



RANCHO PALOS VERDES

NOTE TO PUBLIC

This Staff Report is the same as the "DRAFT" Staff Report that was released for early public review on July 26, 2012 with exception of an updated "BACKGROUND" section, and a new "ADDITIONAL INFORMATION" section located at the end of this Report. The new "ADDITIONAL INFORMATION" section addresses public comments received, an additional option, "OPTION 5: Do Nothing", and a discussion on what is permitted in an "Open-Space Hazard" Zoning District as compared to what is permitted on an "Extreme Slope".

MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: JOEL ROJAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR
DATE: AUGUST 28, 2012
SUBJECT: GENERAL PLAN UPDATE – HAZARD AREAS

Staff Coordinators: Gregory Pfof, Deputy Community Development Director
Abigail Harwell, Assistant Planner

RECOMMENDATION

Staff recommends that the Planning Commission review the various Alternatives and direct Staff to move forward with Option 2: adjusting all of the Hazard boundaries as recommended by the City Geologist, but change the land use designation for hillside areas to "Open-Space Hillside" instead of its current "Open-Space Hazard" designation, with exception to the landslide moratorium area and other known landslide areas in the City where the designation "Open-Space Hazard" will remain; and a subsequent Zone Change and Zoning Code Amendment to establish a new Zoning District of "Open-Space Hillside".

BACKGROUND

In 2011, as part of the on-going General Plan update, the Planning Commission conducted a series of public hearings on the proposal to match the Open-Space, Hazard ("Hazard") land use areas depicted on the General Plan Land Use Map with the Open-Space Hazard (OH) areas depicted on the City's parcel specific Zoning Map. Over 600 owners of property, which contained Hazard and/or OH areas that were proposed by Staff to be adjusted, received public notice of these public hearings. As a result, many residents raised concerns about the presence of Hazard and/or OH areas on their property. More specifically, some residents did not know that the Hazard and/or OH land use designation

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even existed on their property, while others noted that the depiction of the Hazard and/or OH areas on their property did not accurately reflect the actual topographical or geological conditions of their property. Staff explained to residents and the Commission that the Hazard areas that were proposed to be changed on the General Plan Land Use Map have actually been in place as OH areas since adoption of the Zoning Map in 1975 (and since 1984 for the annexed Eastview area) and the General Plan Map was only being changed so that the boundary of the Hazard areas would be consistent with the OH boundaries of the more detailed Zoning Map. Notwithstanding, many residents still felt that even though their property was subject to the OH regulations under the Zoning Map since 1975, (whether they knew that or not), it was not fair to have what they felt as inaccurate mapped OH areas located over portions of their property, including in some cases over areas of their property that were flat and/or developed with structures.

In response to the public's concerns, and acknowledging that in some cases the hazard boundary lines did not match topographic conditions, Staff noted that the City's mapped Hazard areas would be re-evaluated as part of the on-going General Plan update effort. Additionally, in the interim, to allow property owners a bit more flexibility while this issue was being analyzed through the General Plan Update process, Staff initiated and the Commission and Council adopted a Code Amendment that allows a property owner to adjust the location of an existing OH zoning boundary line up to 100' on their property via Director approval.

In late 2011, Staff directed the City Geologist to review all of the Hazard areas within the City to determine if the boundary lines should be moved to more accurately reflect the intent of the Hazard land use designation based upon actual site conditions. The City Geologist completed his evaluation and his recommended changes to the Hazard land use mapping are reflected in a series of marked up maps that are available for public review on the City's website (http://palosverdes.com/rpv/planning/content/General_Plan_Update.cfm) and at the Community Development Department of City Hall. Based upon the City Geologist's recommended changes, and knowing that some property owners may be very concerned with any changes to the Hazard areas on their property, Staff felt it important to first obtain Planning Commission direction on a series of options before making any recommendations to the City Council on any revisions to the existing Hazard boundary lines.

A draft version of this Staff Report was made available to property owners that may be affected by the City Geologist recommended changes, along with the general public, in order to give interested parties ample opportunity to review the report and provide feedback to Staff and the Planning Commission on the options and recommendation identified by Staff well in advance of the August 28, 2012 Planning Commission meeting on this issue. The Draft Staff Report was provided to the Planning Commission and the public on July 26, 2012. Specifically, the report was e-mailed to the Planning Commission and posted on the City's website, along with the other related materials. Furthermore, a public

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notice was published in the July 26, 2012 edition of the Peninsula News, sent to interested parties, to the General Plan list-serve group, and all property owners (over 1,400) that are currently or could be affected by the Hazard land use designation. Any public comments on the Draft Staff Report received prior to the August 28, 2012 meeting are attached to this final report along with Staff responses. Any comments received by the City after Tuesday, August 21, 2012, will be delivered to the Commission at the August 28th meeting.

DISCUSSION

Creation of the General Plan “Hazard” Designation

The existing General Plan includes a “Natural Environment Element”, which identifies four basic natural resources in the City: Climate, Geotechnical Factors, Hydrology, and Biotic. Some of these natural resource areas include sub-categories. For example, the “Geotechnical Factors” resource includes the sub-categories of “Extreme Slopes”, “High Slopes”, “Active Landslide”, “Landslide Area”, “Probable Landslide”, and “Sea Cliff Erosion”. These basic natural resource areas are mapped within the General Plan and when combined, formulate two maps entitled, “Areas with Considerations for Public Health and Safety” (General Plan Page 33) and “Areas for Preservation of Natural Resources” (General Plan Page 37). These two maps became the basis for identifying the existing “Hazard” land use areas on the General Plan Land Use Map.

Zoning Map Open-Space Hazard Designation

After the General Plan was adopted, a Zoning Map was created to implement the General Plan’s “Hazard” land use designation. The “Hazard” areas identified on the City’s General Plan land use map were designated with the “Open-Space Hazard” zoning district on the City’s Zoning Map. However, for some unknown reason, the boundaries of the OH District on the Zoning Map did not exactly match the boundaries of the General Plan’s Hazard land use designation. Hence, as discussed in the beginning of this report, in 2011 the Commission approved minor changes to some of the General Plan’s Hazard land use boundaries to match the more precise parcel specific Zoning Map’s OH boundaries so that properties had a General Plan land use designation (Hazard) and Zoning District designation (OH) that were consistent.

Also, the original Zoning Code was adopted in 1975 to establish the limited uses and development permitted within the Open-Space Hazard (OH) zoning district. Per the Zoning Code (Chapter 17.32), the OH district “*prevents unsafe development of hazardous areas that must be preserved or regulated for public health and safety purposes.*” The Code goes on to indicate that the OH districts are comprised of areas where the slope exceeds 35%, experiencing down slope movement, unstable for development, where grading of the land may endanger public health and safety due to erosion, the ocean bluff areas, and areas subject to flooding from storm water.

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City Geologist Review of Hazard areas on the existing Land Use Map

The disparity between the mapping of the General Plan’s Hazard areas and the Zoning Map’s OH zoning boundaries, along with a history of concerns raised by property owners through the years about the inaccuracy of the OH mapping on the Zoning Map, prompted Staff to task the City Geologist to review the Hazard land use mapped Citywide to determine if it was consistent with existing topographic and geologic conditions that warranted such zoning pursuant to the General Plan. Specifically, the City Geologist was tasked to do the following:

- Review the Open-Space Hazard land use mapping throughout the City (using the zoning map as a reference since it contains parcel line information) to determine if existing topographic and geologic conditions warrant a Hazard land use designation using the criteria described in Section 17.32.010 of the Zoning Code; and,
- Based on the above review, adjust the existing Hazard boundary lines so that they are located outside of developed or developable portions of parcels, in an effort to limit the Hazard areas to hillsides, areas of known active or historical landslides, and areas where preservation of the topography was necessary to protect the public health, safety and welfare.

Based on this directive, the City Geologist submitted an evaluation report to City Staff with a number of proposed adjustments to the mapping of Hazard land use areas throughout the City. In summary, the City Geologist’s recommended changes would affect the “Hazard” designation on approximately 1,040 individual properties. While approximately 666 properties would have their existing Hazard land use boundary either reduced or removed, approximately 374 properties would either see an increase in the amount of Hazard land use, or a new Hazard land use designation. Given these proposed changes, Staff felt that it would be beneficial for the Commission to review a series of options for implementing the City Geologist’s recommended changes. Staff has identified four options for the public and Planning Commission to consider. A discussion of the pros and cons of each option is discussed below.

OPTION 1: Move forward with adjusting all Open-Space Hazard land use boundaries as recommended by the City Geologist.

Pros: This option would achieve the objective of amending all of the Hazard land use areas to better match existing topographic and geologic conditions. This is achieved by correcting situations where the existing Hazard boundary lines traverse developable land and/or existing permitted structures. This option also has the benefit of meeting the intent and purpose of the General Plan and Zoning Code by adjusting the boundary so that it accurately reflects the

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purpose of the Hazard land use designation.

Cons: The owners of property where it is proposed to add more Hazard land use or impose new Hazard land use will likely be opposed to this option. Even though in such cases the new or added Hazard land use designation would not change the development potential of their property since the Hazard land use designation would be limited to extreme slope areas, which are already prohibited from being developed by the Zoning Code, property owners would likely object to the “Hazard” designation on their property for fear of property devaluation.

Staff did check with the State Appraisal’s Office and the L.A. County Tax Assessor’s office to see if the increase in Hazard designation on property would affect the appraised value or assessed property value. Staff found that according to both the State Appraisal’s office and the County Tax Assessor’s office, the valuation and taxation of a property is based upon the developed portions of the lot and the portions of the lot that could be developed. As the Hazard land use will be placed upon portions of a property that cannot be developed as defined in the General Plan and Zoning Code and will be removed from the developable portions of a lot, it is Staff’s understanding from the County that the proposed changes to the Hazard land use boundary would not decrease the property value or tax assessed value of a lot where the Hazard designation is increased or newly introduced but could increase the property value for areas removed from the current inaccurate Hazard mapping.

OPTION 2: Move forward with adjusting all of the Hazard boundaries as recommended by the City Geologist, but change the name of the zoning designation for hillside areas to “Open-Space Hillside” instead of its current “Hazard” designation. By doing so, the landslide moratorium area and other known landslide areas in the City would retain the “Open-Space Hazard” designation. A subsequent Zone Change and Zoning Code Amendment would be required to establish a new Zoning District of “Open-Space Hillside”.

Pros: This option would meet the original intent to correct those areas where the existing Hazard land use traverses developable land and/or existing permitted structures. It also has the benefit of meeting the intent and purpose of the General Plan and Zoning Code by adjusting the boundary so that it accurately reflects the purpose of the Hazard land use designation. An additional benefit of this option, is that it removes the “Hazard” designation, which some property owners may feel as an unwarranted stigma to their property value, and replaces it with a designation, “Open-Space Hillside”, that is more reflective of the purpose of the designation. Staff envisions that the new “Open Space Hillside” zoning designation would have the same restrictions as the current “Open-Space, Hazard” land use designation.

Cons: Notwithstanding the name change, many property owners may still object to having said land use designation increased or added to their properties. Similar to Option 1, an “Open-Space Hillside” zoning designation would not impose any new development

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restrictions on a property as it would be limited to extreme slope areas that are already prohibited from building development by the Zoning Code.

Additionally, Staff also asked the State Appraisal's Office and the L.A. County Assessor's office to see if the change from a designation of "Hazard" to "Open Space Hillside" would affect the appraised value or assessed property value. Both offices opined that the change in names should not affect a properties appraised value or assessment, and the use of "Open-Space Hillside" may sound more attractive to potential buyers.

OPTION 3: Move forward with adjusting the Hazard boundary lines as recommended by the City Geologist for only those properties where the Hazard land use area decreases.

Pros: This option would meet the original intent to correct situations where the existing Hazard boundary lines traverse developable land and/or existing permitted structures. It will probably be a more accepted solution to this issue by existing property owners as it clearly resolves the existing issue of Hazard area being located on potentially developable vacant land and/or over existing permitted structures, while not affecting properties that do not have this problem.

Cons: This option does not reflect the original intent and purpose of the General Plan and Zoning Code as much as Option 2 because it disregards portions of the City Geologist's detailed analysis, which was completed by considering the criteria used to establish the General Plan and Zoning Code. More specifically, it disregards the City Geologist's recommendations for areas/properties that would see an increase in Hazard land use or a new Hazard land use on their property based on existing site conditions.

OPTION 4: Move forward with eliminating the existing Hazard designation entirely from sloped areas, and rely on the existing Zoning Code prohibition of development on Extreme Slopes (Section 17.48.060) to prevent hillside construction pursuant to the General Plan. This option would keep the Hazard designation in the landslide moratorium area and other known landslide areas in the City. A subsequent Zoning Code Amendment would be required to revise the "Open-Space Hazard" chapter of the Zoning Code (Chapter 17.32) to delete reference to the OH District applying to slopes exceeding 35 percent.

Background on the Zoning Code's "Extreme Slopes" Section: In any area of the City, regardless of its underlying land use designation (Residential, Commercial, Recreational, Institutional, etc), Section 17.48.060 (Extreme Slopes) of the City's Zoning Code prohibits development or construction of any structure on an extreme slope (greater than 35%), with the exception of certain minor structures (trash enclosures, mechanical equipment, pool equipment), certain structures permitted with an extreme slope permit (decks no more than 6' into the slope, 16' high flag poles), satellite dish antennas, grading and retaining walls,

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fences, walls and hedges, at grade steps or stairs, new residences on previously undeveloped lots, and renewable energy systems (i.e. solar panels). Thus, one could make the argument that this existing code section implements the protections to hillside areas sought by the General Plan thus making the existing “Open-Space Hazard” or a new “Open-Space Hillside” zoning designation unnecessary.

Pros: This option would probably be the most pleasing alternative to property owners as it would in most cases eliminate the Hazard land use designation entirely from their property.

Cons: This option could potentially allow more development to occur in hillside areas since it is much easier for a property owner to obtain a variance to develop or construct on an extreme slope than to amend a zoning boundary line. As such, this option could lead to more potential development contrary to the original General Plan’s purpose and intent of establishing the Hazard designation.

CONCLUSION

Based upon the discussion above, Staff is recommending that the Planning Commission direct Staff to pursue **Option 2**, which is to adjust the Hazard land use boundary lines to represent the City Geologist’s recommendations while changing the land use designation of the hillside areas to “Open-Space Hillside”, in which the term “Hillside” may be a better representation of why these areas are preserved. While this may not be acceptable to all property owners, in Staff’s opinion, it is the best option as it realizes the detailed analysis performed by the City Geologist while still offering those that will retain or see an increase in “Open-Space Hillside” area a land use designation that may not seem, in terminology, as restrictive as the current “Hazard” designation, even though Staff would recommend that the new “Open-Space Hillside” District include the same uses and developments currently permitted by the “Open-Space Hazard” designation.

Once Staff receives direction from the Commission, Staff will move forward with noticing the proposed land use changes, which will be brought back to the Commission for review and consideration during a public hearing. As noted at previous meetings, with regard to the General Plan Update, including the issues discussed in this report, the Commission acts as an advisory body to the City Council and thus any decision by the Commission will be forwarded to the Council as a recommendation when the final Updated General Plan is presented to the Council.

ADDITIONAL INFORMATION

Public Correspondence:

In response to the notice and Draft Staff Report that was sent out on July 26, 2012, Staff received the attached eight e-mails and/or letters commenting on this issue. In addition to

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these eight items of correspondence, Staff received over 40 calls and e-mails from individual property owners asking for clarification on how specifically the City Geologist's proposed changes impacted their property. Once they were informed by Staff of the changes proposed specifically to their property, a majority seemed satisfied and did not submit a verbal or written comment or opinion on the matter. Of the eight written comments received, two were in favor of Option 2 (Staff's Recommendation), three were in favor of Option 4 (elimination of the OH areas), and three were e-mails with general comments on the process of amending the City's maps.

It should be noted that two of the comments submitted were concerned with the City Geologist's recommended changes for their property and requested that changes be considered. The specific boundary changes to the Hazard land use designation are not a topic on tonight's agenda as tonight's agenda item is about selecting an option in moving forward. If, at tonight's meeting, the Planning Commission were to direct Staff to move forward with making changes to the Hazard areas per the City Geologist's recommendations (Options 1 or 2), then the next step would be for Staff to provide public notice to all property owners where changes to the Hazard boundary on their property is proposed. Upon receiving the public notice, those property owners could submit comments on Staff's proposal, such as the two comments received, and their comments would be considered by Staff and the City Geologist prior to a Staff recommendation and subsequent decision rendered by the Planning Commission on the specific boundary change for their property.

Additional Option:

OPTION 5: Do nothing and leave the General Plan Hazard designation boundary consistent with what the Commission approved in 2011, which was to match them with the Zoning Map's Open Space Hazard boundary.

Although not originally presented in the DRAFT Staff Report released on July 26th, Staff would like to note that there is another option available to the Planning Commission, which is to "Do Nothing" and leave the Hazard designation boundaries consistent with what the Commission approved in 2011, which was to match them with the Zoning Map's Open Space Hazard boundary.

Pros: This option would leave in place what was created in 1975 when the City's Zoning Map was first adopted. Some residents would be pleased to not see a new or additional Hazard land use designation on their property.

Cons: Since the original General Plan established the Hazard land use designation not only for the public's health and safety but also to address and preserve natural land form characteristics of the City, pursuing this option would leave a General Plan Land Use map that falls short on the original intent of the hazard area mapping which was to protect existing hillsides and canyons. Furthermore, since the City Geologist has conducted a citywide

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analysis that identifies a more precise location for the Hazard boundary line, doing nothing would pass up an opportunity to correct a long-standing flaw in the original General Plan. Over the years Staff has encountered dozens of property owners who currently have the Hazard land use designation not located correctly on their property and in some cases even over existing residential structures. Pursuing this option would not allow the line to be adjusted to a more accurate location as determined by the City Geologist. Although, it is important to note that these property owners would still have the ability to move the Hazard boundary line through the Development Code's existing Interpretation Procedure.

Clarification on the differences between the types of development activity permitted in the "Open-Space Hazard" Zoning District and what is restricted on Extreme Slopes:

In Options 1 and 2 above, Staff noted that a new or added Hazard General Plan land use designation would not change the development potential of property since the Hazard land use designation would be limited to Extreme Slope areas, which are already prohibited from being developed by the Zoning Code. However, as discussed under Option 4, there are some minor improvements that are permitted on Extreme Slopes. Some of these minor improvements are not permitted within an OH area. This might be a bit confusing to the reader and thus Staff felt it important to clarify.

As shown in Option 4 above, the development activity permitted on an "Extreme Slope" consists of very minor accessory structures. What is important to note is that the OH Zoning District is more restrictive in that it does not permit the same minor accessory structures. Specifically, unlike what is allowed on an extreme slope in a non OH zoning district, the OH Zoning District would not permit trash enclosures, mechanical equipment, pool equipment, structures permitted with an extreme slope permit (decks no more than 6' into the slope and 16' high flag poles), satellite dish antennas, and renewable energy systems (i.e. solar panels). Thus, in regards to Options 1 and 2 above, Staff was implying that the development potential would not change by adding the Hazard land use designation in relationship to larger structures such as residences, garages, detached accessory buildings, and swimming pools. However, it is important to clarify that the development potential would change on those properties where the Hazard designation (and subsequent OH Zoning District) would be increased or added because very minor accessory structures permitted through the Extreme Slope section would not be permitted by the current OH restrictions.

Staff feels that the distinction between what is permitted in the more restrictive Hazard (and subsequent OH Zoning District) as compared to what may be permitted on a RS zoned lot with an extreme slope is important. As noted in Option 4 above, by eliminating the Hazard designation (and subsequent OH Zoning District) would open the door for potential development over these areas as it is possible to request a Variance to the Extreme Slope section to allow larger development over the slope, whereas it is not legally permissible to request a Zoning Variance from the uses and developments permitted in the OH district.

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Nevertheless, Staff does recognize that those property owners who may see an increase in new Hazard (and subsequently OH zoning) designation on their property may not appreciate the additional restrictions applied to their property. However, these property owners still have an option if they would like to pursue those same very minor structures on their existing extreme slopes. They could apply through the Interpretation Procedure to move said boundary line enough to allow the additional 6' of intrusion that is permitted through the Extreme Slope section. As structures on Extreme Slopes require a geo site investigation, the Interpretation Procedure could be included in that review. Subject to City Council approval, in such cases Staff would recommend that the fee for an Interpretation Procedure associated with these very minor structures be waived, thus there would be no additional cost to the property owner. Or, another option available is to have the OH Zoning District (Chapter 17.32) be revised through a Code Amendment to permit these very minor accessory structures that are currently permitted under the Extreme Slope section of the Code.

Attachments:

- Items of correspondence:
 - E-mail from Kave Niksefat – dated July 28, 2012
 - E-mail exchange with Don Reeves – dated July 30, 2012
 - E-mail from Sunshine – dated August 2, 2012
 - E-mail from Kathryn Sanchez – dated August 7, 2012
 - E-mail and letter from Don Reeves – dated August 19, 2012
 - E-mail from Ken DeLong – dated August 21, 2012
 - Letter from John McCown, Mark Karmelich, & Pete Joncich – dated August 21, 2012
 - E-mail from Rebecca Cicoria – dated August 21, 2012

Abigail Harwell

From: Kave Niksefat [kave@marinaconsulting.com]
Sent: Saturday, July 28, 2012 11:11 AM
To: Abigail Harwell
Subject: Property Owner Comment on Ammendments to Hazard Zones

Ms. Harrwell:

My name is Kave Niksefat and I am the owner of 6509 Palos Verdes Drive East. My property is affected by the proposed amendments to the Hazard zones on the land use map.

I am writing to offer my support for the proposed changes to the land use map as proposed by the city geologist. While my property does definitively include an area of land that has slopes that exceed 35% in grade, the old map incorrectly identified certain flat areas of my property covering over 1,000 square feet of land as Open Space Hazard zones (including the flat area my house resides on). The proposed changes correct for this error by moving the OH line in a westerly direction so that the revised OH line tracks along the crest of the canyon that has grades in excess of 35% that runs through part of my property.

I further support the staff's reccomendation to rename the affected non landslide areas from Open Space Hazard to Open Space Hillside. This change more accurately describes the fact that the portion of my property that has grades in excess of 35% is not developable due to grade issues and that it does not represent a known landslide hazard. As a property owner,, I greatly appreciate this change in syntax.

In summary, I support the Staff's reccomendation to adopt Option 2 in the Staff Report on Ammendments to Hazard Zones in the City's Land Use Map.

Regards,
 Kave Niksefat

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Kave T. Niksefat
 Principal
 Marina Consulting LLC

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 E. kave@marinaconsulting.com

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Abigail Harwell

From: Abigail Harwell
Sent: Monday, July 30, 2012 10:36 AM
To: 'Don'
Subject: RE: Open Space Hazard
Attachments: 6424 Via Canada.pdf

Mr. Reeves ~

Thank you for taking the time to e-mail me. Earlier this year, the City Council approved changes to the Municipal Code to allow property owners to request the relocation of the "Hazard" land use boundary line on their property up to 100 feet through the Interpretation Procedure, as depicted on the City's Zoning Map. The Interpretation Procedure application process is an option for property owners who would like a direct change to the "Hazard" designation on their property immediately.

The notice you recently received is related to proposed long-term changes to all the "Hazard" land use areas in the City. The City Geologist's has completed an evaluation of the different "Hazard" areas Citywide, and Staff is presenting this evaluation along with several options to the Planning Commission on how to move forward with the proposed changes to the different "Hazard" areas, as described in the DRAFT Staff Report available on the City's website (available here: http://palosverdes.com/rpv/planning/content/General_Plan_Update.cfm). I would recommend reading this DRAFT Staff Report as well as looking at the associated documents and maps for more information on this issue.

Attached is an aerial photo of your property which shows your property in relationship to the existing "Hazard" area (indicated as the color maroon) and the City Geologist proposed new "Hazard" area (which is the red cross-hatch area). The yellow color on this map represents a residential land use. Based upon the City Geologist's notes, which specifically addresses your neighborhood within the section Sheet 16 (Sheet 16B on the grid map) and can be reviewed via the above noted link, it is being recommended that the "Hazard" in your area be reduced to the top of the canyon slope at the rear of your property, removing the "Hazard" from portions over residences and developed areas.

Hopefully this information provides some clarification to your questions and concerns. If you are able, please take a look at the information available on the City's website and contact me with any further questions and comments.

~ **Abigail Harwell**

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv

From: Don [mailto:dreeves895@aol.com]
Sent: Saturday, July 28, 2012 2:33 PM
To: Abigail Harwell
Subject: Open Space Hazard

Good Saturday Afternoon

8/14/2012

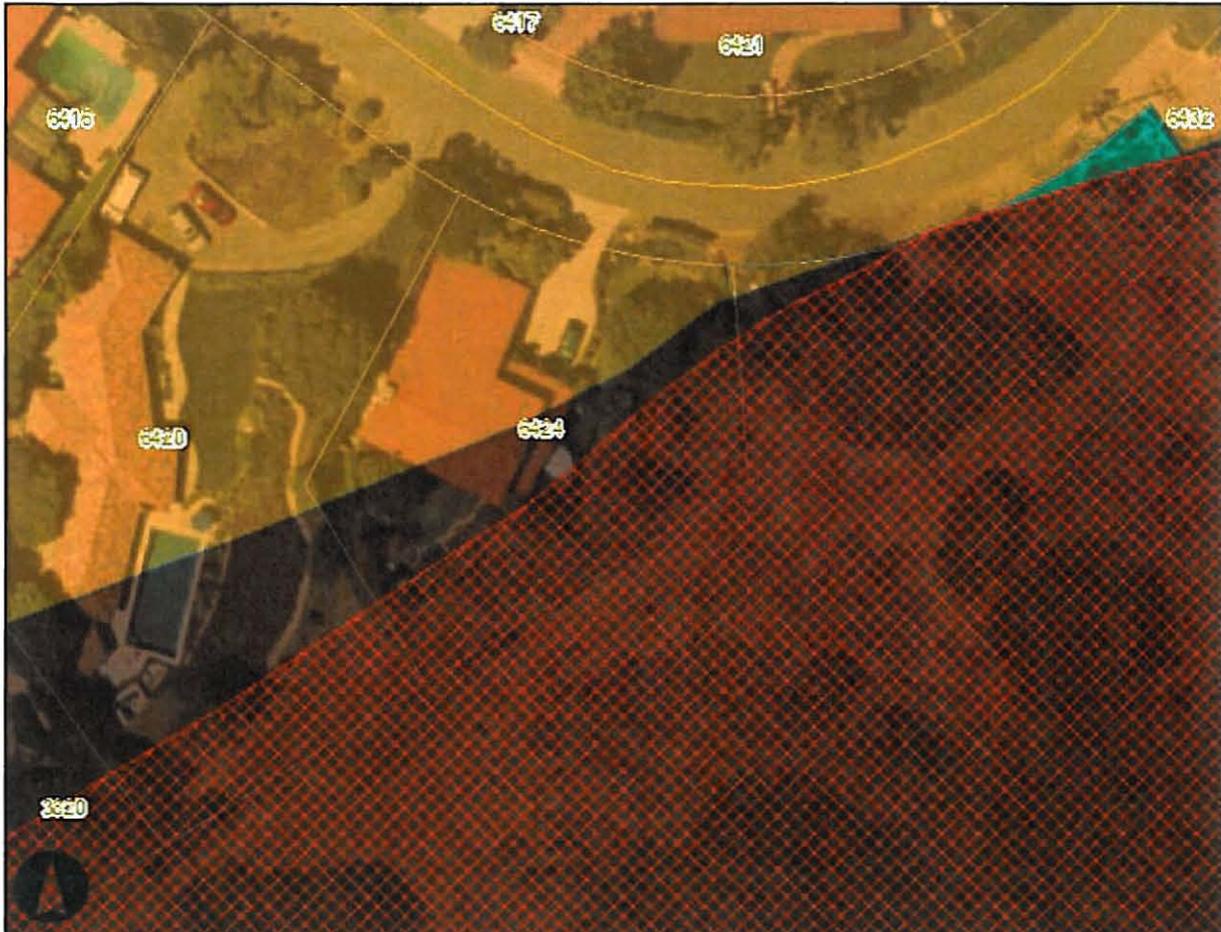
I keep losing track of where we stand on this subject. I thought it had been settled as far as the city was concerned and sent a cryptic note to the CC regarding the bureaucratic procedure that had been approved (I thought) to change the arbitrary decisions made regarding my property and others. At the same time I'm not sure if and where the "line" intersects our property that is fenced and stable for over 35 years.

Whatever the answer is to the above question, I object if we are included at all. The maps that I saw were not definitive. Would it be possible to send me that portion of the map if it includes any portion of our property?

I believe there are implications to what I consider to be a rather arbitrary process involving over 1000 properties that could not have been individually assessed. Among other things, I thought Open Space Hazard areas have to be so marked/signed. I believe the MR&PD is significantly affected but to date they have been unable/unwilling to understand any impact.

Thank you,
Don Reeves
6424 Via Canada
dreeves895@aol.com

Enter title here



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Abigail Harwell

From: SunshineRPV@aol.com
Sent: Thursday, August 02, 2012 3:44 PM
To: garyamo@aol.com; Abigail Harwell; Carolyn Lehr
Subject: RPV Land Use conundrum. We're screwed. Or, not.

RE: GENERAL PLAN UPDATE - HAZARD AREAS, August 28, 2012 PC meeting.
 Gary Amo has passed away but I still get to send him emails with lots of BCC, blind copies. If you can't find the "draft" report about Hazard Areas at www.palosverdes.com/rpv, call 310-377-0360 and jump onto the merry-go round.

...S

Catch this and choose to do something about it, or not:

Subject: Land Use
Date: 8/1/2012 5:43:00 P.M. Pacific Daylight Time
From: ↓
To: SunshineRPV@aol.com

Staff claims that OSH land designations have been on maps since 1975. Do you concur?

Will call in AM.

Hi **** and every RPV property owner you are willing to share this with,

I concur in that 1975 is close enough to not be worth quibbling about.

Read further at your own risk. You might want to "get involved".

The situation is a whole lot bigger. It is hard enough to choose a City Council candidate to bother voting for. It is a crying shame when those we elect either "change colors" or get "gagged".

Land use is everybody's business. (Not so sorry. I do mean to disparage the "poor", "churches" and government employees.) They are simply the first to step up and ask you to "give" something for some "cause". I am suggesting that you step up and defend the basis from which you are able to have something to give.

Back to the little, local issue in which you stand to lose a lot.

The RPV General Plan was adopted on June 26, 1975. I purchased a copy of it (\$35ish) in 1977 in conjunction with purchasing the property where I still live. I found out later that there should have been a large scale Land Use Map included. I have never needed to bug anyone about giving me a copy of said map since, until lately, no Staff Report has referenced it.

I have acquired a copy of the City's General Plan Amendments Log. The first approved amendment was (#2) by resolution on 10/4/77. It is labeled a "Land use change" although it changes specific lots in a specific tract from R2-4 to R4-6. That appears to me to be a Zoning rather than General Plan "general" land use change.

Abigail Harwell has produced a new Zoning Map. Carla Morreale, City Clerk, certified it on February 21, 2012. It does not state when it was originally adopted but it does list the first "Change" as Zone Change No. 2, dated 2/3/78, RS-4 to RM-22. The previously available to the public, large scale Zoning Map was certified by Jo Purcell, 6/17/86.

See the difference? I don't. Land Use Map v Zoning map. One by one we all stand to lose property rights.

The July 26, 2012 "Draft" references a Zoning Code (Chapter 17.32). Chapter 17 is the Development Code portion of the RPV Municipal Code. Some sort of Municipal Code must have been adopted very shortly after the City incorporated. The Chapter numbering system is pretty standardized at least in the State of California.

Other than the fact that the City's new GIS data base is for shit and U.N. Agenda 21 is designed to slowly erode personal property rights, I have no problem with the City, finally, doing some housekeeping with our property documents.

As a volunteer City Geologist, Dr. Perry Ehlig had his own agenda. Everyone who has held that title since Dr. Ehlig passed away has been dealing with cleaning up the mess. Geology is a "get what you pay for" or "pay for what you want" profession. Notice that the referenced "City Geologist" is not clearly identified which means that the public cannot, easily, look up his/her credentials.

Bottom line. When the property owners who got incorporated into the City of Rancho Palos got "saved" or "slapped" with a General Plan, Land Use Map and Zoning Plan, they have had literally decades to deal with it.

My concern is that the new, "geology review" is digitally less accurately represented than the original Land Use Map. Jeez. PV on the Net hasn't gotten the City's boundaries shown correctly after nine years of my complaints.

No matter which Staff Recommendation the Planning Commission chooses... **Property owners will be impacted either by reduced safety or by reduced property rights. And, the liability of a law suit is city wide.**

An Environmental Impact Report (EIR) is required to address the impacts of the option of doing nothing. The State of California certainly couldn't care less about how well a City maintains its General Plan. I would like to see the "do nothing" option addressed before the

Planning Commission has to choose from Staff's suggested four options.

Without knowing what the unforeseen consequences of "doing nothing" are, I suggest that all RPV property owners send a note to the RPV City Council (cc@rpv.com) and RPV Planning Commission (pc@rpv.com). Ask in your own words..."Who has directed Staff to jerk us around?" ...S

Subject: Land Use
Date: 8/1/2012 5:43:00 P.M. Pacific Daylight Time
From: ↓
To: SunshineRPV@aol.com

Staff claims that OSH land designations have been on maps since 1975. Do you concur?
Will call in AM.

Abigail Harwell

From: Fwsanchez@gmail.com
Sent: Tuesday, August 07, 2012 11:36 PM
To: Abigail Harwell
Subject: Hazardous land in rpv

Any categorization of land in RPV as 'hazard' or even another label will reduce real estate value. Perhaps not in short run according to tax assessors, but gradually it could as home buyers divert to other cities.

Common sense tells me that any this type of zoning will lower home values and tax assessments in the long run.

Words and labels are powerful factors especially when people think of landslide areas. We have ever experienced land movement and our property was built on 'bedrock'.

We prefer option 4. If there are already restrictions on building in these areas why do they have to be labeled?

Any labels are unnecessary and can only hinder housing prices in rpv. If the laws are already in affect for 'extreme slopes' according to option 4, then why must a detrimental labeling occur?

Furthermore the website maps don't show much detail. I'm still not sure what parts of our property will be affected and what the hazard zone designations

Sincerely,

Kathryn Sanchez
Frederick Sanchez
6 Stirrup Lane
RPV

Abigail Harwell

From: Don [dreeves895@aol.com]
Sent: Sunday, August 19, 2012 1:09 PM
To: Abigail Harwell
Cc: CC
Subject: OSH Letter
Attachments: OSH_Letter.docx

Good (Monday) Morning

I am attaching the subject letter for the Planning Commission. I want to thank you for responding to my inquiries including the subject map that I reference in my letter. I have looked at several maps and am still not sure to what extent any of the possible Options would have on our property. As you will see, Option 4 is the only one that makes sense.

Thank you,

Don

dreeves895@aol.com

I realize that staff has put a lot of time and effort into the Open Space Hazard (OSH) study. However, I cannot answer the question - WHY? - beyond the fact that there appears to be 2 inconsistent sets of maps. No one seems able to understand why this is the case. One has to ask by whom and why was the "zoning map" created and why correcting or dismissing it is not the real issue. So, what is the problem, if any, that needs to be solved and what are the unintended consequences to property owners and the city with the first 3 of the 4 approaches? Specifically, there appears to be no example of a "hazard" that cannot currently be addressed. **It is well stated in Option 4: "Thus, one could make the argument that the existing code section implements the protections to hillside areas sought by the General Plan thus making the existing "Open Space Hazard" or a new "Open Space Hillside" zoning designation UNNECESSARY."**

Our 2 biggest challenges are Portugese Bend and Tarapaca; the former may indeed be a disaster before any proposed solution is implemented while there appears to be a basic plan and the resources to address the latter.

Our property is typical of many on the eastside of RPV. We built in 1975 using an existing geology report and the standard cut and fill process to provide a stable, flat pad for a 2200+ Sq. ft. 2 story house. It has not moved in 37 years. We have room for a large pool on the remaining slope and twice had legitimate bids to construct one. It would have been expensive but quite doable but if either of your 1st 2 options and maybe the 3rd were implemented, I would think it would be prohibited. When and if we were to sell, a prospective buyer would have to wonder about "room for a pool" in an OSH area. Is this a stretch? Well, I have heard at least 1 horror story about a property in "Eastview." I have previously commented on the proposed/adopted process for "adjustments" as the answer to a "bureaucratic prayer" for a property owner's expensive nightmare. Ms. Harwell was kind enough to send me a section of the map that includes our property. I have looked at that map and a couple more that were referenced and I am not sure the extent to which we would be affected.

I don't like to think that any reasonable councilperson would accept Option 1. Option 2 is a name game ploy that is intended to implement Option 1. It is such a farce that I would think the Planning Commission would be embarrassed to recommend it. Option 3 may sound good but it is a waste of time and money that accomplishes nothing and opens the door to some later modification to Options 1 or 2.

That leaves Option 4 that is the answer to the proverbial question – “If it ain't broke why fix it?” The Con that is offered is really quite laughable – except to the folks in areas like Zone 2 who practically had their property seized to satisfy the open space zealots. I have heard so many horror stories about people dealing with the Community Development organization that the issue of increased variance activity is total nonsense. Frankly, I would move before trying to do anything with our property especially with any new OSH process.

The answer is obvious – take Option 4 and move on to the solving of the real problems. You have already heard from me on what they are.

Respectfully,
Don Reeves
6424 Via Canada

Abigail Harwell

From: Joel Rojas
Sent: Tuesday, August 21, 2012 12:15 PM
To: Abigail Harwell
Subject: FW: General Plane Update Hazard Areas

From: Ken DeLong [mailto:ken.delong@verizon.net]
Sent: Tuesday, August 21, 2012 12:12 PM
To: PlanningCommission
Subject: General Plane Update Hazard Areas

Subject – General Plane Update Hazard Areas
August 21, 2012
To: The RPV Planning Commission:

Having read the July 26th Public Notice / Draft Staff Report for the General Plan Update Hazard Areas that will be heard at the August 28th 2012 Planning Commission meeting, my comments are as follows:

Option 4 which eliminates the proposed "Open-Space Hillside" classification seems the most feasible solution presented by utilizing an existing MC (Municipal Code) Sec. 17.48.060 as Extreme Slopes (greater than 35%) appears to be the major issue of concern. My understanding of the report is that that areas under discussion are mainly developed properties on the East side of RPV i.e. Miraleste, Eastview and surrounding areas. Likewise, known land movement areas (Abalone Cove, Portuguese Bend etc.) were not addressed in this Draft report and presumably existing zoning for these areas remains unchanged in so far as this discussion is concerned.

Although the Draft Report addresses the issue of property values, it does seem that designating land as Open-Space Hazard or Open-Space Hillside has a negative impact on property values and why should property owners be confronted with an unwarranted risk? Furthermore, the Staff recommended solution, option 2, gives unwarranted control to City Hall bureaucrats while Option 4 provides an appeal process via the Planning Commission, seven (7) fellow citizens with a history of understanding taxpayer desires and preferences, who can determine the appropriate land use on a case-by-case basis.

In conclusion, it seems to me that option 4 is the best alternative and urge the Planning Commission to approve option 4 as the most appropriate solution.

Ken DeLong

RPV Open Area Hazard Zone

Tuesday, August 21, 2012
12:06 PM

Rancho Palos Verdes
Planning Commission
Abigail Harwell
Gregory Pfof

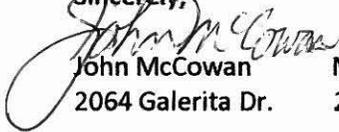
RECEIVED
AUG 21 2012
COMMUNITY DEVELOPMENT
DEPARTMENT

We, John McCowan, Mark Karmelich and Pete Joncich as interested parties are giving our opinions and testimony in regards to the Open Area Hazard Zone that has impacted our properties for future development and improvements. We have reviewed the visual changes made for the OAH zones surrounding our properties. We have a few concerns of where the actual boundary lines will actually be finally placed.

As you look at the "grid map" at the south-west corner of lot #149(2064 Galerita Dr.) this is where the three properties join adjacently to each other. That is respectively 2064 Galerita Dr. /McCowan; 2060 Galerita Dr./Karmelich; 2161 Santa Rena Dr./Joncich. As you look at the properties looking westward, the topographical and geology of the terrain has a slight slope downward going from south to north . This slope is very slight, at an approximated 10% slope that could easily be graded to accommodate future developments. The property owners have future plans of development. Pete Joncich plans a batting cage, John McCowan & Mark Karmelich plan on a 80 yd. Golf Chip Shot with green & a 6-hole putting green.

We would appreciate the considerations of the planning commission for the "OAH" zone to be placed where there will not be any problems opposing the future developments of the properties. We sincerely appreciate your time and efforts on this matter.

Sincerely,


John McCowan
2064 Galerita Dr.

Mark Karmelich
2064 Galerita Dr.


Pete Joncich
2161 Santa Rena Dr.

2064 Galerita

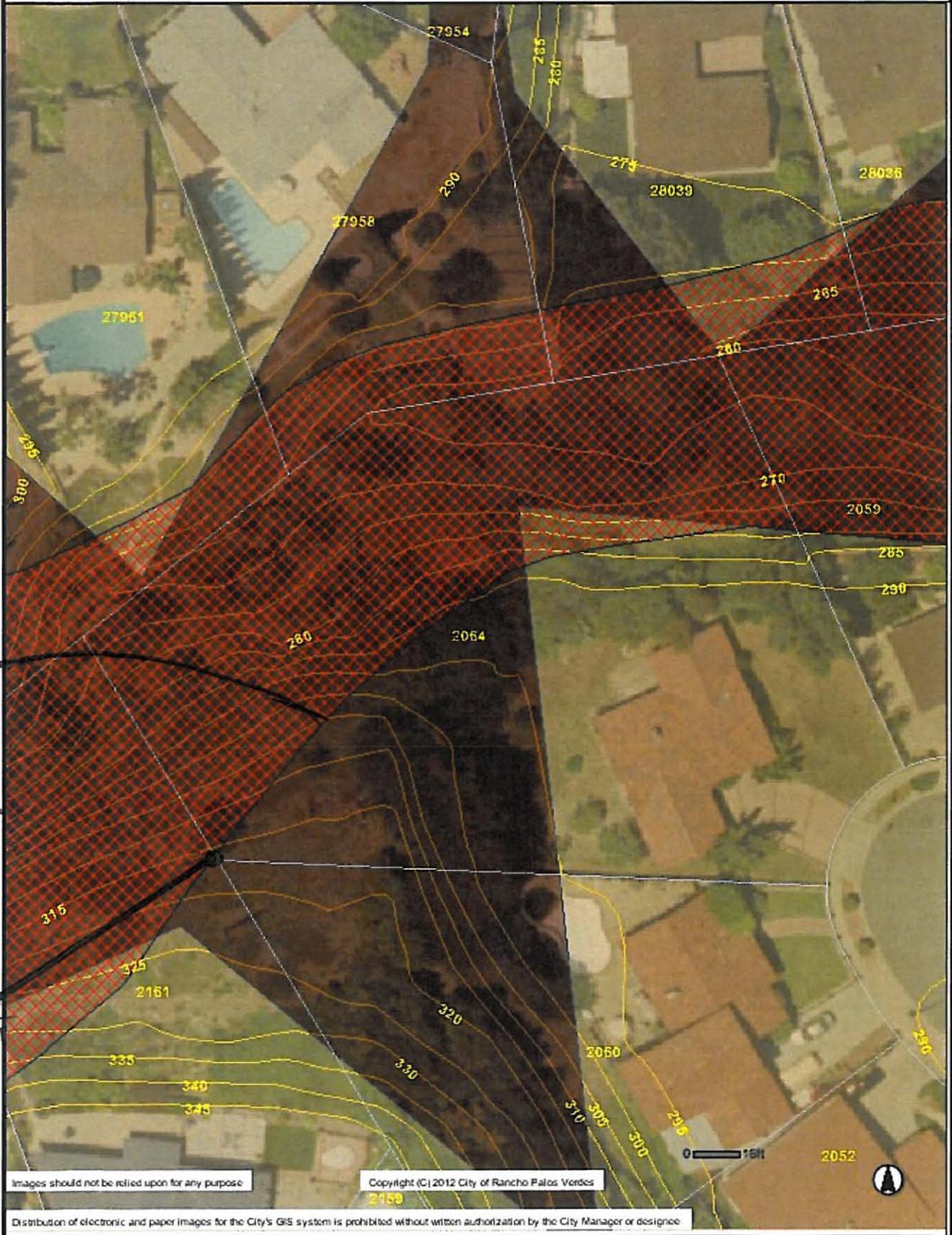


PHOTO TAKEN AUG 21, 2012

PHOTO OF PROPERTY LOOKING WEST



2161 SANTA RENA
2064 GALERITA
2060 GALERITA

↓
PROPERTIES
CORNER
MARK

← 2064
GALERITA DR

PHOTO TAKEN AUG 21, 2012



↑
PROPERTIES CORNER MARK

PHOTO TAKEN LOOKING NORTHEAST
TOWARD MOUNTAINS & LA. CITY

AUG 21, 2012 PHOTO TAKEN LOOKING WESTWARD TO PROPERTY CORNER



PHOTO TAKEN AUG 21, 2012



Abigail Harwell

From: Rebecca Cicoria [rebeccacicoria@att.net]
Sent: Tuesday, August 21, 2012 3:51 PM
To: Abigail Harwell
Subject: Proposed General Plan Amendment

Dear Abigail,

Thank you for taking the time to talk to us today regarding the General Plan Land Use Update - Hazard Areas. We would like to express support with Option 2 as outlined in your draft staff report dated July 26, 2012. We support the reworking of the term "Hazard" to "Open Space Hillside". However, while we are in general support of the redrawn boundaries, we still have concerns that there is a portion of our property shown as part of the overlay that should not be included in the "Open Space Hillside" designation due to its topography. We would like to strongly suggest that homeowners be allowed additional time, or process, for the City Geologist to give further consideration to the final location of these boundaries.

Thanks again for your consideration in this matter.

Sincerely,
Rebecca Cicoria
For Virginia Cicoria
62 Oceanaire Drive, Rancho Palos Verdes