



RANCHO PALOS VERDES

MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: JOEL ROJAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR
DATE: DECEMBER 11, 2012
SUBJECT: GENERAL PLAN UPDATE – CHANGES TO OPEN SPACE HILLSIDE (HAZARD) AREAS

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

RECOMMENDATION

Staff recommends that the Planning Commission approve adjusting all of the Open Space Hillside boundaries presented within this report, as recommended by the City Geologist.

INTRODUCTION

At the August 28, 2012 and September 25, 2012 Planning Commission meetings, the Commission reviewed two Staff reports (attached), heard public testimony, and provided specific direction to Staff on how to move forward with adjusting the General Plan Hazard land use boundaries as part of the ongoing update to the City's General Plan. The Minutes from each of these meetings is also attached.

This report addresses the first set of proposed changes to the boundaries of the "Hillside" (formally "Hazard") land use designation on the General Plan Land Use Map as recommended by the City Geologist. More specifically, this report addresses 260 properties in the City where a change is proposed. On November 22, 2012, a public hearing notice was mailed to all 260 affected property owners and was also published within the Peninsula News. Staff received 17 comment letters (attached), which are addressed in more detail under the "Additional Information" section of this report.

BACKGROUND ON THE HAZARD LAND USE DESIGNATION AND EFFORTS TO DATE

While the attached August 28th and September 25th Staff Reports and Minutes provide a lot of background on the Hazard land use designation and efforts completed to date, Staff has found itself explaining the background in some detail to property owners who have contacted Staff in response to the public notice. Thus, Staff felt important to again provide the following background summary in this report as well.

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Creation of the General Plan “Hazard” Designation

The General Plan text indicates that the “Hazard” land use designation is composed of three constraints: “active landslide”, “sea cliff erosion hazard”, and “extreme slope of 35 percent or greater”. The constraint of “extreme slope of 35 percent or greater” is then further defined through “RM 2 - Extreme Slope”, which indicates “The purpose of this district is to regulate use, development and alteration of land in extreme slope areas so that essential natural characteristics such as land form, vegetation and wildlife communities, scenic qualities and open space can be substantially maintained. The district further considers the risks to public safety from earth slides and slips, erosion and attendant situation. Grading requiring cut-slopes and embankments are potential instigators of landslide and the probability of these occurrences can be high within this district. Any use within this district should retain natural topographic condition. Practices distorting the topography of hillsides in any fashion should be prohibited.” The Resource Management Districts 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 that exist today.

To summarize, the “Hazard” land use designation was created to protect certain slope areas for their natural characteristics, including land-form, as well as for geologic safety. With exception to the Portuguese Bend Landslide area, most of the “Hazard” areas identified on the existing General Plan land use map are located on both public and private properties within existing canyons. Importantly, the “Hazard” designation implements many of the goals and policies in the General Plan that strive to maintain the City’s semi-rural atmosphere by ensuring that structures are not built within these sensitive canyon areas.

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” (OH) zoning district on the City’s Zoning Map. However, for some unknown reason, the boundaries of the OH District on the existing adopted Zoning Map did not exactly match the boundaries of the “Hazard” designation on the existing adopted General Plan Land Use Map. Hence, as part of the General Plan Update that is currently underway, 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. During this effort, all affected properties were notified of the Planning Commission public hearing wherein their property would be discussed.

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Also, the original Zoning Code was adopted in 1975 to establish the limited uses and development permitted within the 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.

Issues Identified while Matching the General Plan Land Use Map and the Zoning Map

In 2011, when the Planning Commission conducted a series of public hearings on the proposal to match the “Hazard” land use areas depicted on the General Plan Land Use Map with the OH areas depicted on the City’s parcel specific Zoning Map, many residents raised concerns about the presence of the Hazard and/or OH areas on their property. Some residents did not know that the Hazard and/or OH land use designation 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.

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

In response to the public’s concerns, Staff noted that the City’s mapped “Hazard” areas would be re-evaluated as part of the on-going General Plan update effort. 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 and at the Community Development Department of City Hall. 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

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removed, approximately 374 properties would either see an increase in the amount of “Hazard” land use, or a new “Hazard” land use designation on their property.

Planning Commission Direction on a Preferred Option to Move Forward

Given the large number (1,040) of properties affected by the proposed changes, prior to scheduling the recommended changes for public hearings before the Commission, Staff felt that it would be best for the Commission to first evaluate and provide direction to Staff on five separate options in moving forward. At their August 28, 2012 meeting, the Commission discussed the benefits and impacts associated with each option and continued the public hearing to September 25, 2012 to allow Staff additional time to identify the details of implementing Option #2.

At the September 25th meeting, it was explained that with Option #2, the “Extreme Slope” regulations would be replaced with regulations that would apply to the newly created “Open Space Hillside” zoning district that would coincide with the new General Plan “Open Space Hillside” land use designation. Having the “Open Space Hillside” district control these sloped areas would be more restrictive than the current “Extreme Slopes” regulations because the new “Open Space Hillside” district can state exactly what types of uses and development can occur in the district, and by state law a request to vary from the allowable uses and developments permitted within a district can not be accepted and processed by the City.

At both meetings, the Commission expressed concern that by adding the more restrictive “Open Space Hillside” land use district, property owners would have less property rights than they currently do. That would be true if the new “Open Space Hillside” district permitted fewer types of development activity than what would be permitted through the “Extreme Slope” section of the development code. However, Option #2 addresses this issue by allowing the same types of structures that are currently permitted in the “Extreme Slope” section of the Development Code, with exception to new residential structures.

The only difference would be that a property owner would not be able to obtain a Variance to allow prohibited uses. For example, while a property owner under current regulations could request a Variance from the “Extreme Slope” section to have a deck encroach further than 6’ beyond the top of slope, if the same area is governed by the “Open Space Hillside” district, because it is a zoning “district” and not a zoning “development standard”, the property owner could not request such a Variance because it would be a request for a “Use Variance”. The inability to obtain a Variance for such uses in areas that should have been designated as Hazard (Open Space Hillside) in the original General Plan is more consistent with the intent and purpose of the original General Plan’s Hazard land use designation than what currently is permitted today.

Upon discussing the matter in detail and hearing public testimony, on September 25th, the Commission directed Staff on a 4-2 vote (Chairman Tetreault and Commissioner Nelson

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dissenting and Commissioner Lewis excused absence) to:

- 1) Adjust all of the Hazard boundaries as recommended by the City Geologist; and
- 2) Change the Hazard land use designation for hillside areas to “Open-Space Hillside” instead of its current “Hazard” designation, with exception to the landslide moratorium area and other known landslide areas in the City where the designation “Hazard” will remain; and
- 3) Bring back the details associated with a subsequent Zone Change and Zoning Code Amendment to establish a new Zoning District entitled “Open-Space Hillside” with the uses, development standards, variance and appeal procedures associated with said new Open-Space Hillside district to be further reviewed by the Planning Commission.

DISCUSSION

Upon receiving direction from the Planning Commission to move forward with adjusting all of the “Hillside (formally known as Hazard)” land use boundaries, Staff presents this report on the first of a series of public meetings for the Commission to consider the specific changes.

This report addresses 260 properties where a change is proposed. Attached for consideration are 13 separate graphics showing the proposed changes to the subject 260 properties. Each graphic provides an aerial view of the properties that are affected, their addresses, the location of the existing General Plan’s “Open-Space Hazard” land use designation to be removed and the proposed new “Open-Space Hillside” land use designation to be added. These are the same graphics that were provided with a public hearing notice that was mailed to each affected property owner.

While not evident in the graphics due to a lack of topographic information provided, tonight’s proposed changes occur to the canyon areas in the northeast portion of the City. At tonight’s meeting, Staff will provide more detailed graphics that will include topographic contours so that the Commission and public can better understand why the new boundaries are located where they are. More specifically, the new boundary locations are within extreme slope canyon areas. In most locations the new boundary follows the top of slope or below the top to account for existing structures or transitions between properties where the slope may not be as steep. In no case does the new boundary affect an existing structure, which is clearly a benefit to those where the existing boundary was over their existing structures.

Development Activity proposed to be Permitted in the Open Space Hillside District

At the September 25th Commission meeting, the approval to move forward with Option #2 also included direction from the Commission regarding a need for further discussion of what may be permitted in the new Open Space Hillside District. Additionally, the Commission requested that Staff report on options for appeal. This is represented as the 3rd directive by

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the Planning Commission as shown on the preceding page.

While Staff intends to bring the details of the new Open Space Hillside District back to the Commission, this will occur at a later date as a formal Code Amendment once the General Plan has been completely adopted by the City Council. However, in the interim, to assist the Commission in its review of the proposed boundary changes at tonight's and at future meetings, Staff has included the table below to illustrate what is envisioned to be permitted in the future Open Space Hillside District. This table represents a comparison to what would have been permitted on those properties with an extreme slope that currently do not have the Open Space Hillside designation, but which is now being added.

Structures Currently Allowed on an Extreme Slope (permitted through MC Section 17.48.060 – see attached)	Structures allowed in new Open-Space Hillside Land Use
Certain minor structures (trash enclosures, mechanical equipment, pool equipment)	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)	Certain structures permitted with an Extreme Slope Permit (decks no more than 6' into the slope, 16' high flag poles)
Satellite dish antennas	Satellite dish antennas
Grading and retaining walls	Grading and retaining walls
Fences, Walls and Hedges	Fences, Walls and Hedges
At-grade steps or stairs	At-grade steps or stairs
Renewable energy systems (i.e. solar panels)	Renewable energy systems (i.e. solar panels)
New residences on previously undeveloped lots	New residences on previously undeveloped lots not permitted
	Other similar uses and developments as currently described in the existing Open Space Hazard (OH) District – MC Section 17.32 (see attached)
Variance to Development Standards	Variance not permitted, however, the boundary line may be re-located per the Interpretation Procedure identified in the Development Code

Additionally, the Commission asked Staff to bring back information on options for appeal. In regards to appealing the proposed location of the Open Space Hillside boundary line, which is being presented tonight and at future meetings, the Commission's decision is a recommendation to the City Council. As such, there is no need for a resident to pay the cost for an appeal of the Commission's decision, but instead can wait until the Commission's recommendation is presented to the City Council for final adoption, wherein the resident can bring up their concerns regarding the new boundary location to the City Council before final adoption by the Council. Further, once the new boundary line has been approved by the Council, a property owner still has the opportunity to petition for an adjustment of the boundary line location through the Development Code's Interpretation Procedure, which currently allows a boundary line to be adjusted up to 100'.

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ADDITIONAL INFORMATION

Public Correspondence:

As noted previously, on November 22, 2012, a public hearing notice was sent to all 260 affected property owners and published in the Peninsula News. At the time this report was prepared, Staff received the attached 17 pieces of correspondence. Any additional correspondence received will be provided to the Commission at the December 11th meeting. Between the time that the public notice was released and this report was prepared, Staff was also contacted by numerous affected residents (via telephone and visits to the public counter) with questions regarding the proposed land use boundary changes.

Within some of the attached correspondence, questions were posed of Staff and thus in many cases the attached correspondence includes an email exchange/dialog between the resident and Staff. Below, Staff has summarized the resident's comments and/or questions, and a brief Staff response to their questions.

Kirran Moss: Requested that the boundary line be moved so that it does not increase and/or is entirely removed from her property, and questioned why the boundary was not located on other properties across the canyon.

Staff Response (also see attached email prior to this resident's correspondence):
Staff consulted with the City Geologist who confirmed that properties on the other side of the canyon should have the boundary increased upon their slope. This will be corrected and brought to the Commission at a future public hearing so that those property owners can be notified. Additionally, the City Geologist agreed that the boundary line could be moved slightly further down slope on Ms. Moss' property as well as some neighboring properties so as not to affect existing structures. These changes are reflected in the attached exhibits.

Dal Lee: Concerns expressed regarding not receiving prior notice, Eastview residents being excluded, and concerns regarding Option #2.

Staff Response (also see attached email prior to this resident's correspondence):
Staff responded to Mr. Lee that a notice was previously sent to him for the August 28th meeting; that Eastview residents are not being treated any differently than any other resident of the City; and that he may wish to consult the August 28th and September 25th Staff Reports for more background on why Option #2 was selected by the Commission.

Ray Van Dintner: Concern expressed regarding the location of the new boundary line affecting some of her flatter portions of her property and requesting that it be changed.

Staff Response (also see attached email prior to this resident's correspondence):
Staff consulted with the City Geologist who has agreed to re-locate the boundary line so that it is off of her flat portion of the property. This change is reflected in the

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attached exhibit.

Robert Meyer: Expressed concern that he could not access PDF files regarding the proposed changes on the City's website.

Staff Response (also see attached email prior to this resident's correspondence):
Staff verified that the files were accessible on the City's website and suggested that Mr. Meyer may want to access them via a different computer.

Walter and Rosa Pesenti: Expressed similar concern as Ms. Moss (see above) that boundary was not on properties on other side of canyon. Also expressed concerns regarding impacts to value of their property, ability to develop their property, and a trail that was constructed at the bottom of the canyon.

Staff Response (also see attached email prior to this resident's correspondence):
Staff consulted with the City Geologist who confirmed that properties on the other side of the canyon should have the boundary increased upon their slope. This will be corrected and brought to the Commission at a future public hearing so that those property owners can be notified. Additionally, the City Geologist agreed that the boundary line could be moved slightly down slope on their property as well as some neighboring properties so as not to affect existing structures. These changes are reflected in the attached exhibits. Staff also recommended that they review the August 28th and September 25th Staff Reports for additional information regarding affects upon property value and future ability to develop their property. Finally, Staff recommended that they contact the Miraleste Park and Recreation District who owns much of the property in the canyon and was responsible for constructing the trails at the bottom of the canyon.

Madeline Ryan: Questioned why the property located at 10 Chaparral Lane was not included in this process. Also expressed concern that the new Open Space Hillside designation may have consequences that could result in the loss of horse keeping in some areas of the Equestrian Overlay Zone.

Staff Response (also see attached email prior to this resident's correspondence): The City Geologist does not see a need to make any changes to the location of the Hazard (Hillside) boundary on the property addressed as 10 Chaparral. In regards to the effects upon equestrian uses, Ms. Ryan is correct that many of the properties being discussed this evening are within the Equestrian Overlay Zone. However, this does not have an affect on the number of horses that one may keep on their property. While it could have an affect on a property owner's ability to construct equestrian structures (i.e. barns), upon reviewing the affected properties, the only flat (i.e. non-extreme slope) portions of the Open Space Hillside areas where a structure could be placed occur in very small areas at the very bottom of the existing canyons, wherein the existing Code prohibits these structures from being constructed in areas that are considered regular, intermittent or seasonal watercourses.

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Edwina Matharu: Desired more clarification on what was being proposed and was concerned that additional canyon property is being added to her property as she felt that the canyon was not her property.

Staff Response (also see attached email prior to this resident's correspondence):
Staff provided additional information on what was being proposed and clarified that she does own the slope down into the canyon where the Hazard (Hillside) area was being expanded.

Mei Ling Sze: Questioned if they could still build a future deck extending from the house, if the construction of a deck would be subject to soil sampling, if they could plant a garden or trees on the slope, and what happens to the deck already on their neighbor's property.

Staff Response (also see attached email prior to this resident's correspondence):
Clarified that a deck could still be constructed with the new boundary change, that geotechnical approval would be required for the deck regardless of the boundary change, that landscaping and gardening can be allowed on the slope, and that any existing decks currently located in the future Open Space Hillside area would not be required to be removed.

Donald Jones and Dawn DiPietro: Expressed concern that development rights will be taken away from their property.

Staff Response: The proposed "Open Space Hillside" will only affect areas that are already undevelopable by the current City Code and will allow the same minor structures as the existing "Extreme Slope" development standards.

Kenneth Poole: Expressed a concern regarding the location of the proposed boundary line and requested that the line be re-drawn to remove his property based upon types of vegetation planted on the slopes.

Staff Response: The location of the proposed "Open Space Hillside" area is based primarily upon topography and is not based upon type of vegetation. Staff will check with the City Geologist on whether this requested change is warranted, and if it is, will report that change to the Commission at the December 11th meeting in a revised exhibit.

Jake Cisneros: Opposed to the new boundary line location as it would encompass a large portion of his property, and recommends Option #4.

Staff Response: Staff has no comment regarding Mr. Cisneros' comments, other than to note that the Commission previously considered Option #4 when it weighed all of the options and decided to pursue Option #2.

Don Tyler: Expressed concerns regarding the location of the boundary line potentially affecting his existing structure and flat portions of his property as well as potential impacts to property value.

Staff Response (also see attached email prior to this resident's correspondence):

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Staff clarified that the boundary was being placed only upon steep (approx. 50% slope) areas of his property and does not affect his existing structures. Additionally, 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.

Barbara Huffman: Expressed concern that the Miraleste Park and Rec. property, which borders her property is being zoned Open Space Hazard.

Staff Response: The property in the canyon areas is being re-zoned to Open Space Hillside (not Hazard). Notice was sent to the Miraleste Park and Rec. District for their properties being affected by this change, but Staff has not received any comments from the District. Additionally, it should be noted that the new Open Space Hillside areas will continue to permit the use of this area for recreational purposes.

David Lukac: Expressed concerns regarding affects upon equestrian use of property, why the change is occurring and affects upon the value of his property.

Staff Response (also see attached email prior to this resident's correspondence): Staff recommended that Mr. Lukac review past reports to help understand why the City was proposing these changes. Additionally, as noted above, it is Staff's opinion that there will be no affect upon the equestrian use of his property nor to the value of his property.

Bruce Mori and Janet Schoenfeld: Expressed concerns that the proposal would have a disproportionately negative impact on properties within their area, have a negative impact upon property values, possibly affect insurance rates, and other comments. Also, they recommended Option #3.

Staff Response: As noted above and in the attached August 28th and September 25th reports, it is Staff's opinion that this change would not have an affect upon property values or insurance rates. In addition, the Commission previously considered Option #3 when it weighed all of the options and decided to pursue Option #2.

Ron Lucero (also see attached email prior to this resident's correspondence): Concerned that City may be taking his property away and what options does he have to stop that.

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Staff Response: Staff responded that his property will remain his and that this is a change in land use designation. Staff also noted that he could review past reports for background.

Wen Wu: Expressed concern and recommends implementation of Option #4.

Staff Response: Staff has no comment regarding Mr. Wu's comment, other than to note that the Commission previously considered Option #4 when it weighed all of the options and decided to pursue Option #2.

What are the next steps?

The Planning Commission's determination on each change would still be Draft. The next step is to take all Commission approved Land Use Map changes along with the Commission approved Updated General Plan text to the City Council in a public hearing wherein the City Council would be responsible for making the final decision on the Commission recommended updates to the General Plan and Land Use Map.

After the City Council approves the General Plan Update, the Zone Change and Zoning Code Amendment process would commence. This process would create the new "Open Space Hillside" zoning district as well as adjust the Zoning Map to be consistent with the Council adopted General Plan Map changes. The Zone Changes and Zoning Code Amendment would require review by the Commission and final approval by the City Council through public hearings.

CONCLUSION

Based upon the discussion above, Staff is recommending that the Planning Commission approve adjusting all of the Open Space Hillside boundaries presented within this report, as recommended by the City Geologist

ATTACHMENTS:

- Graphics depicting the proposed changes with addresses of properties affected
- Correspondence received with Staff's email responses (where applicable) located prior to the correspondence.
- September 25, 2012 Planning Commission meeting excerpt Minutes
- September 25, 2012 Planning Commission Staff Report
- August 28, 2012 Planning Commission Minutes
- August 28, 2012 Planning Commission Staff Report
- Municipal Code Section 17.48.060 – Extreme Slope
- Municipal Code Chapter 17.32 – Open Space Hazard (OH) District

**Proposed changes to the DRAFT General Plan Land Use Map with Aerials
(REVISED)**

Properties Affected: Bayend Drive (29001, 29002, 29004, 29005);
Caddington Drive (1914, 1920, 1926, 1930, 1936, 1942, 1950, 1956, 1962, 1966, 1972,
1978, 1984, 2002, 2010); Gunter Road (28813, 28819);



LEGEND

-  Proposed new Open-Space Hillside Land Use area to be added
-  Existing Open-Space Hazard Land Use area to be removed
-  Existing Residential Land Uses

Proposed changes to the DRAFT General Plan Land Use Map with Aerials

Properties Affected: Caddington Drive (2016, 2022, 2028, 2034, 2040, 2050, 2058, 2070, 2076, 2102, 2108, 2114, 2120, 2124, 2130); Jaybrook Drive (2021, 2029, 2035, 2039, 2043, 2049, 2053, 2059, 2063, 2069, 2073, 2079); Trudie Drive (2119, 2125, 2131, 2135)



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-  Existing Residential Land Uses

Proposed changes to the DRAFT General Plan Land Use Map with Aerials

Properties Affected: Miraleste Drive 4004, 4008, 4016, 4020, 4028);
Via Canada (6200, 6216, 6220);
APN 7557-009-900 (Miraleste Recreation & Park District)

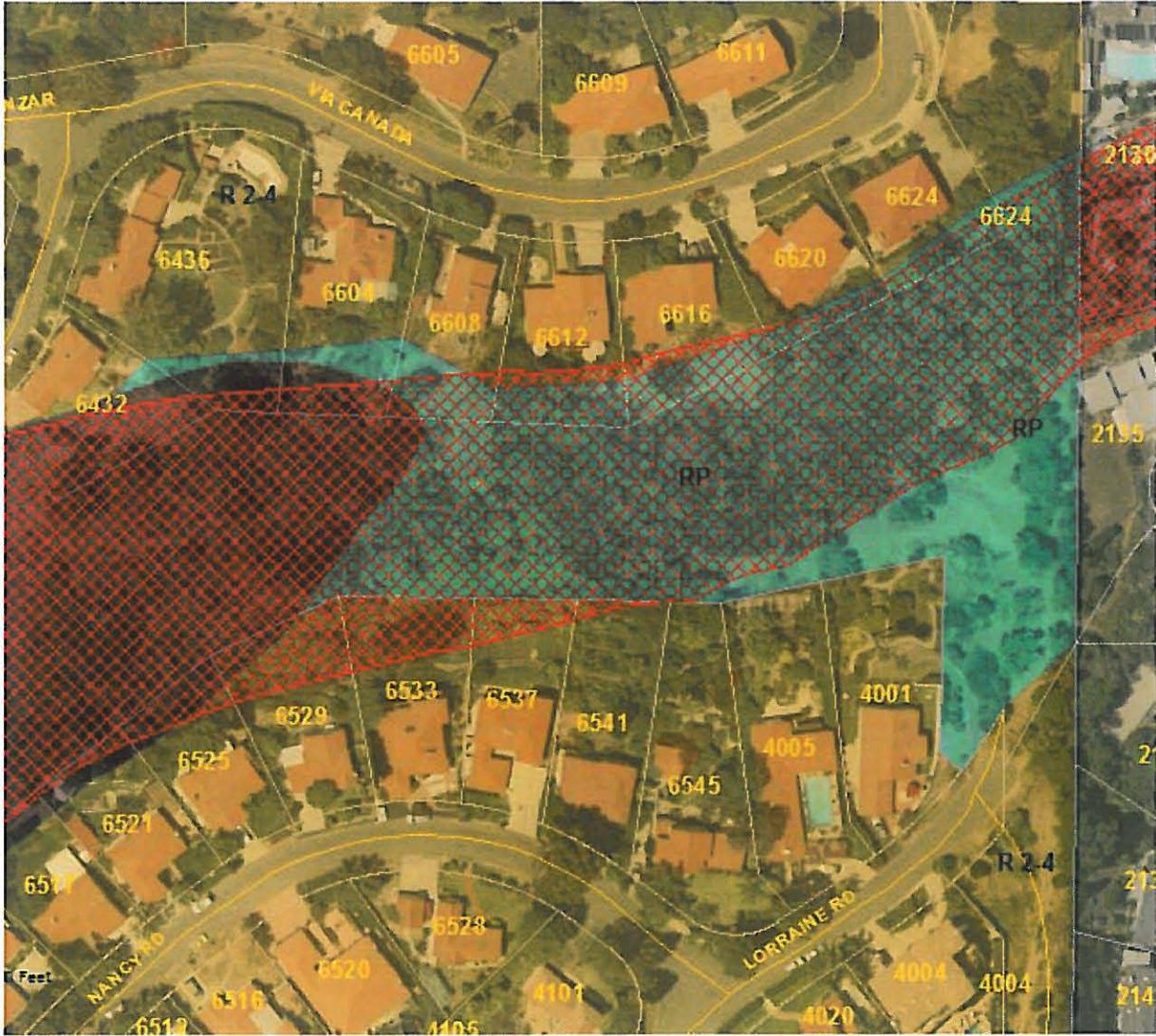


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-  Proposed new Open-Space Hillside Land Use area to be added
-  Existing Open-Space Hazard Land Use area to be removed
-  Existing Residential Land Uses
-  Existing Recreational – Passive Land Use (Miraleste Recreation & Park District Property)
-  Existing Institutional – Educational Land Use

**Proposed changes to the DRAFT General Plan Land Use Map with Aerials
(REVISED)**

Properties Affected: Nancy Road (6521, 6525, 6529);
Via Canada (6432, 6436, 6604, 6608, 6612, 6616, 6620, 6624);
APN 7557-009-900 (Miraleste Recreation & Park District)



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-  Existing Recreational - Passive Land Use (Miraleste Recreation & Park District Property)

Proposed changes to the DRAFT General Plan Land Use Map with Aerials

Properties Affected: Alaflora Drive (27909, 27925, 27953, 27948, 27954, 27958, 27961);
Calzada Drive (28025, 28032, 28036, 28039); Delasonde Drive (2022, 2026, 2031);
Galerita Drive (2059, 2064); Santa Rena Drive (2158, 2161)



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-  Existing Residential Land Uses

**Proposed changes to the DRAFT General Plan Land Use Map with Aerials
(REVISED)**

Properties Affected: Coach Road (6, 8, 11, 13, 14, 15); Palos Verdes Dr East (28136, 28150, 28160, 28180); Rockinghorse Road (17, 19, 21, 23, 25, 27, 31, 49, 49½); APN 7556-011-031; APN 7556-011-033

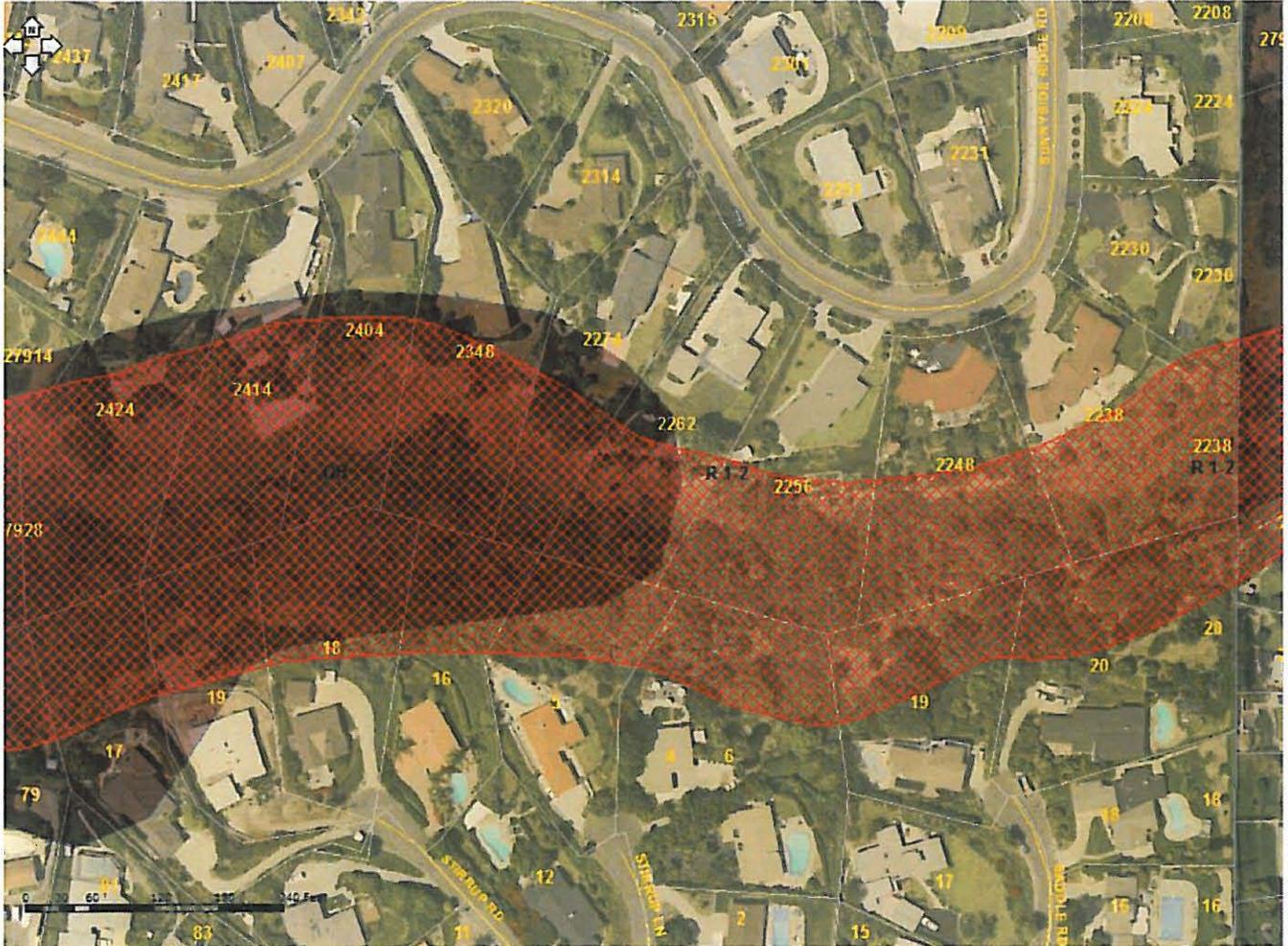


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-  Existing Open-Space Hazard Land Use area to be removed
-  Existing Residential Land Uses

Proposed changes to the DRAFT General Plan Land Use Map with Aerials

Properties Affected: Saddle Road (19, 20); Stirrup Lane (5, 6); Stirrup Road (16, 17, 18, 19); Sunnyside Ridge Road (2230, 2238, 2248, 2256, 2262, 2274, 2348, 2404, 2414, 2424)



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-  Existing Residential Land Uses

Proposed changes to the DRAFT General Plan Land Use Map with Aerials

Properties Affected: Colt Road (2566, 2568, 2570, 2572, 2612, 2616, 2630, 2638, 2652, 2816); Sparta Drive (2345, 2403, 2417, 2431, 2441, 2447); APN 7556-018-052



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-  Existing Residential Land Uses

Proposed changes to the DRAFT General Plan Land Use Map with Aerials

Properties Affected: El Tesoro Place (3817, 3820, 3821); Miraleste Drive (4036, 4044, 4048, 4052, 4060, 4064, 4068, 4072, 4076); Nancy Road (6501, 6505, 6509, 6515, 6517); Via Canada (6244, 6248, 6252, 6420, 6424); APN 7557-005-900 (Miraleste Recreation & Park District)



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-  Existing Institutional – Educational Land Use

Greg Pfo

From: Abigail Harwell
Sent: Friday, November 30, 2012 7:47 AM
To: Kirran Moss
Cc: Greg Pfo
Subject: RE: Proposed changes to the General Plan Land Use Map

Dr. Moss ~

As my e-mail states, the modifications are slight. Due to the extreme slope at the rear of your residence, the line was shifted only slightly away from your and your neighbors homes in order to make sure that no portion of the boundary line traverses area of existing structure. I can understand how it is difficult to see, especially with the contours on the revised proposal map. But these are two separate maps.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv

From: Kirran Moss [Kirran.Moss@csulb.edu]
Sent: Thursday, November 29, 2012 10:01 PM
To: Abigail Harwell
Cc: Greg Pfo
Subject: RE: Proposed changes to the General Plan Land Use Map

Hi Abigail and Greg,

If I am not mistaken, the maps attached are identical. There is no difference between the proposed and "revised" maps.

Please send the map reflecting the modifications referenced in your email.

Regards,
Kirran

Dr. Kirran Moss (Ed.D)
Department of Communication Studies
California State University, Long Beach
1250 Bellflower Blvd. AS 355
Long Beach, CA 90840
kmoss@csulb.edu

From: Abigail Harwell [AbigailH@rpv.com]
Sent: Thursday, November 29, 2012 5:24 PM
To: Kirran Moss
Cc: Greg Pfo
Subject: RE: Proposed changes to the General Plan Land Use Map

Dr. Moss ~

As I noted in my e-mail to you on Tuesday (below), Staff forwarded your concerns to the City Geologist and some slight modifications were made to the proposed Open-Space Hillside boundary line traversing your property. Staff has modified the maps and attached is a document that has the map that was on the notice you received (called Previous Proposal) and a revised map (called Revised Proposal) of the same area that includes your property.

As you will see when you look at these two maps, the Revised Proposal map includes contour lines. I included this additional layer of information on the map in order to provide you with a better idea of why the Open-Space Hillside boundary lines have been modified as shown. Also, you will notice that the City Geologist adjusted the boundary line along the southern side of the canyon to capture more of the steep contours along the rear properties of your neighbors to the south. These property owners will receive notice of this change in our next set of public notices to be sent out in mid-December.

Again, thank you for contacting the City. If you would like to submit any additional comments regarding these revisions or have any questions, please do not hesitate to contact me at abigailh@gmail.com or (310) 544-5228.

~ Abigail Harwell
Assistant Planner
City of Rancho Palos Verdes
www.palosverdes.com/rpv

From: Kirran Moss [mailto:Kirran.Moss@csulb.edu]
Sent: Tuesday, November 27, 2012 4:29 PM
To: Abigail Harwell
Cc: Greg Pfof
Subject: RE: Proposed changes to the General Plan Land Use Map

Thank you, Abilgail.

Regards,
Kirran

Dr. Kirran Moss (Ed.D)
Department of Communication Studies
California State University, Long Beach
1250 Bellflower Blvd. AS 355
Long Beach, CA 90840
kmoss@csulb.edu

From: Abigail Harwell [AbigailH@rpv.com]
Sent: Tuesday, November 27, 2012 8:34 AM
To: Kirran Moss
Cc: Greg Pfof
Subject: RE: Proposed changes to the General Plan Land Use Map

Dr. Moss ~

Thanks for your e-mail. Staff will ask the City Geologist to look at the proposed OH boundary line on your property for additional consideration and will be sure to forward your comments to the Planning Commission.

Please let me know if you have any further questions or comments.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv<<http://www.palosverdes.com/rpv>>

From: Kirran Moss [Kirran.Moss@csulb.edu]
Sent: Monday, November 26, 2012 8:23 PM
To: Abigail Harwell
Cc: Greg Pfof; So Kim
Subject: RE: Proposed changes to the General Plan Land Use Map

Thank you, Abigail.

Based on what you wrote and the fact that I am clearly confused (thank you for being gracious and not making me look stupid!), I guess then I am requesting to not have the line increased. I have reviewed one of the letters sent by someone who lives on our street. They don't provide the City any arguments, evidence, or facts as to why they reject the "opinion of the City Geologist's recommendation" (as stated in your email) rather this person is adversarial and a bit rude. I do not use this approach so I am simply requesting that as you did in his case, please redraw the map so as to avoid increasing and or remove entirely my parcel from the current and proposed Open-Space Hazard line.

Thank you,
Kirran

Dr. Kirran Moss (Ed.D)
Department of Communication Studies
California State University, Long Beach
1250 Bellflower Blvd. AS 355
Long Beach, CA 90840
kmosse@csulb.edu

From: Abigail Harwell [AbigailH@rpv.com]
Sent: Monday, November 26, 2012 5:25 PM
To: Kirran Moss
Cc: Greg Pfof; So Kim
Subject: RE: Proposed changes to the General Plan Land Use Map

Good Afternoon Ms. Moss ~

Thank you for your e-mail. I believe what you are referring to regarding the "additional 100'" is related to the Interpretation Procedure in which property owners can request an adjustment to the existing Open-Space Hazard line, as currently depicted on the City's Zoning Map. This is an option for property owners who currently have Open-Space Hazard going over the developed portions of their lot, and would like the boundary

line adjusted in order to build or increase the buildable area of their lot. An interpretation procedure cannot be requested on your property at this time, as the new Open-Space Hillside land use proposed on your property is just being proposed and requires both the Planning Commission and City Council to approve before it is final. If the Open-Space Hillside land use were to be approved as indicated on your property and you seek to relocate this boundary line, you can apply for an Interpretation Procedure at that time.

The notice you received is asking for comments from residents as to the location of the proposed Open-Space Hillside boundary line on their property. If a property owner feels that the line should be moved on their property, Staff would like to know why as this would be contrary to the opinion of the City Geologist's recommendation.

I am glad Staff has been able to help you understand the changes affecting your property, as it can be a confusing issue. If you have any further questions, please do not hesitate to contact me at abigailh@rpv.com or (310) 544-5228.

~ Abigail Harwell
Assistant Planner
City of Rancho Palos Verdes
www.palosverdes.com/rpv

From: Kirran Moss [mailto:Kirran.Moss@csulb.edu]
Sent: Wednesday, November 21, 2012 10:06 PM
To: Abigail Harwell
Cc: So Kim
Subject: Proposed changes to the General Plan Land Use Map

Good Evening Mrs. Harwell,

I spoke with you some time after July, 26th and before August 1st, 2012 in reference to a public notice we received regarding the proposed changes to the General Plan Land Use Map. You were very informative and helpful during our call. I have just received the notice (dated November 22, 2012) and a map that indicates the proposed changes and I called and spoke to a very informative City employee, Miss. Kim. I asked her to send me additional data, specifically she sent me maps that displayed the elevation and topography of effected parcels and non-effected parcels within close proximity to my own parcel of land. I expressed to her that with the addition of the map on the notice (dated: November 22, 2012) it appeared some parcels had a more steep topography than we do and yet, these parcels are not included in the Proposed new Open-Space Hillside Land Use (Reference point: Nancy RD). Moreover, with the addition of the map, it also seemed to indicate that some parcels that were once within the Existing Open-Space Hazard Land Use area were reduced in the Proposed new Open-Space Hillside Land Use Map.

Please, is it possible that the City consider allowing us to apply (with late notice) for the additional 100' that was proposed in the Notice sent to residents Dated July 26th? I understand that I should have written and requested this several months ago, but hope that I can please be considered now for this change.

Given that it's the eve of Thanksgiving I do not expect a response until sometime during the following week.

Respectfully submitted and Happy Thanksgiving, Kirran Moss

6608 Via Canada
Rancho Palos Verdes
CA, 90275

Previous Proposal:



Revised Proposal:



DAL LEE

Greg Pfof

From: Abigail Harwell
Sent: Wednesday, December 05, 2012 9:22 AM
To: Dal Lee
Cc: Kelli Lee; Greg Pfof
Subject: RE: Review of "Hazard" ("Hillside") areas as part of General Plan Update

Mr. Lee ~

Thank you for your comments. I will be sure to forward them to the Planning Commission for the December 11th meeting.

To address your questions, although the Open-Space Hillside land use will restrict construction of structures or further development, fencing and landscaping will continue to be allowed on the slopes proposed to be designated within this new land use. You currently are allowed to build fencing on your property without approval, and you will continue to be able to do so. Additionally, with approval from the City you currently are able to construct a cantilevered deck up to 6 feet from the top of your slope and you will continue to have this option even if it encroaches within the new Open-Space Hillside land use.

Also, if there is a situation where the proposed new boundary line impedes an area where you would like to propose a structure, the Municipal Code does have an option through an Interpretation Procedure application where a property owner can request that the Open-Space Hillside boundary line be adjusted based upon a geological site visit. This provides an additional opportunity for property owners to address land use concerns on their property when the issue arises due to a desire to do construction or development, which would typically require a geological site visit regardless of the land use.

Hopefully this provides additional insight. Again, if you have any further questions or comments, please do not hesitate to contact me.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: Dal Lee [kkdlee@sbcglobal.net]
Sent: Tuesday, December 04, 2012 9:41 PM
To: Abigail Harwell
Cc: Kelli Lee

Subject: Re: Review of "Hazard" ("Hillside") areas as part of General Plan Update

Dear Abigail,

Thank you for your reply. Not sure what happened to the earlier correspondence regarding the hearings but I have asked a few of my affected neighbors and they did not receive notices either. That's ok as it is what it is for this subject. Also, thanks for pointing me in a few directions for further education on this issue. I have more knowledge now regarding General Plans, their purpose and that cities are required to keep them current (RPV may actually be quite delinquent on this action). I still have a few questions though regarding this recommended plan update. With respect to the implementation of the selected option, all the documentation I have reviewed on the city links is silent as to how the new boundaries will be defined. The Geologist is just referencing a topographical map and I am not sure how accurate that map is. While it's good for reference regarding general hillside conditions, I am not so sure about physical boundaries where enforceable codes and Open Space Hillside regulations take effect. Where are the lines going to actually be drawn with respect to measurements of each resident's lot and how will they be evaluated or judged when a resident needs to work on the private property assets in the existing useable space?

If the ground is flat, most residents in East View have built upon it (e.g. structure, hardscape, fence) as the slopes are steep and useable space is at a premium. This means there are many homes with hardscaping or fence that goes up to the edge of a slope. Many individuals have fences or hardscape "on the line" and if they lean over time into the "Open Space Hillside" what actions are needed to repair them? Is there a plan for a general easement or grace area of a few feet of the slope area as some areas have a gradual change in slope while others are more discreet. While I feel that my questions are geared for the residents who are being encroached by the new boundaries versus benefiting from a retreating line, the implementation of this new General Plan requires very clear and deliberate communication and coordination. I would be very disappointed by the city planners to find out in 10 years that when I need to replace my fence that I now need to deal with the state authorities and the city to replace it in situ. I would recommend an option since the code for decks is six feet extending into the hillside that a general six-foot easement from the definition of the slope be implemented so that if a resident needs to repair a fence or hardscaping that we are not levied the additional frustration and cost of requiring a land survey be performed to prove that the repair or upgrade is not "Over the Line". Just a thought??? Please let me know when information will become available to review for the implementation and enforcement of the new boundaries once they are approved and finalized.

Best,

Dal B. Lee
2159 Ronsard Road
Rancho Palos Verdes, CA 90275

From: Abigail Harwell <AbigailH@rpv.com>
To: Dal Lee <kkdlee@sbcglobal.net>
Cc: Kelli Lee <kelli_lee@sbcglobal.net>; Greg Pfost <GregP@rpv.com>
Sent: Tue, November 27, 2012 2:33:20 PM
Subject: RE: Review of "Hazard" ("Hillside") areas as part of General Plan Update

Mr. Lee ~

Thank you for your e-mail and taking the time to express your concerns. I will be sure to include your comments in the Staff Report that will be sent to the Planning Commission for the December 11th public hearing. There were just a couple of comments you made that I would like to respond to and clarify.

In response to your first note, I reviewed our mailing list of all the residents impacted by the proposed changes who were sent previous notices for the August 28th and September 25th Planning Commission meetings and your name and address were on this list. So I am surprised to hear you did not receive our prior notices. Notices were sent to all impacted residents including those residents in the Eastview area.

Second, you mentioned that you reviewed the minutes for the previous meetings. I would recommend also reviewing the Staff Reports for the August 28th and September 25th Planning Commission meetings, as there were written comments received which were included in these reports and not everyone who submitted comments attended or spoke at the public hearings, including comments from residents within the Eastview area. These Staff Reports will also provide background information regarding why the City is updating its General Plan and General Plan Land Use Map.

Lastly, Option 2 was selected by the Planning Commission in order for the City to move forward with discussing the City Geologist recommended changes to the Open-Space Hillside land use areas at duly noticed public hearings. Based upon these public hearings, the Planning Commission will be making a recommendation to the City Council, who will have the final decision on the matter. The recommended changes will be heard by the City Council sometime next year in a noticed public hearing prior to final adoption.

Once you have had a chance to review the previous Staff Reports and background on this issue, if you have further questions please feel free to contact me at abigailh@rpv.com or (310) 544-5228.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: Dal Lee [kkdlee@sbcglobal.net]
Sent: Wednesday, November 21, 2012 5:08 PM
To: Abigail Harwell
Cc: Kelli Lee
Subject: Review of "Hazard" ("Hillside") areas as part of General Plan Update

Dear Abigail,

I live at 2159 Ronsard Road and much to my surprise, I received a letter from Joel Rojas on behalf of the city today regarding the intended update to the cities General Plan. I am disappointed on three areas of concern with respect to this General Plan update. On the first note, I am very disappointed that this is the first notice we have received and that this issue has been in work since last summer. Second, I am disappointed that the city counsel is moving out with an option that impacts many property owners in a negative manner. Third, I am disappointed that the city is lumping many property configurations into one definition and wasting money by duplicating the efforts already covered by city zoning codes. Please advise me of the cost benefit trade that drove this discussion and money spent.

With respect to the first notice being received after two public hearings have already been held, I am only concerned that the affected city residents are not being adequately represented. I have read through many of the emails attached to the minutes of the meetings and most of them are property owners that do not reside in Eastview. This makes me feel like Eastview was some what omitted on the coordination of these previous meetings. I plan to be at the December 11th meeting to make sure that Eastview has some representation with respect to this directive from the city.

The option that the city has chosen to move out upon does not reflect the wishes of the city residents. The emails attached to the minutes of the previous meetings generally show support for option 4 which is to eliminate the useless descriptive word of "HAZARD" from the plan and enforce already existing city codes to manage the open areas of interest. The Option selected by the city, Option 2, duplicates government documentation and agencies required to engage to assess a given property owners situation he/she is trying to address. The city counsel is responsible for not only looking out for the city's best interests, but more importantly, the residents. So where is the desire to implement Option 2 coming from? Should this issue be voted upon in a city local election? Town hall meeting with effected property owners? Seems like the the counsel is just making a decision based on their best interests in creating work and not the city or its residents.

The issues that affect Eastview property owners are much different than the issues affecting the coastal and central parts of RPV. We do not have properties in Eastview that can be expanded with structures, re-zoned, or large properties that could have secondary structures built upon. The only open space here in Eastview is more than adequately covered by the "Extreme Slope" codes. These current city codes work just fine for the Eastview residents without incurring the costs of such an overhaul to a plan that is seldom referenced or used.

As I have requested above, I would like to see the overall cost/benefit study for the money that the city is spending to update this General Plan. Also, I would like to know why the current city codes are deficient and/or cannot be enforced to control the concerns of development in areas that could support development (non-slope). This General Plan update seems like a band aid to the real concern of city codes not being sufficient or the inability for the city to manage itself and its development to these codes.

I have been a resident of Rancho Palos Verdes for ten years now. To date, the only city issues that has disappointed me is the reluctance of the city to recognize the Eastview area as part of the Palos Verdes School District. Our property taxes go to LA Unified School District instead of Palos Verdes School District. This puts the city deficient in revenue that the city likely needs. This subject of revising the General Plan adds to my disappointment with the city as it seems like a waste of those deficient funds and spends money on non-value added documentation for the city. It just seems that it would make more sense to enforce the codes we have than to spend all this time and money updating the General Plan.

Best,

Dal B. Lee
2159 Ronsard Road
Rancho Palos Verdes, CA 90275

RAY VAN DINTHER

Greg Pfof

From: ray van dinter [raymadelin@gmail.com]
Sent: Friday, November 30, 2012 9:31 AM
To: Abigail Harwell
Cc: Joel Rojas; Greg Pfof
Subject: Re: Open Space Hillside area rezoning URGENT

You have made my Christmas.

Thank you for being so reasonable to deal with.

Happy holidays to you all, Ray

On Fri, Nov 30, 2012 at 8:56 AM, Abigail Harwell <AbigailH@rpv.com> wrote:

Mrs. Van Dinter ~

Thank you for your e-mail and taking the time to express your concerns. Staff forwarded your concerns to the City Geologist, who reviewed the proposed Open-Space Hazard area on your property and revised the proposed boundary line, as seen on the attached maps.

Please review the proposed changes, and if you have any additional comments or questions in response, please do not hesitate to contact me at abigailh@rpv.com or (310) 544-5228 <tel:%28310%29%20544-5228> .

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: ray van dinter [raymadelin@gmail.com]
Sent: Tuesday, November 27, 2012 6:50 AM
To: Abigail Harwell
Subject: Open Space Hillside area rezoning URGENT

Dear Joel, Abighailh,
Have just received your map of proposed land use changes and am considerably upset about the proposed change to our property at 28180 Palos Verdes Drive East..

From a former small corner of our property which was zoned as Open Space hazard, you are now proposing that 1/3rd of our improved property be re-zoned Open Space Hillside.

Considering that the area you are proposing to change on our property is mostly flat, usable land and is not affected in any way by the canyon that runs through our property this should not be re-zoned as O.S.Hillside.

Instead rezone only the area that was formerly O.S.Hazard.

This new proposal would not only seriously devalue our property, but also preclude us from ever building a gazebo or animal structure etc in a very flat, dry, usable part of our property as well.

The old zoning obviously took the nature of our property into consideration, this new proposed zoning does not in any way do this.

I would like to discuss this fully with you at your earliest convenience and if it is necessary will employ legal assistance to deter the city from devaluing our property in this manner.

We are already subjected to the City's monstrous drain at the bottom of our property and pay a considerable tax for this unwanted dubious luxury on our land. I accepted the fact that where the city placed this ugly drain was Open Space Hazard but I refuse to allow the city to devalue our property further with this proposed re-zoning to our formerly Existing Residential Land Use on our property.

Rezone only the previously Open Space Hazard area on our property.

Arbitrary lines have been drawn which will seriously affect the property values of each property that you have now proposed to be re-zoned OpenSpace Hillside from Existing Residential Land Use.

I don't believe you have seriously fully considered the property value implications of your proposed re-zoning to the property owners in this area who will have huge parts of their property zoned for no construction including, sheds, gazebos or animal shelters in an equestrian zoned area.

With regard to equestrian shelters. This proposed re-zoning will make it impossible for properties to have the minimal space required between human habitation and horse habitation, therefore no new horses will be able to move into the area. The implications of this move by the city are very questionable.

I wish to arrange a meeting as soon as possible to change this before it is presented to the city council. I am also contacting other affected property owners in the area.

Ray and John Van Dinther
28180 PVDE

Greg Pfost

From: Abigail Harwell
Sent: Friday, November 30, 2012 8:56 AM
To: ray van dinker
Cc: Joel Rojas; Greg Pfost
Subject: RE: Open Space Hillside area rezoning URGENT

Attachments: Revisions to 28180 PVDE.pdf



Revisions to 28180
PVDE.pdf (9...

Mrs. Van Dinker ~

Thank you for your e-mail and taking the time to express your concerns. Staff forwarded your concerns to the City Geologist, who reviewed the proposed Open-Space Hazard area on your property and revised the proposed boundary line, as seen on the attached maps.

Please review the proposed changes, and if you have any additional comments or questions in response, please do not hesitate to contact me at abigailh@rpv.com or (310) 544-5228.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: ray van dinker [raymadelin@gmail.com]
Sent: Tuesday, November 27, 2012 6:50 AM
To: Abigail Harwell
Subject: Open Space Hillside area rezoning URGENT

Dear Joel, Abigailh,
Have just received your map of proposed land use changes and am considerably upset about the proposed change to our property at 28180 Palos Verdes Drive East..

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The old zoning obviously took the nature of our property into consideration, this new proposed zoning does not in any way do this.

I would like to discuss this fully with you at your earliest convenience and if it is necessary will employ legal assistance to deter the city from devaluing our property in this manner.

We are already subjected to the City's monstrous drain at the bottom of our property and pay a considerable tax for this unwanted dubious luxury on our land. I accepted the fact that where the city placed this ugly drain was Open Space Hazard but I refuse to allow the city to devalue our property further with this proposed re-zoning to our formerly Existing Residential Land Use on our property.

Rezone only the previously Open Space Hazard area on our property.

Arbitrary lines have been drawn which will seriously affect the property values of each property that you have now proposed to be re-zoned OpenSpace Hillside from Existing Residential Land Use.

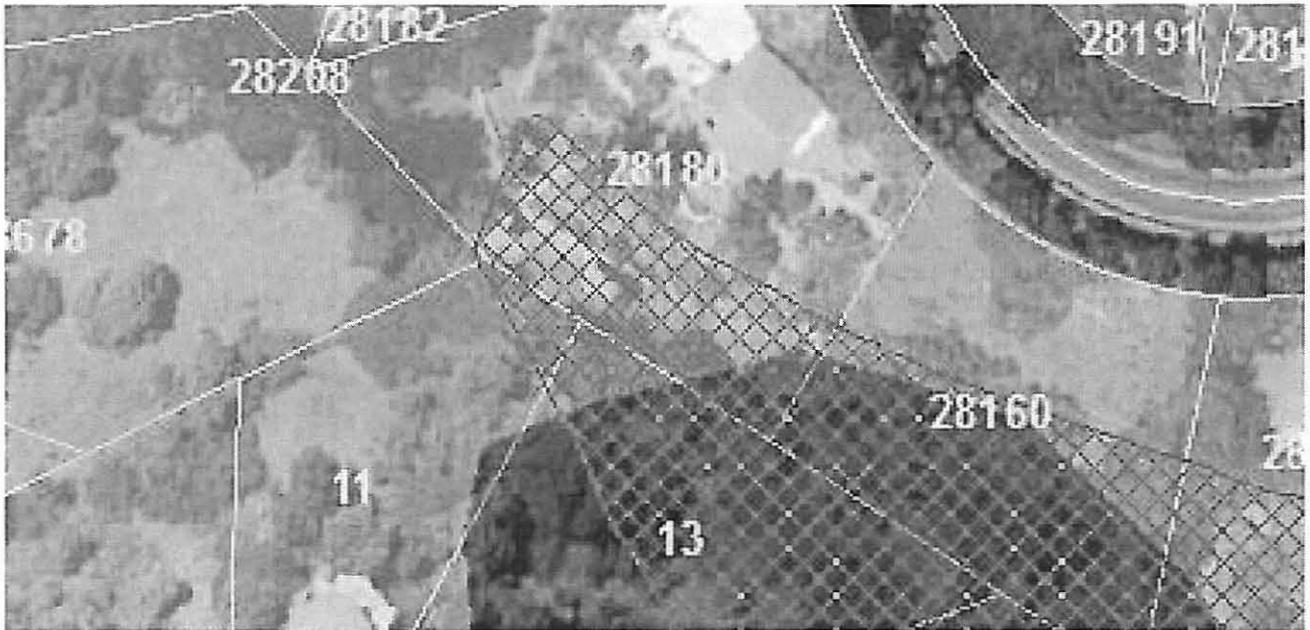
I don't believe you have seriously fully considered the property value implications of your proposed re-zoning to the property owners in this area who will have huge parts of their property zoned for no construction including, sheds, gazebos or animal shelters in an equestrian zoned area.

With regard to equestrian shelters. This proposed re-zoning will make it impossible for properties to have the minimal space required between human habitation and horse habitation, therefore no new horses will be able to move into the area. The implications of this move by the city are very questionable.

I wish to arrange a meeting as soon as possible to change this before it is presented to the city council. I am also contacting other affected property owners in the area.

Ray and John Van Dinther
28180 PVDE

Previous proposal (from notice)



Revised proposal



Greg Pfof

From: Abigail Harwell
Sent: Monday, November 26, 2012 1:06 PM
To: Robert Meyer
Cc: Greg Pfof
Subject: RE: Open-Space Hillside boundary lines

Hi Robert ~

Thanks for the e-mail. As I told you in our conversation this morning, I am not sure why you are unable to access the links online. I have found them accessible and have spoken to other residents who have also been able to access the links. Hopefully using a different computer will allow you to open the files without having to visit City Hall, as the intent of providing them online was so that anyone would be able to access these documents. If there is anything I can do to help you, you can contact me at abigailh@rpv.com or (310) 544-5228.

Thanks

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: Robert Meyer [<mailto:rpvmeyer@cox.net>]
Sent: Saturday, November 24, 2012 10:19 AM
To: Abigail Harwell
Subject: Open-Space Hillside boundary lines

Dear Abigail H.,

I received a notice, dated November 22, 2012, referring to proposed changes to the General Plan Land Use Map-Open-Space Hillside Areas. In trying to research this on the City of Rancho Palos Verdes homepage, I found that none of the PDF files that I found in searching the site would open.

Also, any area marked in blue as Click Here would not open a new page.

Also, the site noted in the notice...[www.palosverdes.com/rpv/content/General Plan Update.cfm](http://www.palosverdes.com/rpv/content/General%20Plan%20Update.cfm) will not open.

The meeting is 1 ½ weeks away and information cannot be accessed without coming to City Hall?

Robert Meyer

2255 Sparta Drive

RPV

310-3-514-9251

WALTER & ROSA PESENTI

Greg Pfof

From: Abigail Harwell
Sent: Tuesday, December 04, 2012 7:52 AM
To: walter.j.pesenti@accenture.com; abigailh@gmail.com
Cc: Rosa.Pesenti@xerox.com; Greg Pfof; kirranmoss@gmail.com
Subject: RE: Proposed Changes to the General Plan Land Use Map

Mr. Pesenti ~

Thanks for the e-mail. In regards to your two questions, I would ask that you review the two Staff Reports and the City's Geologist Evaluation Report online (http://palosverdes.com/rpv/planning/content/General_Plan_Update.cfm). The Staff Reports provides a fairly comprehensive look at how we've gotten to this point in the update of the General Plan, and the Evaluation Report is the City Geologist's rationale for the modifications he is recommending in the different areas of the City.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: walter.j.pesenti@accenture.com [mailto:walter.j.pesenti@accenture.com]
Sent: Sunday, December 02, 2012 8:29 PM
To: Abigail Harwell; abigailh@gmail.com
Cc: Rosa.Pesenti@xerox.com; Greg Pfof; kirranmoss@gmail.com
Subject: RE: Proposed Changes to the General Plan Land Use Map
Importance: High

Abigail,

Thanks for the update!

We see that the proposed land use boundary expanded to across the hill as well. In comparison to the houses across the hill, our house is about 5 times far from the hill, about 20 ft. lower and less than 1/2 the angle (see attached picture to across the hill from our top floor); however, we still can't comprehend the fact that we are losing more than 1/2 of our land use. Again, as a longtime resident of Rancho Palos Verdes, we are very troubled by this proposed land use change.

- Is there a physical detailed geological report and plan that we can look at?
- Is there a reason, other than geological, behind the proposed land use change? Why now?

Sincerely,

Walter J. Pesenti

Director - Accenture Energy Practice

2141 Rosecrans Avenue
Suite 3100
El Segundo, CA 90245

Off. +1-310-426-5754

Cell. +1 310 871-5345

walter.j.pesenti@accenture.com

Learn more about Accenture's services to energy companies
<http://www.accenture.com/Global/Services/By_Industry/Energy/default.htm>

From: Abigail Harwell [mailto:AbigailH@rpv.com]
Sent: Thursday, November 29, 2012 5:21 PM
To: Pesenti, Walter J.
Cc: Rosa.Pesenti@xerox.com; Greg Pfof
Subject: RE: Proposed Changes to the General Plan Land Use Map

Mr. Presenti ~

As I noted in my e-mail to you on Tuesday (below), Staff discussed your concerns with the City Geologist and some slight modifications were made to the proposed Open-Space Hillside boundary line traversing your property. Staff has modified the maps and attached is a document that has the map that was on the notice you received (called Previous Proposal) and a revised map (called Revised Proposal) of the same area that includes your property.

As you will see when you look at these two maps, the Revised Proposal map includes contour lines. I included this additional layer of information on the map in order to provide you with a better idea of why the Open-Space Hillside boundary lines have been modified as shown. Also, you will notice that the City Geologist adjusted the boundary line along the southern side of the canyon to capture more of the steep contours along the rear properties of your neighbors to the south. These property owners will receive notice of this change in our next set of public notices to be sent out in mid-December.

Again, thank you for contacting the City. If you would like to submit any additional comments regarding these revisions or have any questions, please do not hesitate to contact me at abigailh@gmail.com or (310) 544-5228.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: Abigail Harwell
Sent: Tuesday, November 27, 2012 11:26 AM
To: walter.j.pesenti@accenture.com
Cc: Rosa.Pesenti@xerox.com; Greg Pfof
Subject: RE: Proposed Changes to the General Plan Land Use Map

Mr. Pesenti ~

Thank you for your e-mail and written comments. I hope you had a wonderful Thanksgiving as well! I will be sure to include your comments in the Staff Report that will be sent to the Planning Commission for the December 11th public hearing. There were just a couple of comments you made that I would like to respond to and clarify.

You had requested additional information regarding the decision to move forward with the proposed recommended changes. I would like to refer you to the August 28th and September 25th Planning Commission Staff Reports, that are available online through this link: http://palosverdes.com/rpv/planning/content/General_Plan_Update.cfm. Hopefully the background sections of these reports will provide further information as to why the City is proposing changes to the General Plan Land Use Map.

Also, Staff forwarded your comments to the City Geologist for further consideration. Based upon his review, he confirms that the proposed boundary line on your and your neighboring properties was proposed to include the steep topography of the canyon. He did recommend modifying the line on your property slightly in order to have the Open-Space Hillside area encompass the canyon while not including any of your existing structures. Staff will provide you with a modified map showing the proposed boundary line before the Public Hearing, once these maps have been revised.

He also reviewed the properties to the south of your property that you noted in your letter, and is recommending that the boundary line be adjusted so that the slopes on these properties are also included within the proposed Open-Space Hillside area. Staff will be noticing these property owners at a later date once we have had a chance to update the maps per the City Geologist's recommendation.

Lastly, the trails and construction you noted in your letter were not built by the City, but the Miraleste Park and Recreation District. The City does not have control over this District and we would recommend that you contact the Miraleste Park and Recreation District directly in order to respond to your concerns.

Hopefully this additional information helps. Once you have had a chance to review the previous Staff Reports and information available online, if you have further questions do not hesitate to contact me at abigailh@rpv.com or (310) 544-5228.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: walter.j.pesenti@accenture.com [walter.j.pesenti@accenture.com]
Sent: Sunday, November 25, 2012 8:17 PM
To: Abigail Harwell
Cc: Rosa.Pesenti@xerox.com
Subject: Proposed Changes to the General Plan Land Use Map

Abigail,

Hope that you had a wonderful Thanksgiving!

Please review the attached letter in reference to the city's proposed changes to the general plan land use map.

Sincerely,

Walter J. Pesenti

Director - Accenture Energy Practice

2141 Rosecrans Avenue
Suite 3100
El Segundo, CA 90245

Off. +1-310-426-5754

Cell. +1 310 871-5345

walter.j.pesenti@accenture.com

Learn more about Accenture's services to energy companies
<http://www.accenture.com/Global/Services/By_Industry/Energy/default.htm>

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www.accenture.com

Previous Proposal:



Revised Proposal:



Walter and Rosa Pesenti

6612 Via Canada
Rancho Palos Verdes, California 90275
Home: (310) 514-9242, Office: (310) 871-5345
pesenti@cox.net

November 23, 2012

Abigail Harwell

Assistant Planner
City of Rancho Palos Verdes

RE: Proposed Changes to the General Plan Land Use Map

Dear Ms. Harwell,

We are the current residents and owners of 6612 Via Canada, Rancho Palos Verdes. We purchased the property in 1995 and were drawn to it given the magnificent views and the canyon setting. Our home was constructed on the property in 1960. The home is in excellent condition and free of structural issues. We are gravely concerned about the General Plan Land map and its implications to the value of our property. The city's proposal appears to have a very significant impact on our track. We are requesting additional information regarding this decision to expand the land use and therefore encroach into and/or affect a great part of our property due to topographic and geological evaluations mainly due to extreme slopes with more than a 35% gradient.

In studying the map provided to us, our back hill has a lot less slope than the hill across the canyon and those properties are not affected by this change of plan. We find it difficult to understand, if the gradient angle is an indicator of the hill hazard, then why was the land change not inclusive of the south side of Tesoro Canyon? While we have no intention at this time to build on our property, we need to further understand the city's need to change the title to our track and the potentially very significant impact on its value and on our ability to expand at a later date, if we choose to do so. We have worked hard to maintain our property and have abided by all of the fire department's safety requirements. Our property is landscaped and free from any hazardous brush.



In addition, 3 years ago the city built trails and we would like to understand the impact these trails have on the integrity of the hillside and the General Plan now being proposed.

We hereby respectfully request, as long time property owners and residents of Rancho Palos Verdes, that you provide us with all relevant information regarding the plan and potential and expected impact the city's plan will entail. We need this information in order to fully understand any and all impact and or limit which the city's plan will have on our property rights and property value. We are extremely concerned that the city's plan will significantly depreciate our property's value. We are requesting that the city of Rancho Palos Verdes look further into stabilizing the trail walls in a manner which will not negatively impact the value of our home.

It is our sincere hope that you will provide all the necessary information and that our concerns are addressed and resolved at the public hearing.

Sincerely,

Walter and Rosa Pesenti

MADELINE RYAN

Greg Pfost

From: Abigail Harwell
Sent: Monday, November 26, 2012 11:44 AM
To: Madeline Ryan
Cc: So Kim; Greg Pfost
Subject: RE: General Plan Land Use Map - Open Space Hillside Areas

Hi Madeline ~

Thank you for your e-mail. In regards to the property at 10 Chaparral Lane, the Open-Space Hillside within this area is not proposed to be changed at this time and the existing OH line is being recommended to remain in it's current location by the City Geologist. Based upon the City Geologist review of the area, he saw no reason to modify the lines are currently indicated. Also, as the development on this property, which included a zone change to remove a portion of the OH from the property, never received final approval the OH boundary line was never formally moved and thus continues to remain as currently depicted on the City's Land Use Map.

If you have any further questions, please do not hesitate to contact me at abigailh@rpv.com or 310-544-5228.

Thanks

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: Madeline Ryan [<mailto:pvpasofino@yahoo.com>]
Sent: Monday, November 26, 2012 10:23 AM
To: Abigail Harwell
Cc: So Kim
Subject: General Plan Land Use Map - Open Space Hillside Areas

Hello Abigail and So

I will be submitting concerns to the Planning Commission re the Open Space Hillside designation, but first, and maybe I missed this in the public notices, why isn't #10 Chaparral Lane, a property that has been in and out of the application process for several years and probably now on hold, not mentioned and/or not affected by the zoning change. Surely, this property with its severe slopes and canyon connection would be considered for such.

Please let me know as soon as possible or to whom I can present this question. Thank you.

Madeline Ryan
28328 P. V. Drive East

"May the Trails be with you" ... Madeline

Greg Pfof

From: Abigail Harwell
Sent: Monday, December 03, 2012 3:51 PM
To: Madeline Ryan
Cc: Joel Rojas; Greg Pfof
Subject: RE: Proposed Changes to the General Plan - Open Space Hillside Areas

Hi Madeline ~

Thank you for your comments. I will make sure that they are included in the staff report that will be going to the Planning Commission for their meeting on December 11th. Also, the staff report will be available to review on the City's website on Thursday, December 6th.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: Madeline Ryan [mailto:pvpasofino@yahoo.com]
Sent: Sunday, December 02, 2012 10:38 AM
To: Abigail Harwell
Cc: Joel Rojas
Subject: Proposed Changes to the General Plan - Open Space Hillside Areas

Attn: Abigail Harwell, Assistant Planner:
Please include the following comments in Staff Report to Planning Commissioners for subject meeting:

After reviewing the list of proposed properties that will have some areas rezoned to Open Space Hillside because the City's geologist has determined such, I realized that most of these parcels are in the Equestrian Overlay Zone.

I do agree with the intentions of the City to preserve canyons and maintain open space through this process and I have advocated for such over the years. The Equestrian Overlay Zone properties have more of the canyons and open space than most other residential areas in the City, but to arbitrarily rezone areas of these properties to OS Hillside without first determining what the current zoning is could change the horsekeeping rights these properties now have. I say this because a homeowner that would have been affected by this change recently challenged the City, and, thus, the City reversed its intentions.

Some of the EQ Zone properties have flat, useable areas at the bottom of their sloped properties which may be currently zoned RS1 or 2, and this is where horsekeeping and animal structures are maintained. If these areas are rezoned Open Space Hillside, will the property retain its horsekeeping 'by right' and still meet the City's horsekeeping criteria? And, wouldn't the property values be affected if such rezoning did occur for these properties?

My fear is that the rezoning to Open Space Hillside may have unintended consequences that could result in the loss of horsekeeping in some areas of the Equestrian Overlay Zone.

Finally, if the City determines some properties have a current Open Space Hazard designation and the rezoning to Open Space Hillside does occur, how will the City handle any new construction of animal shelters, pens, etc in the newly rezoned areas? Will these areas be restricted or, even worse, will owners be forced to remove any structures in these OSH areas or be prohibited from horsekeeping or building any type of animal structure in the future?

I'm sure this has been a daunting task for the City and I thank you for all your hard work, but please proceed with these questions in mind.

Respectfully,
Madeline Ryan
28328 Palos Verdes Drive East

EDWINA MATHARU

Greg Pfof

From: Abigail Harwell
Sent: Tuesday, November 27, 2012 9:09 AM
To: sisteredwina
Cc: Greg Pfof
Subject: RE: Proposed changes on cclt road...

Ms. Matharu ~

Thank you for your e-mail and taking the time to understand the notice you received. Your property lines are not changing. According to the maps here at City Hall, it appears that your property extends to the bottom of the Canyon and will continue to stay in that location. This is more of any issue of what kind of development property owners can and cannot do on their property.

In order to protect the canyon in your rear yard from any future construction occurring on the steep slope, the City is proposing that the sloped area of your property be identified as an Open-Space Hillside land use. What this basically means is that you will continue to own the property, but the type of development that is allowed within this identified area (shown as a red cross-hatch area on the map you were sent) will be limited to small, minor structures. The area where your home is built and the flat areas of your property will continue to have a residential land use that allows for all types of residential construction. In short, the City is trying to protect the steep slopes of the canyon in your rear yard

Hopefully my explanation helps your understanding of the notice you received. If you have any further questions, please contact me at abigailh@rpv.com or (310) 544-5228.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: sisteredwina [sisteredwina@dslextreme.com]
Sent: Monday, November 26, 2012 1:43 AM
To: Abigail Harwell
Subject: Proposed changes on cclt road...

Asst. Planner Abigail Harwell..

Hi..I have just rec'd notice about my property located at 2334 Colt Rd. ..(I have lived here for 27 years ..am

now 79 yrs.) I have read the notice over quite a few times.. and I find I need clarification.. as to what this all means..

Is it possible for you.. to email me.. as to what the proposed change would be.. (in easier language for me to understand?)

The canyon does not belong to me.. and for years I have wondered by RPV..has not maintained it as they should.. I am alone.. and on a very small SS.. under \$600 a month.. my only income. Just having the immed. hillside done each year ...has cost me from 700 dollars.. to 3000..just to keep it weed free.

If this proposition is meaning..they are now adding more to my immed. property.. I am 100 % against that.. I cannot attend any meetings as I do not drive in the dusk or night time.. and I would not understand any maps..etc..

Sometimes we older people.. can forget.. so that is why I am asking you to write it down for me.. in terms I would understand.. instead of a personal phone call.

In any case.. consider this as my response.. in any future meetings of said proposal..

Thank you...

Edwina Matharu

MEI LING SZE

Greg Pfof

From: mei ling sze [meilingsze@gmail.com]
Sent: Friday, November 30, 2012 11:02 AM
To: Abigail Harwell
Cc: Greg Pfof; Brian Holton; Brian Holton
Subject: Re: 2289 Sparta

Hi Abigail,
Your help is very much appreciated.
Cheers,
Mei Ling

On Tue, Nov 27, 2012 at 12:08 PM, Abigail Harwell <AbigailH@rpv.com> wrote:

Ms. Sze ~

Thank you for you e-mail and taking the time to understand the notice you received. To help answer your questions, while the proposed Open-Space Hillside land use on your property would limit construction on the rear slope of your back yard, small minor structures such as a deck could be approved. Currently, you can apply for an Extreme Slope Permit to request the construction of a cantilevered deck extending not more than 6 feet from the top of the slope in your rear yard. This is an option that Staff is recommending continued to be allowed with City approval in the proposed Open-Space Hillside land use area. In addition to minor structures such as a cantilevered decks, this new land use area would also allow landscaping and gardening without City approval. As with all structures proposed on or near slopes, the City requires Geological approval before any permits are issued through Building and Safety. Also, any existing decks that are permitted can remain in their current location and the new Open-Space Hillside land use would not require alteration to these permitted structures.

Again, thank you for your e-mail and Staff is happy to continue working with you to improve your home. If you have any further questions, please do not hesitate to contact me at abigailh@rpv.com or (310) 544-5228 <tel:%28310%29%20544-5228> .

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv <<http://www.palosverdes.com/rpv>>

From: mei ling sze [meilingsze@gmail.com]

Sent: Tuesday, November 27, 2012 11:04 AM

1

To: Abigail Harwell

Cc: Brian Holton; Brian Holton

Subject: 2289 Sparta

Hi Abigail,

Hope this email finds you well. My husband and I worked all life to purchase a dream house and we finally made it, this summer, in Rancho Palos Verdes. As we plan to renovate 2289 Sparta, we want to do what all the neighbors has done, build a deck out to enjoy the great view in the area. You can imagine how we feel when we get this notice (as attached). The city plan to render a big part of our yard a no future development or construction area.

We are new in the area but we have many pleasant experiences getting to know the staffs in the city hall. I hope you can help clear the air for us in understanding how this proposed plan will affect us.

A few questions:

- 1) Does this change mean we cannot build a deck or terrace extending from the house at all ?
- 2) If we build a deck on the small slither of land to the east of our house, will it be subjected to soil sampling and approval?
- 2) If we plant a garden or trees on the slope, will there be limited off-sets so we could in the future build a deck?
- 3) Can the land be used for other purposes if this proposed change is passed, like gardening, – Is it all or nothing?
- 4) What happen to the deck of our neighbors which is already in place?

Your help is very much appreciated!

Mei Ling Sze

DONALD JONES &
DAWN DiPIETRO

RECEIVED
NOV 30 2012
COMMUNITY DEVELOPMENT
DEPARTMENT

November 28, 2012

To: RPV Planning Commission

From: Donald Jones and Dawn DiPietro
2248 Sunnyside Ridge Rd
Rancho Palos Verdes, Ca. 90275

Regarding: November 22, 2012 Notice for "Proposed Changes to the General Plan Use Map – Open-Space Hillside Areas."

My name is Donald Jones and my wife is Dawn DiPietro. We reside at 2248 Sunnyside Ridge Road in Rancho Palos Verdes. We have been advised by your office that our property is being considered for the Open-Space change of boundaries. We are "adamant" and opposed to the change! When a property owner loses their ability to develop and improve their property, he has lost VALUE. According to your proposal, more than half of our property will become useless to us or any future owner for development.

New construction techniques have been developed through the years, making building on slopes more affordable and a viable option. Your proposal will remove/eliminate our ability and any other home owner's right to choose that option. We purchased our property with the idea and hope of using all the land, not to further learn and be told that more than half "our" owned property must remain "PRESERVED."

The "COST" (Purchase Price) of our home which **we are paying for** includes the whole $\frac{3}{4}$ acres of land. That is what we have been paying for in our monthly mortgage "AND" paying for our ANNUAL "**PROPERTY TAXES**". We are not simply paying for the "partial land" that our house literally is built on, but all of the surrounding land within our property boundaries. We are also responsible for the maintenance of shrubs / foliage that can become a fire hazard if not properly cared for.

Perhaps as an option, the city will consider purchasing the land it wishes to preserve and not "TAKE" away what property owners have been paying for. **Why should home owners like us, continue to pay high property taxes (\$11,000) a year and high monthly mortgage payments for property that the city want to declare as theirs? Does that seem fair to you?????**

Thank you for reading about our concern and we hope a "FAIR AGREEMENT" will be reached for all.

Respectfully,
Donald Jones and Dawn DiPietro



November 22, 2012

NOTICE

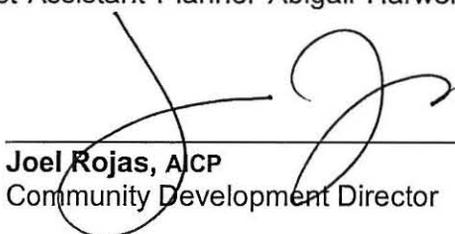
NOTICE IS HEREBY GIVEN that the Planning Commission of the City of Rancho Palos Verdes will conduct a public hearing on Tuesday, December 11, 2012, at 7:00 PM at Hesse Park Community Building, 29301 Hawthorne Boulevard, Rancho Palos Verdes, to consider:

Proposed Changes to the General Plan Land Use Map – Open-Space Hillside Areas: Based upon the Public Hearings conducted on August 28, 2012 and September 25, 2012, the Planning Commission will be reviewing the City Geologist's proposed changes to the existing Open-Space Hillside boundary lines on the City's General Plan Land Use Map (previously known as "Open-Space Hazard" or "OH"). Specifically, the Planning Commission will be looking at all the properties in which changes to the boundary line are being proposed in order to better reflect the existing topographic and geologic conditions. Previously, the General Plan Land Use Map used the land use of "Hazard" for areas consisting of canyons, extreme slopes over 35% in gradient, and known landslide areas. As many of these existing "Hazard" areas have boundaries that go through portions of developed properties when it should be more appropriately restricted to the adjacent extreme slope or canyon, Staff is presenting the City Geologist's recommended changes so that these extreme slopes and canyons will be continued to be preserved and maintained without the threat of future development or construction.

Your property has been identified as a property included by the proposed change. On the back of this notice is an aerial map of the area in which your property is located and which identifies both the existing Land Uses as well as the proposed new Open-Space Hillside land use, as indicated in the legend below the map. State Law requires that if a General Plan Land Use Map boundary is being changed, such change must be adopted through a public hearing.

If you should have any concerns regarding this change, please communicate them in writing to City Staff within fifteen (15) days of the date of this notice. **Please submit any comments in writing to the attention of Assistant Planner Abigail Harwell by noon on Tuesday, December 4, 2012,** to ensure inclusion of your comments with the Staff report that will be presented to the Planning Commission on December 11th. Written comments submitted after noon on Tuesday, December 4, 2012, will be given to the Planning Commission prior to the meeting. Written materials, including emails, submitted to the City are public records and may be posted on the City's website. In addition, City meetings may be televised and may be accessed through the City's website. Accordingly, you may wish to omit personal information from your oral presentation or written materials as it may become part of the public record regarding an agenda item. All interested parties are invited to submit written comments and to attend and give testimony.

If you would like the opportunity to review the proposed changes in more detail, they are available online at www.palosverdes.com/rpv/content/General_Plan_Update.cfm, as well as at the Community Development Department at 30940 Hawthorne Boulevard, Rancho Palos Verdes, from 7:30 AM to 5:30 PM, Mondays through Thursdays, and from 7:30 AM to 4:30 PM on Fridays. If you have any questions regarding this application, please contact Assistant Planner Abigail Harwell at (310) 544-5228, or via e-mail at abigailh@rpv.com.



Joel Rojas, ACP
Community Development Director

NOTE: STATE GOVERNMENT CODE SECTION 65009 NOTICE: If you challenge this application in court, you may be limited to raising only those issues you or someone else raised at the public hearing described in this notice, or in written correspondence delivered to the City of Rancho Palos Verdes at, or prior to, the public hearing.

November 28, 2012

To: RPV Planning Commission

From: Donald Jones and Dawn DiPietro
2248 Sunnyside Ridge Rd
Rancho Palos Verdes, Ca. 90275

Regarding: November 22, 2012 Notice for "Proposed Changes to the General Plan Use Map – Open-Space Hillside Areas."

My name is Donald Jones and my wife is Dawn DiPietro. We reside at 2248 Sunnyside Ridge Road in Rancho Palos Verdes. We have been advised by your office that our property is being considered for the Open-Space change of boundaries. We are "adamant" and opposed to the change! When a property owner loses their ability to develop and improve their property, he has lost VALUE. According to your proposal, more than half of our property will become useless to us or any future owner for development.

New construction techniques have been developed through the years, making building on slopes more affordable and a viable option. Your proposal will remove/eliminate our ability and any other home owner's right to choose that option. We purchased our property with the idea and hope of using all the land, not to further learn and be told that more than half "our" owned property must remain "PRESERVED."

The "COST" (Purchase Price) of our home which **we are paying for** includes the whole $\frac{3}{4}$ acres of land. That is what we have been paying for in our monthly mortgage "AND" paying for our ANNUAL **"PROPERTY TAXES)**. We are not simply paying for the "partial land" that our house literally is built on, but all of the surrounding land within our property boundaries. We are also responsible for the maintenance of shrubs / foliage that can become a fire hazard if not properly cared for.

Perhaps as an option, the city will consider purchasing the land it wishes to preserve and not "TAKE" away what property owners have been paying for. **Why should home owners like us, continue to pay high property taxes (\$11,000) a year and high monthly mortgage payments for property that the city want to declare as theirs? Does that seem fair to you??????**

Thank you for reading about our concern and we hope a "FAIR AGREEMENT" will be reached for all.

Respectfully,
Donald Jones and Dawn DiPietro

KENNETH POOLE

KENNETH J. POOLE
2652 Colt Road
Rancho Palos Verdes, CA 90275

November 30, 2012

Abigail Harwell
Assistant Planner
City of Rancho Palos Verdes
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

Re. Proposed Changes to the General Plan Land Use Map – Open Space Hillside Areas

Dear Ms Harwell:

This letter is sent to you as directed by Joel Rojas in the City of Rancho Palos Verdes NOTICE dated November 22, 2012, a copy of which is attached.

I am the owner and resident of 2652 Colt Road., Rancho Palos Verdes, CA. My wife, Marie, and I have resided at this address since 1972. The APN is 7556-018-052 and contains two legal parcels.. The lower portion of the property to the southeast abuts 2417 Sparta Drive and to the northwest 2800 Colt Road.

The map you provided on the back of the NOTICE does not accurately depict the existing conditions on the southern portion of my property nor the condition of the immediately adjacent property to the west at 2800 Colt Road.

You will note that the property at 2800 Colt Rd. runs east west as does the lower portion of my property at 2652 Colt Road. The two parcels were at one time one parcel which I owned. A Lot Line Adjustment, approved by the City of Rancho Palos Verdes made the easterly portion part of 2652 Colt Road, APN 7556-018-052.

The grade at 2800 Colt Rd. continues the same below both 2652 Colt Road and 2638 Colt Road. The only difference is that at 2800 Colt Rd. the area is now grass (not as shown on your Map) and on my property the slope condition remains somewhat natural. The sumac and poison oak have been removed and this area has been planted with shrubs and small trees. Are you now suggesting that the City would prefer grass?

There does not seem to be any reason why the southern portion of 2652 Colt Road should be changed under the DRAFT of the General Plan Land Use Map when I have

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COMMUNITY DEVELOPMENT
DEPARTMENT

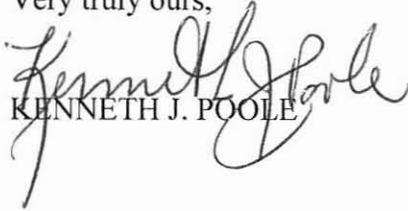
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Abigail Harwell
November 30, 2012
Page Two

avocados and citrus trees rather than grass? This can be seen on the current Google Earth.

I have marked on the enclosed map the location of where I would propose the new Open-Space Hill Land Use area boundary should be located. Should you have any questions, I can be contacted by telephone at (310) 833-1093.

Very truly yours,


KENNETH J. POOLE

JAKE CISNEROS

Greg Pfost

From: Jake Cisneros [cisnerjl@gmail.com]
Sent: Sunday, December 02, 2012 7:57 PM
To: Greg Pfost; Abigail Harwell
Subject: Proposed changes to the General Plan Land Use Map - Open Space Hillside Areas

Dear Mr Phost and Ms. Harwell,

I would like to submit my concern with the changes being proposed to the General Plan Open Space Hazard boundary lines. The new boundary line proposed by the City's Geologists will drastically incorporate the majority of our property located at 2838 Colt Road. With that said, Option 4 appears to be the option that is most fair, not only for our property, but for others as well where the new proposed boundary line has expanded so much onto our properties. I am in favor of Option 4 and would appreciate the Council consider adopting Option 4.

Jake Cisneros
2838 Colt Road
RPV, 90275

DON TYLER

Greg Pfof

From: Don Tyler [nod@mac.com]
Sent: Monday, December 03, 2012 3:58 PM
To: Greg Pfof
Cc: Abigail Harwell
Subject: Re: Proposed changes to the General Plan Land Use Map (6616 Via Canada)

Dear Greg,

Thanks so much for the attached graphic - it gives a much more clear view of things, and indeed, our living room is intact - it was quite hard to tell on the earlier map exactly where things were. Fuzzy.

Regardless, I think misunderstandings on my part between percentage of slope and degree of slope aside, the comments from our realtor stand, in that any change in zoning (note "any") could feasibly impact property value, especially one that can be perceived (note "perceived") as negative or impacting upon property rights and land usage. I believe that still stands as valid, despite my misunderstanding of % and °.

Sincerely,

Don

On Dec 3, 2012, at 3:19 PM, Greg Pfof <GregP@rpv.com> wrote:

> Hi Don-
> Thanks for the email and correspondence with Abigail...we will make sure it is included as part of the staff report to the Commission on this item.
>
> In reading your email, I would like to respond to a couple of your points to hopefully provide a bit more clarification.
>
> In regards to your realtor's comments, I am curious if she was aware that the slope that is being proposed as Open Space Hillside, is currently steeper than 35%, which given its steepness, under the current code prohibits development of the slope except for very minor structures (decks no more than 6' over the top of slope), which the new Open Space Hillside land use would also permit.
>
> Also, it's important to note that the extreme slope criteria is 35 percent and not 35 degrees - a 35 degree slope is much steeper than a 35 percent slope. I looked at the topography of your specific property on our GIS system and the portion of the slope that is being proposed to change to Hillside appears to be approximately a 50 percent slope and it does not appear in any way to affect your existing home or the flatter portions of your property to the east of your existing home (see attached graphic).
>
> I hope this provides some additional useful information. Once you have reviewed the attachment, if you still have questions and would like to meet to discuss them just let me know.
> Thanks.
> -Greg.
>
> Sincerely,
> Gregory Pfof, AICP
> Deputy Community Development Director
> City of Rancho Palos Verdes
> 30940 Hawthorne Blvd.
> Rancho Palos Verdes, CA 90275
> (310) 544-5228
>

>
> -----Original Message-----
> From: Don Tyler [mailto:nod@mac.com]
> Sent: Monday, December 03, 2012 11:11 AM
> To: Greg Pfost
> Subject: Fwd: Proposed changes to the General Plan Land Use Map (6616
> Via Canada)
>
> Dear Greg,

> Greetings. I've sent this off to Abigail, but forward on to you now, so that it may part of the record.

> Thanks so much.

> Sincerely,

> Don

> Begin forwarded message:

> From: Don Tyler <nod@mac.com>

> Subject: Proposed changes to the General Plan Land Use Map (6616 Via
> Canada)

> Date: December 3, 2012 10:29:14 AM PST

> To: AbigailH@rpv.com

> Cc: Don Tyler <nod@mac.com>

> Bcc: cwatsonremax@gmail.com, Kirran Moss <kirranmoss@gmail.com>, Don
> Tyler <nod@cox.net>

> Dear Abigail,

> We spoke last week regarding the Proposed Changes to the General Land Use Map in our Miraleste neighborhood, and you very graciously took the time to answer my questions and address my concerns - thank you for that. I believe that may have been on Thursday, November 29th.

> As you mentioned at that time that you had consulted with local real estate agents regarding any possible negative impact this change may precipitate, I also did have a chance to speak with our real estate agent over the weekend. She was quite surprised about this proposed change, and said that neither she, nor anybody else in her office, which is actually located in Miraleste, was consulted, or was even aware of this proposed change.

> She also went on to emphatically state that any change in zoning, especially one which can be interpreted as unfavorable or restrictive with regard to property rights and land usage, such as the proposed changes that are outlined in the map I received, absolutely could have the potential to negatively impact property value.

> With this revelation, I would have to insist that the City Geologist be available to survey the land on our parcel. I do not believe the slope on our property to be greater than 35° in majority, if at all. In fact, the slope is quite gentle and nearly flat, for a good portion of the parcel closest to our home, and while the fidelity of the map I received is quite low and lacks detail enough to make any kind of serious judgement, it would appear

that the proposed change for the new Open-Space Hillside zone goes right up to our structure, if not also taking with it a corner of our downstairs living room and a portion of our back yard.

>

> Please let me know if this qualifies as a written request to schedule the City Geologist to make an on-site visit. I realize the City Geologist must be burdened with requests at this time, but I believe it's imperative to get an accurate on-site survey before anything goes any further.

>

> Sincerely,

>

> Don Tyler

>

> 6616 Via Canada

> Rancho Palos Verdes

> CA, 90275

>

>

>

>

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>

>

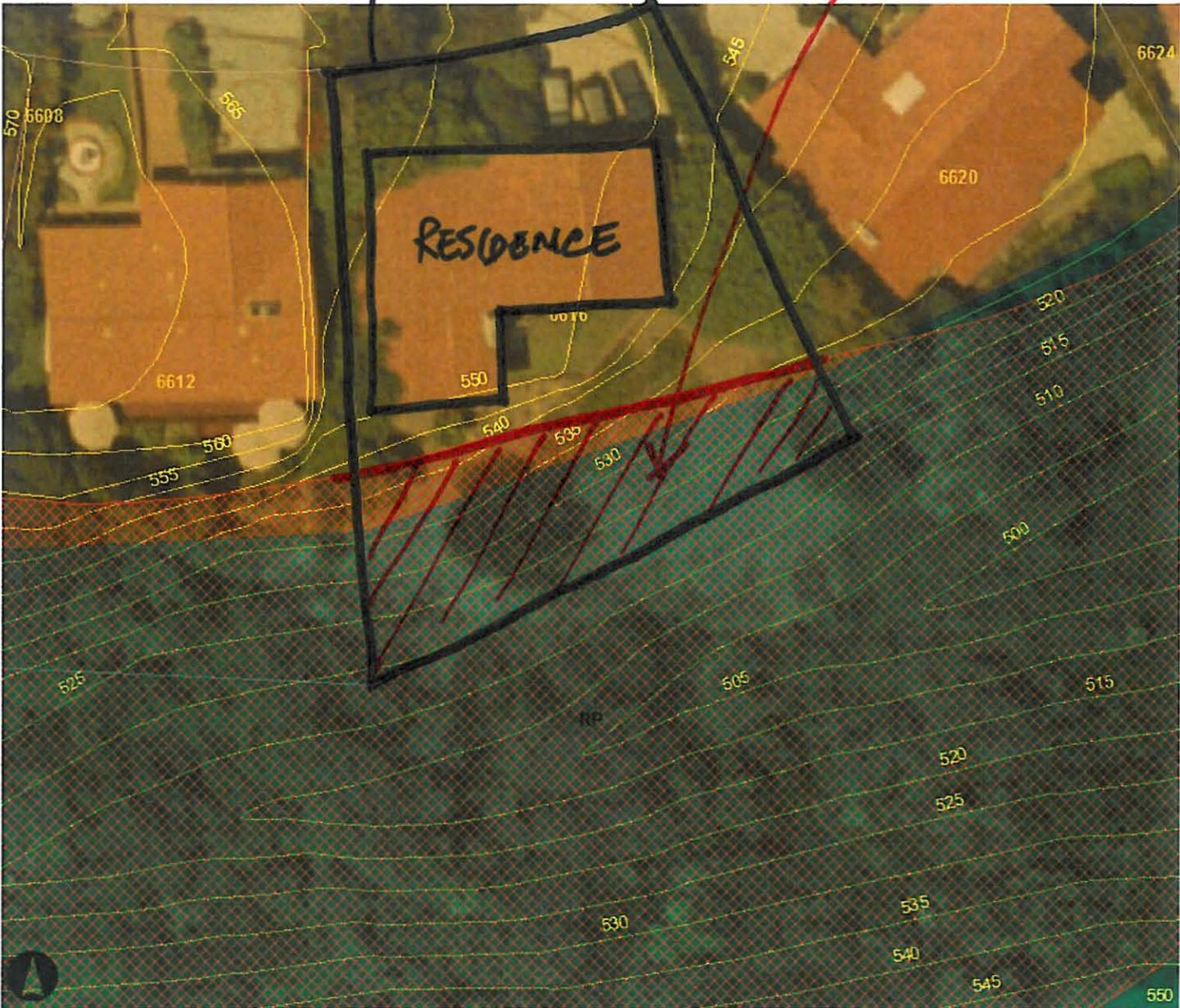
> <6616 via canada.pdf>

Enter title here

PROPERTY LINE

PROPOSED
HILLSIDE
DESIGNATION

Map



Legend

CityofRPV

Equestrian



Zoning Overlay Districts

- ☒ NATURAL DESIGN, oc-1
- ☒ SOCIO-CULTURAL, oc-2
- ☒ URBAN DESIGN, oc-3
- ☒ NATURAL & URBAN DESIGN, oc-1 & oc-3

Zoning Map (Official)

- ☐ CEMETERY (cem)
- ☐ COMMERCIAL - GENERAL (cg)
- ☐ COMMERCIAL - LIMITED (cl)
- ☐ COMMERCIAL - NEIGHBORHOOD (cn)
- ☐ COMMERCIAL - PROFESSIONAL (cp)

BARBARA HUFFMAN

Greg Pfost

From: Abigail Harwell
Sent: Tuesday, December 04, 2012 7:39 AM
To: Greg Pfost
Subject: FW: Open space hazard

~ Abigail Harwell
Assistant Planner
City of Rancho Palos Verdes
www.palosverdes.com/rpv

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

From: bjh301@cox.net [mailto:bjh301@cox.net]
Sent: Monday, December 03, 2012 6:10 PM
To: Abigail Harwell
Subject: Open space hazard

Dear Abigail and RPV City Council,

I am writing to again voice my concern of renaming the Miraleste Parks and Recreation property to "open space hazard". This is a huge concern of mine as a property owner. My property will be detrimentally affected as my property will be less valuable and be more difficult to get insurance if the parkland label is changed to "open space hazard". My property would no longer abutt parkland, which it has for the last 60 years, but "open space hazard". I am still unsure how a planning commission or city council can relabel private property which is what seems to be happening. Please forward my comments to the powers that be. Thank you,
Barbara Huffman

DAVID LUKAC

Greg Pfof

From: David Lukac [david.lukac@freshandeasy.com]
Sent: Tuesday, December 04, 2012 11:01 AM
To: Abigail Harwell
Cc: Greg Pfof; Joel Rojas
Subject: RE: Proposed new Open Space Hillside zoning

Thanks for addressing my questions Me. Harwell.

I will read both reports and let you know in case I have additional questions.

Thanks

David

David Lukac

Director, IT service

Fresh and Easy Neighborhood Market Inc

www.freshandeasy.com <<http://www.freshandeasy.com/>>

2120 Park Place, El Segundo, CA 90245

Office: 1.310.341.1267

Mobile: 1-310-748-9243

Email: david.lukac@freshandeasy.com

24hr IT Help Desk Support

Phone: 1-310-341-1480 Option 4

From: Abigail Harwell [mailto:AbigailH@rpv.com]
Sent: Tuesday, December 04, 2012 10:50 AM
To: David Lukac
Cc: Greg Pfof; Joel Rojas
Subject: RE: Proposed new Open Space Hillside zoning

Mr. Lukac ~

Per Director Rojas' e-mail below, I would like to address your questions as best I can. First, as noted by Director Rojas below, the City is updating the hazard areas as depicted on the City's General Plan Land Use Map in an effort to correct the maps so that they reflect the actual built environment, something that the current map does not do, as there are existing homes and structures that currently are within the existing Open-Space Hazard land use. I would recommend reading the August 28th Staff Report available on the City's website, accessible through this link:

http://palosverdes.com/rpv/planning/content/General_Plan_Update.cfm

<http://palosverdes.com/rpv/planning/content/General_Plan_Update.cfm> . The report includes a background section as to why the City is proposing modifications to these different Open-Space Hazard areas, as well as why we are recommending that they be called "Open-Space Hillside."

Second, your property will continue to have the Equestrian overlay and the change would have no effect on your ability to have equestrian uses on your property as currently permitted.

Thirdly, the issue you bring up has been brought up previously and Staff has spoken to representatives at the State and County regarding this concern, as discussed in the August 28th Staff Report on page 5 of the above link. Based upon Staff's conversations with officials, in brief, the proposed land use boundary would not decrease or increase the property value or tax for your property because there are similar development restrictions that exist today as would with the proposed hillside designation.

If you have any further questions, please feel free to contact me. Also, the Staff Report for the December 11th Planning Commission meeting will be available on the City's website (www.palosverdes.com/rpv) this upcoming Thursday.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv

From: David Lukac [mailto:david.lukac@freshandeasy.com]

Sent: Tuesday, December 04, 2012 10:27 AM

To: Joel Rojas; CC; Carolyn Lehr

Cc: Greg Pfof; Abigail Harwell; Carol Lynch <clynch@rwglaw.com>; Madeline Ryan; raymadelin@gmail.com

Subject: RE: Proposed new Open Space Hillside zoning

Thank you for your quick response Mr. Rojas.

It would be great to have an opportunity to discuss the impact of the zoning changes to equestrian use and home values/use restrictions with the planning commission.

Am sure my neighbors, Ray VanDinther and Madeline Ryan, equestrians, would also be interested to participate in this discussion.

Thanks

David

David Lukac

Director, IT service

Fresh and Easy Neighborhood Market Inc

www.freshandeasy.com <<http://www.freshandeasy.com/>>

2120 Park Place, El Segundo, CA 90245

Office: 1.310.341.1267

Mobile: 1-310-748-9243

Email: david.lukac@freshandeasy.com

24hr IT Help Desk Support

Phone: 1-310-341-1480 Option 4

From: Joel Rojas [<mailto:JoelR@rpv.com>]
Sent: Tuesday, December 04, 2012 9:13 AM
To: David Lukac; CC; Carolyn Lehr
Cc: Greg Pfof; Abigail Harwell; Carol Lynch <clynch@rwglaw.com>
Subject: RE: Proposed new Open Space Hillside zoning

Dear Mr. Lukac

The proposed changes that you are referring to are part of the ongoing update of the City's General Plan. One of the tasks we are working on is updating/correcting the hazard areas that were mapped in 1975. The City Geologist has reviewed the hazard mapping city wide and has made some recommended changes which are intended to better match existing site conditions. All property owners affected by the proposed changes are being notified of the proposed changes since Staff and the Planning Commission want to hear from any affected property owners that have concerns before acting on any change. Thus, I appreciate you taking the time to inform us of your concerns.

Staff would be happy to contact you or meet with you to discuss your concerns. I have asked Assistant Planner Abigail Harwell to contact you to answer the specific questions in your email. I should note that the City Attorney has been involved with our efforts to correct/update the hazard areas and has not raised a legal concern with the proposals since the areas that are proposed to be re-categorized as Open Space Hillside are areas of extreme slope (greater than 35%) that are already undevelopable by the current City Code. Nonetheless, we will alert the City Attorney of your specific concerns and address your concerns in the staff report that is eventually presented to the Planning Commission on this matter. While the Planning Commission is reviewing all of the proposed changes now, ultimately all of the proposed changes associated with the City's General Plan Update will have to be approved by the City Council through noticed public hearings which we anticipate to occur sometime next year.

Sincerely,

Joel Rojas

Community Development Director

From: David Lukac [mailto:david.lukac@freshandeasy.com]
Sent: Monday, December 03, 2012 8:31 PM
To: abighailh@rpv.com; Joel Rojas; CC; Carolyn Lehr
Subject: Proposed new Open Space Hillside zoning

Dear City Council Members, Dear Planning Commission,

I am writing to you to express my concerns with your proposal to rezone a large part of my property, and large parts of my neighbors' properties, as Open Space Hillside.

My property at 28150 PVDE had a little part of the land zoned as "hazard" when I bought the property about 4 years ago. Now, with the new zoning proposal, almost half of the property would become Open Space Hillside.

I have a few questions that I would like the city to answer for me and all the homeowners whose properties are part of the rezoning proposal:

Why are you proposing this change? What is wrong with the original hazard zoning? Has anything changed geologically that requires change in zoning?

What will the change do to my status of horse property based on the square acreage? If half of my property is rezoned, will it still be a horse property by right based on acreage?

What if my property loses market value as a result of rezoning? Home owners have been suffering from declining property values for a few years now and the last thing we need is further drop in the value of our properties that can push us over the edge with our home loan lenders.

I will do my best to attend the public hearing on this proposal, but please reply to this message so that I can file your response for a potential lawsuit should the rezoning impact my home value, change horse property status or have any other negative impact on our home and family.

Thank you

David Lukac

28150 Palos Verdes Drive East

Mobile: 1-310-748-9243

----- Disclaimer -----

This is a confidential email.

Fresh and Easy may monitor and record all emails. The views expressed in this email are those of the sender and not Fresh and Easy. Fresh & Easy Neighborhood Market, Inc. 2120 Park Place, El Segundo, CA 90245

-----Warning-----

This e-mail is from outside Fresh and Easy - check that it is genuine. Fresh and Easy may monitor and record all e-mails

BRUCE MORI & JANET SCHOENFELD
 RECEIVED
 DEC 4 2012

DELIVERED BY HAND

6 Coach Road
 Rancho Palos Verdes CA 90275

COMMUNITY DEVELOPMENT
 DEPARTMENT

December 3, 2012

Community Development Department
 Department of Planning
 City of Rancho Palos Verdes
 25855 Hawthorne Blvd
 Rancho Palos Verdes CA 90275

Attention: Joel Rojas, Director of Community Development
 Greg Pfof, Assistant Planning Director
 Abigail Harwell, Assistant Planner

Subject: Proposed Changes to the DRAFT General Plan Land Use Map – Open Space Hillside Areas

Reference: November 22, 2012 Public Hearing Notice – Open Space Hillside Areas

We have some serious reservations about the staff report and the Planning Commission/City Staff recommendations to adopt “Option 2”. We are homeowners residing at 6 Coach Road. Our property is one of the properties affected by the proposal to expand the (renamed) Open Space (“OS”) Hillside Land Use area.

The map attached to the referenced Notice shows a parcel-specific overlay of properties within the current Open Space Hazard Land Use area and the proposed new Open Space Hillside Land Use area. The chart below was prepared based on a review of that map, and aggregate city data from the Planning Commission meeting minutes. As you can see the proposed changes would have a disproportionately large negative impact on properties within our area:

Population	Parcels Affected	OS: Reduced or Removed	OS: Increased or Added
11/22 Overlay Map: Coach/PVDE/RH/ 2 undeveloped lots	21 (19 residential developed)	7 (33%)	14 (67%) Parcels with new OS designation: either 7 or 8 of 14 (49% or 56% of area parcels with increase/addition)
RPV City - Overall	1,040	666 (64%)	374 (36%). Parcels with new OS designation: data unavailable.

We understand that this area has been part of Rancho Palos Verdes since the City’s incorporation. Most of our homes were built during the 1950s through 1970s. Many are the original structures, with expansions or modifications.

Our statement that this change would “have ... negative impact” relies on the following:

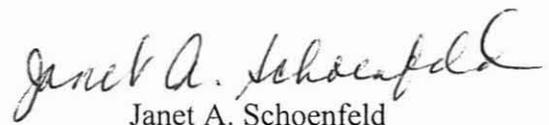
1. City staff has neither addressed nor explored the proposal’s possible impact on residential real estate values. Concern about adverse impact on our property values is a major aspect of homeowner opposition to Option 2. We suggest consultation with unbiased, experienced, knowledgeable real estate professionals who have no relationship with the City.
2. No one can predict how insurance companies will use the data from the proposed Land Use revision to affect homeowner’s policy availability and premium rates. The OS-Hillside designation would replace the current OS-Hazard label and apply to properties with many different conditions. As such, wouldn’t it obscure several conditions formerly called out as hazards? It’s not known but it is conceivable that all OS-Hillside lots would then be aggregated for rating purposes. Application of the new label could create adverse insurance consequences for many homeowners and renters, especially when properties have new OS designations.
3. Expert witnesses with equally impressive credentials can use the same set of facts and arrive at disparate results. The findings of one “City Geologist” form the basis for much of the change in the City’s proposed new General Plan Land Use maps. Most of us get second opinions before major medical procedures, and solicit competitive bids for home improvements. Let’s uphold, not relax, that standard of care.
4. The City’s expressed Land Use goals are, among others, to ensure public welfare and safety, preserve natural resources, and protect open area. RPV has done an impressive job of upholding those goals. RPV doesn’t need the sweeping map/zoning/other bureaucracy changes, associated cost increases, and potential adverse consequences to its residents associated with Option 2.
5. Given how many City residents have expressed dissatisfaction with Option 2, and the varied nature of their concerns, it’s only prudent for RPV to proactively address those concerns. Any legal defense costs and lawsuit damages will eventually be borne by all City residents. By failing to adequately address residents’ expressed concerns before adopting Option 2, the City would be taking an ill-founded risk.

For the reasons explained above we are in favor of Option 3, adjusting the Open Space boundary lines as recommended by the City Geologist for only those properties where the restricted land use area decreases. Option 3 keeps the appropriate balance between property owner rights and City goals/responsibilities. Please support Option 3. Thank you in advance for your consideration.

Sincerely,



Bruce W. Mori



Janet A. Schoenfeld

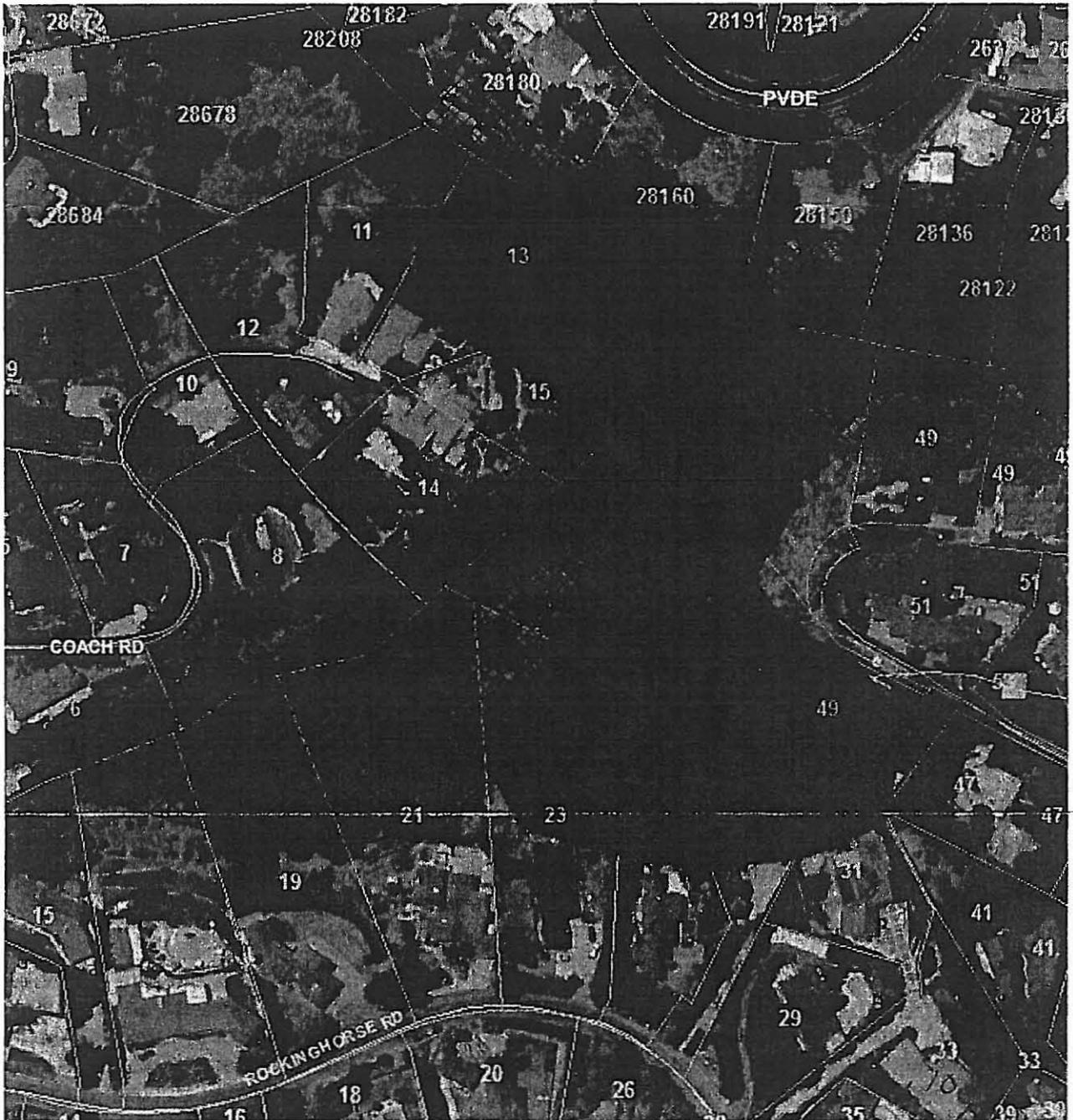
Email: cns614-comm@yahoo.com; Phone: 310-245-7858

19+2

Public Hearing Notice – Open-Space Hillside Areas
November 22, 2012

Proposed changes to the DRAFT General Plan Land Use Map with Aerials

Properties Affected: Coach Road (6, 8, 11, 13, 14, 15); Palos Verdes Dr East (28136, 28150, 28160, 28180); Rockinghorse Road (17, 19, 21, 23, 25, 27, 31, 49, 49½); APN 7556-011-031; APN 7556-011-033



LEGEND

-  Proposed new Open-Space Hillside Land Use area to be added ↑0-? 9
-  Existing Open-Space Hazard Land Use area to be removed
-  Existing Residential Land Uses

Greg Pfof

From: Ron Lucero [rlucero@yamaha.com]
Sent: Tuesday, December 04, 2012 2:11 PM
To: Abigail Harwell
Cc: Greg Pfof
Subject: Re: Proposed Changes to the General Plan Land Use Map

Thank you for responding so promptly this does put my mind at ease but I will read more about this to understand what types of construction are considered small to very minor.

RonL

On 12/4/12 1:43 PM, "Abigail Harwell" <AbigailH@rpv.com> wrote:

>Hi Mr. Lucero ~

>

>Thank you for your e-mail and taking the time to understand the notice

>you received. First, please let me clarify that the City is not taking

>any of your property and your property lines are not changing.

>According to the maps here at City Hall, it appears that your property

>extends to the bottom of the Canyon and it will continue to stay in that location.

>This is more of any issue of what kind of development property owners

>can and cannot do on their property.

>

>In order to protect the canyon in your rear yard from any future

>construction occurring on the steep slope, the City is proposing that

>the sloped area of your property be identified as an Open-Space

>Hillside land use, as recommended by the City Geologist. What this

>basically means is that you will continue to own the property, but the

>type of development that is allowed within this identified area (shown

>as a red cross-hatch area on the map you were sent) will be limited to

>small, very minor development. The area where your home is built and

>the flat areas of your property will continue to have a residential

>land use that allows for all types of residential construction. In

>short, the City is trying to protect the steep slopes of the canyon in

>your rear yard, on which the Development Code already does not allow construction or development.

>

>At this time, Staff is seeking comments from the public regarding the

>location of the proposed Open-Space Hillside boundary line. Comments

>received will be forwarded to the Planning Commission for their

>consideration. Based upon the comments they read and the comments made

>during the public hearing at the Tuesday, December 11th meeting, the

>Planning Commission will make a decision regarding how the Land Use Map

>will be changed. Eventually, after all the different areas proposed to

>be modified throughout the City have been reviewed and decided on by

>the Planning Commission, their recommendations will be forwarded to the

>City Council for formal adoption. Your options are to either write me

>an e-mail or speak to the Planning Commission in person at the December

>11th meeting if you are in support or not of the proposed changes, and

>what reasons you have for your opinion.

>

>If you would like to read more about why the City is recommending these

>Changes, please read the August 28th Planning Commission Staff Report

>available online at this link:

>http://palosverdes.com/rpv/planning/content/General_Plan_Update.cfm.

>There is a background section that provides good information as to how
>the City has gotten to these proposed changes, and may help you better
>understand the issue at hand.

>

>If you have any further questions, please do not hesitate to contact me
>at abigailh@rpv.com or (310) 544-5228.

>

>~ Abigail Harwell
> Assistant Planner
> City of Rancho Palos Verdes
> www.palosverdes.com/rpv

>

>

>-----Original Message-----

>From: Ron Lucero [<mailto:rlucero@yamaha.com>]

>Sent: Tuesday, December 04, 2012 12:53 PM

>To: Planning

>Subject: Proposed Changes to the General Plan Land Use Map

>

>Hello, I received a notice in the mail telling me about this hearing.
>My name is Ron Lucero & I live at 1930 Caddington Dr. 90275. What can
>I do about this. I do NOT want the city to take away part of my property.
>Can you tell me what my options are. I plan on attending the hearing
>but I would like to know what the process is and what my options are.

>

>RonL

>

WEN WU

Greg Pfof

From: Abigail Harwell
Sent: Wednesday, December 05, 2012 9:39 AM
To: wen wu
Cc: Greg Pfof
Subject: RE: Proposed changes to the General Plan Land Use Map-Open space Hillside areas

Mr. Wu ~

Thank you for getting in touch with us, as for some unknown reason we did not receive your previous e-mail. We have it now, and will be sure to include it with the Staff Report being sent to the Planning Commission.

If you have any additional comments or questions, please contact me at abigailh@rpv.com or (310) 544-5228.

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv

From: wen wu [wenwu90275@yahoo.com]
Sent: Tuesday, December 04, 2012 7:09 PM
To: Greg Pfof; Abigail Harwell
Subject: Fw: Proposed changes to the General Plan Land Use Map-Open space Hillside areas

Dear Mr.Phost and Ms.Hardwell,

I just wondered have you received the e-mail I sent to you on Tuesday (Dec. 4th) morning.

Best regards,
Wen Wu

--- On Tue, 12/4/12, wen wu <wenwu90275@yahoo.com> wrote:

> From: wen wu <wenwu90275@yahoo.com>
> Subject: Proposed changes to the General Plan Land Use Map-Open space
> Hillside areas
> To: gregp@rpv.com, abigailh@rpv.com
> Date: Tuesday, December 4, 2012, 8:31 AM Dear Mr. Phost and
> Ms.Harwell,
>
> I would like to submit my concern and in favor of OPTION 4 for your
> consideration.
> Because the new boundary line proposed by the City's Geologists will
> dramatically incorporate the majority of our property at :
> 2840 COLT ROAD.
> It will be expanded so much onto our properties and others.
> OPTION 4 appears to be the most fair one. So I would appreciate the
> Council for considering adopting OPTION 4.

>
> Thanks,
> Wen Wu
> 2840 COLT ROAD
> R.P.V.90275
>

Commissioner Gerstner asked staff to display a map showing the trail and the mid block crossing discussed by Sunshine.

Senior Planner Schonborn displayed the map, explaining there currently are trails on the preserve property and the idea is to connect Crestridge to the hillside via a trail through this development. He pointed out the proposed connection and the dedicated easements on the property. He noted that the trails that traverse the preserve are not equestrian trails and the connection proposed is for pedestrian use. He pointed out on the map the areas that are dedicated to equestrian.

Vice Chairman Emenhiser asked staff if trucks traveling down Crenshaw Boulevard was an option to help take some of the pressure off of Hawthorne Boulevard.

Director Rojas answered that Crenshaw Boulevard has been determined not appropriate for trucks, noting even Mirandela had to use Hawthorne Boulevard.

Commissioner Nelson commented that he and the Vice Chairman went through the building of Terranea and their cement trucks, and even with 20,000 cubic yards of cement being delivered there did not appear to be any difficulties using Hawthorne Boulevard.

Commissioner Leon requested that when a traffic analysis is performed they analyze what will happen if there are times during the day that trucks should not be using Highridge or Crestridge Roads, as well as some type of reasonable nighttime restriction. He requested this be included in the final EIR. He also requested alternatives be looked at that will reduce the amount of grading, including a balanced site.

Senior Planner Schonborn explained that there were some assumptions made when preparing the draft EIR, including the assumption that there will be a five-day work week starting at 8:15 a.m. and ending at 4:15 p.m.

Commissioner Leon understood, but suggested mitigation measures to avoid truck trips when school is starting in the morning and ending in the afternoon.

Chairman Tetreault stated he is interested in the mid-block crossing mentioned by Sunshine and how that could be included, or at least have her comments addressed.

Chairman Tetreault reminded the public that the public comment period for the draft EIR is open until October 8.

3. **General Plan Update – Revisions to the General Plan Land Use Map pertaining to the Hazard Land Use boundary**

Senior Planner Pfof presented the staff report, giving a brief background on the subject and recapping what was discussed at the previous meeting on this item. He stated that

at the August meeting the Planning Commission directed staff to move forward with option No. 2, which was to follow the city geologist's recommendations and to change the hazard designation to hillside for those hillside areas. He stated option No. 2 removes the hazard boundary over 600 properties and meets the intent and purpose of the General Plan by accurately reflecting what the General Plan's purpose of the hazard boundary line was, and it also removes the stigma of the hazard designation of these properties. He noted that while the Commission directed staff to move ahead with option No. 2, concern was expressed in regards to impacts to property owners as a result in seeing an increase in the hazard boundary line on their property. The Commission directed staff to come back at this meeting and continued the public hearing so that the Commission could look at what those impacts are and how those impacts would be addressed. He explained that currently these properties contain an extreme slope and are governed under the Extreme Slope section of the Code, which permits certain minor accessory structures to be placed on an extreme slope. By moving the hazard designation boundary line over the extreme slopes will result in not allowing those minor accessory structures in the same area. He explained staff is proposing to create a new open space hillside district in the Zoning Code to implement the hillside section of the General Plan, explaining the uses and developments that would be permitted. He went through examples of different situations on how this proposed change affects existing properties, as detailed in the staff report. He noted staff is looking for policy direction to move forward and this will all come back to the Planning Commission in greater detail as individual changes. He also noted that a public hearing notice will be sent to all of the affected property owners explaining the proposed changes.

Commissioner Leon noted that the General Plan, by its very nature, is general and there will always be a number of specific situations which don't fit the intended logic for setting up the open space hazard. The variance process is made to deal with these types of situations, and questioned why staff would propose to eliminate the variance process in the open space hazard zones. He felt there would be a number of specific lots where putting some type of small structure on the extreme slope would make sense, however there would now be no process to allow it.

Deputy Director Pfof answered that the original General Plan calls these areas hazard areas and does not allow a variance to put structures in those areas. Staff was attempting to stick with the same conceptual idea, which is in hazard areas variances are not allowed. He noted that these areas are protected not only because they are extreme slopes, but for a variety of reasons such as topography or landform and drainage issues. He pointed out there will still be the interpretation procedure process available in which this line can be moved.

Chairman Tetreault opened the public hearing.

John Wessel explained that when he bought his home he was informed it may be in a hazard zone. He hired a geologist to evaluate the property and the geologist felt the hazard zone on the property had been improperly designed on his property. The city

geologist's current report seems to coincide with what his geologist had reported to him years ago. He also stated he agreed with option No. 2 as he liked to keep things consistent with the General Plan.

Don Ferrara (6301 Via Ciega) stated he has no concerns with the current staff recommendations.

Sunshine stated she supports the idea of changing the line where there are actual geologic hazards. She cautioned the Commission to be very careful when increasing the areas that could potentially be developed.

Robert Fisher explained his house is in the open space hazard area, however he noted that the map appears to have been drawn even before the streets in his neighborhood were graded. He explained the actual topography in the area has changed dramatically since 1958 when the map was drawn. He commended staff, the city geologist, and the Planning Commission for taking the time to redraw the map to match the current topography.

Adi Hattenberg stated he has a vacant lot at 8 Golden Spur Lane, and the entire lot falls under the hazard zone. He stated there are various flat areas on the lot that he felt could be built on. He felt that with all of the new rules he might be sitting on a piece of dirt that can never be developed. He would like to have the opportunity to present geology to the City to show the lot can be built on.

Chairman Tetreault asked Mr. Hattenberg if the proposed redrawing will impact the property.

Mr. Hattenberg answered that there really is no shift on his property.

Commissioner Leon asked if keeping the possible 100 foot optional movement of the line would help on his property.

Mr. Hattenberg answered that it could make a difference, but at least he would have a shot at being able to develop.

Commissioner Tomblin asked Mr. Hattenberg if he had a chance to read option Nos. 2 and 4, and if so did he have a preference between the two.

Mr. Hattenberg stated he had read both options and he would have preferred option No. 4.

Chairman Tetreault closed the public hearing.

Commissioner Nelson asked staff how many lots may have the same problem as Mr. Hattenberg.

Director Rojas clarified that Mr. Hattenberg currently has OH designation on almost his entire lot. Staff is proposing to take some of the designation off of the lot. With the current code the owner would only be able to develop the portion of the lot that is outside of the OH designation. Under option No. 2, the land use designation would be changed to a Hillside and the line would be adjusted thereby giving the owner a bit more space on the lot that could potentially be developed.

Commissioner Nelson felt it was very important that people have the right to develop their land and this process should not take that away from them in any way.

Chairman Tetreault noted that there are over 600 properties that will benefit from this exercise and approximately 374 properties will have the line moved which will result in a reduction of useable land on their property. He asked staff if there has ever been an instance in this City where a property owner received permits to build in an area which turned out to be a hazardous area, and should not have built there if the line had been properly drawn. He reviewed option No. 3 and stated he was in favor of this option, as it will adjust the line on properties where it is beneficial but not adjust the line on those 374 properties which will result in a reduction of buildable land. He asked staff how such a map would look.

Deputy Director Pfof explained that by doing so the map would be very jagged and irregular. There would be areas where the hazard line would abruptly stop squarely at a property line, which will be quite awkward. He explained that staff prefers option Nos. 1 and 2 as staff feels these options actually implement what the General Plan envisioned when it was first developed. He noted this is a General Plan update, and felt options 1 and 2 update the General Plan.

Commissioner Gerstner moved to accept staff's recommendation to move forward with option No. 2 and direct staff to begin the process of notification of the residents affected, seconded by Vice Chairman Emenhiser.

Commissioner Tomblin asked staff how property owners such as Mr. Hattenberg can contact staff if they disagree with the geologist's recommendations on the placement of the hazard line.

Deputy Director Prost explained that these residents will receive a public hearing notice for a future Planning Commission meeting, at which time the specific changes to their property will be discussed by the Commission. The resident can speak to staff about where the line is proposed to be moved and if they disagree with the area of relocation, staff can talk to the City Geologist to see if it is possible to adjust the line as currently recommended. The property owner can also speak to the Planning Commission during the public hearing to explain where he thinks the line should be located and the Planning Commission can make this decision. He noted that the Planning Commission's decision is draft until it goes to the City Council for adoption.

Commissioner Nelson stated he could not support the motion, as he felt option No 4 was the better option. He felt that option No. 2 may create a workload that may spiral out of control.

The motion to accept staff's recommendation to move forward with option No. 2 was not approved, (3-3) with Commissioners Leon, Nelson, and Chairman Tetreault dissenting.

Commissioner Nelson moved to direct staff to follow option No. 4, specifically to move forward with eliminating the Hazard designation entirely from the slope areas and to rely on the existing Zoning Code prohibition of development on extreme slopes and hillside construction, seconded by Commissioner Leon.

Commissioner Gerstner explained that his problem with supporting this motion is that he doesn't believe this level of change to the General Plan is consistent with the Planning Commission's charge. He felt that completely eliminating the hazard designation from the General Plan is a very significant change to the General Plan and the Planning Commission was not charged with changing the General Plan, only recommending an update. He added that there are many people in the community who don't want to see the General Plan changed. He therefore has tried to be consistent in his views that the General Plan should be changed as little as possible.

Vice Chairman Emenhiser agreed with Commissioner Gerstner, adding that one of the advantages of option No. 2 was eliminating a property owner's concept of open space hazard and that option No. 4 maintains open space hazard areas.

The motion to direct staff to follow option No. 4 failed, (2-4) with Commissioners Tomblin, Gerstner, Vice Chairman Emenhiser, and Chairman Tetreault dissenting.

Commissioner Tomblin explained that he was comfortable with his vote to support option No. 2, as he felt there was room for revisions to the option as staff and the Planning Commission review it. He would therefore like to see staff continue to move forward with option No. 2.

Commissioner Leon found two areas of difficulty with option No. 2, the first being that it increases the complexity of the Development Code. The other area of difficulty is that he felt option No. 2 takes away the ability for the Planning Commission to deal with any inconsistencies and any variances on a property. He stated he may be able to support option No. 2 if it would recognize a process for variances.

Commissioner Gerstner felt that was absolutely still up for discussion and that decision is irrespective of other parts of option No. 2.

Commissioner Gerstner moved to accept staff's recommendation to move forward with option No. 2, understanding that the table in the staff report that defines precisely the allowances that would be in this new open space hillside

land use area needs to be discussed further, seconded by Vice Chairman Emenhiser.

Vice Chairman Emenhiser moved a friendly amendment to the motion that staff also investigate and report on options for appeal.

Commissioner Gerstner supported and accepted the friendly amendment to his motion.

Chairman Tetreault stated the Commission has been asked to update the General Plan. He felt that this process has been interesting and felt that it appears to be giving some property owners the opportunity to perhaps have their property rezoned without actually having to go through the process and paying for it. He felt that this process has been quite lengthy and has cost the City quite a bit of money and, by identifying 666 properties that should not have been so restricted in the past, it has given a lot of people in the City an opportunity to do things they may not do on their own, and is therefore quite a nice public service. His concern with this adjustment was that it is a negative for 374 property owners.

Commissioner Leon asked staff to highlight the 374 properties on the map and include that in the staff report for the next hearing on this subject. He would like to see the new versus the old for these properties.

Commissioner Gerstner's motion with the amendment that staff investigate and report on options for an appeal was approved, (4-2) with Commissioner Nelson and Chairman Tetreault dissenting.

APPROVAL OF MINUTES

4. Minutes of August 14, 2012

Commissioner Gerstner noted a typo on page 10 of the minutes.

Vice Chairman Emenhiser moved to approve the minutes as amended, seconded by Commissioner Nelson. Approved without objection.

5. Minutes of August 28, 2012

Commissioner Gerstner moved to approve the minutes as presented, seconded by Commissioner Nelson. Approved, (5-0-1) with Vice Chairman Emenhiser abstaining since he was absent from that meeting.

ITEMS TO BE PLACED ON FUTURE AGENDAS

6. Pre-agenda for the meeting on October 9, 2012



RANCHO PALOS VERDES

MEMORANDUM

TO: CHAIRMAN AND MEMBERS OF THE PLANNING COMMISSION
FROM: JOEL ROJAS, AICP, COMMUNITY DEVELOPMENT DIRECTOR
DATE: SEPTEMBER 25, 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 direct Staff to:

- 1) Move forward with Option #2 by adjusting all of the Hazard boundaries as recommended by the City Geologist
- 2) Change the Hazard land use designation for hillside areas to "Open-Space Hillside" instead of its current "Hazard" designation, with exception to the landslide moratorium area and other known landslide areas in the City where the designation "Hazard" will remain; and
- 3) Upon final adoption of the General Plan Update by the Council a subsequent Zone Change and Zoning Code Amendment to establish a new Zoning District entitled "Open-Space Hillside" shall be undertaken. The new Open Space Hillside district shall permit the same uses and developments currently permitted through the "Extreme Slope" section of the Zoning Code, with exception to new single family residences.

BACKGROUND

As the Commission may recall from the August 28, 2012 meeting, 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 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

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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. When considering the reductions and additions, overall approximately 42 acres of additional Hazard designation is proposed by the City Geologist. 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. Subsequently, Staff scheduled this item before the Commission at their August 28, 2012 meeting.

At the August 28th meeting, upon hearing a report by Staff and considering public comments, the Commission discussed various issues pertaining to the Hazard Land Use Designation. Specifically, the Commission considered the following five options presented by Staff in its August 28, 2012 Staff Report (see attached):

- OPTION 1: Move forward with adjusting all Hazard land use boundaries as recommended by the City Geologist.
- OPTION 2: Move forward with adjusting all of the Hazard boundaries as recommended by the City Geologist, but change the name of the land use 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 "Hazard" designation. A subsequent Zone Change and Zoning Code Amendment would be required to establish a new Zoning District of "Open-Space Hillside".
- 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.
- OPTION 4: Move forward with eliminating the existing Hazard designation entirely from sloped areas, and rely on the existing Zoning Code prohibition of development

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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.

- 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.

While the Commission discussed the benefits and impacts associated with each option, ultimately, the Commission continued the public hearing to September 25, 2012 to allow Staff additional time to identify the details of implementing Option #2. The vote was 3 to 2 with Chairman Tetreault and Commissioner Nelson dissenting, and Commissioners Emenhiser and Lewis absent (excused).

More specifically, at the August 28th meeting when the Commission considered Option #2, it considered that a benefit of implementing Option #2 is that 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 General Plan’s purpose of the Hazard land use designation. Further, 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.

However, the main concern with Option #2 expressed by the Commission, Staff and the Public during the August 28th meeting, is that despite the name change to “Hillside”, many property owners may still object to having this land use designation increased or added to their properties, especially if such change impacts the future development of their property more than what is permitted today. Thus, the Commission requested that Staff address what specific changes would occur to property owners in regards to Option #2, and if there are any impacts associated with those changes, how would those impacts be addressed.

The Draft Minutes from the August 28th meeting are also on tonight’s agenda under a separate agenda item and can be consulted for additional information of what occurred at the meeting.

DISCUSSION

While the reduction of the Hazard (Hillside) designation on properties will be beneficial for approximately 666 property owners by removing the designation from developable portions of

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their property and thus increasing their underlying residential land use designation, this discussion will mainly focus on the approximate 374 properties that would see an increase in the Hazard (Hillside) land use designation on their property with the implementation of Option #2.

What is the difference between the proposed Open Space Hillside Land Use Designation and the Zoning Code’s “Extreme Slopes” Section?

For all lots in the City where development is permitted, 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 the following:

- 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,
- fences, walls and hedges,
- at grade steps or stairs,
- new residences on previously undeveloped lots, and
- renewable energy systems (i.e. solar panels).

Thus, properties where the “Open Space Hillside” land use designation is proposed to be either added or increased, currently have a land use designation of “Residential” over their extreme slope areas and would therefore be restricted to the types of development that are permitted on their extreme slope as identified above. However, it is important to note that a property owner could apply for a Variance from the Extreme Slope development standards to request something more than what is permitted. For example, a property owner could apply for a Variance to have a deck encroach more than 6’ over the extreme slope up to any distance.

With Option #2, the Open Space Hillside land use designation would be added or increased on a property where currently the existing “Residential” land use designation and the “Extreme Slope” section of the Development Code apply. Thus, with Option #2, it is envisioned that the “Extreme Slope” regulations would be replaced with regulations that would apply to the newly created “Open Space Hillside” zoning district that would coincide with the new General Plan “Open Space Hillside” land use designation. Having the “Open Space Hillside” district control these sloped areas would be more restrictive than the current “Extreme Slopes” regulations because the new “Open Space Hillside” district can state exactly what types of uses and development can occur in the district and by state law, a request to vary from the allowable uses and developments permitted within a district can not be accepted and processed by the City.

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A simpler way to understand this concept would be to use the residential district as an example. For example, all single-family residential districts (R-1, R-2, R-3, etc), list the uses and developments permitted, which include single-family residences. If a property owner desired to place a commercial building on his/her property that is currently zoned in a single-family residential district, they could not request a Variance for said use because a commercial use is not a permitted use in that district. Simply stated, "Use Variances" are not permitted by State Law. Instead, the owner would have to apply for a General Plan and Zoning land use change to change the property to a commercial district. On the other hand, the property owner could apply for a Variance to the development standards listed in the residential district, such as a Variance to building height, setbacks, lot coverage, etc. because that would be a Variance to the development standards and not a Variance ("Use Variance") to the uses and developments permitted within the District. Thus, the new "Open Space Hillside" designation would be more restrictive than keeping the current "Residential" land use district and using the "Extreme Slope" section of the code to govern what is permitted on an extreme slope because it does not allow a property owner to vary from the permitted uses and developments of the Open Space Hillside district.

How does Option #2 affect property owners and how are those affects addressed?

The Commission expressed concern that by adding the more restrictive "Open Space Hillside" land use district, property owners would have less property rights than they currently do. That would be true if the new "Open Space Hillside" district permitted fewer types of development activity than what would be permitted through the "Extreme Slope" section of the development code. Staff feels that the "Open Space Hillside" district could address this issue by allowing the same types of structures that are currently permitted in the "Extreme Slope" section of the Development Code. Specifically, Staff is proposing that the new Open Space Hillside zoning district, which would implement the new General Plan's Open Space Hillside land use, permit the following uses and developments:

- 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,
- fences, walls and hedges,
- at grade steps or stairs, and
- renewable energy systems (i.e. solar panels).

If the new Open Space Hillside zoning district were to permit these structures, than the only difference would be that a property owner would not be able to obtain a Variance for said uses. Using the example stated earlier, while a property owner under current regulations could request a Variance from the "Extreme Slope" section to have a deck encroach further

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than 6' beyond the top of slope, if the same area is governed by the "Open Space Hillside" district, because it is a zoning "district" and not a zoning "development standard", the property owner could not request such a Variance because it would be a request for a "Use Variance". In summary, it is Staff's opinion that the inability to obtain a Variance for such uses in areas that should have been designated as Hazard (Open Space Hillside) in the original General Plan is more consistent with the intent and purpose of the original General Plan's Hazard land use designation than what currently is permitted today and is the basis for Staff's recommendation.

Thus, Staff would recommend that the Planning Commission direct Staff to:

1. Move forward with Option #2 by adjusting all of the Hazard boundaries as recommended by the City Geologist, and change the name of the General Plan land use designation from "Hazard" to "Open Space Hillside". In moving forward, Staff will notify all affected property owners of the specific proposed change to their property and would bring said changes back to the Commission for review at a noticed public hearing as part of the General Plan Update.
2. Since a new General Plan land use designation of "Open Space Hillside" will be created, a new "Open Space Hillside" Zoning District would need to be created to implement the General Plan's new designation. Additionally, the Zoning Map will need to be adjusted so that the new boundary lines for the Open Space Hillside district would be consistent with the General Plan. Thus, to implement Option #2, the Planning Commission would also direct that a Zone Change and Zoning Code Amendment be completed after the General Plan Update is adopted by the City Council. As part of said Code Amendment, Staff would recommend that the Planning Commission direct that the Amendment be such that would permit the minor accessory structures currently permitted under "Extreme Slope" (see above) under a sub-section of the new "Open Space Hillside" zoning district entitled "Uses and Developments Permitted". However, Staff would not recommend that the list of items permitted in the new Open Space Hillside zoning district include new residences on previously undeveloped lots as these are currently prohibited in the existing "Open Space Hazard" zoning district.

Examples of how the proposed change specifically affects existing properties

Staff thought it might be helpful to the Commission and Public to describe the various affects upon property as a result of moving forward with Option #2. Graphics depicting these examples will be provided at the September 25th meeting. The examples are as follows:

- Affect upon property where existing Hazard (future Open Space Hillside) is being reduced or removed: This affects approximately 666 properties. In these cases, properties would see a reduction in Hazard (future Open Space Hillside) land use

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designation and an increase in Residential land use designation. Affects to existing property owners include:

- Ability to develop the new Residential area in compliance with the Zoning Code. Where new Residential land use is added to the property and said area is an extreme slope, the property owner would be subject to the Zoning Code's "Extreme Slope" section as described earlier.
 - Any "Hazard" area would change terminology to "Open Space Hillside".
- Affect upon existing developed property where Hazard (future Open Space Hillside) is being added: Except for existing accessory structures that are un-permitted, in all cases where the Hazard (future Open Space Hillside) area is being expanded, it will not go over existing structures and typically the new boundary line will be located at or below the top of slope. These properties would see a reduction in "Residential" land use designation on their property and an increase in "Open Space Hillside" land use designation. Affects to existing property owners include:
 - Owner would be permitted to construct minor accessory structures in the new Open Space Hillside zoning district, which are the same as what is currently permitted in the Extreme Slope section of the Development Code, with exception to new single family residences.
 - Owner would not be able to apply for a Variance to those minor accessory structures permitted to go into the new Open Space Hillside district.
 - If a property owner desired that the line be relocated to allow for more developable area, the Zoning Code's Interpretation Procedure Section allows for the line to be moved. During the City's process of refining the location of the boundary line, a Code Amendment was approved that currently allows the boundary line to be moved up to 100'. Since the process of changing the boundary line has now resulted in a fairly accurate boundary line consistent with the General Plan, Staff will be recommending that the Interpretation Procedure be revised to reduce the total amount a boundary line can be moved to 30', which is the distance the Code used to permit prior to the City's efforts to properly locate the boundary line.
 - In a few cases, Staff has discovered that there are illegal non-permitted structures located on properties further down a canyon slope. Since these structures do not have permits they would continue to be illegal and may be subject to removal in the future.
 - For any structures that have building permits and are located in an area that will be new "Open Space Hillside", those structures would be deemed legal non-conforming uses. Those structures may remain, however they shall not be expanded, moved or changed to another nonconforming use. Staff has reviewed the City's aerial maps and is not aware of any structures that have building permits that would be in the Open Space Hillside expanded areas.
 - If a property has a slope with a benched level area in the slope, under the previous "Residential" land use designation, accessory and main structures

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could be constructed upon the non-extreme slope area. With Option #2, if the benched level area were to fall under the new “Open Space Hillside” land use district, this benched level area could no longer be developed.

- Affect upon existing vacant property where Hazard (future Open Space Hillside) is being added: There are a few vacant parcels where the future Open Space Hillside land use designation is being added or increased. These properties would see a reduction in “Residential” land use designation on their property and an increase in “Open Space Hillside” land use designation. Affects to existing property owners include:
 - Except for three landlocked parcels lacking access, on other vacant properties there will be sufficient developable area, with a Residential land use designation that will permit the construction of a new residential structure. As an example, the Commission may recall at the August 28th meeting wherein a member of the public raised a concern about a specific vacant parcel that had entitlements to construct a new house and he wanted to make sure that it would be available for future development. In this particular instance, while the entitlements have expired, Staff is confident that the location of the expanded Open Space Hillside land use designation on this particular property will permit development of a similar structure that was previously approved.
 - Owner would be permitted to construct minor accessory structures in the new Open Space Hillside zoning district, which are the same as what is currently permitted in the Extreme Slope section of the Development Code, with exception to new single family residences.
 - Owner would not be able to apply for a Variance to those minor accessory structures permitted to go into the Open Space Hillside district.
 - If a property owner desired that the line be relocated to allow for more developable area, the Zoning Code’s Interpretation Procedure Section allows for the line to be moved.

What are the next steps?

If the Commission directs Staff to move forward with Option #2, then the following next steps would occur:

1. City Staff will send a public hearing notice to all property owners that would be affected by a proposed change to either increase or decrease the Hazard (Open Space Hillside) land use designation on their property. The notice would specifically describe the proposed change.
2. As a result of the public hearing notice, Staff would expect that some property owners may request revisions to the boundary line during the public notice period and in such cases Staff would review said request with the City Geologist to see if

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such a change is warranted. Staff would then address those instances at a future public hearing before the Commission.

3. The Planning Commission will hold a public hearing and make a determination on each change in land use designation. However, this is not as daunting as one might think. Staff anticipates bringing multiple changes to a Commission meeting; such as all of the changes to occur in a particular canyon area or a specific area of the City. Obviously, there will be multiple Planning Commission meetings to review these changes.
4. The Planning Commission's determination on each change would still be Draft. The next step is to take all Commission approved Land Use Map changes along with the Commission approved Updated General Plan text to the City Council in a public hearing wherein the City Council would be responsible for making the final decision on the Commission recommended updates to the General Plan and Land Use Map.
5. After the City Council approves the General Plan Update, the Zone Change and Zoning Code Amendment process would commence. This process would create the new "Open Space Hillside" zoning district as well as adjust the Zoning Map to be consistent with the Council adopted General Plan Map changes. The Zone Changes and Zoning Code Amendment would require review by the Commission and final approval by the City Council through public hearings.

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", which is a term that 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.

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.

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ADDITIONAL INFORMATION

Homeowner's Insurance:

Staff spoke to the State Insurance Commissioner's office as well as a local homeowner's insurance provider, both of which indicated that the changes that are being proposed would not have an affect upon a property owner's ability to obtain homeowner's insurance, nor would a property owner see an increase in existing homeowner's insurance rates.

Public Correspondence:

Staff has received the attached correspondence since the August 28, 2012 meeting. Any additional correspondence received will be forwarded to the Commission prior to the September 25th meeting.

ATTACHMENTS:

- Correspondence Received since the August 28, 2012 PC meeting.
- August 28, 2012 Planning Commission Staff Report
- Late Correspondence for the August 28, 2012 meeting
- August 28, 2012 Draft Planning Commission Minutes (under separate cover on tonight's agenda)

Approved
September 25, 2012



CITY OF RANCHO PALOS VERDES
PLANNING COMMISSION MINUTES
REGULAR MEETING
AUGUST 28, 2012

CALL TO ORDER

The meeting was called to order by Chairman Tetreault at 7:03 p.m. at the Fred Hesse Community Room, 29301 Hawthorne Boulevard.

FLAG SALUTE

Commissioner Nelson led the assembly in the Pledge of Allegiance.

ATTENDANCE

Present: Commissioners Gerstner, Leon, Nelson, Tomblin, and Chairman Tetreault.

Absent: Commissioner Lewis and Vice Chairman Emenhiser were excused

Also present were Community Development Director Rojas and Deputy Community Development Director Pfost.

APPROVAL OF AGENDA

The agenda was unanimously approved as presented.

COMMUNICATIONS

Director Rojas reported that at their August 21st meeting the City Council adopted a policy that the City will continue to abide by the Brown Act requirements that were recently suspended for three years by the State.

Director Rojas distributed eight items of late correspondence related to agenda item No. 1.

COMMENTS FROM THE AUDIENCE (regarding non-agenda items):

None

PUBLIC HEARINGS

1. **General Plan Update – Revision to the General Plan Land Use Map pertaining to the hazard land use boundary**

Deputy Director Pfof presented the staff report, giving a brief overview of what a General Plan is and the various elements of the General Plan. He explained that one of the main elements is the Natural Environment Element, and discussed this element and how the hazard land use designation was created and why there is this designation in the General Plan. He noted the geotechnical factors sub-category and the various sections of that sub-category, and briefly discussed the hazard area section within the General Plan. He noted that the General Plan was adopted in 1975 and has not been updated since. Therefore, there is quite a bit of text in the document that is out of date, as well as the General Plan Land Use Map. He explained that the City Geologist was tasked with looking at all of the Hazard designations in the City, how they affect property, and used the criteria outlined in the General Plan as well as a variety of other resources to develop a set of maps with a more accurate display of the hazard areas in the city. City staff then transferred this updated information onto the General Plan Land Use Map. As a result, approximately 1,000 City properties have been affected by the proposed changes, and of those 1,000 approximately 660 properties are seeing a reduced or eliminated hazard zone on their property and approximately 374 properties will see an increase in the hazard designation on their property. He explained staff has notified approximately 1,400 property owners of this process and of tonight's public hearing. With that, Mr. Pfof discussed the five options proposed by staff in regards to the revised open space hazard designations, as discussed in the staff report., and noting the positive and negative aspects of each option. He explained that tonight the Commission should not be looking at the exact details of where the lines on the map are being moved, as that will happen at a later date.

Commissioner Gerstner asked staff the net acreage of Open Space Hazard in the new analysis done by the City Geologist.

Deputy Director Pfof did not know the answer to that question, but staff would be able to find that information for the Commission.

Commissioner Nelson felt the Zoning Code is satisfactorily restrictive, and asked staff how many applications staff has received in the last year to build over extreme slopes.

Deputy Director Pfof estimated six applications over the past year.

Chairman Tetreault opened the public hearing.

Jeanne Lacombe (Rolling Hills Riviera HOA) felt that this process may cause problems for property owners in the future. She noted that with this process many homes in the Eastview area will see a decrease in the open space hazard areas on their property. She discussed some of the problems that have been experienced by homeowners in the Eastview area because of the Open Space Hazard designations. She recommended the Planning Commission adopt recommendation No. 4 in the staff report, with the second best option being option No. 2. She felt the worst option would be option No. 5, which is to do nothing.

Richard Hess (26529 Mazur Drive) stated the changes would increase the so-called hazard area behind his home. He did not think any of the options presented by staff were satisfactory or reasonable. He also felt the whole basis for this was incorrect. He felt calling these areas hazardous is a misnomer, and he noted he is a licensed structural engineer and has been dealing with this type of work since the 1960s. He did not think the extreme slope of 35% was applicable in many cases, including the back of his house. He noted it is a steep slope but there is no possibility of movement because of the bedrock on the slope. He felt the 35% is a purely arbitrary number and has no applicability where he lives. He questioned the meaning of the word hazardous, as there is no basis for the use of the word. Therefore, he felt the entire report is erroneous and felt the City is just asking for many lawsuits. He felt the City should remove the hazardous and extreme slope designations from the plan, as there are enough restrictions already in place.

Commissioner Gerstner asked Mr. Hess if it was his contention that the City should not have a blanket restriction on building on slopes greater than 35 percent and that they should be buildable to the extent they can be shown to be structurally competent and the structure put on them is acceptable.

Mr. Hess did not think the City has to have these regulations put into place to prevent building in these areas.

Jerry Rodin stated he was representing a single client with property in the City. He asked if the property owners will have any non-conforming rights in terms of pre-existing structures if this overlay zone is put onto the property. He also asked if the property taxes will be affected with such a change. He asked if a test study has been done to see what the affects are. He asked what the actual result to development will be and would it kill any developmental ability of a structure of a future residence, or will there be some options.

Chairman Tetreault asked staff the affect on property owners on having open space hazard designations over developed portions of their property when they wish to further develop their property or if they have a loss on the property and wish to redevelop after the loss.

Director Rojas answered that if there is currently a house on the property partially or entirely in the open space hazard district, it can be rebuilt. What staff is proposing is to match the OH line to the existing slope line. It was his understanding that when the city geologist reviewed these areas he did not encounter a situation where he would move a structure into the open space hazard area.

Chairman Tetreault noted Mr. Rodin's other question was in regards to property taxes and asked staff to comment.

Deputy Director Pfof explained that staff contacted the County Assessor's Office and the State Appraiser's Office and posed these scenarios. They did not believe that these

proposed changes would affect people's property taxes, since the proposed change is changing the boundary to reflect a hillside that is non-developable. He noted there may be an advantage to those property owners where the line is moved and allows more development on a property.

Ken DeLong referred to option No. 2 indicating there is an opportunity to degrade people's property and there are basic property rights issues. It appeared to him there would be opportunity for legal mischief. He felt that selecting option No. 4 is a much better solution than trying to enact legislation that defines all of the properties and puts them all under a blanket where people will have less of an opportunity to contest the use of their land. Therefore, to protect people's property use, he was in favor of option No. 4.

Adel Salehpour asked if a property has already had the silhouettes and plans approved would that approval be grandfathered in and would there be entitlements if the expansion of the hazard zoning affects the property. He also noted that changing the zoning could affect the people who have homes in these areas with insurance, as there may be increases in their insurance or possible cancellations.

In looking at the property in regards to the city geologist's proposed recommendations, Director Rojas noted the open space hazard area on this particular property will be increased. He explained that staff would not approve any development on an extreme slope, and the city geologist is only matching the extreme slope in his recommendations. Therefore, in theory, this change should not affect what was approved unless a Variance was approved to build a structure on the extreme slope. However, he noted that he will have to look at the details of what was approved on this lot.

Chairman Tetreault asked staff if they had any comment on the homeowner's insurance issues mentioned by Mr. Salehpour. He noted, however, that insurance would be a matter for insurance companies and how they want to rate parcels and set premiums.

Deputy Director Pfof stated staff has not looked into homeowner's insurance issues.

Director Rojas displayed Google Maps with this particular property, and noted the silhouette can be seen. He indicated the silhouette appears to be located close to the street and this most likely won't be affected by the proposed change to the hazard area on this property.

Chairman Tetreault asked staff if certain approvals and entitlements were granted by the City on this property, and with the proposed changes part of the structure may now be within the expanded open space hazard area, how would this affect the entitlements.

Director Rojas answered that if the entitlements are granted and the property owner pursues the project, the project is grandfathered in. However, if it lapsed because permits were not issued in a timely manner, then it could affect the project. He pointed

out that the General Plan amendments are still at least a year away from being adopted by the City Council.

Commissioner Tomblin felt that this particular property would be a good test parcel for staff and the city geologist to test the effectiveness of the proposed changes and to ensure that the lot has not been down-zoned.

Jeff Koehler explained that the open space hazard line currently goes right through his home. He felt that staff's attempt to move that line back to where he thought the correct position on the slope behind him was fair. On the other hand, if his property has a hazard zone on it, when there truly is no hazard, it may be difficult to sell. He supported option No. 4, and felt the term hazard is misguided.

John McCowan (2064 Galerita Drive) discussed his property as well as that of two of his neighbors. He stated he was in favor of option No. 4.

Chairman Tetreault closed the public hearing.

Commissioner Tomblin asked staff to discuss their opinions in regards to option No. 4 versus option No. 2.

Deputy Director Pfof explained that as he mentioned in describing the background of the General Plan and why the hazard designation was created, it is staff's belief that option No. 2 would be more restrictive and therefore more consistent with the General Plan and more consistent with what the purpose of the hazard designation is in that a property owner would not be able to apply for a Variance for certain development activity in that area. By implementing option No. 4, applicants would be able to apply for a Variance to do certain things on the extreme slope. Option No. 4 opens the door for development activity in areas he did not believe the General Plan intended.

Commissioner Gerstner asked staff if there are any differences between an open space hazard designation and an open space hillside designation.

Deputy Director Pfof explained that in the initial report staff had identified that they would want to keep it the same as the hazard designation, so it is mainly just a terminology change. After looking at it in more detail and looking at what extreme slopes permit that open space hazard does not, staff determined it is the permitting of some minor accessory structures that is the difference. Therefore, the Planning Commission might want to consider moving forward with allowing minor accessory structures as a use and development in open space hillside, which would allow a property owner the same option that they currently have. This would allow some of the accessory structure an extreme slope would permit, but it would still have the restriction of being a use and development one cannot vary from.

Commissioner Gerstner noted that there is currently a procedure for a homeowner to request a change to the open space hazard line and asked if that procedure would still exist if the designation was changed to open space hillside.

Deputy Director Pfof answered that staff's intent would be to keep that procedure.

Chairman Tetreault noted that what the City has today has been in existence for 37 years, and through this current process a good number of people have recently come to learn there is this designation that may affect their property. The changes being suggested are to make the designations become a little closer to the reality of the physical situation that are on these properties. He noted that for whatever reason, 37 years ago when these lines were drawn they were not accurately done. What is now being done is an effort to make it more accurate and to be in conformance with the General Plan and the City's intent with the General Plan. The city geologist has determined that 666 properties are improperly inhibited in some way, without justification, from certain types of development. Having gone this far, he felt the city has to address at least those 666 and it would be unfair to do anything less than that. However, there are 374 properties that would not benefit from these changes. He noted that option No. 3 gives the benefit to the 666 property owners and doesn't take anything away from the 374 property owners. He stated he was leaning towards option No. 3 at this point, as it seems to cause the least amount of harm. He felt option No. 4 appeared to be a somewhat significant change to the General Plan and possibly a bit more than staff envisioned when starting this assignment. He asked staff if option No. 4 would result in a big change in the general philosophy of how the City was put together with the General Plan.

Deputy Director Pfof answered that it is staff's opinion that yes, option No. 4 would result in a significant change. He noted that he had earlier explained the purpose of the hazard designation and how we got the hazard designation through a series of maps and discussions in the General Plan. He explained that the General Plan notes extreme slope designations are not only important for what at that time was determined a safety issue, but also for land form and appearance, and the General Plan was trying to keep all of that. Option No. 4 would change all of that by removing the hazard designation from the General Plan.

Commissioner Nelson commented that the current General Plan was adopted in 1975 and the City has changed drastically since that time. The Planning Commission has a responsibility to represent the citizens and tonight five of the seven citizens speaking supported option No. 4. The Planning Commission has a responsibility to listen to the citizens and a responsibility to protect what the General Plan says. He believed the existing code prohibition for development adequately protects the slopes from development.

Commissioner Nelson moved to adopt option No. 4 as presented, seconded by Commissioner Leon.

Commissioner Tomblin asked staff if the Planning Commission adopts option No. 4, would this then be a recommendation to the City Council or will it come back to the Planning Commission for further review.

Deputy Director Pfof explained the next steps would be to move forward with notifying the property owners that the Open Space Hazard designation will be removed and a formal General Plan amendment will take place to remove the Open Space Hazard designation, which will come to the Planning Commission. All of these recommendations on the General Plan update will be forwarded to the City Council for adoption.

Commissioner Gerstner understood Commissioner Nelson's comments that five of the seven speakers support option No. 4. However, he explained that over the many years he has been on the Planning Commission he has had many conversations and read many letters from residents questioning why anybody would do anything to change the General Plan. In addition, staff represented that the General Plan was being updated to make it consistent with the City as it is now, but there was no intent to change the General Plan. He felt open space hazard is a big part of the original General Plan and by completely eliminating the hazard designation, a significant change will be taking place. He acknowledged that the city would then be relying on the zoning code to accomplish the same thing, however the zoning code is not the overriding document for the City, and is something that can be changed with a lot less effort than the General Plan. Therefore, at some point in the future, it may not protect the City. He felt that being more consistent to the original General Plan was more important. Along those lines, he felt option No. 2 does a lot of the same thing as it changes the name of the hazard designation but still keeps all of the same requirements on the properties and keeps this designation in the General Plan and doesn't shift that responsibility to the zoning code. He would therefore be in support of option No. 2.

Commissioner Leon expressed his concern with option No. 2 as to whether or not the city is capable at this point in time of creating all of the rules associated with this option and what the unintended consequences might be. He was also somewhat fearful of the unintended consequences of option No. 4 and moving from a zoning district to just the Development Code. He fully trusted today's Planning Commission and Planning Commissions in the future to be able to handle things in a pragmatic way as they come forward on a case by case basis. He had a problem with option No. 2 in terms of creating another section of the General Plan, as it seems that would only increase the complexity of city regulations.

Chairman Tetreault compared option No. 2 to being legislation while option No. 4 to a constitutional amendment. He felt uncomfortable at a Planning Commission hearing, when he did not think it was the object of the entire exercise to make a sweeping change to this part of the General Plan, that the Commission to do so at this time. He questioned if this was the type of change the City Council wanted, and would prefer to have some direction from the City Council before considering such a change. He recalled that in the past the Commission has received direction from the City Council

when they want to make a policy change which affects land use. He was therefore not in favor of adopting option No. 4.

Commissioner Gerstner explained that option No. 2 seems like an option that is worth investigating and pursuing. He understood there will be questions that will arise in that analysis. He was sensitive to respecting the comments made by the public speakers; noting their concerns with the term hazard and what it means on their property, concerns with level land on their property that is now designated as a hazard area and they are seeking a fix for that. In his opinion, that fix should not make any sweeping changes to the General Plan. He felt that option No. 2 has a potential to accomplish those goals.

Commissioner Tomblin agreed with Commissioner Gerstner's comments to direct staff to pursue and study option No. 2.

Commissioner Nelson stated that five of the seven speakers were in favor of option No. 4 and it is incumbent on the Planning Commission to listen to the residents. He felt there will be 1,400 people who would be very happy with option No. 4.

Commissioner Tomblin asked staff if they felt option No. 2 was the most in line with the General Plan.

Deputy Director Pfof stated that option No. 1 is the most in compliance with the General Plan because it doesn't change the designation. However, staff feels that option No. 2 is very much in line with the General Plan.

The motion to adopt option No. 4 as presented failed, (2-3) with Commissioners Tomblin, Gerstner, and Chairman Tetreault dissenting.

Commissioner Gerstner moved to continue the public hearing to September 25, 2012 and to direct staff to further pursue option No. 2 and present to the Planning Commission an outline or summary of what things would change and what impacts this option would have on addressing property owner's concerns, and how this would be accomplished, seconded by Commissioner Tomblin.

Chairman Tetreault stated his concern with the motion is that option No. 2 negatively impacts 374 property owners whose development rights may be reduced. He stated he is in favor of option No. 3.

Commissioner Gerstner shared the Chairman's concern and explained that he was seeking in option No. 2 in the separation of the zones and what is going to be done with open space hillsides finds a way to address that. He also thought it might be somewhat unfair to change the zone for those it benefits but have separate rules for those it doesn't. He felt that option No. 2 still offers some ways to address and solve those problems.

Commissioner Leon asked Commissioner Gerstner if he would amend his motion to add language reflecting that.

Commissioner Gerstner moved to amend his motion to add that in staff's analysis they seek to find a way to address those residents who it would appear are being negatively impacted by the new laws, seconded by Commissioner Tomblin.

Chairman Tetreault re-opened the public hearing.

Jeanne Lacombe stated she completely understands the Commission's concerns in regards to the negative impacts to some property owners, however she felt that if any other option is chosen other than option No. 4 the Commission is basically saying the residents of the Eastview area are second class citizens because they are saying they get stuck with open space hazard and the people directly across the canyon still don't have any open space hazard on their building property. She stated that is unfair to the Eastview area.

Chairman Tetreault closed the public hearing.

Commissioner Tetreault asked staff to comment on Ms. Lacombe's statement.

Deputy Director Pfast stated these changes are being proposed throughout the City, not just the Eastview area and there is no distinction between Eastview and the rest of the City.

The motion to continue the public hearing to September 25th and for staff to further pursue option No. 2 was approved, (3-2) with Commissioner Nelson and Chairman Tetreault dissenting.

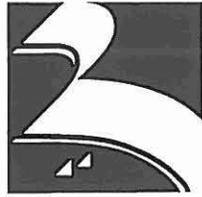
ITEMS TO BE PLACED ON FUTURE AGENDAS

2. Pre-Agenda for the meeting on September 11, 2012

The pre-agenda was reviewed and approved.

ADJOURNMENT

The meeting was adjourned at 9:26 p.m.



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 Pfost, 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 relay 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

17.48.060 Extreme slope.

No development or construction of any structure shall be allowed on any extreme slope (grade of thirty-five percent or greater), except as follows:

A. Trash enclosures, enclosed mechanical equipment or pool equipment located within an area of less than fifty square feet; provided, that the structures and/or equipment are not located more than six feet from the top or toe of the slope and are adequately screened from view from adjacent properties and the public right-of-way to the satisfaction of the director;

B. Structures and improvements allowed pursuant to Section 17.76.060 (Extreme slope permit);

C. Satellite dish antennas allowed pursuant to Section 17.76.020 (Antennas and satellite dishes);

D. Grading and retaining walls allowed pursuant to Section 17.76.040 (Grading permit);

E. Fences, walls and hedges allowed pursuant to Section 17.76.030 (Fences, walls and hedges);

F. At grade steps or stairs less than six inches in height, as measured from adjacent existing grade; and

G. Construction of new residences (including habitable and nonhabitable space) on previously undeveloped, recorded and legally subdivided lots existing as of November 25, 1975 or if within Eastview, existing as of January 5, 1983, which are not currently zoned open space/hazard, if the director or planning commission finds that such construction, as conditioned, will not threaten the public health, safety and welfare, provided that such structures are consistent with the permitted uses and development standards for the underlying zoning designations of the lots.

H. Renewable energy systems (photovoltaic and solar water heating) pursuant to Section 17.83.050. (Ord. 481 § 14, 2008; Ord. 463 § 11, 2007; Ord. 320 § 7 (part), 1997; Ord. 226 § 10, 1988; Ord. 194 § 9 (part), 1985)

17.48.070 Intersection visibility.

On corner lots located at the intersection of two or more highways, streets or common driveways or combinations thereof, in all districts, no fence, wall, hedge, sign, structure, shrubbery, mound of earth or other visual obstruction over thirty inches in height, as measured from the adjacent street curb elevation, shall be erected, placed, planted or allowed to grow within the triangular space referred to as the "intersection visibility triangle." The intersection visibility triangle shall be the area formed by the intersection of extended curblines and a line joining points on the curb sixty feet (measured along the curblines) from the point of intersection of the curbline extensions.

A. In districts where the required front or street-side setbacks allow a building to be constructed within the intersection visibility triangle, fences, walls, structures or shrubbery may be allowed to exceed the prescribed height limit, if they are setback from the property line a distance equal to the setback of the allowed building.

B. Trees located within the intersection visibility triangle which are trimmed to the trunk up to a minimum branch height of six feet above the adjacent street curb elevation are exempt from these regulations.

C. The intersection visibility triangle shall be shown on all landscaping plans, grading plans and tentative tract maps for related intersections when required by the director. In cases where an intersection is located on a vertical curve, a profile of the sight line may also be required by the director. Any landscape plan submitted shall show the common name, locations and mature dimensions plotted to scale of all proposed trees, shrubs and plants within the intersection visibility triangle.

D. Proposed improvements or structures which exceed the thirty inch height limit may be permitted in the intersection visibility triangle by the planning commission through a site plan review application, upon determination by the director of public works that the location and/or height of the existing or proposed structure within the intersection visibility triangle allows for the safe view of oncoming traffic by a driver approaching an intersection, and thus no intersection visibility impacts would result. Upon approval by the planning commission of any such structure or improvement, the director shall provide written notice of the planning commission's decision pursuant to Section 17.80.040 (Hearing Notice and Appeal Procedures) of this title. Notice of denial shall be given to the applicant. Any interested person may appeal the planning commission's decision to the city council pursuant to Chapter 17.80 (Hearing Notice and Appeal Procedures) of this title. (Amended during 11-97 supplement; Ord. 320 § 7 (part), 1997; Ord. 175 § 18, 1983; Ord. 132 § 3 (part), 1980)

F. Storage. Except for those outdoor uses permitted by a conditional use permit or special use permit, all maintenance and groundskeeping equipment shall be housed in permanent, entirely enclosed structures.

G. Lighting. All exterior lighting in cemetery zoning districts shall conform to the performance standards of Section 17.56.040 (Environmental Protection). Before any development is approved, a plan showing the locations and specifications of all exterior lighting shall be submitted for review and approval by the director.

H. Transportation Demand Management Development Standards. All development shall be subject to the applicable transportation demand and trip reduction measures specified in Section 10.28.030 (Transportation demand management and trip reduction measures) of this Municipal Code. Any transportation demand or trip reduction measures required pursuant to Section 10.28.030 (Transportation demand management and trip reduction measures), shall be implemented in accordance with all applicable standards and specifications of this title.

I. Deliveries and Mechanical Equipment. Where a cemetery district abuts a residential zoning district, all deliveries of goods and supplies; trash pick-up, including the use of parking lot trash sweepers; and the operation of machinery or mechanical equipment which emits noise levels in excess of sixty-five dBA, as measured from the closest property line to the equipment, shall only be allowed between the hours of seven a.m. and seven p.m., Monday through Sunday, unless otherwise specified in an approved conditional use permit or other discretionary approval.

J. Where a cemetery district abuts a residential zoning district, buffering and screening techniques shall be utilized along the district boundary line, and additional setbacks for structures, parking and activity areas may be imposed by the director and/or planning commission. (Ord. 320 § 7 (part), 1997; Ord. 187 § 8 (part), 1984)

ARTICLE IV. OPEN SPACE DISTRICTS

Chapter 17.32

OPEN SPACE HAZARD (OH) DISTRICT

Sections:

- 17.32.010 Purpose.
- 17.32.020 Establishment.
- 17.32.030 Uses and development permitted.
- 17.32.040 Uses subject to conditional use permit.
- 17.32.050 Uses subject to city council review and approval.

17.32.010 Purpose.

The open space hazard district prevents unsafe development of hazardous areas that must be preserved or regulated for public health and safety purposes. This district provides for limited recreational use of land without permanent structures, except those approved herein. All applications for development of permanent structures submitted pursuant to this chapter shall not be deemed complete until geotechnical and/or soils reports, which analyze development of the proposed structures, have been submitted and approved by the city's geotechnical staff. (Ord. 320 § 7 (part), 1997; Ord. 78 (part), 1975)

17.32.020 Establishment.

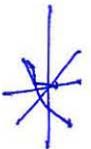
Lands shall be placed in the open space hazard district when the use of said land would endanger the public health, safety and welfare. Open space hazard districts shall include:

A. Areas where the existing natural slope exceeds thirty-five percent, areas experiencing downslope movement, areas unstable for development, areas where grading or development of the land may endanger the public health and safety due to erosion or flooding, and the ocean bluffs; and

B. Areas subject to flooding or inundation from stormwater. (Ord. 320 § 7 (part), 1997; Ord. 90 § 4, 1977; Ord. 78 (part), 1975)

17.32.030 Uses and development permitted.

Land in open space hazard districts may be used for the following; provided, that the applicable natural



overlay control district (OC-1) performance criteria established in Chapter 17.40 (Overlay Control Districts) is satisfied:

- A. Outdoor passive recreation uses, such as parks, trails and other suitable facilities;
- B. The preservation of areas of outstanding scenic, geologic, historic or cultural value;
- C. The preservation of natural resources, including, but not limited to, plant and animal life;
- D. The regulation of areas for public health and safety, including, but not limited to, areas which require special management or regulation because of hazardous conditions;
- E. The conservation of water supply land, including, but not limited to, watershed and groundwater recharge areas;
- F. Single-family residential structures existing on June 26, 1975. Such structures may be replaced, repaired, restored or moved to a more suitable and stable location in accordance with the provisions of Municipal Code Section 15.20.040(B), (Moratorium on Land Use Permits), if such structures have been damaged or destroyed due to a geologic hazard or a hazard other than a geologic hazard. The applicant shall comply with any conditions of approval, including, but not limited to, the abatement measures listed in Section 15.20.050 (Moratorium on Land Use Permits) determined to be applicable by the city's geotechnical staff;
- G. Remedial grading and grading, as per Section 17.76.040 (Grading permit);
- H. Temporary special uses and developments, if a special use permit is first obtained, pursuant to Chapter 17.62 (Special Use Permits);
- I. Commercial filming or photography, if a city film permit is first obtained, pursuant to Municipal Code Chapter 9.16 (Still Photography, Motion Picture and Television Productions);
- J. The growing of crops and/or fruits on one acre or less for noncommercial purposes;
- K. The use of a cargo container for storage on a developed lot, as per Section 17.76.180 (Cargo containers); and
- L. Other uses as provided in any applicable overlay or special districts. (Ord. 462 § 11, 2007; Ord. 320 § 7 (part), 1997; Ord. 125 § 3, 1980; Ord. 78 (part), 1975)

17.32.040 Uses subject to conditional use permit.

The following uses and developments may be permitted in an open space hazard (OH) district pursuant to a conditional use permit, as per Chapter 17.60 (Conditional Use Permits):

- A. Comfort stations;
- B. Maintenance buildings, larger than one hundred twenty square feet in area and up to four hundred square feet in area;
- C. Public utility structures;
- D. Limited outdoor active recreational uses which do not involve permanent structures or significant alterations to the existing topography and which do not involve golf courses, driving ranges and related ancillary uses;
- E. Agricultural and horticultural uses of more than one acre, as long as such uses will not further increase hazardous conditions, alter the nature of other permitted uses, or eliminate any coastal sage scrub habitat, unless the habitat impacts are mitigated to the satisfaction of the city and appropriate state or federal resource agency; and
- F. Additional facilities, as long as such facilities are not permanent, are clearly accessory and subordinate to the primary use, will not alter the nature of, and are limited to, those facilities necessary for utilization of the open space land. (Ord. 320 § 7 (part), 1997; Ord. 194 § 8 (part), 1985; Ord. 78 (part), 1975)

17.32.050 Uses subject to city council review and approval.

A. The following uses and developments may be permitted only with city council review and approval of a site plan review application:

- 1. Self-contained chemical toilets;
- 2. Maintenance buildings, not to exceed one hundred twenty square feet; and
- 3. Access to a lawful use or lot is permitted in the open space hazard (OH) district, provided:
 - a. No other practical access to such use or lot is available,
 - b. Such access will not alter the character of the premises in respect to permitted uses in the open space hazard district,
 - c. Such access will not further increase hazardous conditions or alter the nature of the permitted uses, and

d. Such access will not eliminate any coastal sage scrub habitat, unless the habitat impacts are mitigated to the satisfaction of the city and appropriate state or federal resource agency.

B. The city council, in approving the site plan review application, must find as follows:

1. That the uses and developments:
 - a. Are not permanent, with the exception of access,
 - b. Are clearly accessory and subordinate to the primary use,
 - c. Will not alter the nature of the open space land,
 - d. Are limited to those facilities necessary for utilization of the open space land; and
2. That the site plans comply with the provisions of Chapter 17.70 (Site Plan Review). (Ord. 320 § 7 (part), 1997; Ord. 194 § 8 (part), 1985; Ord. 78 (part), 1975)