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## Hermosa Beach Sued by School District Over Proposition O Rezoning Restriction

December 21, 1986 | KAREN ROEBUCK | Times Staff Writer

**HERMOSA BEACH** — The city elementary school district has asked the Superior Court to clarify its rights under Proposition O.

The ballot measure, overwhelmingly passed by Hermosa Beach voters in November, prohibits the city from rezoning 15 areas designated as open space under the city's General Plan—including five properties owned by the district—without voter approval.

In a suit filed against the city late last month, the district contends that the proposition conflicts with a state law that allows unused school sites to be developed to the same extent as adjacent properties unless the sites have been leased or purchased for park or recreational purposes. The suit also says that state law requires cities, at a school district's request, to rezone school land to uses compatible with surrounding properties.

Supt. Marilyn Corey said the district wants to sell five lots on one of the properties—the former Prospect Heights school site. Each lot is worth more than \$100,000 if zoned for single-family residential use, she estimated, but less than \$20,000 if the open-space designation remains.

### Two Schools to Close

The district has closed three schools in the last 11 years—one of which was sold—and plans to close two more within four weeks. All students and administrators will then be at Hermosa Valley School.

The district estimates that \$3.5 million in renovations are needed at Hermosa Valley and is depending on selling some of the surplus properties to pay for them, according to the lawsuit.

Three of the school facilities are, or soon will be, leased, but their use as rental properties also depends on the zoning, Corey said. Only certain types of businesses can operate in an area zoned for open space, such as schools, child-care facilities and churches, she said.

The suit contends that the proposition will effectively prevent the city from rezoning the properties, locking in open-space zoning for the district's lands. The suit asks the court to find that the proposition does not apply to the district because it conflicts with state law and that the city must rezone the district's land.

City Atty. James P. Lough said the city has not rezoned any of the school district's property—which is zoned for open space or is unclassified—since 1975 and that the district has not requested any zoning changes recently.

### Parts Could Be Rezoned

The November initiative protected only parts of the property at each site, he added, and the council could rezone the other parts without voter approval.

"I don't think the lawsuit's valid," Lough said, adding that he hopes the district and the City Council will settle their differences.

Lough said the city has been willing to negotiate to buy the Prospect Heights property. He said he did not know how much the city would be willing to pay.