



June 15, 2004

Mr. Gerald R. Miller, City Manager
City of Long Beach
13th Floor, City Hall
333 West Ocean Blvd
Long Beach, CA 90802

Subject: Scherer Park Conversion and the 55th Way Replacement Site
(LWCF #06-01163)

Dear Mr. Miller:

On April 8th, 2004, The California Department of Parks and Recreation (DPR) received a letter from Amy Bodek in reply to our inquiry concerning the status of the Scherer Park conversion. The letter was informative; however, it raised concerns about the City of Long Beach's selection of 55th Way as a replacement site for Scherer Park, and its ability to meet Land and Water Conservation Fund (LWCF) requirements and the terms of the conversion agreement. It is DPR's role to ensure that LWCF requirements and grant agreements are met.

On April 26th Don Shapiro of DPR and Frances Sakaguchi of the National Park Service (NPS) inspected both Scherer Park and the replacement site at 55th Way. The examination of these two sites along with Ms Bodek's letter raised a number of questions and concerns. They are as follows:

- 1) The police station at Scherer Park appears near completion; in contrast, the 55th Way replacement site is undeveloped. In accordance with LWCF conversion regulations and in Project Design Feature 1 (PDF1) as contained within the Scherer Park FONSI dated December 31, 2002, and incorporated as part of the grant amendment, the City of Long Beach is obligated to provide a replacement park. The replacement park must be funded and improved to the satisfaction of the NPS. Prior to issuance of a Certificate of Occupancy and the start of police operations at the new station at Scherer Park, the replacement park must be improved to the point where it is open for public use and ADA accessible. The City of Long Beach was given an additional year to identify a property which could meet these requirements—and by signing the grant agreement—is legally bound to do so.

- 2) Conversion requirements direct the City to complete an Environmental Review, solicit public input, and conduct an appraisal of the replacement property. The appraisal must conform to Uniform Appraisal Standards for Federal Land Acquisitions standards and reflect the current value of the property, not its *anticipated* value after environmental remediation. The 2002 submitted appraisal mentioned in your letter was not acceptable as it does not give the property's current value. LWCF regulations require the replacement property to be of equal fair market value and utility. Note that an appraisal must be less than a year old to be acceptable. This is also stated in PDF 1 of the conversion agreement. With the foregoing in mind, please provide an updated appraisal, a copy of the City's Draft or Final Environmental Impact Report, and any other documents reflecting environmental review, as well as documents showing the number of public meetings, their location, and the complete record of public comments concerning this project.
- 3) Given that development of the 55th Way site has not started, please provide a detailed timeline showing the key dates and milestones for construction and completion of the park. Does the City still have the economic capability to improve and develop a park within the required time frame? Given the intensive planning as stated in your letter, can the City present a budget for the replacement park and assure these funds are available?
- 4) Please provide a copy of the Post Closure Maintenance and Monitoring Plan. Page 2, paragraph 3, of your letter refers to additional monitoring of groundwater should irrigation water percolate through the landfill. This statement indicates there is some probability that water *will* percolate through the landfill. If the park is constructed with irrigated areas, and subsequent testing does reveal groundwater contamination, how will the City address this problem? In addition, what action will the City take if methane emissions exceed the allowable limit?
- 5) Site access at 55th Way is poor, with the park situated at the end of an extremely rough and uneven road, the condition of which indicates considerable subsidence. Has the City determined the cause for this? How does the City plan to remediate and develop this road to provide safe public access? The road itself is the site of considerable illegal dumping and is a parking area for the homeless and their shopping carts. How will the City address problems of access and security? How will these problems affect the timeframe of park development?
- 6) The City proposes to increase the park's elevation by four feet with the addition of fill dirt, thereby raising the park to the roof level of residential housing on its eastern and southern sides. Was this aspect of the project addressed during the public comment period? How will the City address issues of privacy for the residents adjacent to the park?

- 7) There is a large mound located on the eastern portion of the property. The mound is surrounded by a chain link fence and is not shown on aerial photos of the park site provided by the City. Please explain the mound's purpose. Why it is fenced off within the park property?
- 8) The oil facility located to the immediate north of the property has several large tanks containing petroleum products. How has the City addressed the matter of operating a park next to an industrial facility of this type?
- 9) The nearly completed police station at Scherer Park appears to occupy an area larger than indicated in the drawings provided by the City. Please confirm the actual acreage taken from the park for the police station.

As you can see, there are a number of issues remaining with this project. These require the City to provide updated information about Scherer Park and the proposed park site at 55th Way. As mentioned above, the City of Long Beach has a legal obligation to complete the conversion process in a timely fashion and in a manner suitable for recreational use by the public. Your prompt response to the questions and comments set forth above is anticipated. If you have questions, please contact Don C. Shapiro at (916) 651-8575 or by email at dshap@parks.ca.gov.

Sincerely,



Charlie Willard, Chief
Office of Grants and Local Services

cc: Betty Ettinger
Julie Malm
Don Shapiro
Frances Sakaguchi
Ray Murray
Amy Bodek
File