



## QUESTIONS AND ANSWERS ABOUT THE PORTUGUESE BEND NATURE PRESERVE

### **What and where is Portuguese Bend?**

The Portuguese Bend Nature Preserve is a proposed preserve of over 1500 acres overlooking the Pacific Ocean on the southern slopes of the Palos Verdes Peninsula. This area is now the largest unprotected coastal open space between the Santa Monica Mountains and Orange County. The Preserve will include more than 400 acres that now belong to the City of Rancho Palos Verdes, and will add conservation easements on most of the undeveloped land in and around the Portuguese bend area within the City to eliminate forever the threat that it could be developed for golf or housing. The central portion of the Portuguese Bend area, consisting of more 700 acres, would be purchased from its current owners.

### **Why is this area worth preserving?**

Portuguese Bend contains more than twenty miles of trails with magnificent views of the ocean, to be available to the community when the area is acquired by the City and dedicated for public use.

The area holds significant areas of coastal sage scrub habitat, and has the potential for habitat restoration on many more acres. It is home to a bird listed as threatened on the Endangered Species list, the California gnatcatcher, and a state species of special concern, the cactus wren. It is also a prime reintroduction site for the endangered Palos Verdes blue butterfly.

### **Who would benefit from the preserve?**

The network of trails within the preserve will provide outstanding recreational opportunities for the community and visitors. Many children will benefit from the educational programs that can be provided in the preserve.

### **Why should the land be acquired now?**

Two developers, Palos Verdes Land Holdings Co. (Hon) and York Long Point Associates (York), own the remaining parcels that will complete the preserve. Hon's land is approximately 450 acres, York has about 200 acres. Both have active development proposals on file with the City of Rancho Palos Verdes – Hon for a golf course, clubhouse, maintenance building and parking lots, York for at least one residential project. York has removed habitat from his property, and has fenced off trails. Most important, both of the property owners have agreed to enter into conservation transactions at the appraised land values. The land is available now at open space prices, a fraction of what it will cost if the property owners make progress in getting development on their properties approved.

### **Isn't the area in a landslide moratorium? Doesn't that mean it can't be developed?**

In 1956 the Portuguese Bend landslide was reactivated, destroying more than 100 homes, a pier and clubhouse. After the City of Rancho Palos Verdes incorporated in 1973, it established a landslide moratorium based on the geological information that was available at that time. Further development within the moratorium was put on hold until and unless property owners within the moratorium area could prove that their properties met the City's standards for land stability. Over the last decade, the developers have spent millions of dollars on studies to demonstrate that their land is in fact suitable for development.

The active landslide is contained within Hon's land, but he has hired experts who have concluded that at least a portion of it could be made to meet the City's stability standards. A previous City geologist stated that the construction of a golf course with a clay cap would improve the stability of the landslide.

York has submitted a geology report for the lower part of his property (a part of which is outside the moratorium and not in the preserve) stating that it is stable enough for residential development. For the first time, the City's geotechnical consultants have agreed that the proposal would result in lots that would meet the City's stability requirements. York has many steps before he will have an

approved development, but he has made it clear that if his application is not processed in what he believes is an appropriate manner he will go to court.

Property owners of vacant subdivided lots in the central part of the moratorium (not in the preserve area) have requested that the City lessen the moratorium restrictions to allow them to build on their lots. The current City Council has voted not to consider amending the moratorium, but the property owners have filed lawsuits at both the state and federal level requesting either that they be given permission to build or that the City be required to purchase their property at prices equivalent to those for developable land. If they succeed, the appraised cost per acre of the preserve area will increase dramatically.

If the City Council is against developing the area, isn't that enough safeguard?

The City Council has five members; elections for alternately 2 or 3 places are held every two years. The current City Council is conservation-minded. However, the next election could result in a turnover of the City Council, and it only takes a vote of three members to approve development.

In addition, the City Council could be compelled by judicial action to approve development within the moratorium if the developers can make the case that they have satisfied the requirements placed on the moratorium area when it was established.

What about the California Coastal Commission?

The Coastal Commission has no jurisdiction over the Portuguese Bend area. The coastal zone stops at Palos Verdes Drive South.

How does the Natural Communities Conservation Planning (NCCP) process affect this area?

The City of RPV entered into an agreement with the California Department of Fish and Game to begin a regional, multi-species conservation plan in 1996. The NCCP process is an effort to balance land use planning, allowing development on less significant areas, while preserving blocks of land and wildlife corridors. The process is supported by both developers and environmentalists. Because this process is seen as a solution to the land use battles of the past, significant government resources have been made available to fund the plans that are being piloted in Southern California. The wildlife agencies want to see the plans succeed. The City of Rancho Palos Verdes NCCP is currently undergoing final review, and has already been endorsed by the Endangered Habitats League, the Sierra Club and the California Native Plant Society.

Who will own the land after it is acquired, and who will manage it?

It is proposed that The City of Rancho Palos Verdes will own the land. The Palos Verdes Peninsula Land Conservancy (PVPLC) will hold a conservation easement over the preserve, and will enter into a management agreement with the City for operation of the preserve. The NCCP spells out the ongoing level of restoration, and management parameters for the preserve. The management and restoration efforts will be funded by a budget line item in the City and PVPLC budgets.

#### **What credentials does the PVPLC have for managing the preserve?**

The PVPLC was founded in 1988 to preserve open space on the Palos Verdes Peninsula. In 1992 it acquired the 20-acre Lunada Canyon Preserve; in 1993, working with the City of Rolling Hills Estates, it preserved the 28-acre Chandler Preserve; in 1996 it brokered a deal to preserve the 160-acre Forrestal Property (one part of the future preserve); and in 2000, it assisted in the preservation of 100 acres on the western edge of the preserve. The organization has a 25-year management agreement with the City of Los Angeles to improve and operate the 102-acre White Point Nature Preserve and has received more than a million dollars in grants from the state of California and the federal government to do habitat restoration on its properties and the properties it manages. Its senior staff has extensive conservation experience and technical credentials. A visit to the website at [www.pvplc.org](http://www.pvplc.org) will provide more information on the organization and its many programs.

#### **What kind of public access will there be to the area?**

The PVPLC is committed to the following principles for land management:

- ✓ *We will maintain or increase the habitat value of preserved lands.*
- ✓ *We will help people appreciate and enjoy these lands by providing volunteer and educational opportunities*

✓ *Land preserved will be available for public use in perpetuity.*

The decisions about the uses of the preserve will be made through the development of a Public Use Master Plan. This will be developed jointly by the City and PVPLC with significant public input to address issues such as public access, trailhead locations, overlooks, parking, trail use, fencing, signage, lighting (if any), fire and brush management, minimizing impacts to adjacent neighborhoods, public involvement in advisory capacities, and other issues that may arise. The PUMP must be reviewed and approved by the Wildlife Agencies for consistency with the plan..

#### **How much will the acquisition cost?**

The two properties within the preserve will be acquired in separate transactions. The City of Rancho Palos Verdes has just completed appraisals. Based on open space prices, Hon's land was appraised at \$37,000 per acre; York's at \$39,000 per acre. This makes the cost of the Hon property approximately \$17.5 million; the cost of the York property \$8.5 million.

#### **How is the amount to be paid determined?**

Payment for land acquired using government funds is made on the basis of fair market value. Treasury Regulations define fair market value as "the price at which the property would change hands between a willing buyer and a willing seller, neither being under any compulsion and both having a reasonable knowledge of relevant facts." An appraisal was done by the City of Rancho Palos Verdes in 2002 which evaluated other open space transactions in the Los Angeles area and concluded that the value was as shown above. It is being analyzed at this time by the General Services Department of the State of California. The property owners have appraisals at significantly higher values, but have indicated that as of now they are willing to sell at these prices which cover their investments in the properties.

How would the acquisitions be funded?

The PVPLC has committed to raise \$6 million dollars in local funds for the acquisition. The City has committed to a \$1 million contribution, and we hope that the County will assign some of the open space funding it will receive from Proposition 50 to this project. It is expected that \$2 million will be provided from the federal fund (Section 106) for purchases to implement NCCPs. The Department of Fish and Game has stated that \$17 million for this acquisition has been approved to be shown in the document as coming from Proposition 50 open space bond funds administered by the Wildlife Conservation Board. All of the public funding is contingent on a completed NCCP, raising the local funding that has been committed, and a vote of the Wildlife Conservation Board.

Will creating the preserve increase the danger of fire?

No. The plan clearly allows all the brush clearance required by the L.A. County Fire Department to continue to occur within the Reserve. Public safety is paramount. The Sheriff reviewed the Plan and stated that he supports it.

#### **What about athletic fields?**

The preserve contains no sites that have been proposed as sports facilities. There is no conflict between the two community goals. The acquisition proposal will also include a 25-acre parcel in the active landslide which is not in the preserve to serve as the gateway for public access. This is referred to as the "active recreation area" and is a potential location for an equestrian facility.

#### **Will the preserve bring people from other areas to the Peninsula to use the trails?**

People from other areas are already using the trails. When the preserve is established, we will be able to manage those recreational uses. For example, we are working with local bicyclists to set up a volunteer group to educate other bicyclists about proper trail etiquette. We are proposing that the active recreation area become the major access point to the preserve, thus reducing the impacts to the Del Cerro area. We do not plan to advertise the preserve or publicize trail maps, except perhaps to elementary schools as an educational resource. One of our major goals is to make sure that the preserve is an asset to the Peninsula.

#### **What is the time frame?**

Public ownership will bring significant public benefits – trails open to the public, protection of existing habitat, increased educational opportunities. The RPV City Council approved the NCCP and

associated EIR on August 31, 2004. Purchase agreements are being finalized with both property owners. The property appraisals are being reviewed by the state. Everything is in position for an acquisition in 2005. If the conservation transactions cannot be completed soon, state funding may be allocated to other projects and this opportunity may be lost.

**Where can more information be obtained?**

The important documents regarding the NCCP can be viewed on the Rancho Palos Verdes web page. You can also visit the PVPLC website at [www.pvplc.org](http://www.pvplc.org), or call the Executive Director of the PVPLC, Barbara Dye, at 310-541-7613.