

## **CHAPTER 15.20. ~~MORATORIUM~~ GREATER PORTUGUESE BEND LANDSLIDE COMPLEX REGULATIONS ON LAND USE PERMITS<sup>1</sup>**

### **15.20.010. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

~~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 community development, 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.

~~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 California 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.

*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 and general location as it was on December 1, 2022 before land movement accelerated due to the heavy precipitation associated with atmospheric river storms. Restoration does not include replacing a damaged or lost portion of the residence for construction of a new equivalent portion.~~

*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.

(Code 1981, § 15.20.010; Ord. No. 309, § 4(part), 1995; Ord. No. 357, § 5(part), 2000)

### **15.20.020. New construction permits not issued.**

Notwithstanding any other ordinance or code of the city, the city ~~hereby declares a moratorium restriction prohibits the~~ on the filing, processing, approval or issuance of building, grading or other permits,

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<sup>1</sup>**Prior ordinance history**—Ordinance Nos. 1 108U, 118U, 120U, 123U, 128U, 130U, 131U, 139U, 140U, 143U, 148U, 155U, 208, 223, 247, 249U and 276.

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~~Greater Portuguese Bend Landslide" as outlined ~~in red~~ on the landslide ~~prohibition moratorium~~ map, ~~as the same may be revised for~~from time-to-time by City Council, 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.~~

(Code 1981, § 15.20.020; Ord. No. 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~~Greater Portuguese Bend Landslide, which has been previously granted by the city but which has not been acted upon in substantial reliance by the holder thereof is revoked.

(Code 1981, § 15.20.030; Ord. No. 309, § 4(part), 1995)

**15.20.040. Exceptions.**

The exercise of any of the following exceptions shall be subject to recording of a notice that the property is subject to the restrictions and exceptions set forth in this Chapter. The ~~moratorium restriction prohibitions set forth in Section 15.20.020~~ shall not be applicable apply 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~~Landslide moratorium ~~exception~~Exception permitPermit 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 and 17.84.060 ~~(Non-conforming buildings or other structures):~~
  - 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, height, setbacks, and footprint 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~~Landslide moratorium ~~exception~~Exception permitPermit, 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, including the required findings made in accordance with RPVMC 15.18.090 Section 107.A.3. 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. This exception is not subject to RPVMC 15.18.100, 111A.2 (Hazard Elimination). Upon application to the director, setbacks may conform to the setbacks listed below:

Minimum Setback Standards

<i>Front</i>	<i>Interior Side</i>	<i>Street Side</i>	<i>Rear</i>
<i>-20</i>	<i>5</i>	<i>10</i>	<i>15</i>

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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, [height, setbacks, and footprint](#) 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~~ [Landslide moratorium exception-Exception permit](#) ~~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 structures. Such permits may only be granted if the structure is brought into substantial compliance with the California 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 Geologic Hazard Abatement Districts or other governmental or quasi-governmental agency or by the Rancho Palos Verdes Redevelopment Agency](#) to mitigate the potential for landslide or to otherwise enhance public safety;
- F. [Pursuant to section 17.76.040\(B\)\(3\) of this Code, Remedial remedial grading to enhance soil stability and reduce geotechnical hazards due to natural land movement or the presence of natural hazards, or to otherwise materially improve public safety, 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 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 projects and of any additions that may be constructed pursuant to this subsection. 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 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;~~
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- 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 non-habitable use, is recorded with the 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 pursuant to 16.08 or reversion to acreage or merger of lots pursuant to 16.32 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 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 projects and of any additions that may be constructed pursuant to this subsection K 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 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 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;~~
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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~~ This is limited to 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. N. Fence, wall, and hedge permits that do not involve grading or the construction of retaining walls. Prior to the approval of a Landslide 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 have no potential for adverse impacts on landslide conditions; 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. 1. 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.~~

~~2. The construction of single-story residential buildings with a maximum height of 16 feet, as measured pursuant to section 17.02.040(P)(1)(c) of this Code, and accessory structures with a maximum height of 12 feet, as measured pursuant to section 17.48.050(D) with a maximum lot coverage of 25 percent for RS-1 and RS-2 zoned lots, unless an increase in the maximum lot coverage is permitted through the approval of a minor exception permit or variance, 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 31 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, and which are not within the scope of subsection (P)(1) of this section, provided that a landslide moratorium exception permit is approved by the director, provided that the project complies with the criteria set forth in section 15.20.050 (Landslide mitigation measures required) of this chapter and the mitigation monitoring and reporting program approved for the environmental impact report related to the Zone 2 Code amendments for the non-monks lots (Case No. PLCA2018-0004). 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, pursuant to a minor grading permit per 17.76.040, 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 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, subject to the limitations set forth in 15.20.040(Q) exception for non-remedial grading, and shall not count against the 1,200 square foot limitation set forth in subsections 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 county registrar-recorder against the title to said property. Said non-habitable structures shall be constructed and maintained so that the structures, and all interior spaces of said structures, are not fully enclosed and at least one wall along one exterior facade is open to the air at all times. Prior to approval of ~~an~~ a ~~application~~ Landslide 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 non-habitable structure will not aggravate the existing situation;
- S. ~~The installation or construction of a~~ Repair, replace or restore existing non-habitable storage structure used for the sole purpose of storing agricultural farming equipment on lots that have obtained a conditional use permit for the growing of crops and/or fruits on more than one acre for commercial or noncommercial purposes. Said ~~repair, replacement, or restoration of~~ non-habitable structure ~~shall not exceed a cumulative maximum square footage or roofed area of 1,600 square feet, is subject to the limitations set forth in 15.20.040(Q) exception for non-remedial grading shall only be permitted on lots that are served by a sanitary sewer system, and shall not count against the 1,200 square foot limitation set forth in subsections H and K of this section.~~ A covenant which prevents the structure from being used for any purpose other than a non-habitable use for storing agricultural farming equipment, in a form approved by the city attorney and enforceable by the city, shall be recorded with the county registrar-recorder against the title to said property, prior to building permit issuance. Said structures shall be constructed and maintained as non-habitable structures and shall be removed if an approved conditional use permit ceases and a commercial or noncommercial agricultural use no longer remains on said property. Prior to approval of ~~an~~ a ~~application~~ Landslide Exception Permit, the applicant shall submit to the director any geological or geotechnical studies 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;
- T. 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 property at Assessor ID 7572-012-024 in Zone 1 of the landslide moratorium area as outlined in yellow 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 (Landslide mitigation measures required) of this chapter. Residential buildings and accessory structures, excluding the square footage of non-habitable accessory structures permitted through subsections I and S of this section, shall not exceed a maximum combined total of up to 8,000 square feet (habitable and non-habitable area), including garages and shall be limited to a maximum of 25 percent lot coverage with proper setbacks from adjacent properties as determined through the neighborhood compatibility analysis pursuant to section

17.02.030(B) and the city's neighborhood compatibility handbook. A main residence shall not exceed two stories and shall not exceed a maximum height of 26 feet, through the approval of a height variation permit, pursuant to section 17.02.040 (View preservation and restoration) for any portion of the structure exceeding 16 feet in height and as defined by the zoning code for pad lots. ~~A No pool or water feature~~ may be permitted incidental to the primary residential use ~~pursuant to section 17.48.030(E)(7), not located on an extreme slope (35 percent greater in steepness), and through the approval of a landslide moratorium exception permit and subsequent applications and permits.~~ Horse keeping is permitted up to a maximum of four horses per lot. Such projects shall qualify for a ~~landslide Landslide moratorium exception-Exception permit-Permit~~ only if all applicable requirements of this code are satisfied, and the parcel is served by a sanitary sewer system. Those who take advantage of this exception category shall, prior to development, record a covenant on the subject property in a form approved by the city attorney running with the land and enforceable by the city:

- (i) Prohibiting future subdivision of said property;
- (ii) Acknowledging that the city makes no representation as to the suitability of the land for development and assuming risk; ~~and~~

~~(iii) Providing for trail dedication.~~

~~The property owner will work with the director to find a mutually agreeable trail alignment for connectivity to the city's trail system which is vetted with trail groups and does not impact the developable building sites. Prior to 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.~~

~~U. The construction of single-story residential buildings with a maximum height of 16 feet, as measured pursuant to section 17.02.040(B)(1)(c), and accessory structures with a maximum height of 12 feet, as measured pursuant to section 17.48.050(D) with a maximum lot coverage of 25 percent for the RS-2 zoned lot 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 at 48 Cinnamon Lane (Tract 14195 Lot 12), 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 and the mitigation monitoring and reporting program approved for the environmental impact report related to the zone 2 Code amendments for the non-Monks lots (Case No. PLCA2018-0004). 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.~~

(Code 1981, § 15.20.040; Ord. No. 309, § 4(part), 1995; Ord. No. 357, § 5(part), 2000; Ord. No. 382U, § 5, 2002; Ord. No. 383, § 5, 2002; Ord. No. 407, § 6, 2004; Ord. No. 459U, §§ 2, 3, 2007; Ord. No. 462, § 7, 2007; Ord. No. 474, § 23, 2008; Ord. No. 498, § 6, 9-15-2009; Ord. No. 501U, § 6, 12-15-2009; Ord. No. 502, § 6, 1-5-2010; Ord. No. 526, §§ 2—4, 10-18-2011; Ord. No. 552, § 1, 12-3-2013; Ord. No. 573, § 6, 8-4-2015; Ord. No. 576, § 6, 12-15-2015; Ord. No. 577, § 5, 2-2-2016; Ord. No. N. 585U, §§ 2—5, 7-19-2016; Ord. No. 586, §§ 2—5, 8-2-2016; Ord. No. 597, § 4, 8-15-2017; Ord. No. 610, § 3, 10-16-2018; Ord. No. 631, § 6, 12-3-2019; Ord. No. 633, § 2, 4-7-2020; Ord. No. 671, § 2, 5-16-2023)

#### 15.20.050. Landslide ~~mitigation~~ protection measures required.

Within the ~~Greater Portuguese Bend Landslide 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

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proposed projects and uses requiring a ~~landslide moratorium exception permit~~ Pursuant to section 15.20.040 ~~(B), (H), (K), (L), (P), (T) and (U)~~ and 15.20.060 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 wastewater. 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. A release of any and all claims against the City resulting from the City's approval of the requested project, satisfactory to the city attorney.
- 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. Yards and gardens shall be developed with minimal watering requirements and utilize



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[efficient and water-conserving irrigation methods to prevent water entering the ground that may exacerbate land movement.](#)

- 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-Landslide exception-Exception permit-Permit~~.
- K. All other necessary permits and approvals required pursuant to this code or any other applicable statute, law or ordinance shall be obtained.

(Code 1981, § 15.20.050; Ord. No. 309, § 4(part), 1995; Ord. No. 357, § 5(part), 2000; Ord. No. 459U, § 4, 2007; Ord. No. 498, § 7, 9-15-2009; Ord. No. 526, § 5, 10-18-2011; Ord. No. 577, § 6, 2-2-2016; Ord. No. 597, § 5, 8-15-2017)

#### **15.20.060. Application.**

- A. Applicants for an exception to this chapter under section 15.20.040(B), ~~(N), (H), (K), (L), (P), (Q), (R), (S), and (T), and (U)~~ shall file an application for a ~~landslide-Landslide moratorium exception-Exception permit-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 [and drainage](#) plan showing the topography of the lot and all areas of project cut and fill, including a breakdown of the earthwork quantities, [and proper disposition of site drainage in the proposed grading area.](#)
- B. A ~~landslide-Landslide moratorium exception-Exception permit-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.

(Code 1981, § 15.20.060; Ord. No. 309, § 4(part), 1995; Ord. No. 357, § 5(part), 2000; Ord. No. 498, § 8, 9-15-2009; Ord. No. 552, § 2, 12-3-2013; Ord. No. 577, § 7, 2-2-2016; Ord. No. 597, § 6, 8-15-2017)

#### **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.

(Code 1981, § 15.20.070; Ord. No. 309, § 4(part), 1995)

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#### 15.20.080. Expiration.

A ~~moratorium~~ ~~landslide exception~~ ~~Exception permit~~ 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.

(Code 1981, § 15.20.080; Ord. No. 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, and replacement~~ ~~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 (Administrative code amended—Conduct of construction and landscaping activities), 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 (Public Resources Code § 20000 et seq.).

(Code 1981, § 15.20.090; Ord. No. 309, § 4(part), 1995)

#### 15.20.100. Exclusions.

For a parcel of land to be excluded from the landslide moratorium area, a landowner, or their 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 this 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.

(Code 1981, § 15.20.100; Ord. No. 309, § 4(part), 1995; Ord. No. 416, § 4, 2005)

#### **15.20.110. Required connection to operational sanitary sewer system.**

Any owner of a lot or parcel within the ~~Greater Portuguese Bend Landslide landslide moratorium area~~, as outlined ~~on the landslide prohibition map, as the same may be revised from time-to-time, in red, and green or yellow on the landslide moratorium map~~ on file in the ~~director's office of the director~~, 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 to the sanitary sewer system ~~within six months after the commencement of operation of the sanitary sewer system~~. 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.

(Code 1981, § 15.20.110; Ord. No. 357, § 5(part), 2000; Ord. No. 498, § 9, 9-15-2009; Ord. No. 577, § 8, 2-2-2016)

#### **~~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~~

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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.

(Code 1981, § 15.20.120; Ord. No. 517, § 1, 1-18-2011; Ord. No. 521, § 1, 5-3-2011)