

CHARLES HENRY CHENEY

ARCHITECT  
CONSULTANT IN  
CITY PLANNING

PALOS VERDES ESTATES  
CALIFORNIA

March 20, 1940

Mr. Everett York, Secretary  
Palos Verdes Homes Association  
Palos Verdes Estates, Calif.

Dear Mr. York:

In reply to your inquiry as to the reason for establishing "Apsley Vista" park in Margate, it was as follows:

This strip of park was opened through from Chelsea Square to the Paseo del Mar to preserve forever a mall or vista to the ocean, from this pleasant square and its approaches, and for the people who dwell about it. Fortunately there is no way legally that it can be subverted to private gain, or its park purposes taken away. To do so would depreciate the value of every lot within several hundred feet.

Much thought was given by the original designers to the preservation of spacious ocean views, to their framing with greenery, and the creation of a feeling of openness in each neighborhood. We had to think of each section like this as it may be when it is built up fairly solidly with houses. One has but to visualize the Chelsea Square of the future, surrounded by houses, to realize that this park forms one of the pleasant amenities and permanent attractions of its vicinity.

Several malls of this kind will be found a part of the Palos Verdes City Plan. There are two of them only a half mile to the south - Cloyden Trail and the fine wide mall (Lots C and D of Tract 7331) running through from Palos Verdes Drive westward to the Margate school and playground.

Our park system is the central feature and most distinguishing characteristic of the city plan. More than 25% of the entire area of Palos Verdes Estates was made permanent park. As much more was devoted to wide streets, plazas and open spaces. Actually only 49% of the city was designed for net saleable lots. This contrasts with the 66 to 80% found in most cities.

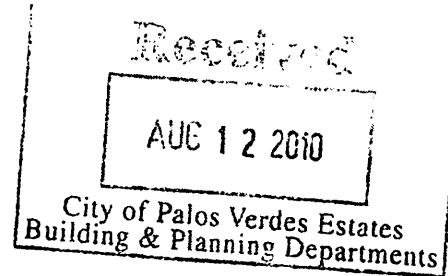
Palos Verdes Estates is a park in itself. Everyone here has the advantage of living in a park. And will always have it if we are reasonably careful.

Respectfully yours,

*Chas. H. Cheney*

**SIDNEY F. CROFT**  
ATTORNEY AT LAW  
3858 CARSON STREET, SUITE 127  
TORRANCE, CALIFORNIA 90503-6705  
(310) 316-8090  
FAX (310) 540-4364  
Email: SFCroftLaw@aol.com

August 12, 2010



Planning Commission  
City of Palos Verdes Estates  
340 Palos Verdes Drive West  
Palos Verdes Estates, California 90274

Re: Negative Declaration pursuant to the CEQA Guidelines  
of the City of Palos Verdes Estates for **THE PROJECT:**  
**Proposed zone change of Lots C&D located between 2032-**  
**2100 Via Pacheco and 2037-2101 Palos Verdes Drive West**  
**from Open Space to R-1 Single Family Residential.**  
**Application number: ZC-1-10**

Hon. Members of the Planning Commission:

I represent the Board of Directors of the Palos Verdes  
Homes Association ("PVHA"). This letter is written on behalf of  
my clients.

My clients object to a determination that the subject  
project will not have any significant effect on the environment,  
and object to the request for a change of zone.

#### THE REQUEST FOR A NEGATIVE DECLARATION

PVHA has the following comments on the Environmental  
Checklist/Initial Study prepared by the City of Palos Verdes in  
support of the Negative Declaration. Numeric references are to  
the City of Palos Verdes Environmental Initial Study.

#### 1. LAND USE PLANNING - would the project:

"b) Conflict with any applicable land use plan, policy, or  
regulation of an agency with jurisdiction over the project  
(including but not limited to the general plan, specific plan,  
local coastal program, or zoning ordinance) adopted for the  
purpose of avoiding or mitigating an environmental effect?"

## SIDNEY F. CROFT

Planning Commission  
August 12, 2010  
Page 2

City of PVE - Initial Study response - "Less than significant impact."

PVHA submits that the correct response would be "Potentially significant issues"

PVHA submits the Environmental Initial Study Questionnaire dated 6-1-10 and the cover letter dated June 22, 2010 by Caldwell Land Solutions do not give the full picture; and more information should be submitted by the School District.

The letter requests a Zone Change from Open Space to R-1 residential, and cites Section 65852.9 of the Government Code. The Government Code and Education Code provide a series of requirements for disposition of property by a School District. The land planner and attorneys for the School District should present a comprehensive explanation of the requirements to the Commission. PVHA submits that the Planning Commission should not approve a negative declaration or zone change without a complete understanding of the California State requirements for the disposal of school property and how those requirements could affect the potential use of Lots C and D.

Based on examination of School District public records PVHA believes that the state requirements were a major factor in the decision of previous School Boards to not seek a rezoning of Lots C and D. *Understanding the state requirements for disposal of school property is critical to the Commission decision.*

6. TRANSPORTATION/TRAFFIC would the project:

g) Conflict with adopted policies, plans, or programs supporting alternative transportation?

City of PVE - Initial Study response - "No Impact."

PVHA submits the correct response should be "Potentially Significant Issues."

## SIDNEY F. CROFT

Planning Commission

August 12, 2010

Page 3

In 2002 the School District hired LSA Associates to prepare a traffic circulation plan as part of the process of obtaining a Negative Declaration from the City of Palos Verdes Estates for the re-opening of Palos Verdes High School.

One of the alternative recommendations in the LSA plan was the potential use of the area on the east side of Palos Verdes Drive West for off-site passenger drop-off with the use of Lots C and D for access between Palos Verdes Drive West and Via Pacheco. Rezoning the lots would eliminate the possibility of utilizing this alternative.

Some PVHA members have expressed the opinion at PVHA Board meetings that they believe the City made a commitment to leave Lots C and D as open space available for potential use in a traffic mitigation plan as a condition of the negative declaration in 2002. If that is the case the City should keep its commitment.

### 13. AESTHETICS. Would the proposal:

1. a) Have a substantial adverse effect on a scenic vista?

City of PVE - Initial Study response - "No Impact."

PVHA submits the correct response should be "Potentially Significant Issues".

The Environmental Initial Study Questionnaire submitted by Brent Caldwell of Caldwell Land Solutions on behalf of the School District states "The sites are vacant and have no uses."

Palos Verdes Estates was planned to have scenic vistas and approximately 50% vacant or parkland property. Attached is a copy of a letter dated March 20, 1940 from Charles Henry Cheney one of the original architects of the "Palos Verdes Project" to the PVHA secretary.

## SIDNEY F. CROFT

Planning Commission  
August 12, 2010  
Page 4

The letter states:

"Much thought was given by the original designers to the preservation of spacious ocean views, to their framing with greenery, and creation of a feeling of openness in each neighborhood. We had to think of each section like this as it may be when it is built up fairly solidly with houses...

Several malls of this kind will be found a part of the Palos Verdes City Plan. There are two of them only a half mile to the south Cloyden Trail and the fine wide mall, *Lots C & D of Tract 7331* running through from Palos Verdes Drive westward...

Our park system is the central feature and most distinguishing characteristic of the city plan. More than 25% of the entire area of Palos Verdes was made permanent park. As much more was devoted to wide streets, plazas and open spaces...

Palos Verdes Estates is a park in itself. Everyone has the advantage of living in a park. And will always have it if we are reasonably careful."

Lots C and D were designed to be scenic vistas. Contrary to Mr. Caldwell's statement that vacant property has no use, in this City vacant property has a use, namely preserving the scenic vistas and retaining the character of Palos Verdes Estates as a community with approximately 50% open space.

### THE REQUEST FOR A ZONE CHANGE

PVHA'S objections to the proposed zone change are broader than its objections to the CEQA documents submitted. PVHA's objection is not based on the limited grounds of the California Environmental Quality Act - but that the rezoning of Lots C and D has the potential to be fatally detrimental to the character of the City of Palos Verdes Estates.

## SIDNEY F. CROFT

Planning Commission

August 12, 2010

Page 5

PVHA believes this is the first application in the history of Palos Verdes Estates that seeks the elimination of open space and a scenic vista.

In his letter Mr. Caldwell states that "...the School District reserves the right to subsequently apply to split the lots..." PVHA again emphasizes that the Commission should understand the California State requirements for disposal of School District property before it considers granting the School District request. This application could be just the first domino in a series of rezoning requests for Lots C and D.

In 1938 the PVHA granted Lots C and D (along with 8 school sites in Palos Verdes Estates) to the Palos Verdes School District of Los Angeles County (The predecessor of the current PVUSD). The grant included the following provision:

"AND SUBJECT TO conditions, restrictions and reservations of record; and to the express condition that said realty shall not be used for any other purpose than for the establishment and maintenance of public schools, parks, playgrounds and/or recreation areas, and shall not be sold or conveyed except subject to conditions, restrictions and reservations of record and except to a park commission or other body suitably constituted by laws to take, hold, maintain and regulate public parks and/or playgrounds; provided that easements may be granted over portions of said realty to the public for parkway and/or street purposes."

PVHA is currently involved in a lawsuit where the School District is seeking to quiet title to Lots C and D. The City was originally named as a defendant in the litigation, but was subsequently dismissed by the School District.

It is not the purpose of this letter to argue the issues in the lawsuit other than to say that PVHA regretted the dismissal of the City, since PVHA believed that the City and PVHA share a common interest in maintaining the status quo for Lots C and D.

## **SIDNEY F. CROFT**

Planning Commission

August 12, 2010

Page 6

The present application represents a clear question. If the Planning Commission is in favor of the City adopting a policy of elimination of scenic vistas and open school and parkland property then the application should be granted.

If the Planning Commission is in favor of the policy of maintaining the integrity of the Palos Verdes Plan with a City of 50% open space and numerous scenic vistas the application should be denied.

Brent Caldwell's letter states that "...creating revenue for the District will benefit both the City and the District." PVHA's members and City residents are also residents of the School District. Scenic vistas and open space constitute a benefit. PVHA submits no possible benefit exists for the City or the PVHA. The small net benefit for the district is not worth the effort and expense particularly when balanced against the potential long term effect of change to the character of the community.

If this application is granted; how could any request to rezone open space be denied - ?

PVHA does not intend this letter to be critical of the City or its staff. PVHA cannot recall a single situation where PVHA and the City have disagreed on a fundamental land use issue.

PVHA is committed to retaining all of the characteristics the Palos Verdes Plan created by the original founders of the community.

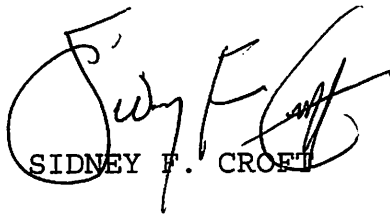
The PVHA requests that the Planning Commission reject the rezoning on the fundamental grounds that the Commission does not endorse any change to the original Palos Verdes Plan that could lead to the radical alteration of the City as envisioned by the original planners and maintained by the City and PVHA since 1924.

**SIDNEY F. CROFT**

Planning Commission  
August 12, 2010  
Page 7

PVHA and the City should stand united against any attempt that could lead to a change in the character of the community.

Very truly yours,



SIDNEY F. CROFT

SFC:dma

Enclosure