

LANDSLIDE MORATORIUM EXCLUSION PROCEDURE

Pursuant to Chapter 15.20 of the City's Municipal Code, notwithstanding any other ordinance or code of the City, the City has declared a moratorium on the filing, processing, approval or issuance of building, grading or other permits, environmental assessments, environmental impacts reports, conditional use permits, tentative maps or parcel maps in the area of the City identified as the "landslide moratorium" area on the attached map.

A landowner, or his/her designated agent, may apply for a parcel of land to be excluded from the landslide moratorium area to the City Council. To obtain such exclusion, the City Council shall find as follows:

- 1) The exclusion is consistent with the general plan and coastal plan of the City.
- 2) The exclusion promotes the health, safety and welfare of the community.
- 3) The exclusion shall not aggravate any existing geologic conditions in the area.

Please be advised that the granting of an "exclusion" to the Landslide Moratorium does not constitute planning approval of a specific project request, but simply grants the property owner the ability to submit the necessary planning applications for the desired project. Please contact a planner if you are not certain of the subsequent planning applications which you must submit.

In order to process your Landslide Moratorium Exclusion request without delay, please submit the following materials:

- A letter requesting an exclusion to the Landslide Moratorium, stating the reason(s) for the request and signed by the property owner.
- A legal description and map of the subject property.
- All anticipated planning applications, including conceptual plans.
- A completed environmental assessment checklist and accompanying fee.
- Geological or geotechnical reports or geologic studies, as requested by the City's geotechnical staff, to demonstrate that the proposed project will not aggravate the existing geologic situation in the area. A filing fee (see page 2) must be established to cover the cost of reviewing the submitted report. The exclusion request application shall not be deemed complete to begin processing until all required geology studies have been completed and review has been completed by the City's geotechnical staff.

Please be aware that the requirements for geology studies may be very extensive and necessitate study beyond the boundaries of the property in question. Any geologic investigations on private property will require the submittal and approval of a Geologic

Investigation Permit.

- Filing Fee: (Payable to the City of Rancho Palos Verdes)

Environmental Assessment Fee*	\$5,594 (flat fee)
Planning Review Trust Deposit	\$5,000 minimum
Geotechnical Review Trust Deposit	

\$255 – Category 1 covers the review of plans, City files, and a site visit to determine if geotechnical studies will be required;

\$1,530 – Category 2 covers the geotechnical review of submitted geotechnical reports and one review of supplemental information;

\$1,635 – Category 3 covers the cost of a site visit, the review of a geotechnical report, and the review of one supplemental report;

\$340 – Category 4 covers the review of additional re-submitted geotechnical reports;

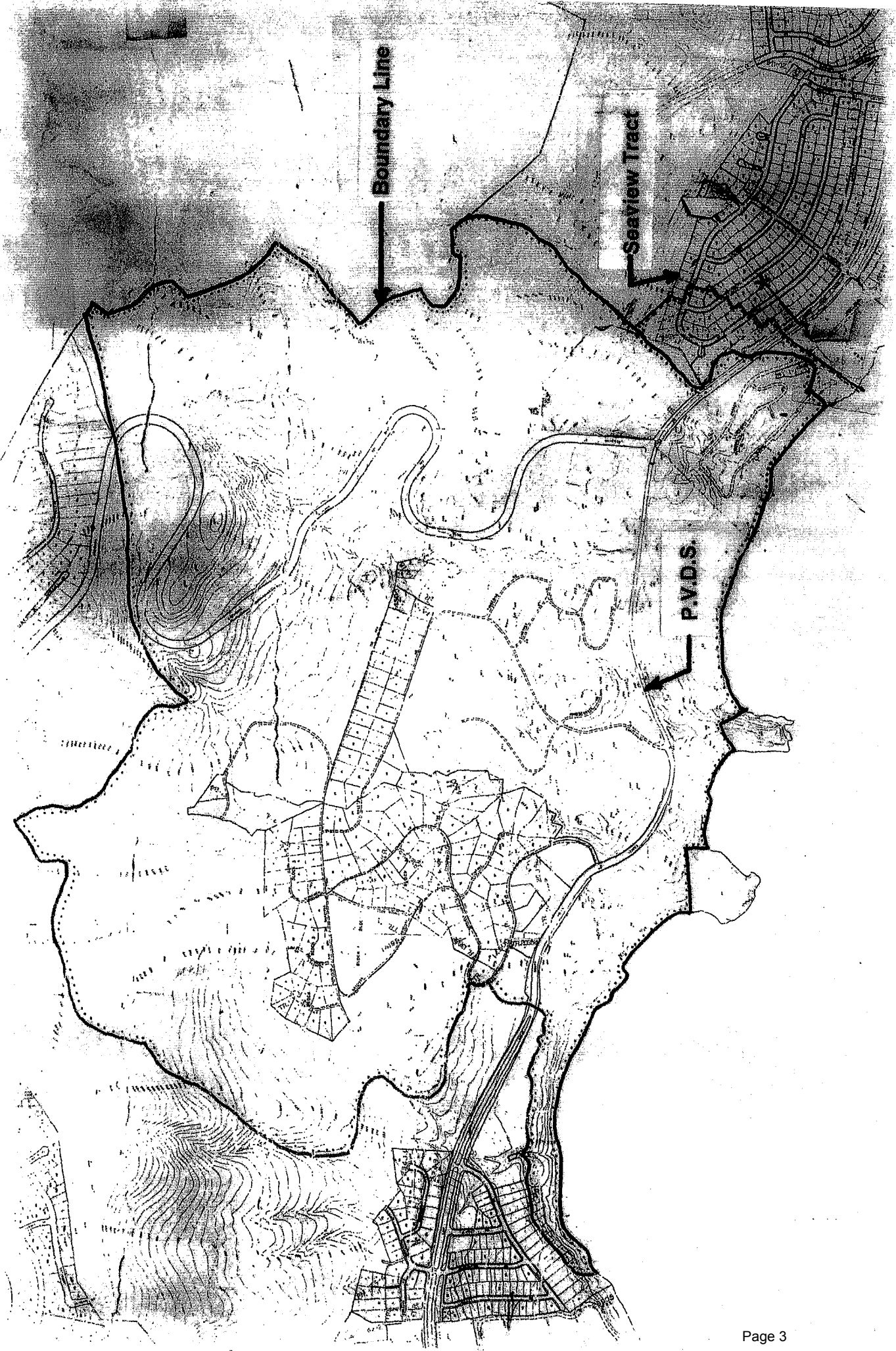
Trust Deposit – Category 5 applies to projects not covered by the above fixed fees (subdivisions, bluff top properties, code enforcement, and other special projects) and will be based on time and material basis, as determined by Staff.

- Any additional information as determined by the Director of Planning, Building and Code Enforcement or the City's geotechnical staff.

Please refer to Chapter 15.20 of the City's Municipal Code for a complete discussion of the Landslide Moratorium limitations, exceptions and exclusion procedures.

* In the event an EIR is required, a trust deposit account shall be established with the City to fully recover all City costs associated with the preparation and review of the EIR document.

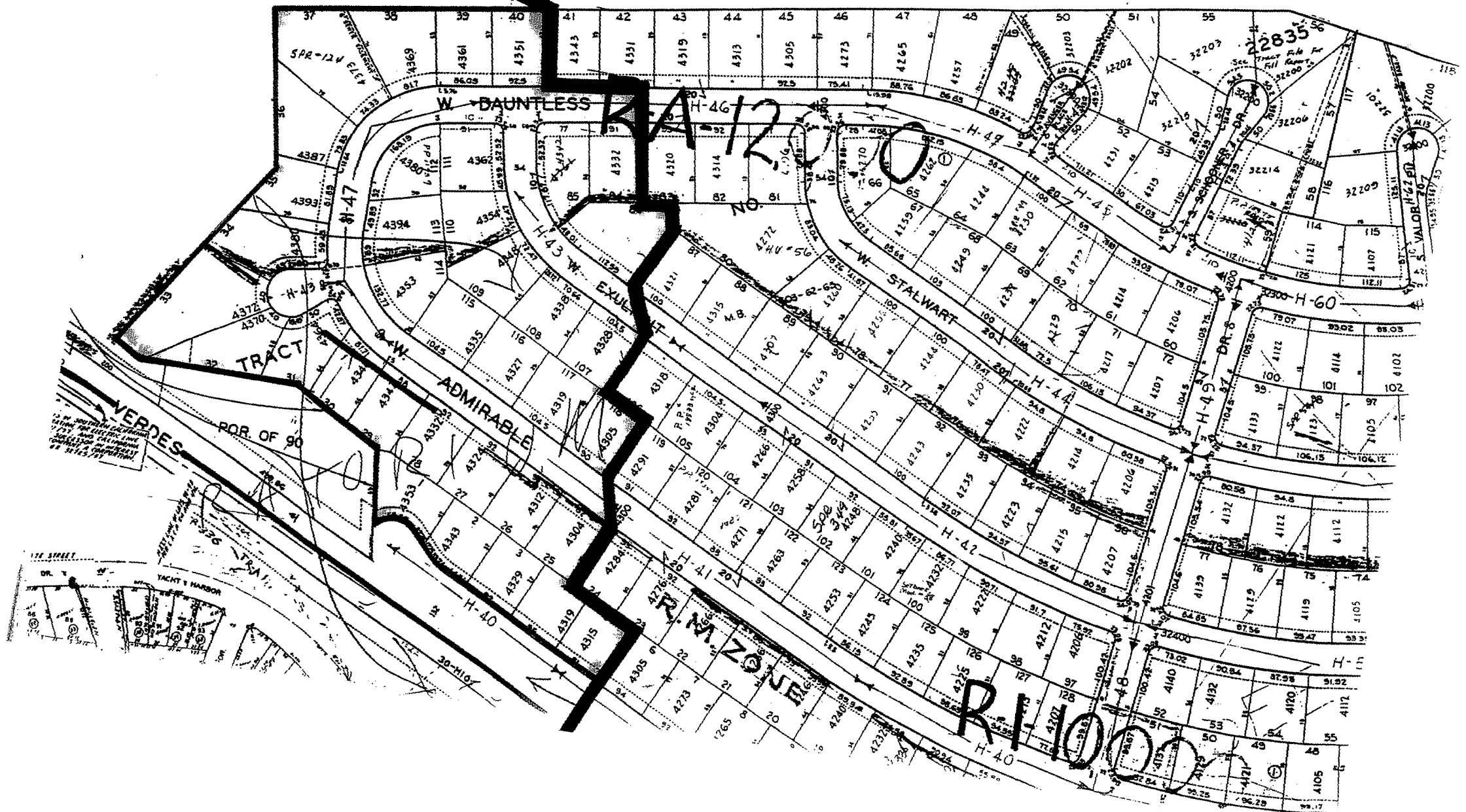
LANDSLIDE MORATORIUM AREA MAP



LANDSLIDE MORATORIUM AREA

Landslide Moratorium
Boundary Line

Seaview Tract (No. 22835)



Chapter 15.20

MORATORIUM ON LAND USE PERMITS*

Sections:

- 15.20.010 Definitions.
- 15.20.020 New construction permits not issued.
- 15.20.030 Revocation of unused permits.
- 15.20.040 Exceptions.
- 15.20.050 Landslide mitigation measures required.
- 15.20.060 Application.
- 15.20.070 Appeals.
- 15.20.080 Expiration.
- 15.20.090 Municipal code and environmental regulations.
- 15.20.100 Exclusions.
- 15.20.110 Required connection to operational sanitary sewer system.

* Prior ordinance history: Ordinances 108U, 118U, 120U, 123U, 128U, 130U, 131U, 139U, 140U, 143U, 148U, 155U, 208, 223, 247, 249U and 276.

15.20.010 Definitions.

The following definitions shall apply to this chapter:

“Alter” means to change in some, but not all, aspects where necessary to continue the use of, and where repair, replacement and restoration are not possible.

“Director” means the director of planning, building and code enforcement.

“Geologic investigation permit” means a permit issued by the city to allow field research for the preparation of geologic, geotechnical or soils reports. Field research shall include investigative trenching, boring or grading which is performed mechanically or by hand. Such trenching, boring or grading shall pertain only to the accumulation of necessary data.

“Maintenance” means to keep in a particular safe condition.

“Repair” means to bring back to a safe condition after partial decay or destruction.

“Replacement” means to exchange a damaged portion for a new equivalent portion without changing form or function. For a dwelling unit it means to construct a new portion of a dwelling to substitute for that existing prior to damage.

“Restoration” means to bring back to the original condition.

“Permanent detached accessory structure” means a structure that is constructed on a permanent foundation,

separate from and appurtenant to a main dwelling unit, which meets the minimum Uniform Building Code standards for human habitation, does not include any kitchen facilities and is not used as a separate dwelling unit. Acceptable structures shall include guest rooms, workshops or similar structures.

“Plumbing fixture” means a plumbing fixture as defined by the Uniform Plumbing Code, unless expressly defined otherwise in this chapter.

“Served by a sanitary sewer system” means that an operational sanitary sewer system is located within the boundaries of the subject lot or parcel or is located within a thoroughfare or right-of-way that is immediately adjacent to the lot or parcel and is no more than two hundred feet from the boundary of the lot or parcel. (Ord. 357 § 5 (part), 2000; Ord 309 § 4 (part), 1995)

15.20.020 New construction permits not issued.

Notwithstanding any other ordinance or code of the city, the city declares a moratorium on the filing, processing, approval or issuance of building, grading or other permits, environmental assessments, environmental impact reports, conditional use permits, tentative maps or parcel maps in the area of the city identified as the “landslide moratorium area” as outlined in red on the landslide moratorium map on file in the office of the director, unless expressly allowed by Section 15.20.040 of this chapter. However, the filing and preparation of environmental assessments, initial studies, negative declarations or environmental impact reports for the exclusive purpose of determining whether a parcel of land may be excluded from the moratorium pursuant to Section 15.20.100 of this chapter are not precluded by this section. (Ord. 309 § 4 (part), 1995)

15.20.030 Revocation of unused permits.

Any building, grading permit or other permit for new construction in the landslide moratorium area which has been previously granted by the city but which has not been acted upon in substantial reliance by the holder thereof is revoked. (Ord. 309 § 4 (part), 1995)

15.20.040 Exceptions.

The moratorium shall not be applicable to any of the following:

A. Maintenance of existing structures or facilities which do not increase the land coverage of those facilities or add to the water usage of those facilities;

B. Replacement, repair or restoration of a residential building or structure which has been damaged or destroyed due to one of the following hazards, provided that a land-

slide moratorium exception permit is approved by the director, and provided that the project complies with the criteria set forth in Section 15.20.050 of this chapter:

1. A Geologic Hazard. Such structure may be replaced, repaired or restored to original condition; provided, that such construction shall be limited to the same square footage and in the same general location on the property and such construction will not aggravate any hazardous geologic condition, if a hazardous geologic condition remains. Prior to the approval of a landslide moratorium exception permit, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation. The applicant shall comply with any requirements imposed by the city's geotechnical staff and shall substantially repair the geologic condition to the satisfaction of the city geotechnical staff prior to the issuance of a final building permit. Upon application to the director, setbacks may conform to the setbacks listed below:

Minimum Setback Standards

Front	Interior side	Street side	Rear
20	5	10	15

2. A Hazard Other Than a Geologic Hazard. Such structure may be replaced, repaired or restored to original condition; provided, that such construction shall be limited to the same square footage and in the same general location on the property and such construction will not aggravate any hazardous condition, if a hazardous condition remains. Prior to the approval of a landslide moratorium exception permit, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation. Upon application to the director, setbacks may conform to the setbacks listed in subsection (B)(1) of this section;

C. Building permits for existing structures which were constructed prior to October 5, 1978, for which permits were not previously granted, in order to legalize such structure(s). Such permits may only be granted if the structure is brought into substantial compliance with the Uniform Building Code;

D. The approval of an environmental assessment or environmental impact report for a project as to which the city or redevelopment agency is the project applicant;

E. Projects that are to be performed or constructed by the city or by the Rancho Palos Verdes redevelopment agency to mitigate the potential for landslide or to otherwise enhance public safety;

F. Remedial grading to correct problems caused by landslide or to otherwise enhance public safety, performed pursuant to a permit issued pursuant to Section 17.76.040(B)(3) of this Code;

G. Geologic Investigation Permits. Prior to the approval of such a permit, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed investigation will not aggravate the existing situation;

H. Minor projects on a lot that currently is developed with a residential structure or other lawfully existing non-residential structure and involves an addition to an existing structure, enclosed patio, conversion of an existing garage to habitable space or construction of a permanent attached or detached accessory structure and does not exceed a cumulative project(s) total of six hundred square feet per parcel; provided that a landslide moratorium exception permit is approved by the director and provided that the project complies with the criteria set forth in Section 15.20.050 and does not include any additional plumbing fixtures, unless the lot is served by a sanitary sewer system. The six hundred square foot limitation on cumulative projects that can be approved on a lot pursuant to this subsection does not include the construction of a new garage, which can be approved pursuant to subsection L of this section. Minor projects involving the construction of an enclosed permanent detached accessory structure shall include a requirement that a use restriction covenant, in a form acceptable to the city, that prevents the enclosed permanent detached accessory structure from being used as a separate dwelling unit is recorded with the Los Angeles County register-recorder. Such covenant shall be submitted to the director prior to the issuance of a building permit. Prior the approval of a landslide moratorium exception permit for such minor projects, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation

I. Construction of temporary minor nonresidential structures which are less than one hundred twenty square feet in size, with no plumbing fixtures and which do not increase water use, may be approved by the director. If the lot is served by a sanitary sewer system, the permit may allow the installation of plumbing fixtures. All permits shall include a requirement that a use restriction covenant,

in a form acceptable to the city which prevents the structure from being used for any purpose other than a non-habitable use, is recorded with the Los Angeles County registrar-recorder. A minor nonresidential structure is defined as temporary if the Building Code does not require it to be erected upon or attached to a fixed, permanent foundation and if, in fact, it will not be erected upon or attached to such a foundation. Prior to approval of the application, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation;

J. Submittal of a lot-line adjustment application;

K. The construction of residential buildings, accessory structures, pools/spas and grading in the "landslide moratorium area" as outlined in blue on the landslide moratorium map on file in the director's office; provided, that a landslide moratorium exception permit is approved by the director, and provided that the project complies with the criteria set forth in Section 15.20.050 of this chapter. Such projects shall qualify for a landslide moratorium exception permit only if all applicable requirements of this code are satisfied, and the parcel is served by a sanitary sewer system. Prior to the issuance of a landslide moratorium exception permit, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation;

L. Construction of one attached or detached garage per parcel that does not exceed an area of six hundred square feet, without windows or any plumbing fixtures, on a lot that currently is developed with a residential structure or other lawfully existing nonresidential structure; provided that a landslide moratorium exception permit is approved by the director, and provided that the project complies with the criteria set forth in Section 15.20.050. If the lot is served by a sanitary sewer system, the permit may allow the installation of windows and plumbing fixtures in the garage. The approval of a landslide moratorium exception permit for such a project shall be conditioned to require that a use restriction covenant, in a form acceptable to the city, that prevents the garage from being used for any purpose other than parking of vehicles and storage of personal property is recorded with the Los Angeles County registrar-recorder. Such covenant shall be submitted to the director prior to the issuance of a building permit. Prior to the approval of a landslide moratorium exception permit for such garage, the applicant shall submit to the director any geological or geotechnical studies reasonable required

by the city to demonstrate to the satisfaction of the city's geotechnical staff that the proposed project will not aggravate the existing situation.

M. Submittal of applications for discretionary planning permits for structures or uses which are ancillary to the primary use of the lot or parcel, where there is no possibility of any adverse impact upon soil stability. Examples of these types of applications include special use permits for minor, temporary uses and events; fence, wall and hedge permits that do not involve grading or the construction of retaining walls; permits for the keeping of large domestic animals and exotic animals; conditional use permits for the establishment of a use or activity at or on an existing structure where no structural modifications are required; and such other uses, activities and structures that the city geotechnical staff determines to have no potential for adverse impacts on landslide conditions;

N. Minor projects on those lots which are currently developed with a residential structure, which do not involve new habitable space, which cannot be used as a gathering space and viewing area, and which do not constitute lot coverage;

O. Permits issued pursuant to Section 15.20.110 of this chapter to connect existing structures with functional plumbing fixtures to an operational sewer system. (Ord. 407 § 6, 2004; Ord. 383 § 5, 2002; Ord. 382U § 5, 2002; Ord. 357 § 5 (part), 2000; Ord. 309 § 4 (part), 1995)

15.20.050 Landslide mitigation measures required.

Within the landslide moratorium area as identified in Section 15.20.020 of this chapter, the city shall require that appropriate landslide abatement measures be implemented as conditions of issuance of any permit issued pursuant to this chapter. With respect to proposed projects and uses requiring a landslide moratorium exception permit pursuant to subsections B, H, K and L of Section 15.20.040, which must satisfy all of the criteria set forth in this section, the conditions imposed by the city shall include, but not be limited to, the following:

A. If lot drainage deficiencies are identified by the director of public works, all such deficiencies shall be corrected by the applicant.

B. If the project involves additional plumbing fixtures, or additions of habitable space which exceed two hundred square feet, or could be used as a new bedroom, bathroom, laundry room or kitchen, and if the lot or parcel is not served by a sanitary sewer system, septic systems shall be replaced with approved holding tank systems in which to dispose of on-site waste water. The capacity of the required holding tank system shall be subject to the review and approval of the city's building official. For the pur-

poses of this subsection, the addition of a sink to an existing bathroom, kitchen or laundry room shall not be construed to be an additional plumbing fixture. For those projects which involve additions of less than two hundred square feet in total area and which are not to be used as a new bedroom, bathroom, laundry room or kitchen, the applicant shall submit for recordation a covenant specifically agreeing that the addition of the habitable space will not be used for those purposes. Such covenant shall be submitted to the director for recordation prior to the issuance of a building permit. For lots or parcels which are to be served by a sanitary sewer system on or after the effective date of this ordinance (July 6, 2000), additional plumbing fixtures may be permitted and the requirement for a holding tank may be waived, provided that the lot or parcel is to be connected to the sanitary sewer system. If a sanitary sewer system is approved and/or under construction but is not yet operational at the time that a project requiring a landslide moratorium exception permit is approved, the requirement for a holding tank may be waived, provided that the lot or parcel is required to be connected to the sanitary sewer system pursuant to Section 15.20.110 of this chapter, or by an agreement or condition of project approval.

C. Roof runoff from all buildings and structures on the site shall be contained and directed to the streets or an approved drainage course.

D. If required by the city geotechnical staff, the applicant shall submit a soils report, and/or a geotechnical report, for the review and approval of the city geotechnical staff.

E. If the lot or parcel is not served by a sanitary sewer system, the applicant shall submit for recordation a covenant agreeing to support and participate in existing or future sewer and/or storm drain assessment districts and any other geological and geotechnical hazard abatement measures required by the city. Such covenant shall be submitted to the director prior to the issuance of a building permit.

F. If the lot or parcel is not served by a sanitary sewer system, the applicant shall submit for recordation a covenant agreeing to an irrevocable offer to dedicate to the city a sewer and storm drain easement on the subject property, as well as any other easement required by the city to mitigate landslide conditions. Such covenant shall be submitted to the director prior to the issuance of a building permit.

G. A hold harmless agreement satisfactory to the city attorney promising to defend, indemnify and hold the city harmless from any claims or damages resulting from the requested project. Such agreement shall be submitted to the director prior to the issuance of a building permit.

H. The applicant shall submit for recordation a covenant agreeing to construct the project strictly in accordance with the approved plans; and agreeing to prohibit further projects on the subject site without first filing an application with the director pursuant to the terms of this chapter. Such covenant shall be submitted to the director for recordation prior to the issuance of a building permit.

I. All landscaping irrigation systems shall be part of a water management system approved by the director of public works. Irrigation for landscaping shall be permitted only as necessary to maintain the yard and garden.

J. If the project involves pools and/or spas, a leak detection system approved by the city building official shall be installed.

K. All other necessary permits and approvals required pursuant to this code or any other applicable statute, law or ordinance shall be obtained. (Ord. 357 § 5 (part), 2000; Ord. 309 § 4 (part), 1995)

15.20.060 Application.

A. Applicants for an exception to this chapter under Section 15.20.040(B), (H), (K) and (L), shall file an application for a landslide moratorium exception permit with the director. The application shall be signed by the property owner, and shall include the following:

1. A letter, signed by the property owner, setting forth the reason for request, as well as a full description of the project;

2. Copies of a site plan, showing accurate lot dimensions; the location, dimensions, and heights of all existing and proposed structures; the location of the existing and proposed septic systems and/or holding tank systems; and the location of the existing and/or proposed sanitary sewer system, if the site is or will be served by a sanitary sewer system. The number of copies required shall be determined by the director;

3. Information satisfactory to the city's geotechnical staff (including but not limited to geological, geotechnical, soils or other reports) reasonably required by the city to demonstrate that the proposed project will not aggravate the existing situation;

4. A fee as established by resolution of the city council;

5. If grading is proposed, a grading plan showing the topography of the lot and all areas of project cut and fill, including a breakdown of the earthwork quantities.

B. A landslide moratorium exception permit application shall become null and void if, after submitting the required application to the director, the application is ad-

ministratively withdrawn by the director because the application is allowed to remain incomplete by the applicant for a period which exceeds one hundred eighty days, or if the application is withdrawn by the applicant. (Ord. 357 § 5 (part), 2000; Ord. 309 § 4 (part), 1995)

15.20.070 Appeals.

Any interested person may appeal any decision or any condition imposed by the director to the city council by filing a written request, together with an appeal fee as established by resolution of the city council, with the city within fifteen days after the decision is made. (Ord. 309 § 4 (part), 1995)

15.20.080 Expiration.

A moratorium exception permit shall become null and void after one hundred eighty days from the date of issuance unless the planning applications necessary for the proposed project have been submitted to the director. The director may grant extensions beyond these periods for good cause. (Ord. 309 § 4 (part), 1995)

15.20.090 Municipal code and environmental regulations.

The building code, as amended, and existing plan checking procedures are adequate and appropriate to allow and regulate maintenance, repair, restoration, replacement and alteration as defined in this chapter. The Administrative Code, including Sections 309 through 319 as added by Section 15.18.110, applies and permits are required. Nothing contained in this chapter shall except the proposed construction or use from any requirement or regulation of the building code, zoning ordinance or other ordinance of this Code or the California Environmental Quality Act. (Ord. 309 § 4 (part), 1995)

15.20.100 Exclusions.

For a parcel of land to be excluded from the landslide moratorium area, a landowner, or his designated agent, may apply for such exclusion to the city council.

A. Application. To obtain an exclusion from this chapter, an applicant shall file an application for exclusion with the director and signed by the property owner. An application shall not be deemed complete until all required geology studies have been completed and review has been completed by the city geotechnical staff. An application shall include the following:

1. The reason for the request;
2. A legal description of the property and a map of the property;
3. All anticipated development applications;

4. Any existing geological or geotechnical reports or necessary geology studies as determined by the city geotechnical staff;

5. A fee as established by the city council;

6. Any additional information as determined by the director or the city geotechnical staff;

7. A completed environmental assessment.

B. Public Hearing. Notice shall be published in a newspaper of general circulation in the community not less than fifteen days before the date set for the city council hearings. The notice shall contain all data pertinent to the hearing. Written notice shall also be mailed not less than fifteen days before the date set for the city council hearing to owners of property shown on the last equalized assessment roll as owning real property within five hundred feet of the boundaries of the subject property.

C. Findings. Upon approval of a landslide moratorium exclusion, the city council shall find as follows:

1. The exclusion is consistent with the general plan and any applicable specific plan of the city, including but not limited to, the coastal specific plan of the city;

2. The exclusion promotes the health, safety and welfare of the community;

3. The exclusion shall not aggravate any existing geologic conditions in the area.

D. Conditions on Issuance of Approval. In granting any exclusion under this chapter, the city council may impose such conditions as may be reasonably necessary to preserve the intent of the goals and policies of the general plan and the provisions of the municipal code, which conditions shall include, but are not limited to, recording a covenant against the property documenting the nature and scope of any significant remedial grading, which is defined as excavation, fill or any combination thereof, which involves the redistribution of earth materials for the purpose of reestablishing the stability and continuity of said area, and which involves: (1) excavation, fill or any combination thereof in excess of one thousand cubic yards within any two-year period, or (2) excavation ten feet or more below preconstruction grade or fill ten feet or more above preconstruction grade. (Ord. 416 § 4, 2005; Ord. 309 § 4 (part), 1995)

15.20.110 Required connection to operational sanitary sewer system.

Any owner of a lot or parcel within the "landslide moratorium area," as outlined in red on the landslide moratorium map on file in the director's office, which is developed with a residential structure or any other structure that contains one or more operational plumbing fixtures and is served by a sanitary sewer system, as defined

15.20.110

in this chapter, shall connect such structure(s) to the sanitary sewer system within six months after the commencement of operation of the sanitary sewer system. Either the director or the director of public works shall determine whether a lot or parcel is served by a sanitary sewer system, whether a structure contains one or more operational plumbing fixtures, or whether the connection to the sewer system is performed properly, including, without limitation, removal, or the discontinuation of the use, of any existing septic system. (Ord. 357 § 5 (part), 2000)

ORDINANCE NO. 459U

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES REPEALING URGENCY ORDINANCE NO. 427U AND URGENCY ORDINANCE NO. 439U AND AMENDING SECTION 15.20.040 K AND SECTION 15.20.050 L OF THE RANCHO PALOS VERDES MUNICIPAL CODE AND DECLARING THE URGENCY THEREOF.

WHEREAS, in September 1978, the City Council adopted Urgency Ordinance No. 108U, which established the Landslide Moratorium Area in a portion of the City, as depicted on a map that is on file in the City's Department of Planning, Building and Code Enforcement; and

WHEREAS, in February 1981, the City Council adopted Ordinance No. 139U, which added the area known as Klondike Canyon to the Landslide Moratorium Area, which is described as the area outlined in red on the map that is on file in the City's Department of Planning, Building and Code Enforcement; and

WHEREAS, in September 1989, the City Council adopted Ordinance No. 247, which added a new provision to the Landslide Moratorium Ordinance that provided the possibility for more intense development than previously was permitted in the Klondike Canyon Area, as outlined in blue on the map that is on file in the City's Department of Planning, Building and Code Enforcement ("Blue Area"); and

WHEREAS, in May 2005, following the unusual winter rains during the winter of 2004-2005, the first indications that the Blue Area may be experiencing landslide movement appeared; and

WHEREAS, in October 2005, the City received a report from the City Geologist, who was reviewing a proposed development in the Blue Area, that discussed the issue of landslide movement in the Blue Area; and

WHEREAS, based on the new evidence of landslide movement in the Blue Area, the City Council has asked the City Geologist to determine whether the more flexible development standards that had been allowed in the Blue Area since 1989 should be repealed so that the Blue Area will be subject to the same development criteria that are applicable to the other areas that are subject to the Landslide Moratorium Ordinance, as was the case from February 1981 through September 1989; and,

WHEREAS, on November 15, 2005, the City Council adopted Urgency Ordinance No. 427U, which established a 60-day moratorium on the processing and issuance of building, grading or other permits, and landslide moratorium exception permits and the processing or approval of Environmental

Assessments, Environmental Impact Reports, Conditional Use Permits, height variation applications, tentative maps or parcel maps in the Blue Area and temporarily suspended Section 15.20.040 K of the Rancho Palos Verdes Municipal Code pending the completion of new geological data to determine whether construction in the Blue Area is safe in light of the newly observed instability or if the proposed development could adversely impact the stability of said Area; and,

WHEREAS, because the Global Positioning System (“GPS”) Data still was being collected, and the City Geologist still was in the process of completing the review of that data to assess the potential impacts of construction in the Blue Area upon the overall stability of said Area and upon the public health, safety and welfare and, accordingly, needed additional time to complete that review before determining if the moratorium imposed by Ordinance 427 U should be lifted, resulting in several extensions of the moratorium by the City Council; and

WHEREAS, because the City Geologist’s report was completed and was presented to the City Council, and the City Council elected to hold a study session on October 7, 2006, where additional questions were posed by the City Council; and

WHEREAS, following the study session, the City Geologist issued a report, which was subsequently reviewed by a three-member peer review panel, and because additional time was required for that process to occur, the City Council further extended the Moratorium that was established by Ordinance 427U, Ordinance No. 439U, so that the last extension will expire on June 22, 2007;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES DOES ORDAIN AS FOLLOWS:

SECTION 1. The City Council of the City of Rancho Palos Verdes hereby repeals Urgency Ordinance No. 427U; Urgency Ordinance 432U; Urgency Ordinance 438U and Urgency Ordinance No. 439 U and all of the ordinances that extended any of those ordinances, including Ordinance No. 440U, 448U, 452U, and 457U.

SECTION 2. Paragraph H of Section 15.20.040 of Chapter 15.20 of Title 15 of the Rancho Palos Verdes Municipal Code is hereby amended to read as follows:

“H. Minor projects on a lot that is in the ‘landslide moratorium area,’ as outlined in red on the landslide moratorium map on file in the director’s office, and currently is developed with a residential structure or other lawfully existing nonresidential structure and involves an addition to an existing structure, enclosed patio, conversion of an existing garage to habitable space or

construction of a permanent attached or detached accessory structure and does not exceed a cumulative project(s) total of one thousand two hundred square feet per parcel; provided that a landslide moratorium exception permit is approved by the director and provided that the project complies with the criteria set forth in Section 15.20.050 and does not include any additional plumbing fixtures, unless the lot is served by a sanitary sewer system. The one thousand two hundred square foot limitation on cumulative projects that can be approved on a lot pursuant to this subsection includes the construction of a new garage, which can be approved pursuant to subsection L of this section. November 5, 2002, is the date that shall be used for determining the baseline square footage, based upon city and county building permit records, for purposes of calculating the square footage of any cumulative project(s) and of any additions that may be constructed pursuant to this subsection H. Minor projects involving the construction of an enclosed permanent detached accessory structure shall include a requirement that a use restriction covenant, in a form acceptable to the city, that prevents the enclosed permanent detached accessory structure from being used as a separate dwelling unit is recorded with the Los Angeles County register-recorder. Such covenant shall be submitted to the director prior to the issuance of a building permit. Prior the approval of a landslide moratorium exception permit for such minor projects, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation;”

SECTION 3. Paragraph K of Section 15.20.040 of Chapter 15.20 of Title 15 of the Rancho Palos Verdes Municipal Code is hereby amended to read as follows:

“K. Minor projects on a lot that is in the ‘landslide moratorium area,’ as outlined in blue on the landslide moratorium map on file in the director’s office, and currently is developed with a residential structure or other lawfully existing nonresidential structure and involves an addition to an existing structure, enclosed patio, conversion of an existing garage to habitable space or construction of a permanent attached or detached accessory structure and does not exceed a cumulative project(s) total of one thousand two hundred square feet per parcel; provided that a landslide moratorium exception permit is approved by the director and provided that the project complies with the criteria set forth in Section 15.20.050 and does not include any additional plumbing fixtures, unless the lot is served by a sanitary sewer system. The one thousand two hundred square foot limitation on cumulative projects that can be approved on a lot pursuant to this subsection includes the construction of a new garage, which can be approved pursuant to subsection L of this section. November 5, 2002, is the date that shall be used for determining the baseline square footage, based upon city and county building permit records, for purposes of calculating the square footage of any cumulative project(s) and of any additions that may be constructed pursuant to this subsection K. Minor projects involving the

construction of an enclosed permanent detached accessory structure shall include a requirement that a use restriction covenant, in a form acceptable to the city, that prevents the enclosed permanent detached accessory structure from being used as a separate dwelling unit is recorded with the Los Angeles County register-recorder. Such covenant shall be submitted to the director prior to the issuance of a building permit. Prior the approval of a landslide moratorium exception permit for such minor projects, the applicant shall submit to the director any geological or geotechnical studies reasonably required by the city to demonstrate to the satisfaction of the city geotechnical staff that the proposed project will not aggravate the existing situation;”

SECTION 4. Paragraph J of Section 15.20.050 of Chapter 15.20 of Title 15 of the Rancho Palos Verdes Municipal Code is hereby amended to read as follows:

“J. If the lot or parcel is served by a sanitary sewer system, the sewer lateral that serves the applicant’s property shall be inspected to verify that there are no cracks, breaks or leaks and, if such deficiencies are present, the sewer lateral shall be repaired or reconstructed to eliminate them, prior to the issuance of a building permit for the project that is being approved pursuant to the issuance of the moratorium exception permit.”

SECTION 5. Other than the building permit and other permits that have been issued by the City to construct the home at 4369 Dauntless Drive, and any other home where above-ground construction work has been performed in substantial reliance on a building permit that has been issued by the City, and the planning approval and other permits that have been issued by the City for the construction of the house located at 4342 Admirable Drive, which shall not be affected by the provisions of this Ordinance, any building or grading permit, landslide moratorium exception permit, or other permit for new construction in the Landslide Moratorium Area, which has been previously granted by the City but which has not been acted upon in substantial reliance by the holder thereof, is suspended indefinitely. Construction in reliance on any such suspended permit shall be prohibited unless and until the City lifts the suspension.

SECTION 6. In October 2005, it came to the attention of the City Council that the land identified in the Blue Area, which was previously thought to be stable, in fact was experiencing current landslide movement. In order to protect the public health, safety and welfare, the City Geologist was to review recently collected GPS Data to determine the stability of the land in question and to determine whether development of new structures on undeveloped lots or parcels, substantial additions to existing homes, or the construction of certain accessory structures on properties in the Blue Area should be allowed. The City Council conducted a workshop on October 7, 2006. However, additional time was needed for additional studies to be completed to address the concerns that were expressed by the City Council regarding allowing additions to existing

structures within the Landslide Moratorium Area and whether to treat all portions of the Moratorium Area similarly and to have the City Geologist's report submitted for review by a peer review panel comprised of geologic experts who work within the City. Now that those studies have been completed, the City Council finds that the Moratorium on additions to existing homes that was imposed by Ordinance No. 427 U and 439U are no longer necessary. However, the City Council also finds that it is necessary to immediately amend Section 15.20.040 K to eliminate pools and spas from the structures that can be constructed in the Blue Area and to make the restrictions on development in that area similar to the development restrictions in the other portions of the Landslide Moratorium Area so that residents are not exposed to undue health hazards and safety risks that could pose a current and immediate threat to the public health, safety, or general welfare by frustrating the City's ability to protect the public health, safety and welfare by minimizing the adverse effects of slope failure. This ordinance is therefore necessary for the immediate preservation of the public peace, health, safety and welfare and shall take effect immediately upon adoption as an urgency ordinance.

PASSED, APPROVED AND ADOPTED this 5th day of June 2007.

/s/ Thomas D. Long
Mayor

Attest:

/s/ Carla Morreale
City Clerk

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)ss
CITY OF RANCHO PALOS VERDES)

I, Carla Morreale, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 459U was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on June 5, 2007, and that the same was passed and adopted by the following roll call vote:

AYES: Gardiner, Stern, Wolowicz, and Mayor Long
NOES: None
ABSENT: Clark
ABSTAIN: None

City Clerk