



CITY OF LONG BEACH

OFFICE OF THE CITY MANAGER

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GERALD R. MILLER
CITY MANAGER

August 6, 2004

Mr. Charlie Willard, Chief
Office of Grants and Local Services
State of California
Department of Parks and Recreation
1416 9th Street, Room 918
Sacramento, CA 94296-0001

Re: Scherer Park Conversion/55th Way Replacement Park (LWCF #06-01163)

Dear Mr. Willard:

I am in receipt of your letter dated June 15, 2004, which was in response to our letter of April 8, 2004. As stated in the City's April 8th letter, we remain committed to meeting our obligation to provide replacement parkland, and this commitment has not wavered. The City's letter was meant to assure the State that every effort has been and will continue to be made to ensure that the replacement park can and will be built in a manner that will not pose a threat to human health and safety and will be accepted by the community for whom it is intended to serve.

I understand that Resource Agency staff visited the site on April 26, 2004. Had the City the opportunity to accompany them, we may have been able to address many of your questions and concerns at that time. Nonetheless, I appreciate the opportunity to respond to your inquiries in written format. As such, the following responses are provided in the order presented in your letter:

1. The City continues to acknowledge its obligation to provide the replacement parkland. I indicated in the April 8th letter that the timing considerations are substantially different than they were when the City accepted the conditions, and I have asked for your understanding of those issues. My commitment to providing the replacement parkland has not wavered as evidenced by formal site selection, a completed environmental review in accordance with the California Environmental Quality Act, an adopted budget with appropriate funding, designed improvements, or completion of a Partial Landfill Closure Plan and its subsequent approval from the appropriate regulatory agencies. I remain convinced that these past eighteen months have been more than a good faith effort and demonstrate the depths of the City's commitment to meeting its obligation.

2. Your letter states that the 2002 appraisal is not acceptable. Your reasoning is that the appraisal must "...reflect the current value of the property, not its *anticipated* value after environmental remediation."

In 2002, the property was used for industrial purposes and did not require any regulatory agency or municipal approvals for that use to continue; therefore, the presence of a former landfill was not a factor and the 2002 appraisal reflected the then-current value of the property. Since that time, the zoning has been changed to allow park and related uses. In anticipation of this change in land use, the City was required to complete, and now has an approved, Final Post-Closure Land Use Proposal (PCLUP). Additionally, the property has received entitlements for park development and a related Environmental Impact Report has been certified. An updated appraisal at this time would necessarily reflect the value of the entitled park development after approval of the PCLUP, which was only *anticipated* in 2002. In addition, as the replacement parkland must have an equivalent value of the lost parkland at Scherer Park, it does not seem appropriate to compare a 2004 appraisal of the replacement site with a 2002 appraisal of Scherer Park. I am, therefore, unclear as to your request. Upon clarification, I will be happy to comply.

Further as requested, I have enclosed a copy of the Final Environmental Impact Report certified by the City on February 5, 2004, as well as a listing of all the public and community meetings held on this project, their locations and related agendas.

When the City submitted the appraisals in 2002, it also submitted the appropriate revisions to the 6(f)3 boundary maps and the Final Environmental Impact Report for the North Police Station. With the submission of the 2004 Final Environmental Impact Report, we believe all documents have been submitted necessary to revise the boundary maps, subject to your further direction on the issue of the appraisal for 55th Way.

3. You have inquired as to the continued ability of the city to fund the project. Please find attached staff reports for both the Redevelopment Agency, committing its funds and the City Council's acceptance of these funds, for the construction of improvements at the park. These funds remain intact and are dedicated to the construction of the park.
4. As requested, please find enclosed a Final PCLUP. Included within the PCLUP is the Post Closure Monitoring and Maintenance Plan (Plan). You have also inquired about groundwater protection and methane monitoring. In response, I offer the following:

- A groundwater solid waste assessment test (SWAT) was conducted at the request and oversight of the California Regional Water Quality Control Board (Board). The SWAT revealed that on-site activities have not impacted the groundwater and, as a result, the Board approved the abandonment of the groundwater wells. However, as the City intends to install an evapotranspiration irrigation system, the Board required two additional years of semi-annual monitoring to ensure that water does not percolate through the monolithic cover and discharge into the groundwater. The implementation of the Plan is intended to reveal overly saturated soils prior to reaching the monolithic cover.

This will allow for early adjustments to the irrigation system to avoid percolation of water into the monolithic cover and subsequently prevent discharge into the groundwater. The Plan and its related inspection schedule were reviewed and approved by the Board. Should a groundwater discharge occur that requires Board action, the City intends to fully comply with any Board requests.

- Landfill gas monitoring and control is also addressed in the Plan. Currently, methane concentrations do not exceed Title 27 limits. A passive vent will be installed at the location of highest known levels of landfill gas, at a height sufficient to eliminate impact at the surface, with the anticipated collateral effect of further reducing methane concentrations in the remainder of the property. If monitoring indicates concentrations of methane in excess of compliance levels, the following will occur:

- Take all immediate steps to protect public health and safety, and the environment;
- Notify the Lead Enforcement Agency (LEA);
- Submit a letter to the LEA within 10 working days that describes the nature and extent of the problem, and corrective actions;
- Construct a gas control system in accordance with the design and in a manner approved for construction by the LEA and, if applicable, the Board.

5. You have posed a number of questions regarding poor access to the property. The public road accessing the property is identified as 55th Way. 55th Way is partially located within the same landfill as the property, resulting in differential settlement. The scope of the construction project includes the reconstruction of 55th Way from Paramount Boulevard to the entrance of the park. The LEA has issued a letter approving the reconstruction of 55th Way. The reconstruction of 55th Way includes a retaining wall along the northerly side of the property, eliminating the potential for homeless encampments and illegal dumping. Additionally, the design of the park includes on-street parking on the northerly side of 55th Way, further reducing the potential for illegal or undesirable uses. Since these issues have already been identified and addressed in the project's certified Environmental Impact Report, they are not anticipated to affect the timeframe of park development.
6. The increase in park elevation by an additional four feet was considered and discussed at length with the community. It was also identified and addressed in the project's certified Environmental Impact Report. We believe the issues of privacy, noise and lighting have all been appropriately addressed through the Environmental Impact Report, and in the design of the improvements, which received full entitlements at the same time the Environmental Impact Report was certified.
7. You have inquired about "...a large mound located on the eastern portion of the property.". This was the site of the Alternative Cover Pilot-Scale Study (Pilot Study). The intent of the Pilot Study was to evaluate water balance, transpiration rates, and growth rates in the "after" condition of park development to ensure that the monolithic cover would not be affected by the irrigation system. The information and data collected from the Pilot Study was used to design the alternative cover strategy for

the landfill, which was included in the PCLUP. When grading commences, this mound will be assimilated into the rest of the grading activities. The Pilot Study reflects the thorough and careful attention the City has taken to ensure that the park can be developed in a safe and viable manner.

8. You have raised a concern of incompatibility of the northerly adjoining storage facility with the park. The storage facility is located in the City of Lakewood, and abuts approximately one-third of the northerly boundary of the park. The majority of the remaining adjoining land uses are residential and fully compatible with park use. All adjoining land uses were studied in the Environmental Impact Report and were determined to be insignificant with mitigation. The storage facility in the City of Lakewood is substantially below the existing grade of the park. With the importation of an additional 4 feet of fill and the construction of a six-foot high retaining wall along the shared property line, the storage facility should not be visible to park users. There were no other impacts identified related to the storage facility.
9. You have requested verification of the size of the site occupied by the North Police Station, as you believe it may be larger than indicated in the drawings previously provided. I have confirmed with the civil engineer for the construction project that the site upon which North Police Station is built contains 2.2 acres. As our commitment is to provide a 2:1 replacement ratio for lost parkland, the park at 55th Way, containing 5.83 gross acres, more than adequately fulfills our obligation.

In closing, I want to thank you and your staff for your diligent work and support of this project, and again request concurrence by the State that the City will not be penalized for its cautious and thorough approach in developing this site. Had the City taken any other approach, I would not have been able to ensure the safety and appropriateness of this site for its intended use as a replacement park.

Sincerely,



GERALD R. MILLER
City Manager

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Cc: Reginald I. Harrison, Deputy City Manager
Melanie S. Fallon, Director of Community Development
Phil T. Hester, Director of Parks, Recreation and Marine