION:**

As the Manhattan Beach Botanical Garden is a non-profit, volunteer organization, providing free programs to the Community, they are asking that the permitting fees be waived retroactively for the development of a new tool shed at the garden. Only City Council has the authority to waive fees.

A new tool shed (Attachment 4) is being built to provide expanded space for tool storage in addition to a number of demonstration areas for the public. There will be areas for demonstrations on composting toilets, rainwater harvesting, graywater and solar resources. The number of attendees who visit the garden and attend free classes provided by the MBBG continues to increase each year.

The tool shed project was initiated by the MBBG in September 2014, plans were submitted to the City in May 2016, and, after a period of review and revision, the City approved the plan in May 2017. The permit fees to be reimbursed have already been paid by MBBG to the City.

As the project is on School District property, the School District has been notified about the shed project and will be notified of any future projects by the Manhattan Beach Botanical Garden.

As part of the construction, Botanical Garden representatives will need to make arrangements to have a licensed contractor (approved by the City) relocate an existing 6-inch recycled water line because it is in conflict with the planned building's footings.

### **LEGAL REVIEW**

The City Attorney has reviewed this report and determined that no additional legal analysis is necessary.

### **Attachment/Attachments:**

1. Botanical Garden Building Permit
2. Botanical Garden Electrical Permit
3. Botanical Garden Plumbing Permit
4. Botanical Garden Shed Plans