



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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September 25, 2012**

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 Emehiser 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)

Greg Pfof

From: Jeff Koehler [jkoehler@pacbell.net]
Sent: Wednesday, August 29, 2012 4:21 PM
To: PlanningCommission
Subject: Open-Space Hazard Zone

Dear Sirs:

As you may recall I was in attendance, and spoke, at the Planning Commission meeting on 28 August 2012. Thinking about the planning staff presentation as well as the subsequent discussion it occurred to me that there are at least two, perhaps three, different goals with respect to land use in RPV that are being lumped under the general discussion of "Hazard" or "Open-Space Hazard". First is a concern that there are large areas with "Extreme Slopes", "High Slopes", "Active Landslide", "Landslide Area", "Probable Landslide", and "Sea Cliff Erosion" that need to be managed to prevent inappropriate or unsafe or damaging development or use. A second goal is to prevent property zoned for residential or other development, but upon which structures do not currently exist, from being developed in an unsafe or damaging manner. A third is to ensure that existing developments (such as the homes in Eastview) are not extended, modified or rebuilt in an unsafe or damaging manner. It does not seem that a single "Zone" designation to address all of these concerns is likely to be very simple or effective. It also seems inappropriate to label all of these concerns as being equally hazardous. Back when the original designation was created, perhaps many of the areas in RPV were undeveloped and Eastview was not a part of the city. So back then perhaps concern over active landslides, or protecting undeveloped areas was more pressing and the term "Hazard" more appropriate, but not today: There is no "danger" of landslide or beach erosion in Eastview or similar developed areas, nor is there likely to be major damage to the community at large from modifications to existing property there.

With this in mind it seems that the planning commission really needs to address the different goals separately rather than using a single designation of "Hazard Area". This designation implies some significant current risk associated with living in these areas and could lead to increases in cost or refusals to provide insurance coverage as well as decreases in property value. A more discriminating approach to labeling the areas of concern to more accurately highlight the goal sought would be preferable. This approach would also allow tailoring the permitting process to achieve community goals without placing undue burden on current residents of existing communities by requiring they comply with extensive, expensive processes suitable for protecting from large hazards, when only simple home improvement and repair is contemplated. In fact, for this latter category of development the current zoning code "Extreme Slopes" section is perfectly adequate and sufficient. The "Open-Space Hazard" designation is both unnecessary, misleading and excessive.

Looking forward to the Sep 25th meeting.

Respectfully,

Jeff Koehler

28039 Calzada Dr

RPV



RANCHO PALOS VERDES

NOTE TO PUBLIC

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

MEMORANDUM

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

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

RECOMMENDATION

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

BACKGROUND

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

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

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

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

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

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

DISCUSSION

Creation of the General Plan “Hazard” Designation

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

Zoning Map Open-Space Hazard Designation

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

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

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

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

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

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

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

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

General Plan Update – Hazard Land Use Revisions August 28, 2012

purpose of the Hazard land use designation.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CONCLUSION

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

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

ADDITIONAL INFORMATION

Public Correspondence:

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

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

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

Additional Option:

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

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

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

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

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

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

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

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

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

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

Attachments:

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

Abigail Harwell

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

Ms. Harrwell:

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

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

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

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

Regards,
 Kave Niksefat

--

Kave T. Niksefat
 Principal
 Marina Consulting LLC

P 310 600 5430
 F 888.235.7934
 E kave@marinaconsulting.com

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Abigail Harwell

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

Mr. Reeves ~

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

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

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

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

~ Abigail Harwell

Assistant Planner

City of Rancho Palos Verdes

www.palosverdes.com/rpv

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

Good Saturday Afternoon

I keep losing track of where we stand on this subject. I thought it had been settled as far as the city was concerned and sent a cryptic note to the CC regarding the bureaucratic procedure that had been approved (I thought) to change the arbitrary decisions made regarding my property and others. At the same time I'm not sure if and where the "line" intersects our property that is fenced and stable for over 35 years. Whatever the answer is to the above question, I object if we are included at all. The maps that I saw were not definitive. Would it be possible to send me that portion of the map if it includes any portion of our property? I believe there are implications to what I consider to be a rather arbitrary process involving over 1000 properties that could not have been individually assessed. Among other things, I thought Open Space Hazard areas have to be so marked/signed. I believe the MR&PD is significantly affected but to date they have been unable/unwilling to understand any impact.

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

Enter title here



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Abigail Harwell

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

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

...S

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

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

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

Will call in AM.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Abigail Harwell

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

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

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

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

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

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

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

Sincerely,

Kathryn Sanchez
Frederick Sanchez
6 Stirrup Lane
RPV

Abigail Harwell

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

Good (Monday) Morning

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

Thank you,

Don

dreeves895@aol.com

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

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

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

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

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

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

Respectfully,
Don Reeves
6424 Via Canada

Abigail Harwell

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

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

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

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

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

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

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

Ken DeLong

RPV Open Area Hazard Zone

Tuesday, August 21, 2012
12:06 PM

Rancho Palos Verdes
Planning Commission
Abigail Harwell
Gregory Pfost

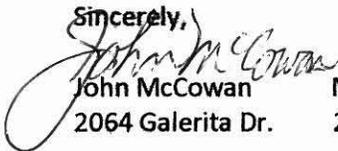
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COMMUNITY DEVELOPMENT
DEPARTMENT

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

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

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

Sincerely,


John McCowan
2064 Galerita Dr.

Mark Karmelich
2064 Galerita Dr.


Pete Joncich
2161 Santa Rena Dr.

2064 Galerita

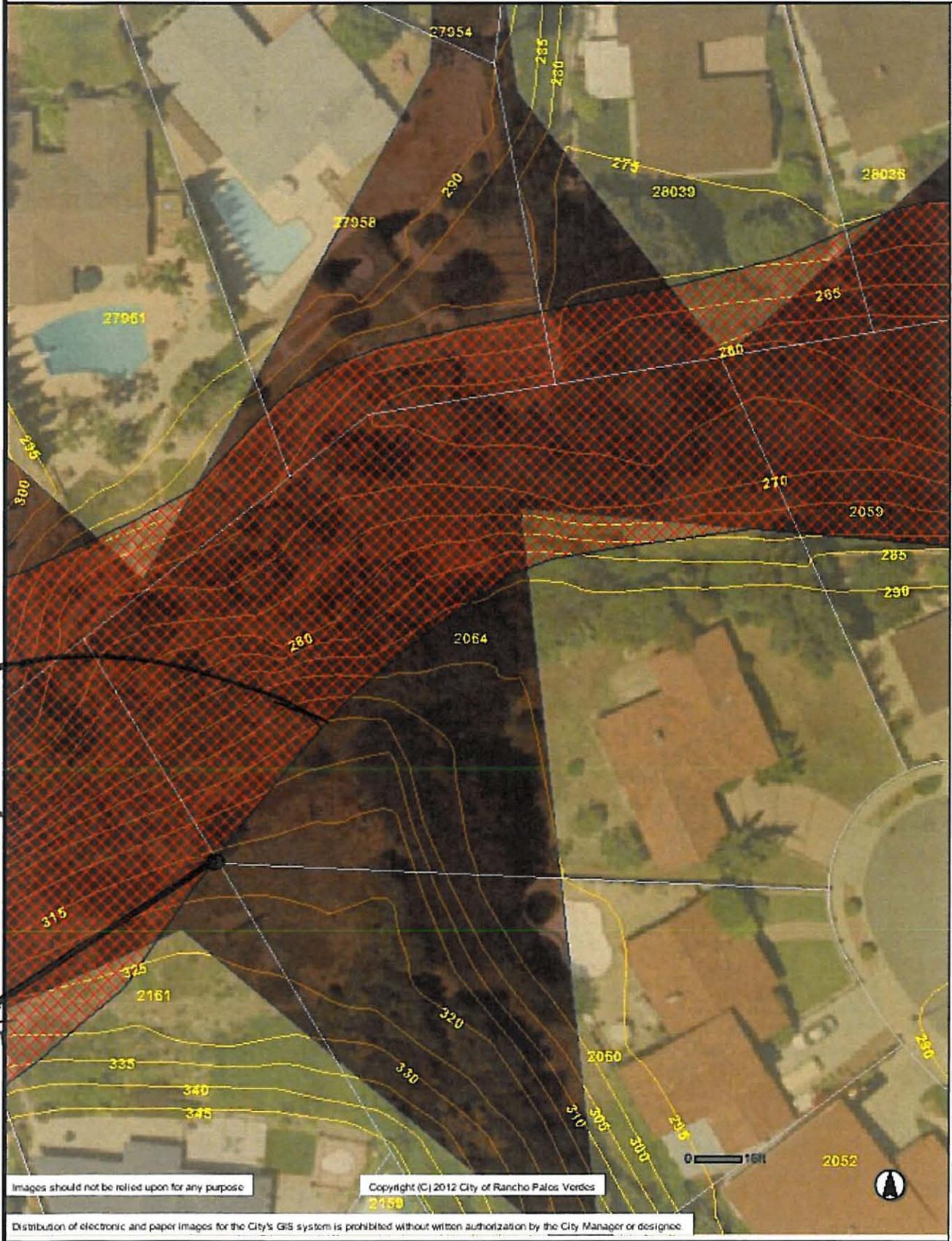


PHOTO TAKEN AUG 2, 2012

PHOTO OF PROPERTY LOOKING WEST



PHOTO TAKEN AUG 21, 2012

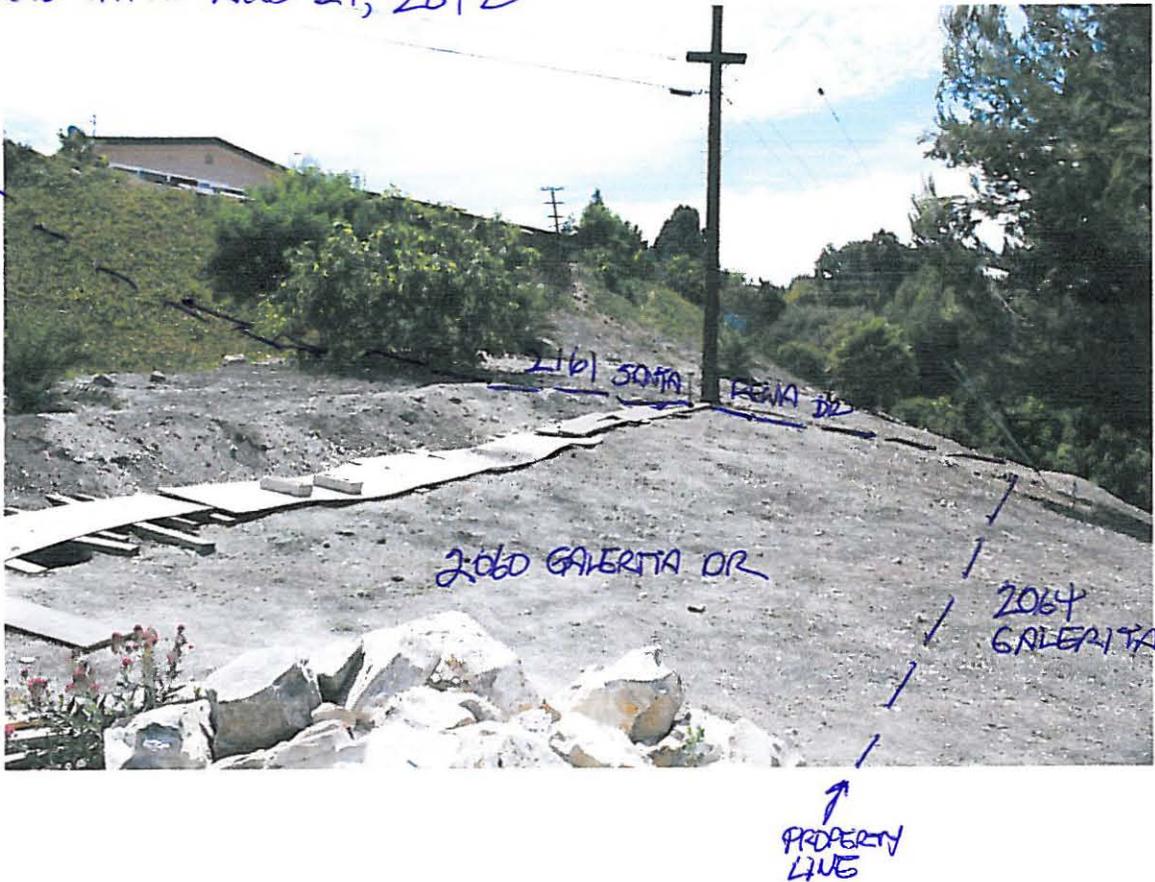


PHOTO TAKEN LOOKING NORTHEAST TOWARD MOUNTAINS & LA CITY

AUG 21, 2012 PHOTO TAKEN LOOKING WESTWARD TO PROPERTY CORNER



PHOTO TAKEN AUG 21, 2012



Abigail Harwell

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

Dear Abigail,

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

Thanks again for your consideration in this matter.

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

#1

From: sharon yarber [mailto:momofyago@gmail.com]
Sent: Monday, August 27, 2012 9:57 PM
To: PlanningCommission
Subject: Tomorrow's meeting

Gentlemen:

I have some grave concerns about the staff report and its recommendation that Option 2 be adopted.

First, we have the opinion of just one geologist. As the lawyers on the PC well know, there are always at least two experts who can be found with divergent and even radically different opinions. To move forward without, at a minimum, obtaining a second opinion (would any of you have surgery without at least a second opinion?) is short-sighted and ill advised.

Second, the staff has only consulted with State and County taxing authorities. Did anyone consult with local real estate brokers to see what impact the designation of Open Space Hillside might have on a property's value?

Third, the staff report is replete with contradictory statements. On the one hand, the report provides on Page 6, under Option 2, that extreme slope areas are "prohibited from building development", and again under Option 4, they state that there is a prohibition of development on extreme slopes (per our Muni Code in both instances), yet almost in the same breath the "con" of Option 4 is that it would be easier for a property owner to obtain a variance for development on extreme slopes properties.

Consequently, I am extremely confused. Which is it? Is development prohibited or simply subject to being permitted, with a variance, under appropriate circumstances?

Does not location, terrain, type of land (fill, bedrock, clay) have some bearing on whether an appropriately engineered development might be approved, with a variance, on what is otherwise an extreme slope? There is a home being constructed on Via del Monte adjacent to the La Venta Inn on a slope that is most assuredly in excess of 35 degrees. I believe that with the correct type of land (bedrock vs. fill, for example) and sufficient pilings of adequate depth, a development can be constructed which does not jeopardize the safety of neighboring properties. Look at the tennis court built on stilts on a property in Monaco overlooking Ryan Park. I was never a whiz at geometry, but I am pretty sure that is a slope that exceeds 35 degrees.

Obviously, doing nothing adversely impacts owners of properties that should be removed, at least in part if not completely, from an Open Space designation. Similarly, it is incumbent upon the City, in the exercise of its duties to protect the general safety of the community, to appropriately designate dangerous properties, particularly those in landslide areas, as Open Space Hazard and preclude development that has the potential for harm to others.

I am in favor of Option 4 as it promotes the correct balance between the City's responsibilities and the rights of property owners. I would prefer to see a panel of 7 commissioners (a "jury" of my peers) decide whether or not a variance is appropriate, as opposed to having cast in stone a designation

that prevents the exercise of sound discretion by those charged with that responsibility.

For your information, I am not personally affected by your decision tonight, as my property is not one that will bear the impact of your decision, so I have no bias that obscures or influences my views.

Thank you,

Sharon Yarber

|

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AUG 27 2012

COMMUNITY DEVELOPMENT
DEPARTMENT

August 27, 2012

CDD
City of RPV

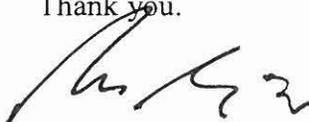
RE: General Plan Update- Hazard Areas

Dear Ms. Harwell,

Thank you for sending the notice of the General Plan Update for the Hazard areas. I support the City's recommendation to change the land use designation for hillside areas to "Open Space Hillside" instead of its current "Open Space Hazard."

This should help when obtaining homeowners insurance. I know one of our neighbors had difficulties obtaining a new homeowners insurance because they were considered a high-risk property. I also hope this new designation would help reduce the homeowners insurance of homes with canyon properties.

Thank you.



Rezvan Ramezani
2826 Calle Aventura
RPV, CA 90275

1

Re: Planning Commission Meeting on 8/28/12 - Discussion on Open-Space Hazard Revisions

Virginia Cicoria [ginnymayc@gmail.com]

Sent: Monday, August 27, 2012 11:08 AM

To: Abigail Harwell

Thanks so much for keeping us updated in all that is happening! I won't be able to attend the meeting this evening, but I trust our Planning Commission will consider all the issues and make a fair and just decision,

Sincerely,
Virginia Cicoria

On Mon, Aug 27, 2012 at 7:58 AM, Abigail Harwell <AbigailH@rpv.com> wrote:

Good Morning,

Below is a link to this Tuesday's Planning Commission agenda, where the only item on the agenda is regarding a discussion on possible options related to revisions to the City's Open-Space Hazard areas.

[http://www.palosverdes.com/rpv/planning/AGENDAS -
_Current_Agendas/PlanningCommission/2012/2012_08_28_Planning_Commission_Agenda/](http://www.palosverdes.com/rpv/planning/AGENDAS_-_Current_Agendas/PlanningCommission/2012/2012_08_28_Planning_Commission_Agenda/)

Please feel free to contact me with any questions and any comments received before the Tuesday meeting will be forwarded to the Planning Commission on the night of the meeting.

Thanks

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

#1

Comments for General Plan Update

David Gakenheimer [dgakenheimer@gmail.com]

Sent: Saturday, August 25, 2012 3:52 PM

To: Greg Pfof

Cc: Abigail Harwell

Greg,

I fully support the Staff Recommendation for moving forward with Option 2 in the Public Notice dated July 26, 2012, for hillside areas using the name "Open-Space Hillside" instead of the current name "Open-Space Hazard".

Please provide this email to the City Council.

Thank you.

David

Dr. David C. Gakenheimer
4150 Maritime Rd
Rancho Palos Verdes, CA 90275
dgakenheimer@gmail.com
310-913-3703

#1

COMMUNITY ASSOCIATION FOR TRACT 16540

Portuguese Bend Club East
4100 Palos Verdes Drive South
Rancho Palos Verdes, California

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AUG 27 2012
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DEPARTMENT

Attn: Abigail Harwell, Assistant Planner
City of Rancho Palos Verdes
Planning Commission
30940 Hawthorne Blvd
Rancho Palos Verdes, CA 90275

RE: The General Plan's "Hazard" Land use Designation

Planning Commission Members:

The board of Tract 16540 has reviewed the Draft Report. We urge you to vote to change the land use designation for hillside areas. We would suggest they be designated "Open-space Hillside" instead of the current "Open Space Hazard" designation.

The word Hazard indicates serious risk with far reaching implications, which are totally unwarranted.

Thank you for your consideration of our position on this important matter.

Robert Voll
President Tract 16540
Portuguese Bend Club
Rancho Palos Verdes, CA

#1

*Stephen R. Stewart
Diane R. Stewart
4164 Maritime Road
Rancho Palos Verdes California 90275
(310) 541-6311
Fax (310) 541-3353*

August 21, 2012

Attn: Abigail Harwell, Assistant Planner
City of Rancho Palos Verdes
Planning Commission
30940 Hawthorne Boulevard
Rancho Palos Verdes, CA 90275

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DEPARTMENT

RE: The General Plan's "Hazard" Land Use Designation

Dear Planning Commission Members:

We have carefully reviewed the Draft Report, and we urge you to vote to change the land use designation for hillside areas to "Open-Space Hillside" instead of its current "Open Space Hazard" designation.

For all the obvious reasons, the word hazard is a hot button, and indicates a serious risk with far reaching implications, which are totally unwarranted.

Thank you for your service to our community, and your consideration of our position on this important matter.

Sincerely,



Stephen R. Stewart
Diane Rene Stewart

#1

RPV Open Area Hazard Zone

Thursday, August 23, 2012
12:28 AM

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AUG 23 2012

COMMUNITY DEVELOPMENT
DEPARTMENT

Rancho Palos Verdes
Planning Commission
Abigail Harwell
Gregory Pfost

I, John McCowan as the interested homeowner expressing my opinion and testimony in regards to the "Open Area Hazard Zone" that has impacted my property at 2064 Galerita Dr. for future development and improvements. I have reviewed the visual changes made on the new "grid map" for the OAH zones surrounding my property. I have a few concerns of where the actual boundary lines will be finally placed.

As you look at the "grid map" in the north-west corner of Lot#149, which is 2064 Galerita Dr., the markings indicate that there is 83 ft. of flat useable terrain that is now encroached by the OAH Zone Boundary line. I have also included photos of the area with this problem.

I would sincerely appreciate the consideration of the planning commission for the OAH zone boundary to be placed where there will not be any opposing problems prohibiting the future development and improvements of the property.

I sincerely appreciate your time and efforts on this matter.

Sincerely,



John McCowan
2064 Galerita Dr.
RPV Ca. 90275
B 310-831-6427
C 310-429-8897

July 26, 2012

COMMUNITY DEVELOPMENT DEPARTMENT

**MEETING OF THE PLANNING COMMISSION TO REVIEW AND DISCUSS
THE GENERAL PLAN'S "HAZARD" LAND USE DESIGNATION AS PART OF THE CITY'S GENERAL
PLAN UPDATE PROCESS**

The Planning Commission of the City of Rancho Palos Verdes will conduct a public meeting on Tuesday, August 28, 2012, at 7:00 p.m. at the Hesse Park Community Building, 29301 Hawthorne Boulevard, Rancho Palos Verdes for the purpose of reviewing and possibly recommending amendments to the General Plan's "Hazard" Land Use Designation for private properties. You are receiving this notice because your property may be affected by the proposed amendments which are described as follows:

The General Plan's Land Use Map includes a land use category entitled "Hazard", which is located on many private and public properties. Typically, the "Hazard" areas consist of canyon areas, extreme slopes over 35% in gradient, and known landslide areas. As part of the City's ongoing General Plan Update, the City is reviewing the location of the "Hazard" land use areas mapped in 1975 to determine their accuracy. Specifically, the City Geologist was directed to review all the "Hazard" boundary line locations in the City to determine if the existing boundary lines reflect existing topographic and geologic conditions. As a result of the City Geologist's evaluation report, some private properties would see the "Hazard" land use designation reduced or eliminated, while other private properties would either see an increase in the amount of "Hazard" land use or a new "Hazard" land use designation. Based upon this information, the City felt it important to first obtain Planning Commission direction on a series of alternatives before actually moving forward with any revisions to the existing "Hazard" boundary line. Thus, the purpose of the August 28th meeting is to seek the public's input and the Commission's direction on a preferred alternative to address this issue and move forward.

A draft Staff Report on this issue has been prepared a month in advance of the August 28th Planning Commission meeting for the benefit of the public's viewing and comment. The Staff Report provides a Background and Discussion on this issue as well as discusses the various alternatives to address the issue, along with a Staff recommendation. The Staff Report, along with the City Geologist's evaluation report, will be available to the public on July 26, 2012 and can be viewed on the City's web page through the following link: http://palosverdes.com/rpv/planning/content/General_Plan_Update.cfm, or a copy can be obtained from the Community Development Department at City Hall.

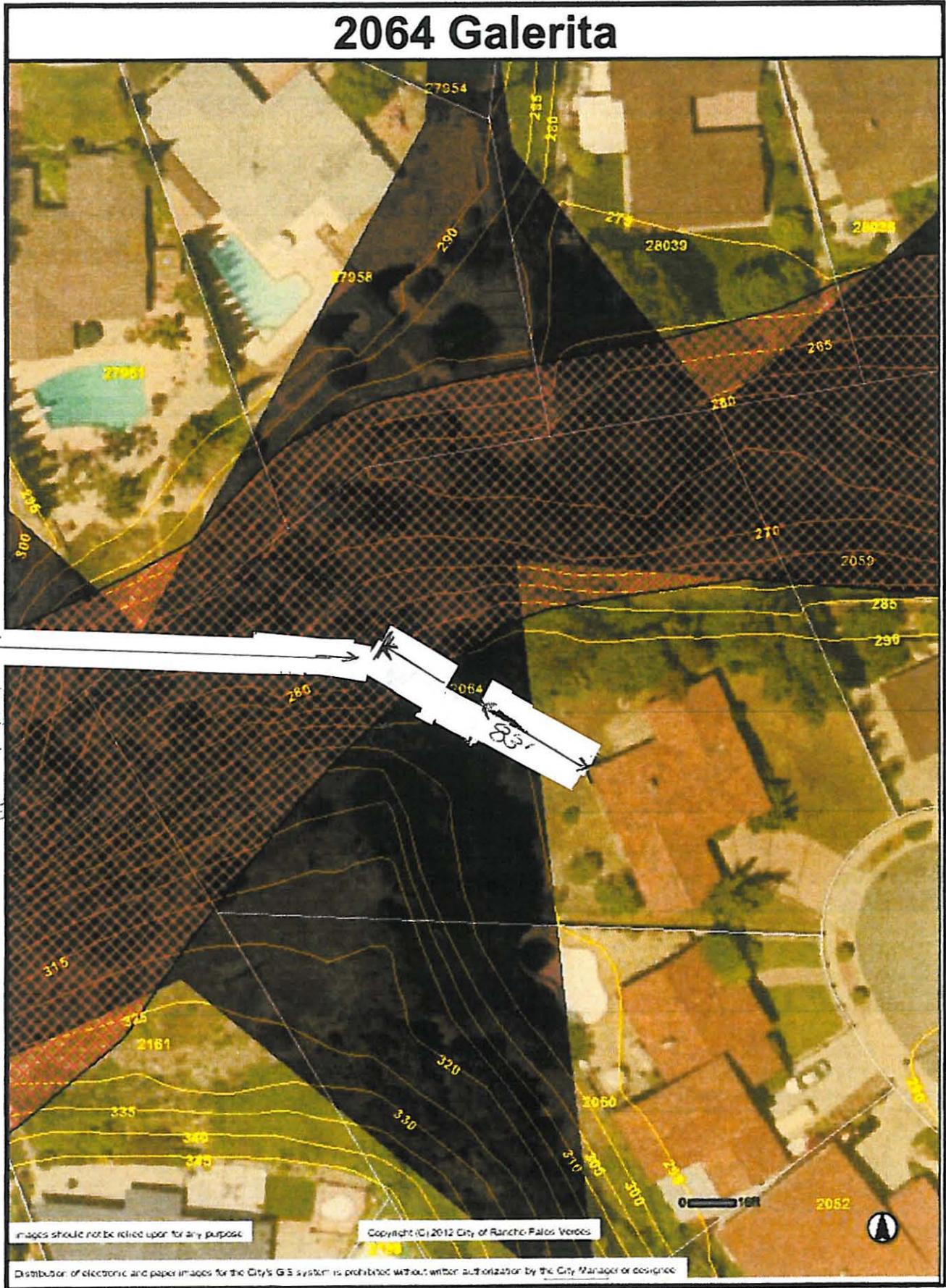
All interested parties are invited to submit written comments on the draft Staff Report and to attend and give testimony at the meeting. Written comments should be sent via U.S. Mail or email (abigailh@rpv.com) to the attention of Assistant Planner, Abigail Harwell, by August 21, 2012 for inclusion within a final Staff Report that will be prepared for the Planning Commission's August 28th meeting. Written comments submitted after August 21st will be given to the Planning Commission at 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. Please contact Assistant Planner, Abigail Harwell, at (310) 544-5228 or via e-mail at abigailh@rpv.com for further information.



Joel Rojas, AICP
Community Development Director

2064 Galerita

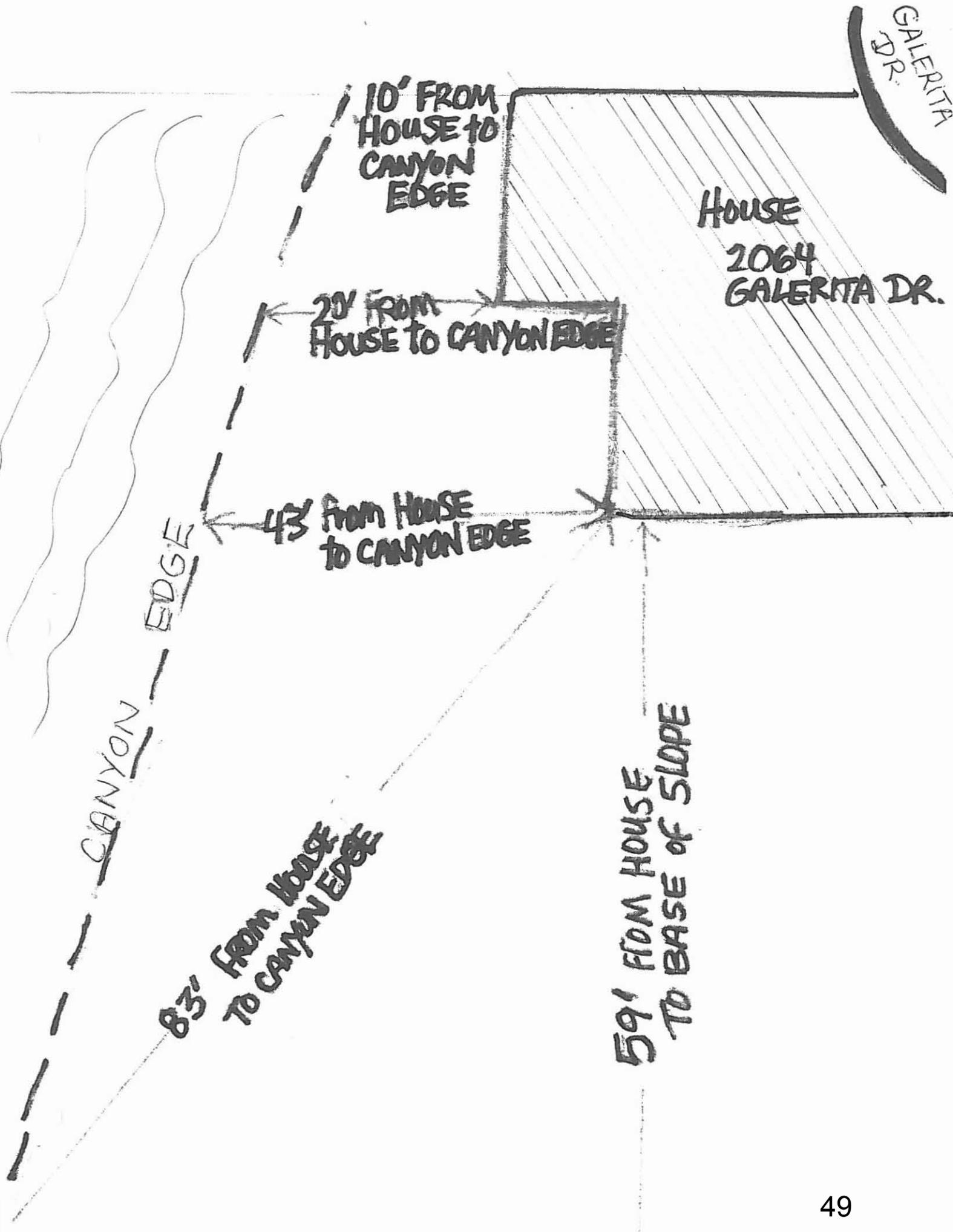
THIS POINT INDICATES THAT THERE IS 83 FT. OF OPEN FLAT TERRAIN TO THE EDGE OF THE CANYON

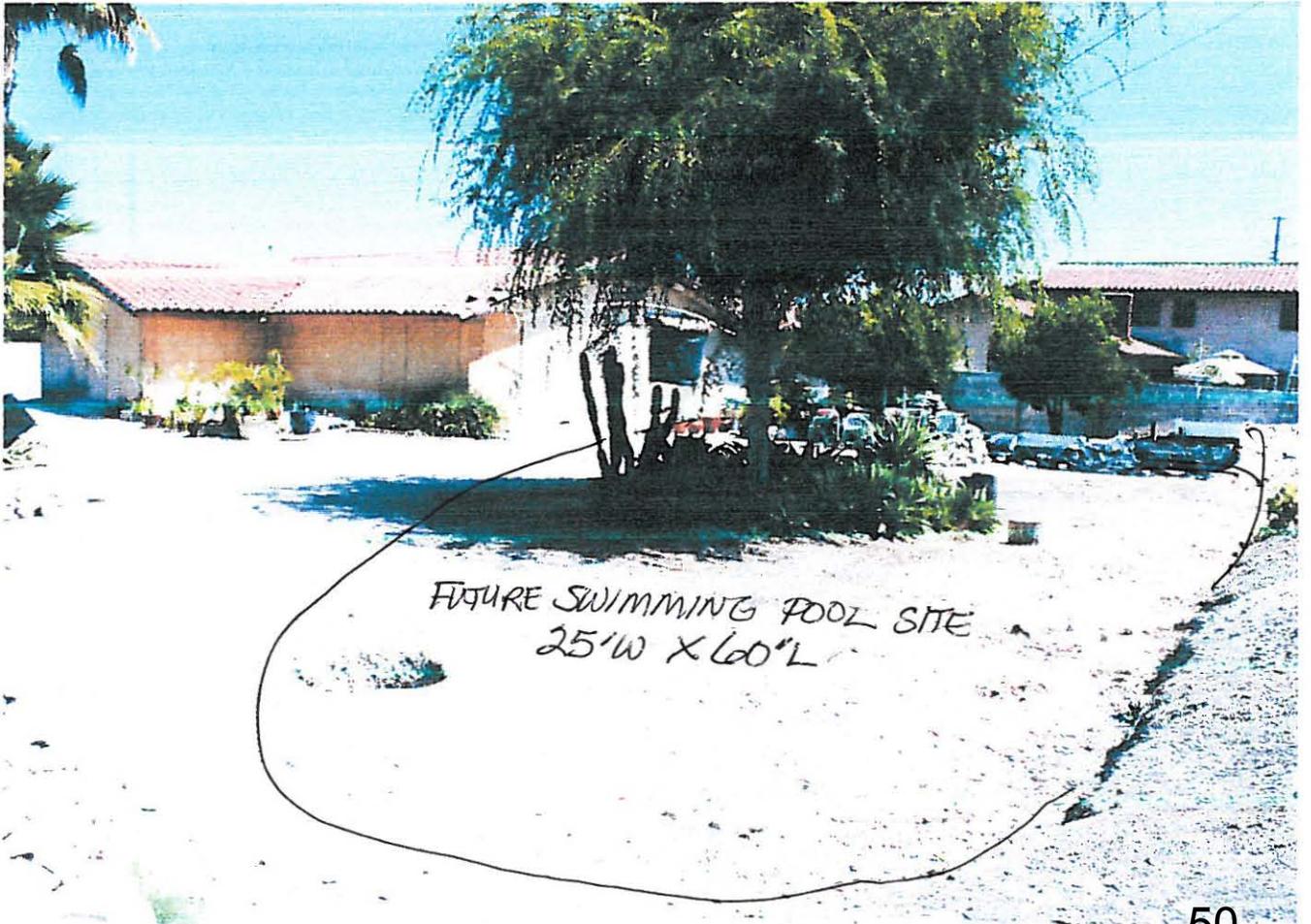


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#1

Abigail Harwell

From: Maury Williams [wmaury@sbcglobal.net]**Sent:** Wednesday, August 22, 2012 4:12 PM**To:** Abigail Harwell**Subject:** Open Space Hazzard Zoning Changes

Thank you for your efforts to correct the OH zoning in the City of RPV.

However, I was under the impression that the new boundary lines would be drawn where the slopes became greater than 35%. That is not the case on my property, and probably others as well. This is extremely restrictive zoning, and the City shouldn't be taking property that doesn't fit the definition. You can say the lines are approximate, but when changes go into effect they won't be treated as approximate.

It seems that the City is spending a great deal of time, effort, and money on something of little value. I recommend that City eliminate this zoning, except in areas of well known extreme hazard, or, even in areas of extreme slope, but start at something well over 35%, and use it's resources elsewhere. The extreme slope ordinance already covers slopes over 35%, why is the zoning more restrictive? And, anyone who proposes to develop a piece of property must comply with the city permitting requirements. This just creates more work.

Thank you,

Maury Williams

2152 Van Karajan Dr.