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CITY CLERK
LONG BEACH, CALIF.

C-10

04 DEC 15 PM 3: 58

Date: December 21, 2004

To: Members of the Housing and Neighborhoods Committee

From: Fady Mattar, Acting Director of Planning and Building

Subject: Dedication of City-Owned Parks in Perpetuity

DISCUSSION

At a prior Housing and Neighborhoods Committee meeting, staff was asked to provide information related to how City-owned parks and open space are dedicated in perpetuity, limiting their use to park and open space uses. This memorandum explains the policy background for this action and information regarding the timing of future dedications.

In October 2002, the City Council adopted the Open Space and Recreation Element (OSRE) of the General Plan. The OSRE sets out goals and objectives for the City regarding the maintenance of existing parkland and the acquisition of new open space and parkland.

Policy 4.4 of the OSRE requires that the City "Ensure that the General Plan and Zoning are consistent for all recreation open space location and uses." Program 4.4 calls for formally dedicating all City-owned parks and designating them to be preserved in perpetuity.

Since the adoption of the OSRE, numerous parks have been planned or developed. As they come on-line, the zoning designation is changed to "P" which ensures that the new park or open space is subject to park regulations as they exist in Title 21 (Zoning Ordinance) of the Long Beach Municipal Code. When necessary, the General Plan Land Use Designation is also changed to LUD 11 – Open Space and Parks.

As stated above, Program 4.4 of the OSRE requires that all City-owned parks and open space be dedicated in perpetuity. This is accomplished annually via the adoption of an ordinance, which designates each park individually. Typically, staff batches any new City-owned parks or open spaces into one City Council action. The next batch ordinance is scheduled for the first quarter of 2005.

IT IS RECOMMENDED THAT THE COMMITTEE:

Receive and File.

APPROVED:

Parks in Perpetuity
FM:AR

GERALD R. MILLER
CITY MANAGER



#2

01 FEB -2 PM 1:13
RECEIVED
CITY CLERK
LONG BEACH, CALIF.

Date: February 6, 2001
To: Members of the Housing and Neighborhoods Committee
From: Eugene J. Zeller, Director of Planning and Building
Subject: Parks in Perpetuity (Citywide)

DISCUSSION

At the initiation of Councilmember Ray Grabinski on August 29, 2000, the City Council requested that the Housing and Neighborhoods Committee review a proposed Municipal Code amendment to dedicate in perpetuity, for park use only, public park land owned and controlled by the City. This is a report on various activities and tasks now underway which relate in some way to the entire issue of parkland and open space.

Update of the General Plan Open Space Element. The Long Beach General Plan is the mechanism for articulating the City's land use policies as provided and mandated by state law. In 1973, Long Beach adopted an Open Space Element (OSE) to the General Plan as required by new state legislation enacted at that time in response to statewide concerns for open space preservation and enhancement.

An update of the Long Beach OSE is long overdue. Staff is, therefore, pressing forward to bring a revised OSE to the City Council for consideration. Initially commenced a couple of years ago, the project for updating the OSE was placed in abeyance while an overall strategic plan for the City was being developed, inasmuch as open space and parkland were important issues considered in the City's strategic planning effort. On June 20, 2000, the City Council adopted *Long Beach 2010 - The Strategic Plan* which included goals for enhancing the City's open space.

With finalization of the City's strategic plan, and the anticipated completion of several relevant projects by the Department of Parks, Recreation and Marine described below, staff will be moving forward to update the OSE. This will include conducting a series of community meetings to obtain public input, and drafting a new OSE for review. Late this summer (or early fall) is targeted for bringing a new OSE to the Planning Commission. After holding a public hearing, the Planning Commission will adopt recommendations for consideration by the City Council. Ultimately, the OSE will become official Long Beach adopted policy upon approval by the City Council.

Parks, Recreation and Marine Strategic Plan. Based on extensive scientific surveys of the general public, park users and all levels of staff, along with intensive site inspections of all park facilities, a strategic plan is being developed with a targeted completion date of late-spring 2001. The Parks, Recreation and Marine Strategic Plan will provide valuable information on park, open space and recreational goals and needs of the City.

Alamitos Bay Master Plan. The development of a master plan for Alamitos Bay Marina, including both water and land uses, is near completion. The Marina facilities are more than forty years old, and the supporting infrastructure is inadequate or beginning to fail due to age. Except for the selection of preferred alternatives, the plan is expected to be finished by late spring 2001.

Benchmarking. *Long Beach 2010-The Strategic Plan* calls for benchmarking to compare Long Beach with other major cities in terms of operational characteristics and quantities of open space. In addition, the Parks, Recreation, and Marine Department has undertaken a study to learn how other cities define parks and open spaces, the uses that are allowed, and the measures that may be employed to prevent inappropriate use. That effort should be concluded in mid-spring of this year.

Properties Previously Donated with Restrictions. Over the years, lands have been donated or conveyed to the City with deed restrictions or other constraints on future use. A review of these past land transfers by the City Attorney is needed to determine if the original restrictions or constraints are currently binding. Further, analysis and legal counsel is needed on whether there are mechanisms that could be deployed for future property donations which will obligate compliance for all time thereafter.

Inventory of Vacant City-Owned Land. One of the challenges of assessing the opportunities for creating new parklands and open space is determining all of the land currently owned or controlled by the City that could potentially be so utilized. While an inventory of all City-owned properties is readily available, it includes parcels already occupied by buildings and properties, such as street rights-of-way and airplane runways, that do not have potential for future park space. To manually visit each site in the inventory to determine if buildings exist would be a major and costly workload effort. Instead, staff is working to make that determination utilizing the aerial photographs that have been recently taken to update the City's Geographic Information System (GIS) database. The effort is targeted to be finalized late this spring with the preparation of a parcel-by-parcel listing and mapped representation of all vacant City-owned properties that could be considered for open space or parkland.

Action Plan. Since the General Plan Open Space Element is the most appropriate vehicle for expressing and memorializing the City's public policy governing open space and the associated development, expansion, and use of parklands, it is recommended that the Housing and Neighborhoods Committee approve the following action plan:

- The Housing and Neighborhoods Committee to conduct a series of public meetings over the next few months for the purpose of receiving public input.
- The Parks, Recreation and Marine Department to complete its strategic plan, the master plan for Alamitos Bay, and benchmarking with other cities by early this summer.
- The Planning and Building Department to develop an exhaustive parcel-by-parcel listing of all vacant City-owned properties having potential for parkland use.
- The Planning and Building Department to conduct a series of community meetings for presenting: the results of the sessions previously conducted by the Housing and Neighborhoods Committee; the conclusions from the Parks, Recreation, and Marine Department's strategic planning, and Alamitos Bay master plan projects along with the results of benchmarking studies comparing Long Beach with other cities; the inventory of City-owned land having potential for parkland use; and proposals for the new OSE.
- The Planning Commission to conduct public hearings on proposals for the OSE in late-summer or early-fall, culminating with a recommendation for consideration by the City Council.
- The City Council to receive the Planning Commission recommendation, conduct a public hearing, and take action to adopt a new OSE.

Review by City Attorney. This report has been reviewed by Principal Deputy City Attorney Michael J. Mais.

TIMING CONSIDERATIONS

Since the suggested action plan calls for the Housing and Neighborhood Committee to hold public meetings to gather input over the next few months, early approval of the action plan will allow those meetings to commence soon and thereby provide timely information for the Open Space Element adoption processes targeted to start this summer.

FISCAL IMPACT

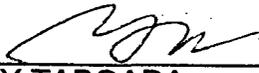
There is no anticipated fiscal impact since the update of the Open Space Element is already included in the work program for the Department of Planning and Building.

IT IS RECOMMENDED THAT THE COMMITTEE:

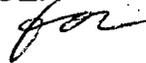
Approve the Action Plan as described herein.

ejz
35/h & n com rept on parks in perpetuity

APPROVED:



HENRY TABOADA
CITY MANAGER





Date: February 1, 2001
To: Members of the Housing and Neighborhoods Committee
From: Phil T. *Heister* Director of Parks, Recreation and Marine
Subject: Parks and Open Space (Citywide)

DISCUSSION

At their meeting on December 21, 2000, the Recreation Commission heard a presentation from Mr. Lester M. Denevan concerning "Taking of Public Parks for Non-Park Purposes." Mr. Denevan originally asked to speak before the Recreation Commission at their meeting on November 16, 2000, but the Commission delayed consideration until its December 21, 2000 meeting to allow staff time to prepare a response to his issues.

At the meeting on December 21, 2000, the Recreation Commission heard the presentation by Mr. Denevan and a staff presentation concerning the issues brought forth by Mr. Denevan. Since the Recreation Commission was aware that the update of the open space plan was to start in the near future, and that there was going to be the committee meeting dealing with parks and open space, the Recreation Commission voted and requested that staff refer this information to the Housing and Neighborhoods Committee for inclusion as part of the official record.

IT IS RECOMMENDED THAT THE COMMITTEE:

Receive the attached information for inclusion as part of the record.

PTH:rb
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Attachments

APPROVED:

HT

HENRY TABOADA
CITY MANAGER

for



CITY OF LONG BEACH

Department of Parks, Recreation and Marine

2760 Studebaker Road, Long Beach, CA 90815-1697

(562) 570-3100 • FAX (562) 570-3109

December 21, 2000

Members of the Recreation Commission

SUBJECT: Taking of Public Parks for Non-Park Purposes

Attached to a letter, dated November 9, 2000, Mr. Lester M. Denevan has sent you a list of properties that reportedly have been taken from park use. Mr. Denevan, a long time resident of Long Beach (City) and former employee of the Department of Planning and Building (then Planning only), worked for a number of years compiling detailed land use and real estate information for the City. Mr. Denevan was also a member of the Citizens Advisory Committee on the Local Coastal Program (LCP) that met for two years in 1978-1979 hammering out the LCP.

The City has never formally designated much of the City's parkland in any manner differently than other City property. Most City property is assigned to a Department for management responsibility, but no specific restrictions are placed on the use of that property. Thus, "conversion" of City property from use by one City department to use by another City department is a legitimate policy issue but does not imply some illegal or ethically improper activity.

Further, the City has never defined appropriate park use in a definitive way. Neither the earliest efforts at park and recreation planning in Long Beach in the 1948 "A Plan for Recreation and Group Service for Long Beach" and the 1958 "Preliminary Master Plan," the 1961 "General Plan," nor the current (1973) "Open Space Element of the General Plan" contain specific definitions or criteria. Even the Park Dedication Policy in the LCP fails to define what is appropriate in a park. The nearest requirement that exists to such restrictions is the 1983 Zoning provisions (attached), which list uses permitted in the "Park" zone.

This lack of defined limits, other than zoning, has been raised in other forums as a result of public controversy over the proposals for location of the Emergency Communication and Operations Center (ECOC), partially in Stearns Park, and most recently, the North Police Substation in Scherer Park. As a result, the City Council has referred the matter to the Council's Housing and Neighborhoods Committee (Committee). Hearings before the Committee are being scheduled for February 2001.

I will review each site on which Mr. Denevan has commented and offer the following additional information:

1. **Coolidge Park.** Mr. Denevan's contention that Coolidge Park was reduced in size by freeway construction seems to be correct. The development plans for Coolidge Park show that a 6.8-acre park was originally approved. The current size is 5.62 acres. Our records do not show when this occurred.

2. **El Dorado Park.** Mr. Denevan contends that several reductions have occurred to El Dorado Park.
 - A City Library is located in El Dorado Park. This is true, and four of the City's 11 libraries are in parks. Lacking a specific policy or regulation addressing this, it is not clear that this is an improper use of parkland. The majority of library use is a leisure activity, well within the definition of recreation. Reading education, homework assistance, and study hall programs, currently conducted by Library staff, are similar to programs conducted by recreation staff at teen centers.
 - There is a Fire Station in El Dorado Park.
 - The wastewater treatment facility is on land purchased during the same transaction as the purchase of some of the land that became El Dorado Park (the park was created from four separate purchases). A portion of one of the purchases was sold to the Los Angeles County Sanitation District before El Dorado Park was developed. However, the area sold to the Sanitation District was included in the original Master Plan for El Dorado Park, adopted by the City Council in 1957.
 - Freeway construction did reduce the size of the land that was purchased during the four transactions that contributed to El Dorado Park. However, the freeway construction is included in the 1957 Master Plan, so it did not reduce the size of the park below what was planned.
 - The Sports Park was planned for a section of El Dorado Park Area III from 1987 to 1997. However, softball fields, soccer fields, volleyball courts, playgrounds, basketball/roller/hockey/soccer courts, amphitheatres, and concession stands are certainly all traditional park recreational facilities. The 1957 Master Plan shows this area developed with an amphitheater significantly larger than that planned as part of the Sports Park, softball fields, and a demonstration "rancho" with stables and rodeo ring.
3. **Heartwell Park** – Heartwell Park was Long Beach Water Department property upon which the City built a park. Control of the land and the leases of that land did not transfer to the Department of Parks and Recreation until 2000. All were established and approved by the Board of Water Commissioners on Water Department land, not on parkland.
 - There is a City library in Heartwell Park.
 - There is a private day care center in Heartwell Park.
 - There is also a Girl Scout campground in the park.
4. **Houghton Park** – There is a Neighborhood Facility Center in Houghton Park. The Long Beach Department of Health and Human Services, plus the City Councilmember's field office currently occupy that facility. When the facility was built, it was used for a broader range of city service, including many services typically provided in recreation centers in parks. Currently, many of the services provided at the Neighborhood Facility Center are also provided on an "outreach" basis a few hours a week in recreation centers. It is far from clear that this is not an appropriate use of park space.

5. **Martin Luther King, Jr. Park** – There is a Neighborhood Facility Center in MLK Park. Similar to Houghton Park, it is far from clear that that is not an appropriate use.
6. **Lincoln Park** – Lincoln Park was the city's first park, and included the block bounded by Ocean Boulevard, Broadway, Pacific Avenue, and Cedar Avenue. Mr. Denevan is concerned that the City Hall and the Main Library have taken that park space, and he's concerned about the removal of the memorial civil war cannon.
 - **City Hall** – City Hall is not in Lincoln Park. The City Hall building is located west of Cedar Avenue and is actually not in the historic boundaries of the park. There is City Hall parking located under Lincoln Park. This was built as private parking for the Buffums Department Store formerly located east of Pacific Avenue. The building of the underground garage in the park may now be considered improper use of park space, but it was a popular improvement in the early 1960s, with similar garages built under Perishing Square in Los Angeles and Union Square in San Francisco. The City bought the underground garage from Buffums when the current City Hall was occupied in 1977.
 - **Main Library** – Again, there is the question of whether a library is an appropriate park use. A library has been in Lincoln Park since the 1920s when a library, built partially with funds from the Carnegie Foundation, was first established. The current main library is much larger and does create a much greater impact on the character of the park.
 - **Civil War Cannon** – The cannon is on City property outside the Shoreline Village lease, in the Shoreline Marina, adjacent to the Parkers' Lighthouse.
7. **Recreation Park** – There was a proposal for a cellular communication tower, and the proposal was abandoned without any official action to approve it.
8. **Scherer Park** – Mr. Denevan contends that Scherer Park has been reduced by the location of the YMCA and the Police Substation in the park.
 - The YMCA is located on 1.9 acres of City property separated from Scherer Park by Del Amo Boulevard. Both this parcel and the area of Del Amo Boulevard were included in one of the land purchases that contributed to Scherer Park. However, it is unclear whether these can be claimed as even having been part of the park, as the earliest park development plans do not include these areas for park development.
 - Currently the North Police Substation is located in Scherer Park. The 24.99 park acreage includes the 2 acres utilized by the substation. The proposal is to expand the facility from its current two acres to four acres and to replace the current temporary structure with a permanent structure.

9. **Stearns Park** – Like Heartwell Park, Stearns Champions Park was built on Long Beach Water Department property. The Fire Department Training facility and current Emergency Operation Center is located on another portion of Water Department property adjacent to Stearns Champions Park. The proposal that has been characterized as building the ECOC in the park, was actually building it on the current Fire Training Center but with a small portion of the facility overlapping into the park. As mentioned by Mr. Denevan, this has been abandoned.
10. **Palm Beach Park** – As mentioned by Mr. Denevan, this park was abandoned. This was really a beach/park being partially improved with park landscaping and partially beach sand. It was located south of Seaside Way from the Los Angeles River to Chestnut Place. It contained 2.9 acres of park and 6.2 acres of beach. The abandonment appears to have begun in the 1950s with the construction of the Armed Forces YMCA and Naval Landing Harbor and seawall rock dike beach to stabilize the subsidence in what was a part of the park. Additional parts of the park seem to have been used as the site on which a portion of Shoreline Drive was built. It appears that an area of just less than one acre was leased to the California State College and University System Headquarters.

Another section of the park was eliminated with the construction of the Catalina Cruises Terminal complex in the late 1970s. This required a Coastal Development Permit, and the Coastal Commission mandated that the City replace one and one-half acres within the downtown area. This was done with three mini-parks along Shoreline Drive between Broadway and Fourth Street. These mini-parks have now been incorporated in Cesar E. Chavez Park.

Finally, the Armed Forces YMCA was converted to the Recreation Department administrative building after the Navy left Long Beach the first time in the mid 1970s. This was then demolished when the Parks and the Recreation Departments were merged in 1978. The remaining 3.4 acres is being utilized as the downtown shoreline maintenance yard. Thus, 1.5 acres of the original 9.7 acres has been replaced as park space, and 4.9 remains serving the Parks, Recreation and Marine functions.

11. **Rainbow Lagoon** - The site now occupied by the Hyatt Hotel had been a public beach prior to the filling of the Rainbow Pier area in the 1960s. In 1949 and 1961 Master Plans for Shoreline Development, this had been an area designated for park and recreation use, then "semi-commercial." It was designated for full commercial use in a 1972 amendment, and when the hotel development was approved in the late 1970s, it included a condition for the simultaneous development of an undeveloped 40 acres into Shoreline Aquatic Park. (See attached Downtown Shoreline section of Local Coastal Program.)

12. **Santa Cruz Park** – Santa Cruz Park was a 1.2-acre park located south of Ocean Boulevard and west of Magnolia Avenue. In the early 1960s, this area was known as the "jungle" and considered the most blighted and unsafe area of the city. The City declared it the first Redevelopment Project area in the city and proceeded to replace "the jungle" with the series of office buildings known as "Oceangate." The park was officially abandoned at that time, but the "concept" of a park was honored by a landscaped setback from Ocean Boulevard. The earliest of the office buildings included a below-grade "courtyard with fountain and landscaping" in part of the setback but included an above-grade extension of the underground garage in another part, resulting in a raised planter.

Ocean Boulevard was widened in the late 1960s. The eastbound travel lanes were extended about 15 feet into Santa Cruz and Victory Parks.

Due to the land-use configuration of the major prestige address in downtown Long Beach being separated from the private development that adjoins it by a narrow park, the City has had to fight commercial encroachment into the narrow park by the adjoining properties for 70 years. This has been an especially intense problem with the Arco Towers project, which is built with one level of parking above Ocean Boulevard, cutting off the visibility from the street of the building's plaza area. Thus, from the beginning, this project's tenants have sought identification in the park. For many years, signs on top of the parking garage wall were accepted as a compromise, but as the growth of plantings in the park has made them ever harder to see, other signage was sought. Signage is regulated by the Planning and Building Department through the Zoning Ordinance, and those regulations prohibit commercial signs in parks.

Beginning about three years ago, Planning and Building staff has been sending private property owners to the Recreation Commission with requests for signage in Santa Cruz and Victory Parks. With recommendations from staff, the Recreation Commission has agreed to accept signs at the Breakers site and at the Arco site. The approved signs have not been built at either site, but two illegal real estate leasing signs exist in Santa Cruz Park.

13. **Victory Park** – The widening of Ocean Boulevard and the private signs in the park are addressed above under Santa Cruz Park. Victory Park does have several underground garages below the park. This is different than Santa Cruz Park in that the park was not "abandoned" by the Redevelopment Plan. The parking garages below Victory Park are typically the result of the "sale" of subterranean rights to the adjoining properties by the Redevelopment Agency. Although this has been approved at several sites, only two locations have actually been constructed. Those are the office building at 180 E. Ocean and Harbor View Towers at 550 E. Ocean. A public parking garage serving the Long Beach Convention and Entertainment Center also has replaced Victory Park with a parking garage below Ocean Boulevard and a public plaza above.

14. **Public Beaches** - It is not accurate to say that the public beaches in the downtown shoreline were displaced for non-public, non-beach and park uses. The beaches in the downtown shoreline ceased to exist because of flooding and erosion due to subsidence. Without the armor rock dikes, flooding was threatening all developments south of Ocean Boulevard. The sinking of the land due to oil extraction would have left the entire downtown shoreline area submerged. Also, siltation and shoaling, still a problem, would have increasing turned what we now call Queensway Bay into a mud flat. Stabilizing the shoreline with rock dikes reclaimed the subsided shoreline and allowed disposal of the silt in a way that reclaimed the elevations lost to subsidence. The downtown beaches would have been lost regardless of how the problem was approached.

A decade after the completion of the shoreline stabilization and landfill, the reclaimed land still sat vacant. At that time, office buildings began to be constructed including four buildings at the Catalina Cruises Terminal, the State College and University Headquarters Building, Shoreline Village, and the Hyatt Hotel. All these projects obtained Coastal Commission approval, as well as City approval.

The extensive parking for "non-park uses" would include the parking for the above-listed projects, plus the parking for the Convention and Entertainment Center, and the parking for the Shoreline Marina.

A significant portion of the downtown shoreline, prior to the landfill, was not a public beach. The "pike" controlled a significant portion of the middle of the downtown shoreline, including the pier projecting over the water with the "Cyclone Racer." The area directly opposite the Pike was the area where Shoreline Aquatic Park was located and where the Rainbow Harbor and the proposed Queensway Bay retail project are now located.

15. **Public Beaches/Queensway Bay Project** - See above comments on "Public Beaches." The area was for Public Park in the 1949, 1961, and 1972 Master Plans of Shoreline Development. This was modified by the Downtown Shoreline section of the Local Coastal Plan, certified by the Coastal Commission in 1980, and modified again in 1995 and incorporated in the Queensway Bay Plan. (See version for Queensway Bay.)
16. **Public Beaches/Hotel** - This reference is not clear; however, Mr. Denevan seems to be referring to the hotel that is allowed in the LCP on the parking lot east of the Convention and Entertainment Center. This had been a parking lot for 18 years when this plan was approved and has remained a parking lot for twenty more years since this was included in the LCP.
17. **Public Beaches/Shoreline Drive** - See 14. Public Beaches.
18. **Public Beaches/Parking** - See 14. Public Beaches.

19. **Public Beaches/Navy** – I have no information indicating that there were public beaches on Terminal Island prior to 1940. An aerial photograph from 1928 verifies beaches did exist, but no public improvements are evident. Plans from the same era indicate Terminal Island was already planned for future port expansion.
20. **Golf Course/Navy** – The Port of Long Beach displaced the golf course at the Long Beach Naval Base after closure of the base. The golf course and the other recreational facilities were never publicly operated or open to the public. The recreational facilities at the Naval Base were not well located for public use, being separated from the population of Long Beach by the width of the remainder of the Port. The Port of Long Beach mitigated the loss of those recreational facilities by financing the construction of the Cesar E. Chavez Community Center.
21. **Golf Driving Range** – In the 1970s, a golf driving range did exist off of Redondo Avenue between Willow Street and Hill Street. This was on Long Beach Water Department property, and was not publicly operated. The Board of Long Beach Water Commissioners decided to sell the property for development in conjunction with the redevelopment of the Savannah Naval Housing property that became surplus after the closure of the Naval Base in the 1970s. The Postal Distribution Center now occupies the approximate site.

Mr. Denevan has asked that various documents be made available for your review. These have been included with this letter.

A hearing is scheduled for the Housing and Neighborhoods on February 6, 2001 to discuss the preservation of park space in perpetuity and appropriate uses of parks. Mr. Denevan's letter and the supporting documentation to this report are relevant to those deliberations.

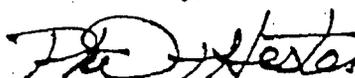
It is recommended that the Commission refer this report and Mr. Denevan's letter to the Housing and Neighborhoods Committee for inclusion in the record of their deliberation.

Respectfully submitted,



Dennis Eschen
Manager of Planning & Development

Concurred by,



Phil T. Hester
Director of Parks, Recreation and Marine

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Attachments:

- Zoning Regulations
- Open Space Element of the General Plan
- Scenic Routes Element of the General Plan
- Local Coastal Plan (Downtown Shoreline Section) 1980 and 1995.
- Park Dedication Policy
- March 31, 1981, letter from Robert Paternoster to City Council re: Santa Cruz Park and Local Coastal Program.



RECEIVED
CITY CLERK
LONG BEACH, CALIF.

00 AUG 24 PM 12: 04

Date: August 29, 2000

To: Honorable Mayor Beverly O'Neill and Members of the City Council

From: Ray Grabinski, Seventh District Councilmember *Ray*

Subject: Request for Park Land Use Municipal Code Amendment

Suggested Action:

Request the City Attorney to prepare an ordinance amending the Municipal Code so as to dedicate in perpetuity public park land owned and controlled by the City of Long Beach for park use only and for no other purpose.

Background:

The Long Beach City Council in 1980 passed an ordinance that dedicated all parkland located in the Local Coastal Zone for public use only.

The ordinance protected all the parks in the Local Coastal Plan from any other type of development or from use as an alternative site for City facilities.

This proposal suggests a similar amendment to the current municipal parks ordinance. Such an amendment would eliminate the confusion, conflict and controversy that arise when using parks for something other than normal park use and it would preserve in perpetuity Long Beach public park space.

This action requests the adoption of an amendment to the current municipal policy regarding all Long Beach public park space.

TAKING OF PUBLIC PARKS FOR NON-PARK PURPOSES

City of Long Beach

Lester M. Denevan

March, 2000

1. **Coolidge Park**
Reduced in size by freeway construction.
2. **El Dorado Park**
Wastewater recycling plant.
City Library.
Fire Station.
Sports Complex, subsequently abandoned.
Freeway construction, with reduction in size of park.
3. **Heartwell Park**
City Library.
Day Care Center.
4. **Houghton Park**
Neighborhood Facilities Center.
5. **King Park**
Neighborhood Facilities Center.
6. **Lincoln Park**
City Hall.
City Library.
Civil War cannon (removed to private site in Shoreline Village).
7. **Recreation Park**
Proposed communications tower, subsequently abandoned as a consequence of threatened enforcement of deed restriction.
8. **Scherer Park**
YMCA.
Police station.
Christmas tree sales.
9. **Stearns Park**
Communications Center, subsequently abandoned.
10. **Palm Beach Park**
Abandoned park, adjacent to Los Angeles River estuary in the West Beach area. Now mostly a parking lot.

11. Rainbow Lagoon

Displaced by Hyatt Hotel.

12. Santa Cruz Park

Union Bank of California Building, 400 West Ocean Boulevard.
Widening of Ocean Boulevard.
Private advertising signs posted by owners of adjoining land.
Subterranean parking garage projecting into park.

13. Victory Park

Widening of Ocean Boulevard.
Private advertising signs posted by owners of adjacent land.
Subterranean parking garage projecting into park.

14. Public Beaches

Four private office buildings, west of Queensway Bridge.
Headquarters office building for California State University.
Shoreline Village.
Hyatt Hotel (displaced Rainbow Lagoon).
Extensive parking for non-park uses.

15. Public Beaches/Queensway Bay Project

Queensway Bay project, including 508,550 square feet of retail uses on filled Tidelands, sixteen motion picture theaters, an IMAX theater, and extensive parking areas.

Queensway Bay project provides that "Major retail uses include Warner Brother's Studio, Warehouse Records, Crown Books and Cost Plus." (Long Beach Planning Commission staff report of April 2, 1998, as received by California Coastal Commission staff, April 20, 1998.)

16. Public Beaches/Hotel

Hotel to be built at a future date (not part of current Queensway Bay project). Proposed hotel is provided for by City's adopted Local Coastal Program.

17. Public Beaches/Shoreline Drive

Public beaches displaced by Shoreline Drive; public access to shoreline impeded.

18. Public Beaches/Parking

Public beaches displaced by thousands of parking spaces designed to serve non-park and non-beach uses.

19. Public Beaches/Navy

Public beaches displaced by U.S. Navy Shipyard, circa 1940.

20. Golf Course/Navy

Golf Course at U.S. Naval Base displaced by Port of Long Beach, 1999-2000.

21. Golf Driving Range

Site on Redondo Avenue displaced by industrial park.

Agendas #25 + 27

R. Gigi "Fast Elk" Porter - President
Reggie H. Bamister - Vice President
Marshall Bloofsky - Treasurer
Carmen Lorde Valdes - Exec. Secretary

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www.twoeagles.lawandorder.com/STOP.htm

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August 29, 2000

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Councilman Jerry Schultz
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333 W. Ocean Boulevard, 14th Floor
Long Beach, California 90802

**RE: August 29th CITY COUNCIL AGENDA ITEMS 25 AND 27
RESOLUTIONS for PERMANENT PARKS and POCKET PARKS**

Dear Councilmen Grabinski and Schultz:

This is just a note to say **"thank you"** for your resolutions on Tuesday's City Council agenda to **bring pocket parks to Long Beach** and a special thanks to Mr. Grabinski for proposing to dedicate our parks in perpetuity. Friends of Scherer Park™ hold to the maxim, **"A Park is a Park!"**

As you may know, Long Beach is critically under the NRPA recommendation of **10 acres of open land per 1000 people**. The City of Long Beach has a population of approximately 429,433, according to its official website, **with an average of 3.2 acres/1000 people**. In a recent study by the National Recreation and Parks Association (NRPA), it was revealed that the **downtown 1st district, has only .4 acres/1000 people**. (David Sundstrom, Chair, Long Beach Environmental Task Force, "Long Beach 2010 . . . The Strategic Plan.").

Your efforts to "green" Long Beach are a credit to your terms, Messrs. Grabinski and Schultz and are steps in the right direction. Our only concern on these resolutions is that an amendment to the Municipal Code can easily be repealed by a future vote of Council. Can we not go one step farther and ballot an initiative to the electorate to **bring the vote back to taxpayers over issues of park land use** in Long Beach and further protect parks from "non-recreational use?" Such an initiative would be a proud legacy to the children and the children's children of Long Beach.

The Friends of Scherer Park support your resolutions wholeheartedly! Bravo!

Sincerely,



R. GIGI "FAST ELK" PORTER
President, Friends of Scherer Park
(562) 422-8068

cc: Mayor Beverly O'Neil
Vice Mayor/Councilman Dan Baker
Councilman Rob Webb
Councilperson Jenny Oropeza
Councilman Frank Colonna
Councilman Dennis Carroll
Councilperson Jackie Kell
Phil Hester, Park Superintendent

Reggie Bannister and/or Gigi Fast Elk Porter

From: Reggie Bannister and/or Gigi Fast Elk Porter <pmi@gte.net>
To: Councilman Dennis Carroll <carroll@ci.long-beach.ca.us>; Councilman Frank Colonna <colonna@ci.long-beach.ca.us>; Councilperson: Jenny Oropeza <oropeza@ci.long-beach.ca.us>; Councilman Jerry Schultz <shultz@ci.long-beach.ca.us>; Councilperson Jackie Kell <kell@ci.long-beach.ca.us>; Councilperson Laura Richardson-Batts <batts@ci.long-beach.ca.us>; Hon. Mayor Beverly O'Neil <mayor@ci.long-beach.ca.us>; Vice Mayor - Dan Baker <baker@ci.long-beach.ca.us>; <jcsquir@ci.long-beach.ca.us>; <wijoder@ci.long-beach.ca.us>; <grdavy@ci.long-beach.ca.us>; <demcclu@ci.long-beach.ca.us>
Cc: <phheste@ci.long-beach.ca.us>; <jagroba@ci.long-beach.ca.us>; <Wheels2000@aol.com>
Sent: Friday, August 18, 2000 3:44 PM
Subject: Closed Budget session

Honorable Mayor, City Council & Staff:

Pursuant to the posted City Council Agenda, for August 22, 2000, it is noted that the City Council will meet on Tuesday for:

1. Budget Workshop to discuss policy direction for Fiscal Year 2000-2001 (FY01) proposed budget. (Departmental presentations by City Auditor, City Attorney, City Prosecutor, Civil Service, City Clerk.)

As I will be unavailable to attend, please note the following:

In your discussion of "policy direction," please give GREAT consideration to the allocation of funds from the CIP (Capital Improvement Program) Budget or other budget resources (of the \$41,451,028 proposed FY00/01 budget for Parks, Recreation and Marine) for the purposes of the restoration of the Scherer Park and the development of more meaningful programming for teens, seniors, and community events.

Scherer Park is a vibrant and well utilized neighborhood park. Dedicated in 1959, (and named for Herman J. Scherer, Retired Superintendent of Parks, Recreation and Marine) and bordered by Delo Amo, Atlantic, 46th Street and Long Beach, Scherer Park has been a recreational staple in the North Long Beach community for over 40 years. Many residents around Scherer Park grew up playing around it's trees, fabulous duck pond and water fall. Any given Saturday or Sunday one can observe numerous weddings, celebrations, picnics, and recreational activities such as softball, soccer, tennis, and more. Time has taken it's toll, however, and we need improvements and restorations to Scherer.

Members of the Department of Parks, Recreation and Marine recently met with a representative of Rob Webb's office, Reggie Bannister (Vice President of Friends of Scherer Park) and the undersigned (as President of Friends of Scherer Park) for the purposes of discussing these very issues. Among those issues were

1. The waterways which need minor improvements to deter and prevent water contamination from stagnant or poor water flow. Not only will this improve the scenic value of the park with less litter collecting in water ways, but also provide improved conditions for the feathered residents of Scherer Park.
2. Irrigation system improvements will more equally distribute the reclaimed water for open area watering. We currently have huge dry brown patches while, at the same time, having large

8/18/00

- puddled areas.
3. Renovations of the restrooms which are not in compliance with the Americans with Disabilities Act (ADA) standards. A wheelchair bound individual has great difficulty maneuvering the restroom facilities and there are no support bars within the handicapped stalls. Further, the general unclean and smelly conditions are appalling.
 4. Removal of a poisonous plant near the "sand pit/swings" which places children at risk and re-evaluating existing plant life for growth feasibility and esthetic qualities.
 5. Refurbishing the baseball diamond and pitcher's mound. The current mound does not exist and the installation of bleachers and dugouts would further encourage team sports.
 6. Schedule the mobile skateboard park program and demonstrations to promote safe skateboarding techniques.
 7. Developing long range community activities which would involve the surrounding schools in nature science oriented programs, senior activities, workshops, cultural events, park concerts, park/nature photography contests, holiday programs, and more.
 8. Develop fun community projects such as park tours with "paddle boats" or "horse drawn carriages" during peak season or holiday traffic in Scherer Park which often sees hundreds of citizens frequenting the park in a single Saturday.
 9. Long range goals to eventually enclose the recreation center plaza to create a multi-use recreational room and basketball court. The current center consists of an unairconditioned room approximately 20' X 15' for all community recreational needs.
 10. Finally, the dedication plaque which was once mounted on the Atlantic entrance to the park is no long there and we'd like it returned. Perhaps a "re-dedication" ceremony as a symbol of the City of Long Beach's rededication to Scherer Park.

Surely these things we ask can be accomplished with minimal fiscal effort on the City's behalf. Surely, they warrant serious consideration and a place of their own in the City's "policy direction."

Members of Friends of Scherer Park are doing their part to educate the community on the proper "park etiquette," preventing littering, and encouraging participation in Scherer Park programs as well as recruiting volunteers. Now, we ask the members of City Council to match our untiring efforts to improve our neighborhood park by allocating funds for improvements, programs and restoration of Scherer Park.

Should you have any questions, or desire discussion, please do not hesitate to call me directly at (562) 422-8068.

Sincerely,

Gigi Fast Elk Porter, President - (562) 422-8068

Friends of Scherer Park, 4450 California Place PMB 315, Long Beach, CA 90807

Residence: 1006 Ridgewood Street, Long Beach, CA 90807

a thick Slavic accent) who said the substation had displaced trees he had financed to be planted in his family's name; **the 59 adults and 29 children who signed our proposed resolution to save Scherer Park.** Mr Webb would also have noticed that the majority of the folks who frequent Scherer Park regularly are:

Minority - primarily Hispanic, Black, Asian, Native American, Samoan, and even one hispanic church group;

Moderate to Low Income - who have, **neither, homes with large "park like" yards, pools, nor air conditioning** and frequent Scherer Park in the evenings for family dinners as a relief from the heat of Summer;

Single Families - primarily mothers, who bring their children to Scherer Park for the ducks and open areas as a form of inexpensive family entertainment and **who cannot afford to live in the area;**

Children, Children, Children... did I mention, Children? Ranging from tiny tots to teens of **low income families** who participate in a State program at the recreation room to provide them with **one meal in the Summer** when school is out.

As a single mother of twin girls, when my daughters and I lived in North Hollywood... we maintained a "wish book" of a day when we, too, would have a house of our own. We drove the streets of the "nice" neighborhoods just like the "Country Club" and fantasized of what our house would look like. Today, I live in the very home in which my fiance grew up, on a tree-lined street right out of "Leave It To Beaver," with a pool and two lovely yards. On our street we, too, have a sense of "small-town habits" where we check on each other to ensure everything is okay and trust each other with watching our homes when we travel. We know each others' names, wave when we see each other, and greet each other with "Hey, neighbor!" We laugh at the neighborhood antics, cry at our losses, rejoice in each others' accomplishments, call 911 if ANYthing seems suspicious and give thanks for the good fortune of living here. (There's even a healthy decorating competition at the Holidays.) We also feel a strong responsibility to our community and the children who are lead by our homes from Clara Barton Elementary to Scherer Park. "Small-town habits" are not relegated to the wealthy.

Another issue not addressed by this article is that these "residents" spoke of their feelings of "maintaining the existing police substation." They do *not* speak of their feelings of having a **21,000 square foot jail and compound** in Scherer Park across from a YMCA and Boys/Girls Club and one block in each direction from elementary schools. Then again, Scherer Park is not in their back yard. As for those residents to the **South**, we too, have physically walked from 46th Street to San Antonio and we found these folks to be working and without the luxury of the time and effort it takes to fight for their park. Some of us have had to take on that responsibility and make life decisions to sacrifice money, time, work, and schooling to preserve for our children what is rightfully theirs.

Good Council people, children cannot vote. They deserve, however, for the actual voters and those of us who "have" to accept their responsibility of contributing back to the very community that afforded them the opportunity to obtain what they do have! True, there is still much to be done in Scherer Park. As **Friends of Scherer Park**, we have lobbied for funds from the City Council to

improve the park and facilities. We have already seen great progress, thanks in part to Mr. Hester, Jesus Thillet, Joe Ambrose and others, and to holding events within the park to raise its public visibility. We might add, had funds not been diverted to other parks, Scherer Park's facilities would not have deteriorated to their present state in the first place. There is a lot of life (and living) left in Scherer Park and a lot of folks who want to see it restored to it's full potential. This will not happen if a police compound is allowed to be built when a community pool and recreation center would better serve the diverse families of our "small-town" community.

Sincerely,

(original signed)


R. GIGI "FAST ELK" PORTER

President, Friends of Scherer Park

(562) 422-8068

cc: Mayor Beverly O'Neil, Vice Mayor/Councilman Dan Baker, Councilman Rob Webb, Councilperson Jenny Oropeza, Councilman Frank Colonna, Councilman Dennis Carroll, Councilperson Jackie Kell, Councilperson Laura Richardson-Batts, Phil Hester, Park Superintendent

Reggie Bannister and/or Gigi Fast Elk Porter

From: Reggie Bannister and/or Gigi Fast Elk Porter <pmi@gte.net>
To: Rob Webb <Rob@RobWebb.com>; <webb@ci.long-beach.ca.us>
Cc: <prosecutor@ci.long-beach.ca.us>; <hemahoo@ci.long-beach.ca.us>
Sent: Friday, August 25, 2000 10:19 AM
Subject: Thursday night's NLB PAC

Dear Rob:

To what office, person, entity, alien... whatever... does the North Long Beach PAC officially answer/report? Also, who is their designated agent of service... Hopefully, someone OTHER than Martha Thuente?

As you will hear on two different phone messages I've left, the manner in which the NLBPAC conducts it's meeting concerning public issues is in complete violation of the Brown Act... a **federal offense**.

Any time, at a public meeting, that a vote is taken which said vote would ultimately affect or deprive an individual of property rights (such as taxpayers obligated to a bond issue, tax revenue, etc) they must be allowed to present testimony which might affect that vote PRIOR to the vote being called. **Failure to do so is violation of due process.**

We have courtesy copied the City Attorney's office on this request merely in an effort to expedite our request for information.

Gigi Fast Elk Porter
 Friends of Scherer Park
 hm: (562) 422-8068
 fx: (562) 428-7966

BROWN ACT:

<http://caag.state.ca.us/piu/batoc.htm>

"Under the Act, the public is guaranteed the right to provide testimony at any regular or special meeting on any subject which will be considered by the legislative body before or during its consideration of the item. (sec. 54954.3(a).) In addition, the public has the right at every regular meeting to provide testimony on any matter under the legislative body's jurisdiction. (sec. 54954.3(a).) However, the body may enact regulations to ensure reasonable access for members of the public. The regulations may limit the total amount of time of testimony on particular issues and for each individual speaker. (sec. 54954.3(b); 75 Ops.Cal.Atty.Gen. 89 (1992); see also White v. City of Norwalk (9th Cir. 1990) 900 F.2d 1421, where time of repetitive speaker was limited.) The legislative body shall not prohibit a member of the public from criticizing the policies, procedures, programs, or services of the agency, or of the acts or omissions of the legislative body. (sec. 54954.3(c).) Personal attacks on individuals are not authorized by the Act, nor does the Act confer any privilege or protection for expression beyond that otherwise provided by law."

"Legislative bodies may go beyond the minimal requirements of the Act and provide greater

8/29/00

public access to their meetings. (sec. 54953.7.) Elected legislative bodies may impose greater access requirements on agencies under their jurisdiction. (sec. 54953.7.) "

US CONSTITUTION - BILL OF RIGHTS

"AMENDMENT I

Congress shall make no law respecting an establishment of religion, or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people peaceably to assemble, and to petition the Government for a redress of grievances."

"AMENDMENT V

No person shall be held to answer for a capital, or otherwise infamous crime, unless on a presentment or indictment of a Grand Jury, except in cases arising in the land or naval forces, or in the militia, when in actual service in time of war or public danger; nor shall any person be subject for the same offense to be twice put in jeopardy of life or limb; nor shall be compelled in any criminal case to be a witness against himself, nor be deprived of life, liberty, or property, without due process of law; nor shall private property be taken for public use without just compensation."
[emphasis added]



**Traci
Wilson-Kleekamp**
<twilsonklee@earthlink.net>

To: mmcobb@ci.long-beach.ca.us
CC:
Subject: [Fwd: [thisland] Housing & Neighborhoods Committee Meeting -- An Informal Report]

02/08/01 10:39 AM

Martha

Could you forward my email comments about the meeting to the council members. Emails to Kell, Batts, and Schultz bounced back.

thanks,

traci wilson kleekamp

----- Message from on -----

Hey Listers:

I wanted to let you know about the "Housing and Neighborhoods" committee meeting that I attended on Tuesday afternoon. The focus of the meeting was on developing a definition of parks and protecting City parks in perpetuity. [I probably don't have the exact meeting theme correct] The committee is composed of councilmembers Jackie Kell, Ray Grabinksi and Jerry Schultz. I have created below my very informal report on the meeting. If our city were progressive, the meeting would have been broadcast on TV or the radio or even taped, transcribed and put online so you could read -- blow by blow what happened. Gigi videotaped the meeting and I believe a number of the comments from the public were well-spoken, articulate and balanced. I hope we can get a transcription together soon and share it with you.

Additionally, I hear regularly that a number of people in and outside of City Hall have some preconceived notions about those of us who want to protect parks. I'd like to debunk a couple of myths.

Myth 1: We are against recreation in the parks.
We readily agree that there should be a balanced approach to providing

hard (play area -- tennis, basketball courts etc.) and softscape (trees, grass and passive open space) in the parks. The proposed adult park should meet the needs of quite a number of adults who also need a place to play. Because our city is so built out, most of our parks experience intense use. We DO object to commercial and non recreational development in the parks. Moreover, until the City can adequately address the need for more open and recreation space -- with a population of children they say will double over the next ten years it seems wise to start planning for more parks and open space and not less.

Myth 2: We are against everything in the parks. For all of those City staffers, Councilpeople and residents who think we are so unreasonable... you should pick up your phone and call any one of us. You would be surprised... we are just like any other caring resident who wants to protect the quality of life for our children/grandchildren's future. All of the council members have the power and authority to call a town hall meeting. [few if any are ever called] You can email us... talk to us anytime. The list is open to anyone. But as I explained yesterday at the committee meeting, I have three children. We love the park...but we are concerned when our parks are privatized for organized sports groups etc., and/or are the target of a commercial development or public works project that really belongs in an industrial or commercial- zoned area. At present, many of our parks are hijacked by organized sports that rent out our parks nearly a year in advance or other buildings that continue to encroach upon the park. We are left trying to find a space to rent to beat the rush of traffic on the weekends. Specifically, I think it is not a public use when these groups can build equipment on the park for their sole use and

the public is denied access. These types of conflicts should be ironed out and discussed and the public should not be marginalized for wanting solutions which don't limit their access to a public park. This includes the taking of parkland by the school district and limiting public access. The feeling of many people in town is that anything built on our parks should be equally accessible by the public and the sports leagues. Shared use means shared access in my book.

GOOD WORK BY COMMITTEE MEMBERS!

I was very impressed and thankful that the chair of the committee Jackie Kell let the public speak and they did so with ease. She wasn't timing anyone and let them finish their thoughts. She was very respectful to everyone and I swear if City Council meetings were run with her kindness and respect -- I think the public would really endeavor themselves to be kinder at the podium. Beverly should take note. No condescending comments and we were all treated like adults. I thought the public made very thoughtful comments -- and the consensus is like I said above -- we support a balance approach to hard and softscape recreation in the parks. On the definition of parks and the issue of uses -- Reggie Bannister put it perfectly, "Some things are definitely not recreational uses like police stations, day care facilities and emergency communication centers."

SCHULTZ'S DISTASTE FOR THOSE WHO DISAGREE!

I thought it was especially unfortunate that Councilman Schultz hassled ~~Gigi about the map of Scherer Park~~ in the newsletter she created. He told her that she didn't include an appropriate map of Scherer park... showing an enlarged view of the park. Gigi had to tell him that she got the map from Planning and Building. Of course, they got her a new map right away -- because of course, they must always be right.

Council members and staffers seem to forget that it is their job to keep the electorate informed and in the absence of their cooperation, neighborhood leaders do a tremendous amount of research and consensus building -- not to mention the writing and copying of newsletters on their own time because their respective council members don't have the time to update them on district or citywide issues. Gigi designed a beautiful newsletter. It was too bad that Councilman Schultz could not thank her for her efforts. Instead of looking for common ground --

Councilman Schultz looked for a place to attack. In attacking Gigi's good work in a public forum and marginalizing her efforts -- Councilman Schultz demonstrated his lack of respect for civic participation. I was embarrassed and hurt for Gigi. I haven't seen Councilman Schultz take any interest in meeting constituents who disagree over the Scherer Park issue anywhere in the middle. It is obvious that he is very committed to the Police Station -- and even though we have a Strategic Plan that says the City will work to protect open space -- I guess in this instance, the document/agreement must be flexible enough to allow the Police to gobble up park space. Seems to me that you can't have it both ways. We lack trust in our public officials because of these types of actions. Many of us know from past experience that once you let "them" in to take park land they will be back later for more.

I also have a great deal of respect for Ray Grabinski. [I think the Grunion and PT have repeatedly marginalized Mr. Grabinski because in the past he asked too many questions and didn't go with the crowd. These mediums have inferred over the years that "going along" means you're a team player.] Since I began being involved in community issues,

Ray

Grabinski has always returned my calls promptly, he is extremely courteous, he listens and he responds accordingly. He may not always vote to my liking -- but I appreciate his willingness to make time for and listen to folks who are not even in his district. He also sincerely LIKES and ENJOYS people. I have found former councilmembers Jeff Kellogg and Mike Donelon to be equally accessible -- and they are also good listeners and often have excellent insight. I appreciate their institutional knowledge and perspective of City issues.

Much could be gained with public servants and elected officials working together who have an interest in people. The words "lack of communication" come up alot. It's not just about talking -- it's about communicating. We need to see a great deal more from City Hall. We desperately need to see a tremendous increase in their respect for process.

Running for higher office should be the last thing on a council person's mind... unless they are very competent at listening right here and right now...which doesn't seem to be the case.

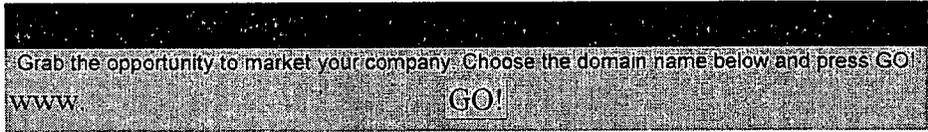
So once again... anyone out there in City Hall land... anytime you wanna put in your two cents... we're glad to talk to you. Cause if all you can say behind our backs and to each other that the public is dumb and we don't know anything... you are part of the problem and not part of the solution.

An informed public is an empowered public. Knowledge is power and ethics breed higher standards of service and civic participation. In other words, our knowledge about what is going on is only as good as what ya tell us. In the absence of such dialogue & sharing [like if you don't tell us the whole truth or facts] ...the only choice we have is

to find
out for ourselves. All we have left is grassroots protest,
initiatives,
public meetings, letters to the editor, and biting sarcasm in
response
to being shut out of the process. Well...now of course we have
the
internet.

Traci Wilson-Kleekamp

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Stop Taking Our Parks!™ FRIENDS OF SCHERER PARK

4450 California Place PMB 315 Long Beach, California 90807
(562) 984-8495

February 6, 2001

Land of the Free - Not Free Land!



"Editor's 'good plan' is 'fuzzy math' on Scherer Park."



In response to the editorial "A GOOD PLAN FOR SCHERER PARK" PT, 2/1/2001, pg. A10 Editorial. The issue of the expansion of the "police presence" in Scherer Park from a 4,320-foot temporary "trailer-style" facility into a 20,000 square foot police compound with a 20 ft.-high "K-Frame" satellite dish on top, 8ft-high security fences, and parking for over 150 patrol cars is not the simple "math" as presented. Besides park land and public safety, at issue are the Federal, State and City laws which Long Beach has, and will continue, to break in placing non-recreational buildings on park land own by taxpayers; concerns of classism and redlining; taxpayer property rights, and more.

S.T.O.P. (Stop Taking Our Parks - a community activist group) has always held that we are supportive of the LBPD, and feel there is a need for a new police station. Just not in Scherer - or any other - park.

CRIME STATISTICS:

Proponents of a larger police station have said that, when the current police substation was first added to Scherer Park, it experienced an abrupt downturn in crime. This is a statement regurgitated as evidence that an increased police presence in the park equates to decreased crime. Also implicit in this statement is the converse idea that, if the new station is not built in Scherer Park, crime in the park and the surrounding area will increase. (What an insult to the L.B.P.D.!) S.T.O.P. investigated the records to see just what did happen to crime rates when they put the substation in Scherer Park. (Note: The City Attorney and the Long Beach Police Department replied that "no records existed" regarding crime statistics under the Public Records Request Act. We found otherwise.)

The Long Beach Police Department records we discovered show that the installation of the Scherer Park substation had little or no affect on area 221 crime rates. For purposes of reporting crime statistics, the LBPD breaks the city up into hundreds of geographical areas called "reporting districts." Scherer Park is in reporting district 221, bounded by Atlantic Avenue, Del Amo Boulevard, Long Beach Boulevard, and San Antonio.

The Scherer Park substation was built in the late 1980s. We looked at statistics for the years from before (1982) to after (1990) [1983 and 1985 were missing] installation. This chart shows the number of crimes reported in the fourth quarter of each of these years for reporting district 221.

Fourth Quarter Statistics	1982	1984	1986	1987	1988	1989	1990
Grand Total	58	59	72	53	59	64	76

There is no downward trend here, in fact what we see is a general rise in crime rates (about 4.5%) across the years. (The upward spike in 1986 reflected an outbreak of residential robberies.) We do not pretend to be experts on interpreting crime data, but we suspect that the rise in crime rates is probably just a reflection of the increase in general population and economic downturn during the reporting period. That's the bottom line.

A TALISMAN FOR THE COMMUNITY

As for the actual, physical presence of the current substation, it is common knowledge among, not only police, but also Parks and Recreation personnel, that the building serves as nothing more than a talisman. Something to which residents can point and feel safe. In reality, the current buildings are nearly vacant and do not house police personnel full time. A recent 911 call, placed on a week day from a neighboring Bixby Knolls street, of a "house burglary in progress" - with the burglar on premises - resulted in a two-hour wait for the family before police arrived on scene. When the officer arrived, he apologized stating that "...all personnel are dispatched from downtown Long Beach" and that he didn't receive the call until a few minutes prior to his arrival because he was asleep.

In their defense, the men and women of the Long Beach Police Department are not park police. The majority of crime in North Long Beach is North of Del Amo - in the 9th District. One has only to face North at night every July 4th to hear the serenade of rapid gun fire - followed by silence - and in turn by sirens and helicopters: THIS is the job of the LBPD.

IT TAKES A VILLAGE.

The changes which have occurred in Scherer Park can be directly attributed, not to the LBPD presence, but to the equally dedicated men and women of the Long Beach Parks, Recreation and Marine. Additionally, community involvement has resulted in the majority of improvements seen. Adopted (in April, 2000) by the community organization of Friends of Scherer Park™, we have worked together with Parks & Recreation to clean and make improvements to Scherer Park and, as a result, the restrooms are cleaner, there are more trash receptacles, graffiti is down, the basketball courts are clean with new nets, we have a new American flag, the pond is as clear as we have ever seen and the bird population is

**PROPOSED
SCHERER PARK**

Total completion cost:

SINGLE-FAMILY HOMES

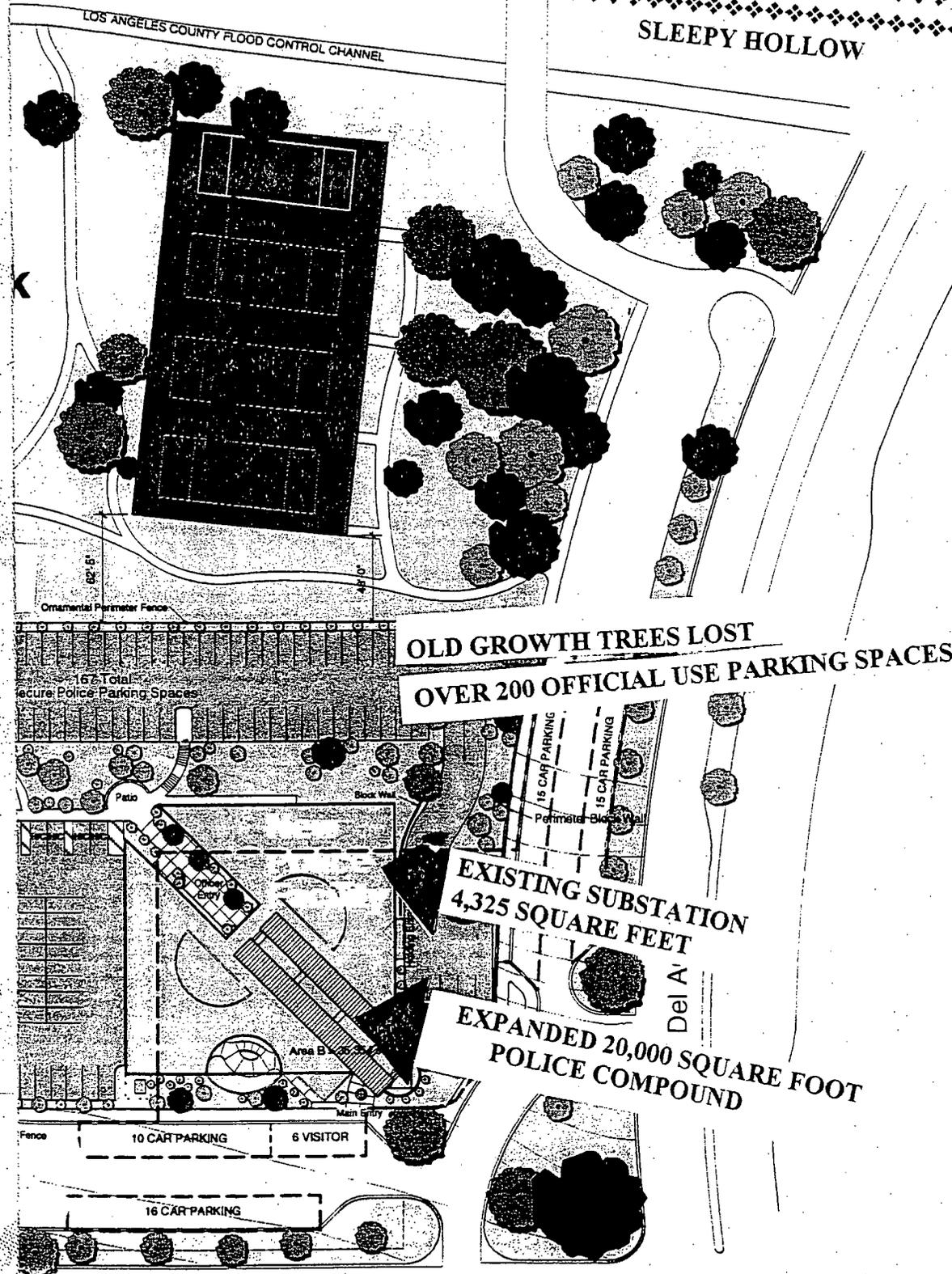
Scherer Pa

**3 ACRES AND \$3,000,000
OF OPEN PARK LAND LOSS**

Scherer Park - Donated in 1944
Named for Herman J. Scherer 10/14/48
Officially dedicated as a park 11/6/59

EXPANSION OF POLICE SUBSTATION st. \$8-9,000,000 tax dollars.

LOS ANGELES COUNTY FLOOD CONTROL CHANNEL
SLEEPY HOLLOW



**OLD GROWTH TREES LOST
OVER 200 OFFICIAL USE PARKING SPACES**

**EXISTING SUBSTATION
4,325 SQUARE FEET**

**EXPANDED 20,000 SQUARE FOOT
POLICE COMPOUND**

Long Beach North Police Facility

4-3-00
ms

② Submitted directly to the Council 2/6/01

2 4450 California Place PMB 315 Long Beach, California 90807 (562) 984-8495

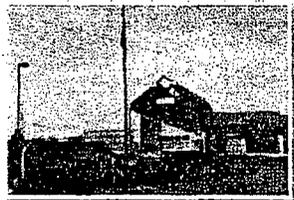
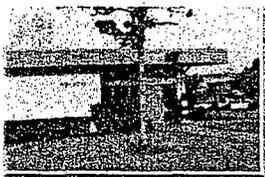
February 6, 2001

thriving! Our Halloween 2000 event drew approximately 638 people of all ages verses the usual 250 visitors.

Is Scherer Park a "paradise?" No. She's 56 years old, neglected, and in need of over \$45,000 to upgrade the facilities and meet ADA standards, however, we've yet to get approval for it from Councilman Rob Webb's \$3 million in discretionary funds. I'd venture to say most Council members have never even visited Scherer Park. Members and supporters of Friends of Scherer Park™, and the Parks and Recreation folks like Phil Hester, Jack Deaton, Bill Wagoner, Jesus Thillet, Joe Ambrose, and many others have developed an "it takes a village" approach to the care and improvements of our park and parks in general. There are still "unsavory types" who come into Scherer, but, they are quickly dispatched by park personnel and rarely return. In a word, it is the assumption of **MUTUAL responsibility** for Scherer Park, between the City and Citizens, which has returned it to a family recreational venue.

FUZZY MATH

The "fuzzy math" concepts are OUTDATED and old hat. The **exact cost** of this project to the taxpayers of Long Beach is suspect. In a report by Amy Bodek of Planning (dated 2/22/2000), the purported over all amount of the project was \$5.5 million. However, the City Council approved a "Resolution for Right to Reimbursement" based upon a \$15 million dollar bond. Citizens were told in public meetings that alternative plans to build at another location would not be considered because it would cost "\$11 million." The "free land" in the form of park space is not free at all. In fact, the County Tax Assessor reports Scherer Park's land value to be over \$1million dollars per acre. That 3 acres represents a loss of over \$3 million dollars in assets to those ALL who pay for park preservation in the form of property taxes.



Lastly, the usable footprint of Scherer Park reported as 27 acres is "fuzzy math." Scherer Park is "L" shaped



North Long Beach Substation footprint BEFORE



North Long Beach Substation footprint AFTER

and it is the largest usable open space area the City wishes to remove. Upon three (3) of those original acres are the YMCA, the intersection of Del Amo and Atlantic, and the Boys and Girls Club. All hard-scape. The "promise to plant 80 trees throughout the city to make up" made by city officials won't meet the mitigation mandated by State and City laws and the City's "2010 Strategic Plan." We aren't talking about "sticks" here. We're talking about 45 old growth trees ranging from 5-25 inches in diameter - some which are 50 years old - hand planted by city caretakers long ago. I know, I met one and he was ticked.

California Public Resources Code , sections 5400-5409, dictates that a City cannot take land which operates as a park and make it "nonpark use" without also giving back land equivalent in value to the land it took. In the **entire** city of Long Beach, open non-park land equivalent in value to Scherer Park does not exist and it is illegal to use **existing** park land as mitigation. Long Beach is, by all standards, built out.

"Subtract 3 to add 24?" Try **this** math, "Subtract \$3 million from \$24 million in land assets, subtract another \$15 million plus interest in bonds and \$3 million in court costs" and then see how profitable this building would be to place it in a public park. It didn't fly with the 911 Center in Stearns Park, what makes the City think it can afford it in Scherer?

"In our every deliberation we must consider the impact of our decisions on the next seven generations." (Iroquois philosophy.) A generation is considered to be 40 years - so the "fuzzy math" for this is - for every decision made today, we must consider its impact on our People 280 years from now. We need long ranged vision not short term gains. Do the math - but do it correctly. A Park is a Park. Please keep it that way.

Respectfully,

R. GIGI "FAST ELK" PORTER
President, Friends of Scherer Park
President, Stop Taking Our Parks
(562) 422-8068

SPEAK OUT! This is NOT a unique precedence to Bixby Knolls, Long Beach, or even California! Our own City Hall was built on Lincoln Park!

NOT ONE MORE FOOT: Give a governing body an inch and they take a park. Give them a park and they take our freedom... after all, isn't this The Land of The Free? **SPEAK OUT! Meeting WEDNESDAY** February 7, 2000 7 p.m.-9p.m. Coffee Tavern 539 E. Bixby Road, Long Beach, CA (562) 428-7966.

IMPORTANT DATES:

- February 6th EIR release! 45 days to respond.
- February 7th & 21st, STOP meetings! Call for locale.
- April 19th Planning Commission hearing - City Hall.

TAKING OF PUBLIC PARKS FOR NON-PARK PURPOSES

City of Long Beach

Lester M. Denevan

March, 2000

1. **Coolidge Park**
Reduced in size by freeway construction.
2. **El Dorado Park**
Wastewater recycling plant.
City Library.
Fire Station.
Sports Complex, subsequently abandoned.
Freeway construction, with reduction in size of park.
3. **Heartwell Park**
City Library.
Day Care Center.
4. **Houghton Park**
Neighborhood Facilities Center.
5. **King Park**
Neighborhood Facilities Center.
6. **Lincoln Park**
City Hall.
City Library.
Civil War cannon (removed to private site in Shoreline Village).
7. **Recreation Park**
Proposed communications tower, subsequently abandoned as a consequence of threatened enforcement of deed restriction.
8. **Scherer Park**
YMCA.
Police station.
Christmas tree sales.
9. **Stearns Park**
Communications Center, subsequently abandoned.
10. **Palm Beach Park**
Abandoned park, adjacent to Los Angeles River estuary in the West Beach area. Now mostly a parking lot.

11. Rainbow Lagoon

Displaced by Hyatt Hotel.

12. Santa Cruz Park

Union Bank of California Building, 400 West Ocean Boulevard.
Widening of Ocean Boulevard.
Private advertising signs posted by owners of adjoining land.
Subterranean parking garage projecting into park.

13. Victory Park

Widening of Ocean Boulevard.
Private advertising signs posted by owners of adjacent land.
Subterranean parking garage projecting into park.

14. Public Beaches

Four private office buildings, west of Queensway Bridge.
Headquarters office building for California State University.
Shoreline Village.
Hyatt Hotel (displaced Rainbow Lagoon).
Extensive parking for non-park uses.

15. Public Beaches/Queensway Bay Project

Queensway Bay project, including 508,550 square feet of retail uses on filled Tidelands, sixteen motion picture theaters, an IMAX theater, and extensive parking areas.

Queensway Bay project provides that "Major retail uses include Warner Brother's Studio, Warehouse Records, Crown Books and Cost Plus."
(Long Beach Planning Commission staff report of April 2, 1998, as received by California Coastal Commission staff, April 20, 1998.)

16. Public Beaches/Hotel

Hotel to be built at a future date (not part of current Queensway Bay project). Proposed hotel is provided for by City's adopted Local Coastal Program.

17. Public Beaches/Shoreline Drive

Public beaches displaced by Shoreline Drive; public access to shoreline impeded.

18. Public Beaches/Parking

Public beaches displaced by thousands of parking spaces designed to serve non-park and non-beach uses.

19. Public Beaches/Navy

Public beaches displaced by U.S. Navy Shipyard, circa 1940.

20. Golf Course/Navy

Golf Course at U.S. Naval Base displaced by Port of Long Beach, 1999-2000.

21. Golf Driving Range

Site on Redondo Avenue displaced by industrial park.

November 9, 2000

Mr. William Marmion
President, Long Beach Recreation Commission
Department of Parks, Recreation and Marine
2760 Studebaker Road
Long Beach, California 90815-1697

Dear Mr. Marmion:

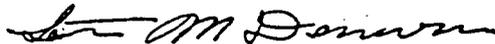
I request an opportunity to speak before the Long Beach Recreation Commission November 16, 2000, concerning signage in Santa Cruz and Victory Parks, the linear parks along Ocean Boulevard that extend between Alamitos Avenue and Golden Shore Avenue in Long Beach.

I suggest that City staff bring to the Commission meeting copies of the City's Zoning Ordinance, Open Space Element, and Scenic Routes Element; also, the Local Coastal Program, certified in 1980 by the California Coastal Commission, so City staff can explain how these items pertain to Santa Cruz and Victory Parks.

Also, I suggest that City staff come to the Commission meeting prepared to discuss City Park Dedication Policy in the Long Beach Coastal Zone.

Also, I suggest that City staff bring copies of the letter of March 31, 1981, from Robert J. Paternoster, Director of Planning and Building, addressed to the City Council, concerning Santa Cruz Park and the City's Local Coastal Program.

Very truly yours,



Lester M. Denevan

Enclosure: "Taking of Public Parks for Non-Park Purposes: City of Long Beach,"
Lester M. Denevan, March, 2000.

Lester M. Denevan
620 Via Barola
Long Beach
California 90805
(562) 423-1738

December 21, 2000

Mr. William Marmion
President, Long Beach Recreation Commission
Department of Parks, Recreation and Marine
2760 Studebaker Road
Long Beach, California 90815-1697

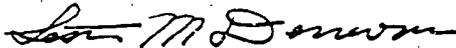
Dear Mr. Marmion:

Eighteen private signs have been placed in Victory and Santa Cruz Parks, a linear park system that extends for a mile along the south side of Ocean Boulevard in Long Beach. Why are these signs permitted? By what authority did the Recreation Commission, on July 20, 2000, approve construction of the two signs in Santa Cruz Park for the benefit of the adjoining Arco Towers buildings?

Please ask City staff to prepare a report indicating which of the eighteen private signs have the required City permits, and which have been placed illegally in public park space. Which of the private signs received formal review by the Recreation Commission?

If a staff report is prepared, and the illegal private signs are identified, please send a copy to Councilman Ray Grabinski, chair of a City Council Committee that evidently will address this matter soon, perhaps in February.

Very truly yours,



Lester M. Denevan

Lester M. Denevan
620 Via Barola
Long Beach
California 90805

(562) 423-1738

OPEN SPACE ELEMENT

SECTION 65302: The general plan shall consist of a statement of development policies and shall include a diagram or diagrams and text setting forth objectives, principles, standards, and plan proposals. The plan shall include the following elements:

(e) An open-space element as provided in article 10.5 (commencing with Section 65560) of this chapter.

SECTION 65302: The requirements of this section shall apply to charter cities. (Statutes of 1972, Chapter 1353)

SECTION 65563: On or before June 30, 1973, every city and county shall prepare, adopt and submit to the Secretary of the Resources Agency a local open-space plan for the comprehensive and long-range preservation and conservation of open space land within its jurisdiction. Every city and county shall by August 31, 1972, prepare, adopt and submit to the Secretary of the Resources Agency, an interim open-space plan, which shall be in effect until June 30, 1973, containing, but not limited to, the following . . .

SECTION 65560: "Local open-space plan" is the open-space element of a county or city general plan adopted by the board or council, either as the local open-space plan or as the interim local open-space plan adopted pursuant to Section 65563.

SECTION 65566: Any action by a county or city by which open-space land or any interest therein is acquired or disposed of or its use restricted or regulated, whether or not pursuant to this part, must be consistent with the local open-space plan.

SECTION 65567: No building permit may be issued, no subdivision map approved, and no open-space zoning ordinance adopted, unless the proposed construction, subdivision or ordinance is consistent with the local open-space plan.

Mrs. Sylvia Strum
President, Long Beach Park Commission
2760 Studebaker Road
Long Beach, California

July 20, 1979

Dear Mrs. Strum:

The City Redevelopment Agency has negotiated a tentative agreement to sell Santa Cruz Park to a private developer. A public hearing on this matter is scheduled for August 14 before the City Council and the Redevelopment Agency Board. Included in the tentative agreement is the sale of the Moreton Bay fig trees, the eucalyptus tree, and adjoining public open space. According to the Redevelopment Agency, the trees and adjoining land would be sold as part of the "amenity package" and developed as a private enclave designed primarily to benefit future tenants of the project. The trees would be saved, but for the enjoyment of the developer of the land. Fee title to the property would be transferred to private ownership. No easement for public park purposes would be retained by the City.

Santa Cruz Park was acquired by the City of Long Beach in 1889 "for the use and benefit of the inhabitants of said City . . . to be used exclusively as and for a public park or parks for the purpose of ornamentation and as a place of recreation." (See page one of the deed.)

Santa Cruz Park is designated as a public park in the Park and Recreation Element of the City's General Plan; also, in the Open Space Element. The Local Coastal Program Advisory Committee has recommended preservation of the park, including the ".26 acres around the location of the three existing trees."

Attached are letters from two of the dozen civic groups that have supported preservation of Santa Cruz Park.

The proposed twin-tower office building will not encroach into the park area. The only issue is whether Santa Cruz Park is to become a private park, designed for the benefit of a few people; or whether it will remain a public park, designed for the use and enjoyment of all of the public.

Public access to the park for park purposes can be accomplished by the City retaining a public park easement for the area around the Moreton Bay fig trees. I urge the Park Commission to send a communication to the Redevelopment Agency and City Council requesting that such a public park easement be retained. Such a public park easement would enhance not only the twin-tower office building, but the entire neighborhood.

Very truly yours,



Lester M. Denevan

APPENDIX

**Literature from the Early 1980s in Reference to Efforts
to Preserve Santa Cruz and Victory Parks**

MEMO: From Santa Claus
North Pole

You and your family and friends are cordially invited to help Santa decorate the ancient and mystical trees in Santa Cruz Park with Christmas ornaments.

One dark night, several years ago, while the people slept, the beautiful little park was parknapped and put under a terrible spell by Grinch, better known as the Long Beach Redevelopment Agency. The grass died and some of the mystical trees were turned into firewood.

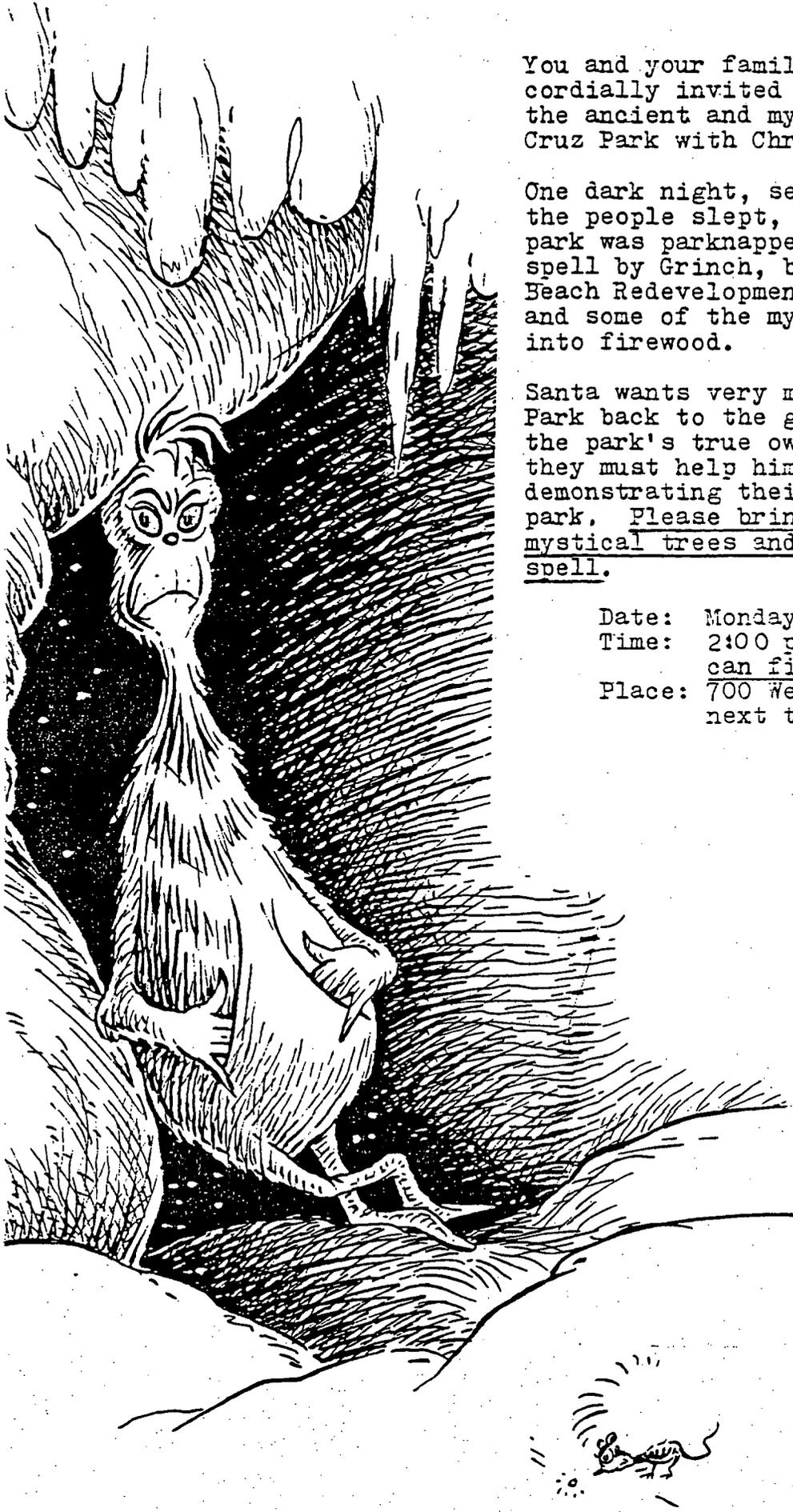
Santa wants very much to give Santa Cruz Park back to the good people of Long Beach, the park's true owners. However, first they must help him in this worthy task by demonstrating their love for the little park. Please bring an ornament for the mystical trees and break Grinch's terrible spell.

Date: Monday, December 12.

Time: 2:00 p.m. (or whenever you can find the time).

Place: 700 West Ocean Blvd.,
next to Union Bank.

Santa



some comments on park land - many Black
625 Euclid
LB 968

- room on park land for passive use (not all organized use)
- plant parks with native plants
- plant parks for wildlife
- open playgrounds @ schools for after school use
tear out asphalt and replace w/ grass.
- create parks within a 1/4 mile of every resident
- limit expansion on existing park space - build up, not out. (~~minimize footprint~~)
from existing footprint.
- no for profit use of public parks
- restore riparian areas, wetlands and bluff areas - create natural areas where development has destroyed the land.
- neighborhoods should help determine ~~use~~ particular rec. needs. for neighborhood parks.

maintain all park land in perpetuity.

- Acquire Los Cerritos Wetlands for restoration

- Restore edison right of way areas as natural park lands, wetlands, and passive recreation areas.

- increase ratio for replacement of destroyed habitat or public land

- increase fees for development to finance new parks.

- increase general revenue funds available for stewardship of existing parks