

LANDSLIDE MORATORIUM EXCEPTION PERMIT

Pursuant to Chapter 15.20 of the Rancho Palos Verdes Municipal Code (attached), the City has declared a moratorium on the filing, processing, approval or issuance of building, grading or other permits, environmental assessments, environmental impact reports, conditional use permits, tentative tract maps or parcel maps in the area of the City identified as the "Landslide Moratorium Area" (see attached map). However, the moratorium shall not apply to any project which is determined by the City to meet the criteria of any one of fifteen types of Moratorium Exception categories established through Municipal Code Section 15.20.040.

Projects which qualify as an exception to the moratorium pursuant to Paragraphs (A), (C), (D), (E), (F), (G), (I), (J), (M), (N) and (O) of Municipal Code Section 15.20.040 do not require the submittal of a formal Landslide Moratorium Exception Permit application to the City. Nonetheless, the City shall require that appropriate landslide abatement measures contained in Municipal Code Section 15.20.050 be implemented as conditions of issuance of any permit issued pursuant to Municipal Code Section 15.20.040.

Projects which qualify as an exception to the Landslide Moratorium pursuant to Paragraphs (B), (H), (K) and (L) of Municipal Code Section 15.20.040 shall require the submittal of a formal Landslide Moratorium Exception Permit application to the Community Development Department. These projects are summarized as follows:

- 1) Replacement, repair, or restoration of a residential structure which has been damaged by a hazard, geotechnical or otherwise [Section 15.20.040(B)];
- 2) Minor projects and improvements to existing residential structures (habitable plus non-habitable), not exceeding a cumulative total area of twelve hundred square feet per parcel [Section 15.20.040(H)(K) and (L)];

In order to process a Landslide Moratorium Exception Permit application without delay, the following materials shall be submitted:

1. A letter, signed by the property owner, setting forth the reason for request, as well as a full description of the project. The project description shall include the following information:
 - A) The amount of habitable (residence, decks, covered patios) and non-habitable (garage or storage) square footage on the property before and after the proposed addition/restoration project;
 - B) The number of indoor plumbing fixtures before and after the proposed addition/restoration project; and
2. Three (3) copies of a site plan, showing accurate lot dimensions; the location, dimensions, and heights of all existing and proposed structures; and the location of the existing and proposed septic systems and/or holding tank systems.

3. Information satisfactory to the City's Geotechnical Staff, including, but not limited to, geological, geotechnical, soils, or other reports to demonstrate that the proposed project will not aggravate the existing landslide situation, along with the appropriate filing fee (see Item No. 5) to pay for the City's review of the submitted geotechnical reports/information;

or

With the appropriate filing fee (see item no. 5), a site visit and an initial geologic assessment of the proposed project by the City's Geotechnical Staff, and if required by the City as a result of the initial site visit, information satisfactory to the City's Geotechnical Staff, including, but not limited to, geological, geotechnical, soils, or other reports to demonstrate that the proposed project will not aggravate the existing landslide situation.

4. If remedial 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.
5. A **\$1,559** filing fee (\$1,555 application fee + \$4 processing fee) **and** Geotechnical Review fee as required by Building and Safety, being one of the following categories:

\$255	<u>Category 1</u> covers the review of plans, City files, and a site visit to determine if geotechnical studies will be required;
\$1,530	<u>Category 2</u> covers the geotechnical review of submitted geotechnical reports and one review of supplemental information;
\$1,635	<u>Category 3</u> covers the cost of a site visit, the review of a geotechnical report, and the review of one supplemental report;
\$340	<u>Category 4</u> covers the review of additional re-submitted geotechnical reports;
Trust Deposit	<u>Category 5</u> 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.

Please note that a Landslide Moratorium Exception Permit will not be deemed complete for processing if any of the above listed items are missing or incomplete, including if the applicant fails to demonstrate to the satisfaction of the City's Geotechnical Staff that the proposed project will not aggravate the existing landslide situation.

Should Planning Division approval of a Landslide Moratorium Exception Permit application be granted, the standard conditions of approval contained in Municipal Code Section 15.20.050 shall be made a part of each application approval. These are listed below for ease of reference. Additional conditions which address the particular circumstances of each exception request may be imposed.

- If lot drainage deficiencies are identified by the Director of Public Works, all such deficiencies shall be corrected by the applicant.
- If the project involves additional plumbing fixtures, or additions of habitable space which exceed 200 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 sanitary sewers, 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 purposes 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 200 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.

- Roof runoff from all buildings and structures on the site shall be contained and directed to the streets or an approved drainage course.
- If required by the City's Geotechnical Staff, the applicant shall submit a soils report, and/or a geotechnical report, for the review and approval of the City's Geotechnical Staff.

The applicant shall submit for recordation the following "covenant and agreements" prior to submittal of plans to the Building and Safety Division for issuance of a building or grading permit:

- 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.
- If the lot or parcel is not served by sanitary sewers, 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.
- If the lot or parcel is not served by sanitary sewers, 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.
- 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.
- 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.
- 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 Municipal Code Chapter 15.20. Such covenant shall be submitted to the Director for recordation prior to the issuance of a building permit.

NOTE: Each of the above documents will be recorded by the City with the Los Angeles County Recorder. Each covenant and agreement is subject to a \$75 City processing fee.

- All other necessary permits and approvals required pursuant to the City or any other applicable statute, law or ordinance shall be obtained.

The granting of a Landslide Moratorium Exception Permit does not constitute planning approval of a specific project request, but simply grants the property owner the ability to submit the appropriate Planning Division application(s) for consideration of a specific project request (i.e. Site Plan Review Application, Variance Application, etc.).

If a proposed project does not meet the criteria of the fifteen exception categories contained in Chapter 15.20, a Landslide Moratorium Exception Permit application cannot be accepted by the City for processing.

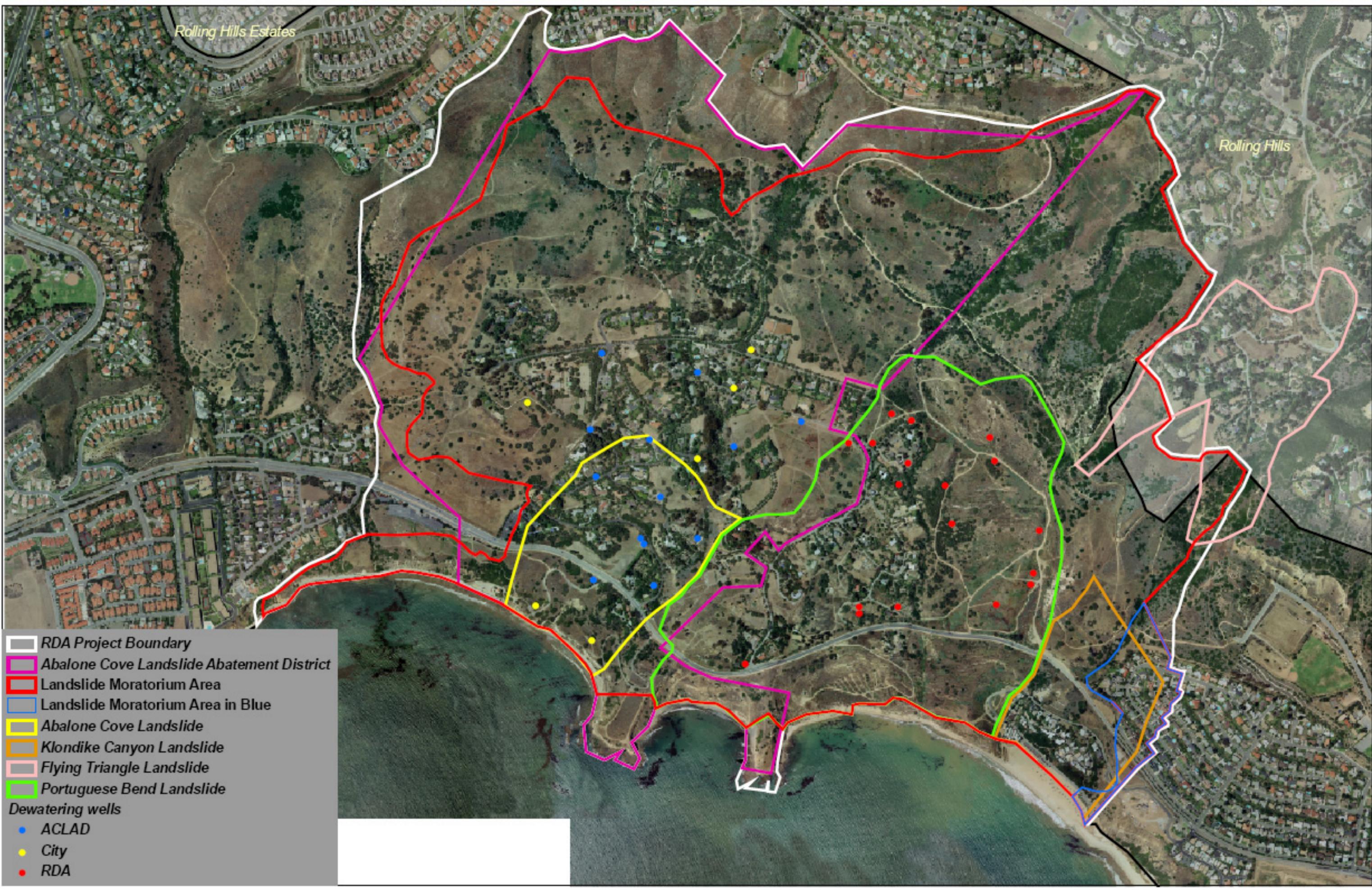
Any interested person may appeal any decision or any condition imposed by the Community Development Director to the Planning Commission by filing a written request, together with an appeal fee of \$2,275, within 15 days after the decision is made.

Please refer to Chapter 15.20 of the City's Municipal Code for a complete discussion of the Landslide Moratorium limitations, exceptions, procedures and mitigation measures. Please contact a City Planner if you are not certain of the materials you must submit or if you have any questions on the process. The City Planners are available at the public counter from 7:30 a.m. to 5:30 p.m., Monday through Thursday, 7:30 AM to 4:30 PM on Friday, and can be reached by telephone during these hours at (310) 544-5228.

Rolling Hills Estates

Rolling Hills

-  RDA Project Boundary
 -  Abalone Cove Landslide Abatement District
 -  Landslide Moratorium Area
 -  Landslide Moratorium Area in Blue
 -  Abalone Cove Landslide
 -  Klondike Canyon Landslide
 -  Flying Triangle Landslide
 -  Portuguese Bend Landslide
- Dewatering wells
-  ACLAD
 -  City
 -  RDA



Chapter 15.20 - MORATORIUM ON LAND USE PERMITS*¹

Sections:

Footnotes:

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* 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 200 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 (Exceptions) 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 (Exclusions) 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 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 (Landslide Mitigation Measures Required) 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 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 1,200 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 (Landslide Mitigation Measures Required) and does not include any additional plumbing fixtures, unless the lot is served by a sanitary sewer system. The 1,200 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 Registrar-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 or installation of temporary minor nonresidential structures which are no more than 320 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 nonhabitable 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. 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 1,200 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 (Landslide Mitigation Measures Required) and does not include any additional plumbing fixtures, unless the lot is served by a sanitary sewer system. The 1,200 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 Registrar-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;
- L. Construction of one attached or detached garage per parcel that does not exceed an area of 600 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 (Landslide Mitigation Measures Required). 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 reasonably 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 that are currently developed with a residential structure, which do not involve new habitable space or the addition of a swimming pool or spa, 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 (Required Connection to Operational Sanitary Sewer System) of this chapter to connect existing structures with functional plumbing fixtures to an operational sewer system;
- P. The construction of residential buildings, accessory structures, and grading totaling less than 1,000 cubic yards of combined cut and fill and including no more than 50 cubic yards of imported fill material on the 16 undeveloped lots in Zone 2 of the "landslide moratorium area" as outlined in green on the landslide moratorium map on file in the director's office, identified as belonging to the plaintiffs in the case "Monks v. City of Rancho Palos Verdes, 167 Cal. App. 4th 263, 84 Cal. Rptr. 3d 75 (Cal. App. 2 Dist., 2008)"; 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 (Landslide Mitigation Measures Required) 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.
- Q. Non-remedial grading, up to a cumulative maximum total of 50 cubic yards of grading per legal lot, on lots developed with a residential structure or other lawfully existing non-residential structure, provided that the grading is balanced on site with no imported material and provided the appropriate geological or geotechnical studies are submitted to demonstrate to the satisfaction of the city's geotechnical staff that the proposed grading will not aggravate the existing landslide situation.
- R. The construction of a barn or other similar non-habitable structure(s) used for the sole purpose of housing animals on lots that are currently legally developed with a residential structure. Said non-habitable structures shall only be permitted on lots that are served by a sanitary sewer system, shall not exceed a maximum roofed area of 1,600 square feet, and shall not count against the 1,200 square foot limitation set forth in paragraphs H and K of this section. A use restriction covenant, in a form acceptable to the city attorney, which prevents the structure from being used for any purpose other than a non-habitable use for animal keeping, shall be recorded with the Los Angeles County Registrar-Recorder against the title to said property. Said non-habitable structures shall be constructed and maintained so that the structure(s), and all interior spaces of said structure(s), are not fully enclosed and at least one wall along one exterior façade is open to the air at all times. Prior to approval of an 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 non-habitable structure will not aggravate the existing situation.

(Ord. 474 § 23, 2008; Ord. 462 § 7, 2007; Ord. 459U §§ 2, 3, 2007; Ord. 407 § 6, 2004; Ord. 383 § 5, 2002; Ord. 382U § 5, 2002; Ord. 357 § 5 (part), 2000; Ord. 309 § 4 (part), 1995)

(Ord. No. 498, § 6, 9-15-09; Ord. No. 501U, § 6, 12-15-09; Ord. No. 502, § 6, 1-5-10; Ord. No. 526, §§ 2—4, 10-18-11; Ord. No. 552, § 1, 12-3-13; Ord. No. 573, § 6, 8-4-15)

15.20.050 - Landslide mitigation measures required.

Within the landslide moratorium area as identified in Section 15.20.020 (New Construction Permits Not Issued) 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 Sections

15.20.040(B), (H), (K), (L) and (P), 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 200 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 purposes 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 200 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 the ordinance codified in this section (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 (Required Connection to Operational Sanitary Sewer System) 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 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.
- K. All other necessary permits and approvals required pursuant to this code or any other applicable statute, law or ordinance shall be obtained.

(Ord. 459U § 4, 2007; Ord. 357 § 5 (part), 2000; Ord. 309 § 4 (part), 1995)

(Ord. No. 498, § 7, 9-15-09; Ord. No. 526, § 5, 10-18-11)

15.20.060 - Application.

- A. Applicants for an exception to this chapter under Sections 15.20.040(B), (H), (K), (L), (P), and (Q), 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 administratively withdrawn by the director because the application is allowed to remain incomplete by the applicant for a period which exceeds 180 days, or if the application is withdrawn by the applicant.

(Ord. 357 § 5 (part), 2000; Ord. 309 § 4 (part), 1995)

(Ord. No. 498, § 8, 9-15-09; Ord. No. 552, § 2, 12-3-13)

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 15 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 180 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 15 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 15 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 500 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 1,000 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 or green 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 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)

(Ord. No. 498, § 9, 9-15-09)

15.20.120 - Procedure to adjust the boundary of the landslide moratorium area.

Either the city or an owner of property that is located entirely or partially within the "landslide moratorium area," as outlined in red or green on the landslide moratorium map on file in the director's office, may file an application with the city to adjust the boundary of the landslide moratorium area to accurately reflect geologic conditions that are present on the property that is the subject of the application, as determined by site-specific geologic investigation.

- A. Application. To obtain approval of an application to adjust the boundary of the landslide moratorium area, an applicant shall file an application with the community development department. If the application is filed by a person or entity other than the city, the application must be signed by all owners of the affected property. An application shall not be deemed complete until all required geology studies have been completed to the satisfaction of the city's geologist. An application shall include the following:
1. A legal description of the property that is the subject of the application and a map of the property demonstrating the area to be included within and/or excluded from the landslide moratorium area.
 2. Any existing geological or geotechnical reports or necessary geology studies as determined by the city's geologist.
 3. A fee, as established by resolution of the city council and a trust deposit in an amount that is estimated by staff to be sufficient to pay for the city's cost of having the city's geologist review the application and the geologic reports and studies. The applicant shall replenish the trust deposit upon a request from the city that additional funds are needed. Any unused funds remaining in the trust account at the conclusion of the review process shall be returned to the applicant.

- B. Approval. If the geology studies demonstrate to the satisfaction of the city's geologist that the boundary of the landside moratorium area is not in the correct location on the subject property, then the city geologist shall approve the application to adjust the landslide moratorium boundary, and the map on file in the community development department shall be adjusted accordingly.
- C. Denial. If the geology studies do not demonstrate to the satisfaction of the city's geologist that the boundary of the landside moratorium area is not in the correct location on the subject property, then the city geologist shall deny the application to adjust the landslide moratorium boundary.
- D. Withdrawal of Application. The applicant may withdraw the application at any time during the process; however, the applicant still is responsible to reimburse the city for any costs that the city has incurred to have the city's geologist staff review the application and geologic reports and studies. If the applicant does not respond to a request from the city's geologist for additional studies or information within six months of the date of the request, the city shall notify the applicant in writing that the city is withdrawing the request administratively, and no further action shall be taken. The applicant may reinstate the application within six months of the withdrawal by submitting a written application therefor accompanied by all required fees and amounts to be held in trust to continue the processing of the application.

(Ord. No. 517, § 1, 1-18-11; Ord. No. 521, § 1, 5-3-11)