

**Petit Casino LLC**  
**1767 Elena Avenue**  
**Redondo Beach, CA 90277**

January 14, 2009

Masoud and Shahla Sharifi  
30161 Cartier Drive  
Rancho Palos Verdes CA 90275

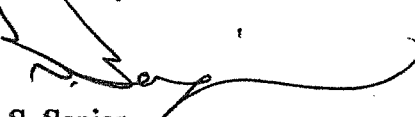
Dear Masoud and Shala:

It is my understanding that you are currently pursuing a zone change with the City of Rancho Palos Verdes for your property located at 28103 Hawthorne Boulevard, and that if approved, your property would be able to house a number of commercial uses. As you know, my family's company owns and operates several neighborhood bakery/coffee shop establishments in the South Bay. I write to inform you that we are looking to expand to the Palos Verdes Peninsula, and we feel that your property may be able to provide us the location we have been seeking.

We require a site in close proximity to residential communities, where local residents can easily come in and out and begin to think of us as their neighborhood shop. We are not a huge company, and it is important to us to select sites where we will be embraced as neighbors by the community. Any potential store would be small, probably around 5,000 square feet. We feel your site may meet these requirements.

Should you be successful in obtaining a zone change, we would like to visit your property and potentially begin discussions regarding lease arrangements. Obviously there would be much to work out, but we wanted to let you know of our interest. Please keep me apprised of your zoning efforts.

Sincerely,



S. Sanjar  
President

Item #17

RECEIVED FROM <u>Pantea Han-hour</u> AND MADE A PART OF THE RECORD AT THE COUNCIL MEETING OF <u>1/21/09</u> OFFICE OF THE CITY CLERK CARLA MORREALE, CITY CLERK
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**STUART FRIEDLAND  
28237 LOBROOK DR.  
PALOS VERDES, CA 90275  
(310) 544-3933  
FAX (310) 544-3913**

Jan. 21, 2009

Our General Plan is the fundamental foundation of our community. As such, any change to the rights preserved therein requires justification at a very high standard. It is the same objective test that courts have been applying for over 230 years to judge whether legislative or executive authority usurps specifically enumerated rights. The test is; Has a **compelling** community interest been met?

A mere rational basis is not sufficient. The courts recognized that every person that has an opinion has the ability to rationalize it.

Friends of RPV espouse simple adherence to the General Plan, but we are countered:

No other residential properties abut Hawthorne Blvd, so the Valero parcel should not be considered for residential use. We supply photos of half a dozen of the many similarly situated residential uses. Does it win the argument? No, there is another rationalization why it does not matter.

We say the Valero owners should abide by the zoning set out in the General Plan. We are countered, no it should not apply, because the zoning imposed upon the owners is an unfair burden. A service station use was forced upon the owners by our city founders as economic central planning.

Even if that were accurate 40 years ago, which I would dispute, why should it applied to these owners, who 2 years ago bought the property to use as a service station.

The point is that anyone can rationalize anything, no matter how nonsensical, so the courts have applied an objective standard to eliminate "I know what right better than you do."

If "I know what's best" rationalization is the basis for changing the foundation of the General Plan, the next guy will know what's better yet and so on and so on. And how can the next request to change residential to commercial be denied?

The City Council should not let our city disintegrate into a free-for-all every opportunity a decision needs to be made. The appellate decision in the recent Monk case should be instructive that not using the proper standard constitutes an improper use of authority.

You need to ask, before change to our General Plan is authorized, What compelling interest of the community is being served? What beneficial need of the community is satisfied?

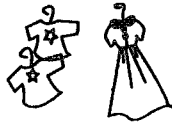
We find nothing even approaching a compelling community interest that might be served *Item #17* by sacrificing our General Plan.

RECEIVED FROM <i>Stuart Friedland</i>
AND MADE A PART OF THE RECORD AT THE
COUNCIL MEETING OF <i>1/21/09</i>
OFFICE OF THE CITY CLERK
CARLA MORREALE, CITY CLERK

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A line drawing of a wedding dress hanging on a hanger to the left of a tuxedo jacket hanging on a hanger. The entire illustration is enclosed in a decorative rectangular border with ornate corners.

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28041 Hawthorne Blvd.  
Rancho Palos Verdes, Ca 90275  
(Corner of Granvia Altamira next to 7-11)

310-377-1334

Item #17

RECEIVED FROM Daniel Jay  
AND MADE A PART OF THE RECORD AT THE  
COUNCIL MEETING OF 1/21/09  
OFFICE OF THE CITY CLERK  
CARLA MORREALE, CITY CLERK

General Plan, Section V, Land Use Plan, Commercial (page 196):

“Commercial uses in particular locations are covered thoroughly in the Urban Environment Element. The Land Use Plan specifically designates 65 acres for new commercial use, plus the potential of an additional neighborhood-scale commercial center in the southeastern section of the City to be analyzed as part of the Specific Plan District. Commercial activities would comprise 1.7% of the total land area, with most of a commercial/recreational type. While this is a very small amount of commercial use, it is based on the existence of major commercial facilities in neighboring cities and the need to preserve the character of the Peninsula.

Commercial uses tend to have environmental impacts **unless small in scale and very carefully designed.**

**Several small existing commercial areas are not designated for commercial use in the Plan. These are scattered, poorly located, and do not contribute to good land use planning. It is proposed that these activities be made non-conforming and would continue until their economic life is completed.”**

*Item #17*

RECEIVED FROM <u>John Freeman</u>
AND MADE A PART OF THE RECORD AT THE
COUNCIL MEETING OF <u>1/21/09</u>
OFFICE OF THE CITY CLERK
CARLA MORREALE, CITY CLERK

January 21, 2009

Re: Zoning Change agenda item for January 21, 2009 Council Meeting.

[http://www.palosverdes.com/rpv/planning/General\\_Plan\\_EIR/section5\\_pg166\\_261.pdf](http://www.palosverdes.com/rpv/planning/General_Plan_EIR/section5_pg166_261.pdf)

Major Clark and City Council Members:

The solution to this zoning dilemma is right before our eyes. Our answer is already spelled out in the Land Use portion of the General Plan. So far, no one has pointed this portion out.

Section 5 of the General Plan contains our Land Use Plan portion, regarding Commercial Development which I just handed out.

When the City was first incorporated, RPV contained areas (commercial ones) that were in conflict with the General Plan, such as the Valero automotive service station. They grand-fathered them with the language indicated.

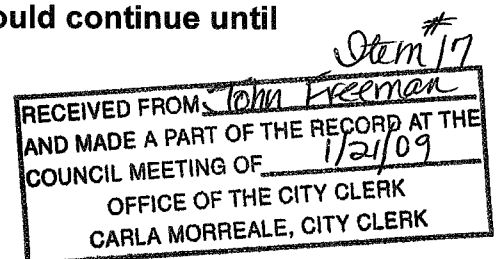
However, our Constitution (General Plan) states that these non-conforming areas would be allowed to exist as non-conforming, with the specification that whenever they ceased to exist or be viable (e.g. Valero closes), the underlying Land Use plan (residential or whatever depending upon location) would prevail.

Section V, Land Use Plan, Commercial (page 196):

“Commercial uses in particular locations are covered thoroughly in the Urban Environment Element. The Land Use Plan specifically designates 65 acres for new commercial use, plus the potential of an additional neighborhood-scale commercial center in the southeastern section of the City to be analyzed as part of the Specific Plan District. Commercial activities would comprise 1.7% of the total land area, with most of a commercial/recreational type. While this is a very small amount of commercial use, **it is based on the existence of major commercial facilities in neighboring cities and the need to preserve the character of the Peninsula.**

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It seems to me that the City Council is compelled to abide by the General Plan, and Chapter V, the Land Use Plan, (until or unless it is modified) and let non-conforming properties revert back to the original underlying Land Use plan.

How can we in good faith change the municipal code or zoning if we know beforehand that it is in conflict with the General Plan?

You don't change laws first and the Constitution second. You also don't change Zoning first and the General Plan second either.

You therefore must deny the current zoning change request until or unless this General Plan wording from Section V is first agenzied and possibly amended during some City Council hearing in the future. **But not now.**

Now just let nature and economic business forces take its course, as prescribed by the General Plan.

Status quo.

Either Valero will succeed with the current zoning by the current owner or some future entrepreneur, or it will proceed to its economic end of life plan, per the General Plan.

It's very easy. The property owner decides what's next, abiding by the Rule of Law and the current General Plan, not us.

Thank you,

John Freeman  
6850 Faircove Drive  
Rancho Palos Verdes, CA 90275

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**From:** Carolynn Petru [carolynn@rpv.com]  
**Sent:** Thursday, January 22, 2009 7:34 AM  
**To:** carlam@rpv.com  
**Cc:** 'Teri Takaoka'  
**Subject:** FW: 28103 Hawthorne request for commercial zoning

Hi Carla -

This one came in a little after the deadline!

CP

-----Original Message-----

**From:** Clare Carron [mailto:pvclare@cox.net]  
**Sent:** Wednesday, January 21, 2009 6:09 PM  
**To:** cc@rpv.com  
**Subject:** 28103 Hawthorne request for commercial zoning

Dear Council Members,

As a 23 year resident of Palos Verdes Estates, I am asking each of you to reject the request by the owners of the gas station located at 28103 Hawthorne Blvd, RPV to rezone this property. I am a neighbor located 4 blocks from this location and use this intersection at a minimum of 4 times daily, usually much more. I have two main concerns that influence my request.

First, I have personally seen several accidents over the years at this corner especially during the hours when school is starting and letting out. I strongly feel that any increase in traffic at this highly dangerous corner would impact my family adversely.

Secondly, I have greatly appreciated having a service/ gas station within a short drive. It would not benefit our community to lose yet another station.

Thank you for your attention to this matter. Sincerely, Clare Carron,  
2015 Via Coronel, Palos Verdes Estates, CA 90274