

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. 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 **\$2,186** filing fee (\$2,182 application fee + \$4 processing fee) **and** Geotechnical Review fee as required by Building and Safety, being one of the following categories:

\$365	<u>Category 1</u> covers the review of plans, City files, and a site visit to determine if geotechnical studies will be required;
\$1,825	<u>Category 2</u> covers the geotechnical review of submitted geotechnical reports and one review of supplemental information;
\$2,025	<u>Category 3</u> covers the cost of a site visit, the review of a geotechnical report, and the review of one supplemental report;
\$465	<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 \$3,100, 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.