



United States Department of the Interior

NATIONAL PARK SERVICE
Pacific West Region
1111 Jackson Street, Suite 700
Oakland, California 94607-4807



IN REPLY REFER TO:
L1425; L3219 (PWR-PR)

October 8, 2010

Mr. Joel Rojas
Community Development Director
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275-5391

Re: Annenberg Project at Lower Point Vicente
Zoning Case № ZON2009-00442

Dear Mr. Rojas and the Planning Commission:

We appreciated the opportunity to meet with staff from the State Office of Grants and Local Services, the City of Rancho Palos Verdes, and the Annenberg Foundation in Sacramento on October 6th. This letter is offered in the hope that it will clarify the situation relative to compliance with the Land and Water Conservation Fund Act and the Federal Lands to Parks Program.

The proposal as it was presented by the Annenberg Foundation contains many attractive and beneficial components. However, it is clear to us that not all of the elements in the plan are suitable to a park that is restricted by law to only public park and outdoor recreation purposes. It is important that the Planning Commission and the people of Rancho Palos Verdes understand that neither the State nor the National Park Service approved or endorsed the project as proposed. Neither the State nor the National Park Service has received a proposal from the City on which to make a formal determination, thus none has been made. As presented, however, the project would not conform to the Program of Utilization under the Federal Lands to Parks Program, and it would not meet the Land and Water Conservation Fund Act requirement that the park be used only for public outdoor recreation.

The City staff reported accurately that the primary decision-making responsibility for meeting the park and outdoor recreation needs of the local population rests with the City and that we typically defer to local governments to determine those needs. However, the City is bound contractually through the federal surplus land acquisition application, land deeds and the property restrictions that are in force through the Land and Water Conservation Fund Agreements to keep the park in public outdoor recreation use in perpetuity. Any changes in the type of recreational use of the park must be justified through needs analysis and consideration of alternatives to meet those needs. When we evaluate such proposals to change the type of use of park land, we look for substantiation of claims by reference to local population, demographic, and health studies, local inventories of parks and open space areas that provide public recreational opportunities, and statewide and local park and recreation needs assessments – such as the California Outdoor Recreation Plan. Depending on the actions proposed, there are several avenues potentially available to the City to make changes in the use of the land. Approval of those changes is not guaranteed. If a proposal requests permission to use a park for



other than public outdoor recreation purposes, permission could only be granted under the terms of a conversion and land exchange. The non-outdoor recreation components of the present proposal include facilities for pet care, pet training, pet adoption services, education that is not directly related to the park site, facilities for general community, civic, and governmental functions, and office, parking and other support structures related to those non-conforming uses.

Based on the project as we have seen it presented in the Draft EIR and the Annenberg presentation at our meeting on Wednesday, it is our opinion that if City desires to proceed with the project as proposed, it will need to pursue a land exchange that would meet the requirements of both the Land and Water Conservation Fund and the Federal Lands to Parks Programs. Such land exchanges require that replacement land be provided that is of at least equivalent fair market value, and that is of reasonably equivalent usefulness and location. The replacement must be a viable recreation area and be made accessible to the public for park use within a reasonable amount of time. The proposed replacement land cannot be land that is currently dedicated or managed as a park, previously acquired for park use, or presently managed as preserved land. The purpose of both the Land and Water Conservation Fund and the Federal Lands to Parks Programs is to enlarge and protect the public recreation estate. Land exchanges are pursued with that in mind while recognizing that local conditions may change over time in ways that may warrant reconfiguration of those public recreational lands relative to other legitimate social and ecological needs. A determination has not been made regarding the extent of the converted area.

Having focused on the non-compliant components, it is also important to affirm the very positive aspects of the Annenberg proposal from a public park perspective. Such elements as the further development of trails, native plant landscaping, bio-swale, benches, picnic tables and restrooms, modifications to the existing Interpretive Center, outdoor interpretive exhibits and trail interpretive elements that focus on the indigenous terrestrial and oceanic ecosystems, were all fitting treatments to the current purpose of the park. Any construction of indoor facilities that support and enhance the public outdoor recreation use of the park (such as construction of an Outpost building or modest enlargement of the interpretive building to support the outdoor educational programs on the site) would need to be submitted to the State Office of Grants and Local Services in the form of a public facility request.

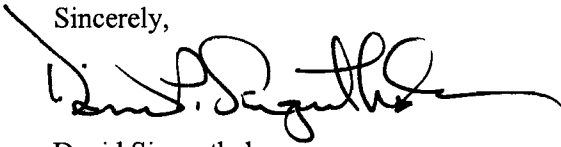
We do not deny that pet adoption services and education regarding our relationship with domestic animals are important social needs. The facility presented to provide those services simply does not belong on public parkland that is dedicated to public outdoor recreational use and that was obtained for the purpose of preserving open space. We suggest serious consideration of the alternative project site identified in the Draft EIR for facilities that serve purposes that do not qualify as public outdoor recreation.

The City has important decisions to make regarding how it meets its obligations regarding public outdoor recreation at Lower Point Vicente Park. We will not be able to make a determination regarding whether or not the project is approved until we receive a formal project proposal. If that proposal includes uses that are not public outdoor recreation, our approval would be contingent upon an acceptable land exchange proposal that includes the City's compliance with the National Environmental Policy Act and other federal regulations, including public input regarding the City's recreational needs assessment, proposed replacement property, and new park utilization and development plans.

We have not yet had an opportunity to consult with the State Office of Grants and Local Services since our meeting on the 6th. After we have done so, the State and NPS will provide further comments to the City regarding our joint assessment of what would and what would not be allowable under the present

terms of land ownership and park operations, and the possible routes forward. Please feel free to contact me if any further information is needed.

Sincerely,

A handwritten signature in black ink, appearing to read "David Siegenthaler", with a long, sweeping horizontal stroke extending to the right.

David Siegenthaler
Federal Lands to Parks Program Coordinator
Land and Water Conservation Fund Project Manager

Voice: 510-817-1324

Fax: 510-817-1505

E-mail: David_Siegenthaler@nps.gov

Cc: California Dept. of Parks and Recreation, Office of Grants and Local Services