

ORDINANCE NO. 692

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, DETERMINING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND REPEALING CHAPTER 15.20 (MORATORIUM ON LAND USE PERMITS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO PALOS VERDES MUNICIPAL CODE AND REPLACING IT WITH CHAPTER 15.20 (GREATER PORTUGUESE BEND LANDSLIDE COMPLEX REGULATIONS ON LAND USE PERMITS) AND AMENDING §15.04.040 (BUILDING CODE AMENDED – SPECIALIZED FOUNDATION REQUIREMENTS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) AND AMENDING §16.40.030 (PARCEL REQUIREMENTS) OF CHAPTER 16.40 (URBAN LOT SPLITS) OF TITLE 16 (SUBDIVISIONS) OF THE RANCHO PALOS VERDES MUNICIPAL CODE TO PROPERLY REFERENCE CHAPTER 15.20

WHEREAS, The Greater Portuguese Bend Landslide Complex (Landslide Complex), sometimes called the Ancient Altamira Landslide Complex, is a large ancient landslide complex that includes but is not limited to four historically active landslide areas in the City: the Portuguese Bend Landslide (PBL), the Abalone Cove Landslide (ACL), the Klondike Canyon Landslide (KCL), and the Beach Club Landslide (BCL) that collectively consist of approximately 1,076 acres as mapped by various agencies (i.e., U.S. Geological Survey and California Geological Survey) and other researchers.

WHEREAS, the Landslides have been active since the mid-1950s (PBL) to late 1970s (ACL and KCL) and have moved at different rates at different times. The ACL and KCL have been managed, respectively, by the Abalone Cove Landslide Abatement District (ACLAD) and the Klondike Canyon Landslide Abatement District (KCLAD) (collectively, the Districts) since the early 1980s.

WHEREAS, on September 5, 1978, the City Council of the City of Rancho Palos Verdes adopted a Landslide Moratorium Ordinance (currently found in Chapter 15.20 of the Rancho Palos Verdes Municipal Code) prohibiting new development in the Landslide Complex due to active land movement.

WHEREAS, the Landslide Moratorium Ordinance was updated over the years to evaluate and grant exceptions on a case-by-case basis, with the amount of development being limited to those exceptions.

WHEREAS, the City of Rancho Palos Verdes experienced an unprecedented and unanticipated acceleration in land movement following the historic winter rains of 2022-

23 and 2023-24, which caused significant damage to local homes, roads, utilities and other vital infrastructure.

WHEREAS, Government Code Section 65858 expressly authorizes the City Council to adopt an Interim Urgency Ordinance for the immediate preservation of the public peace, health, or safety, if the ordinance is approved by four-fifths of the City Council.

WHEREAS, Section 65858(f) provides that "... upon termination of a prior interim ordinance, the legislative body may adopt another interim ordinance pursuant to this section provided that the new interim ordinance is adopted to protect the public safety, health, and welfare from an event, occurrence, or set of circumstances different from the event, occurrence, or set of circumstances that led to the adoption of the prior interim ordinance."

WHEREAS, in 2005, the City Council of the City of Rancho Palos Verdes adopted Interim Urgency Ordinance No. 427U, which halted construction and the issuance of permits on a portion of the KCL, based on increased movement following an unusually wet winter. The moratorium was extended by Interim Urgency Ordinance Nos. 439U, and repealed by Ordinance No. 469U, and its non-urgency version, Ordinance No. 526. The City Council adopted amendments to Chapter 15.20 at that time.

WHEREAS, the City Council finds that the circumstances today are different from the circumstances that prompted the 2005 moratorium: the land movement is unprecedented in terms of speed and size, encompassing approximately 715 acres within the mapped ancient Landslide Complex, and includes movement on a significantly deeper slide plane that had not been identified in previous studies.

WHEREAS, on October 3, 2023, by a four-fifths vote, the City Council adopted Interim Urgency Ordinance No. 674U, which put into immediate effect a moratorium on construction in the Landslide Complex, including the acceptance or processing of applications for and issuance of permits, with some limited exceptions (the "Moratorium").

WHEREAS, on October 3, 2023, by a four-fifths vote, the City Council also adopted Resolution No. 2023-47, declaring a state of local emergency in the Landslide Complex, pursuant to its authority under Chapter 2.24 of the Rancho Palos Verdes Municipal Code, and Section 8558 of the Government Code. The state of emergency is currently active and has been extended by the City Council pursuant to subsequent resolutions and is currently in place today. It is anticipated that the state of emergency will continue to be extended until the land movement is sufficiently stabilized. What constitutes sufficiently stabilized for the emergency to be lifted is a determination that will be made in consultation with the City Geologist, in consideration of a number of factors.

WHEREAS, on November 6, 2023, California Department of Housing and Community Development (HCD) approved the Moratorium for the entirety of the 24 months allowed by Government Code Section 65858, were the City to extend it for that

period of time. In a letter to Brandy Forbes, Director of the City's Community Development Department, HCD acknowledged "the severity of the Portuguese Bend Landslide Complex's condition and the potential harm to public health and safety, and the environment, and anticipates that [the Moratorium] will need to be extended beyond the 45-day period, pursuant to Government Code Section 65858. HCD hereby approves the adoption and enforcement of Interim Urgency Ordinance No. 674U during the effective period of 45 days from its adoption and its planned extension for up to 22 months and 15 days by the City of Rancho Palos Verdes." HCD's November 6, 2023 letter is attached as Exhibit B.

WHEREAS, on November 14, 2023, by a four-fifths vote, the City Council adopted Interim Urgency Ordinance No. 675U, extending the Moratorium for an additional 10 months and 15 days, which Ordinance was set to expire on October 2, 2024.

WHEREAS, on September 3, 2024, by a four-fifths vote, the City Council adopted Interim Urgency Ordinance No. 686U, extending the Moratorium for an additional year for the maximum two-year timeframe, which Ordinance is set to expire on October 2, 2025.

WHEREAS, as the landslide emergency is still active, with dozens of homes having experienced severe damage. Based on voluntary inspections, as of today, 21 homes have been red-tagged, where they are not habitable, and 38 have been yellow-tagged, where portions of the home may not be habitable and may have experienced damage to the structures. The City Council finds that the increase in land movement activity in the Landslide Complex is of great concern to the Districts, the City, and to the Palos Verdes Peninsula as a whole, and presents an imminent threat to the public health, safety and welfare.

WHEREAS, since the adoption of Interim Urgency Ordinance No. 675U, the City Geologist has conducted additional field mapping throughout the Landslide Complex to document and update the boundary of major active land movement; observed conditions at various site-specific locations impacting residential neighborhoods, public infrastructure, and where trails have been impacted; reviewed additional survey and rainfall data; participated in weekly meetings of the geology team and the City's Landslide Complex Working Group; and peer-reviewed and observed the entire subsurface exploration and instrumentation phase of work in advance of the emergency deep dewatering wells.

WHEREAS, by March 2024, the City Geologist had documented a significantly expanded area of major land movement comprising approximately 700 acres, 320 acres of which are outside the prior boundaries of the historically active landslides within the Landslide Complex corresponding with the Rancho Palos Verdes Municipal Code and the Urgency Ordinance.

WHEREAS, a year prior to the City's Council's declaration of a local emergency and passing of Interim Urgency Ordinance 674U on October 3, 2023, average land movement velocity based upon GPS survey data published by McGee Surveying

Consulting through the October 2022 monitoring period was about 0.05 feet/month (about 0.6 inches/month); following the 193% of average rainy season for 2022-23, a dramatic six-fold acceleration in land movement occurred, reaching an average of 0.3 feet/month (about 3.6 inches/month) by October 10, 2023.

WHEREAS, at the July 2, 2024 City Council meeting, the City Geologist reported that rainfall and the resulting runoff and infiltration into the Landslide Complex continued to adversely affect the landslide area, causing further acceleration of land movement, following a significantly wetter than average (193%) rainy season in 2022-23. The 2023-24 rainfall total was 23.19 inches, approximately 170% of the season average over the past 67 years of Rolling Hills Fire Station rain gauge. The June 25, 2024 City Geologist report (Exhibit E to the Staff Report for the July 2, 2024 Council Meeting), concluded that recent land movement rates (velocities) were approximately 7 to 11 inches per week in the ACL, 9 to 12 inches per week in the PBL, and 2 to 7 inches per week in the KCL (with highest velocities in the western KCL occurring between Klondike Canyon and the eastern PBL boundary).

WHEREAS, according to the August 20, 2024 landslide update staff report, land movement rates (velocities) remained approximately 7 to 11 inches per week in the ACL, 9 to 13 inches per week in the PBL, and 2 to 8 inches per week in the KCL. (See Attachments A and B to the August 20, 2024 landslide update staff report, found here:

<https://rpv.granicus.com/MetaViewer.php?view%20id=5&clip%20id=4624&meta%20id=121588>)

This was described by the City Geologist as a significant and unprecedented change in movement behavior from historical movements of the PBL and ACL.

WHEREAS, the large acceleration of landslide movement continued to manifest at the ground surface in the form of scarps, fissures, grabens/sinkholes, tensional cracking, shear zones and thrust features, resulting in enlargement, expansion, widening, or growth of these ground deformation features, depending on the type of feature and location. Based upon July and August 2024 field mapping, the total area of the active Landslide Complex had expanded by an additional five acres including the following areas:

- The eastern landslide boundary of the KCL had expanded approximately 50 feet farther east on Admirable Drive and 150 feet farther east on Exultant Drive; however, these boundaries appear to be generally consistent with historical mapping of the KCL, with some expansion to the east, and the location of a pre-development drainage course that is believed to define the easterly limit of prehistoric landsliding.
- The westerly boundary of the active Landslide Complex in the Abalone Cove Landslide area had expanded approximately 180 feet farther west at Narcissa Drive and on the York property at 6001 Palos Verdes Drive South (PVDS). This new expanded landslide movement was noted to be quickly deforming the Narcissa Drive curve and is the same movement that displaced the administration

building and caused major bulging of the parking lot at the Wayfarers Chapel property and the Chapel building. The Wayfarers Chapel property was closed to the public, and the Chapel itself was dismantled and relocated.

- The Portuguese Bend Beach Club area continued to experience major deformation along Seawall Road and bulging/uplift on the order of 4 to 5 feet across the beach on an east-west trend. This deformation and uplift was noted to continue offshore into the PBL based on major emergence of land in the surf zone and nearshore zone at the southeasterly toe of the PBL. In this area, the seafloor uplifted above mean sea level approximately 200 to 300 feet south of the former foreshore slope of the beach.
- Road conditions on Palos Verdes Drive South (PVDS) across the lower Landslide Complex continued to be adversely impacted due to differential rates of land movement currently ranging from about 2 to 7 inches/week across the KCL, 8-12 inches per week across the PBL, and 5-10 inches per week across the ACL based on the nearest GPS monuments closest to PVDS. Portuguese Point was described as being overridden by the landslide, resulting in failure of the historical rock wall along the Olmsted Trail and loss of beach access to Abalone Cove via Olmsted Trail.

WHEREAS, the City-owned Palos Verdes Nature Preserve (Preserve) trail conditions within the Landslide Complex continued to worsen. Large parts of the Preserve are located within the Landslide Complex. Specifically, the Portuguese Bend Reserve, Abalone Cove Reserve, and parts of the Forrestal and Filiorum Reserves are located within the Landslide Complex. Many of these areas experienced landslide-related damage including fissures, rockslides, sink holes, unstable trails, and significant erosion. Out of concern for public safety, and in consultation with the City Geologist, the City Manager closed large areas of the Preserve consisting of approximately 12 miles of trails. Most of these closures were focused in the Portuguese Bend Reserve and Abalone Cove Reserve, but some are also in Filiorum and Forrestal Reserves.

WHEREAS, land movement has continued in the Preserve; most notably in areas along Burma Road Trail, Toyon Trail, and Ishibashi Trail in Portuguese Bend Reserve, and Olmsted Trail in Abalone Cove Reserve. Portions of Burma Road are no longer accessible by vehicle, are difficult to traverse on foot, and have seen significant elevation changes in areas where fissures divide and break the road. Areas of Burma, near lower Rim Trail, are nearly impassable without step stools/ladders, or similar tools to assist with the elevation differences within the road/trail tread. These areas have continued to separate, creating drops of 15 feet or more along the trail. Many locations are almost unrecognizable, with little to no trail remaining. Olmsted Trail has ongoing land slippage and reoccurring slides, causing damage to old retaining walls and burying infrastructure installed in early 2024. Newer fissures on Vanderlip Trail and Gary's Gulch Trail have continued to expand and develop. Many areas remain additionally damaged from the heavy February/March 2024 storms including elevation changes, increased erosion, and additional and expanded fissures.

WHEREAS, due to the continued significant land movement and how it is manifesting at the ground surface in the form of scarps, fissures, grabens/sinkholes, tensional cracking, shear zones and thrust features, some residential structures and the utilities serving properties in the Landslide Complex have suffered damage and loss of function.

WHEREAS, roadways, water mains, sewer pipes, gas lines, and electrical power poles have all been impacted by the land movement throughout the Landslide Complex. The Southern California Gas Company (SoCalGas) shut off gas services to approximately 135 households on July 29, 2024 due to safety concerns. On July 30, 2024, Southern California Edison (SCE) issued a statement that "On Oct. 3, 2023, the city of Rancho Palos Verdes declared a local emergency due to accelerated land movement and subsidence. Over the past 18 months, there has been considerable land movement, putting the utilities serving the area and multiple properties at risk. Southern California Edison's service to select properties may be discontinued if conditions warrant...." (SCE's full statement can be found here: <https://energized.edison.com/rpv.>)

WHEREAS, on August 6, 2024, the City Council adopted Resolution No. 2024-52, declaring a state of local emergency in the Portuguese Bend Community Association on the grounds of a sudden shortage of energy, based on SoCalGas indefinitely shutting off gas service to approximately 135 homes in the PBL.

WHEREAS, from July 29 to September 6, 2024, SoCalGas shut off natural gas to homes in the landslide area indefinitely:

- Portuguese Bend Community Association (PBCA) = 139
- Seaview = 34
- Portuguese Bend Beach Club (PBBC) = 24
- Total = 197

WHEREAS, from August 31 to September 9, 2024, SCE turned off power to a significant portion of the landslide area, leaving the following homes without electricity indefinitely:

- PBCA = 193
- Seaview = 30
- PBBC = 54
- Total = 277

WHEREAS, Cox communication also discontinued communication services to 146 homes in the PBCA, rendering them without internet or phone.

WHEREAS, although power and gas have been restored to some, it is not universally restored. Including that it has not been available to the City's resources to keep utilities and landslide mitigation efforts energized, such as City-operated Abalone Cove Sewer System and the City's deep dewatering wells. As well, any increased acceleration in land movement in the future that is to the level we experienced last year would likely instigate the providers to revisit de-energization.

WHEREAS, on August 20, 2024, the City Council received an update from Ramzi Awwad, Director of Public Works, and the City Geologist, that the land movement is occurring predominantly on a deeper slip plane that is up to 330 feet below the ground surface (the Altamira slip plane), and may encompass more than the PBL, requiring a rethinking of the mitigation approach on a holistic level. The City Geologist confirmed that a significantly deeper landslide is moving in the PBL area and a portion of the KCL area, nearly twice the depth of the PBL as it had been previously modeled. The ancient Altamira landslide, which was identified in only a handful of historical borings (underneath the active PBL), was never historically documented as actively moving.

WHEREAS, in a November 8, 2024 memorandum, the City Geologist summarized and compared historical and current landslide conditions, including that the PBL has been continuously active since reactivation in 1956 with many areas of the landslide having moved hundreds of feet seaward over the ensuing six decades. The ACL was active from 1979 until the late 1990's, involving only several feet of movement, when dewatering and other mitigation efforts managed movement. Creep movement of the ACL has occurred over the past 25 years following rainy seasons that were significantly above average rainfall amounts. The KCL has been episodically active in 1979-1983 and 2005-2006, experiencing only several inches of movement, typically in response to significantly above average rainfall. Landslide movements throughout the Landslide Complex *outside of the historical boundaries of the ACL and PBL* previously exhibited low rates of creep movement, or movement at or near the instrument precision range, in the 11-year monitoring period of 2007-2018 for which data are readily available data. By comparison, since October 10, 2022, total horizontal land movement throughout the Landslide Complex has ranged from approximately 27 to 39 feet in most areas, with the exception being approximately 6 to 21 feet of horizontal land movement in the KCL area. Vertical displacements have ranged from 1 - 10 feet in most areas over this same period. This land movement has had a destructive and devastating effect on numerous residential and commercial properties and structures, private and public roadways, and utility infrastructure.

WHEREAS, the City's deep dewatering well program, along with dewatering activities by ACLAD and KCLAD, have been effective at reducing groundwater pore pressures and dramatically slowed the land movement in some areas. Land movement ceased in the KCL by mid-October 2024, and decreased significantly in the PBL but has reached an apparent steady-state of movement at about 2.76 inches/week. While land movement has decelerated in 2025, the land is still moving up to 3.7 inches per week (16 inches/month) in some areas. This is still considerably more than the rate when the emergency declaration was instituted in October 2023 where the movement was at an average rate of 3.6 inches per month.

WHEREAS, the City has gained a more detailed geologic understanding of the expanded active portion of the Landslide Complex (now approximately 715 acres), with test boreholes drilled in 2024 revealing a much deeper plane of land movement than

initially understood. Based on current conditions, it is clear that land movement will be substantially more difficult to mitigate long-term.

WHEREAS, development of a vacant parcel on the actively moving landslide generally would have net negative impacts that have the potential to accelerate the already-moving landslide, causing damage to other property, because of the introduction of building loads, grading loads, disturbance due to grading, change in permeable area resulting in concentration of runoff from impermeable surfaces, and potential increases to groundwater from infiltration of landscape water and stormwater.

WHEREAS, measures to date have clearly slowed, but not stopped, the land movement, and proposed landslide regulations are necessary as the active movement area can still expand further into the mapped ancient landslide areas and future weather is unpredictable, but is expected to see more extremes similar to what was experienced in 2022-23 and 2023-24.

WHEREAS, in 2008 the Court of Appeals in *Monks v. City of Rancho Palos Verdes*, 167 Cal.App.4th 263 (2008) concluded the City's existing Portuguese Bend Landslide regulations, codified in Rancho Palos Verdes Municipal Code, Title 15, Chapter 15.20, constituted a taking of real property and was, therefore, unlawful. The Court of Appeals ordered the City to allow development or compensate the property owners.

WHEREAS, on September 15, 2009, the City Council took the next action necessary to comply with the Court of Appeal's decision by adopting Ordinance 498 to enact revisions to the Landslide Moratorium Ordinance to allow the development of the Monks plaintiffs' sixteen (16) undeveloped lots.

WHEREAS, in compliance with the *Monks* decision, 12 homes have been constructed within the Landslide Complex. Of such homes so constructed in compliance with the *Monks* decision, four (4) have been either red-tagged or yellow-tagged as a result the historic winter rains of 2022-23 which caused significant damage to such homes, roads, utilities and other vital infrastructure resulting. A total of five (5) of the *Monks* plaintiff property owners have applied for the City's FEMA Voluntary Property Buyout Program to relocate from the risk of imminent failure of land movement but are considered ineligible based on current criteria.

WHEREAS, by virtue of Article XI, Section 7 of the California Constitution, the City has broad authority to "make and enforce within its limits all local, police, sanitary, and other ordinances and regulations not in conflict with general laws" which empowers the City Council to adopt regulations aimed at protecting public health, safety, and welfare, including land use and construction regulations.

WHEREAS, the courts have recognized that demonstrable deteriorating landslide conditions justify adopting of new land development regulations to address such changing circumstances. (*Martin v. California Coastal Com.*, 66 Cal.App.5th 622, 646-47 (2021).) Courts have further recognized that, under the rule of necessity, a city has the authority

to impose regulatory requirements in the public interest. (*Jacobson. v. Commonwealth of Massachusetts*, 197 U.S. 11, 27-28 (1905).)

WHEREAS, Section 66300(b)(1) of the Government Code provides that "with respect to land where housing is an allowable use, ... an affected city shall not enact a development policy, standard, or condition that would have [the effect of... imposing a moratorium or similar restriction or limitation on housing development, including mixed-use development, within all or a portion of the jurisdiction of the affected ... city, other than to specifically protect against an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium]"

WHEREAS, absent the enhanced regulations set forth in this ordinance, the City Council finds as follows:

- 1) The approval of new housing development projects, as defined by Government Code, Section 65905.5, on vacant land within the boundaries of the Landslide Complex would have a specific, adverse impact upon the public health or safety. As used in this paragraph, a "specific, adverse impact" means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified written public health or safety standards, policies, or conditions as they existed on the date that the ordinance is adopted by the legislative body.
- 2) The enhanced regulations in this ordinance are necessary to mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1).
- 3) There is no feasible alternative to satisfactorily mitigate or avoid the specific, adverse impact identified pursuant to paragraph (1) as well or better, with a less burdensome or restrictive effect, than the adoption of the proposed interim ordinance.

WHEREAS, pursuant to the provisions of the California Environmental Quality Act, Public Resources Code Sections 2100 et. seq. ("CEQA"), the State's CEQA Guidelines, California Code of Regulations, Title 14, §15000 et. seq., the City's Local CEQA Guidelines, and Government Code §65962.5(f) (Hazardous Waste and Substances Statement), it has been determined that the adoption of this Ordinance is exempt from CEQA, pursuant to Section 15061(b)(3). This Ordinance is exempt because it proposes to regulate and limit land use and construction activities within the Landslide Complex, including the Districts, and it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment.

WHEREAS, this Ordinance is proposed to provide enhanced regulations on land use and regulations and construction activities within the Landslide Complex, including Districts, to prevent a public health and safety emergency and therefore is exempt from CEQA pursuant to Public Resources Code, Section 21080(b)(4) and CEQA Guidelines, Section 15269.

WHEREAS, this Ordinance is proposed to allow the City to continue to protect the environment by preventing the exacerbation to existing unstable geologic conditions

caused by activities related to new construction and therefore is categorically exempt from CEQA pursuant to CEQA Guidelines, Section 15308 and none of the exceptions to this exemption set forth in CEQA Guidelines, Section 15300.2 apply to this Ordinance.

WHEREAS, on July 1, 2025, the City Council issued a report outlining the measures the City is taking to address the conditions that gave rise to the Moratorium, as required by Section 65858(d) of the Government Code, in the form of a staff report that provided City Council with a comprehensive update on the actions taken so far to alleviate the conditions requiring adoption of an interim urgency ordinance. The staff report can be found here:

https://rpv.granicus.com/MetaViewer.php?view_id=5&clip_id=4810&meta_id=129297

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

Section 1. The foregoing Recitals are true and correct and are incorporated herein by reference.

Section 2. The City Council determines this Ordinance is exempt from the California Environmental Quality Act pursuant to the statutory exemption set forth in Public Resources Code, Section 21080(b)(4), and the exemptions set forth in CEQA Guidelines, Sections 15061(b)(3), 15269 and 15308 and that none of the exceptions to the use of a categorical exemption set forth in CEQA Guidelines, section 15300.2 apply to the adoption of this Ordinance.

Section 3. Chapter 15.20 (Moratorium on Land Use Permits) of Title 15 (Buildings and Construction) of the Rancho Palos Verdes Municipal Code is repealed in its entirety to be replaced with Chapter 15.20 (Greater Portuguese Bend Landslide Complex Regulations on Land Use Permits).

Section 4. New Chapter 15.20 is added to the Rancho Palos Verdes Municipal Code to read as follows:

CHAPTER 15.20. GREATER PORTUGUESE BEND LANDSLIDE COMPLEX REGULATIONS ON LAND USE PERMITS

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:

Director means the director of community development.

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.

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 unit to substitute the existing dwelling unit prior to damage.

Restoration means to bring back to the 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 of 2023 and 2024. 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.

15.20.020. New construction permits not issued.

Notwithstanding any other ordinance or code of the city, the city hereby prohibits 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 "Greater Portuguese Bend Landslide Complex" as outlined on the Greater Portuguese Bend Landslide Complex Map (Exhibit A), as the same may be revised 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.

15.20.030. Revocation of unused permits.

Any building, grading permit or other permit for new construction in the Greater Portuguese Bend Landslide Complex which has been previously granted by the city but which has not been acted upon in substantial reliance by the holder thereof is revoked.

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 prohibitions set forth in Section 15.20.020 shall not 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 or result in the permanent demolition of structures;
- B. Replacement, repair or restoration (including any demolition necessary to effectuate this exception) of a residential building or structure which has been damaged or destroyed due to one of the following hazards, provided that a Landslide 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 17.84.060 (Non-conforming buildings or other structures):
 - 1. *A geologic hazard.* Such structure may be replaced, repaired or restored to original condition, or demolished, provided, that such construction shall be limited to the same square footage, number of stories and square footage on each story, 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. Additional regulations include the following:
 - (i) Existing swimming pools or spas are not allowed to be replaced, repaired or restored.
 - (ii) Manufactured homes, as defined in Health and Safety Code § 18007 may be permitted for replacement of a residential building or structure, so long as it meets the requirements of this subsection and installation of such meets all requirements of the City's Building Code.

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 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).

- 2. *A hazard other than a geologic hazard, including, but not limited to, fire, flood, or earthquake.* Such structure may be replaced, repaired or restored to original condition, or demolished, provided that such construction shall be limited to the same square footage, number of stories and square footage on each story, 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. Additional regulations include the following:

- (i) Existing swimming pools or spas are not be allowed to be replaced, repaired or restored.
- (ii) Manufactured homes, as defined in Health and Safety Code § 18007 may be permitted for replacement of a residential building or structure, so long as it meets the requirements of this subsection and installation of such meets all requirements of the City's Building Code.

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 not aggravate the existing situation.

- 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 is the project applicant;
- E. Projects that are to be performed or constructed by the city, Geologic Hazard Abatement Districts, or other governmental or quasi-governmental agency to mitigate the potential for landslide or to otherwise enhance public health, safety and welfare;
- F. Pursuant to section 17.76.040(B)(3) of this Code, 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;
- 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. 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. 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 a Landslide Exception Permit to the director with 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. Submittal of a lot-line adjustment pursuant to chapter 16.08 or reversion to acreage or merger of lots pursuant to chapter 16.32;
- J. Submittal of applications for discretionary planning permits for 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. This is limited to special use permits for minor, temporary uses and events; permits for the keeping of large domestic animals and exotic animals; conditional use permits for the establishment of a use at or on an existing structure where no structural modifications are required;
- K. 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;
- L. 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;
- M. Non-remedial grading, pursuant to a minor grading permit per section 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 that prior to the approval of a Landslide Exception Permit 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.
- N. 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 not exceed a maximum roofed area of 1,600 square feet, subject to the limitations set forth in section 15.20.040(M) exception for non-remedial grading. 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 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 non-habitable structure will not aggravate the existing situation;

- O. 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 is subject to the limitations set forth in section 15.20.040(M) exception for non-remedial grading. 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 a 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; and

- P. Permanent demolition.

15.20.050. Landslide protection measures required.

Within the Greater Portuguese Bend Landslide Complex 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 Exception Permit pursuant to sections 15.20.040 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. Roof runoff from all buildings and structures on the site shall be contained and directed to the streets or an approved drainage course.
- C. 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.

- D. 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.
- E. 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.
- F. 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.
- G. 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.
- H. All landscaping irrigation systems shall be part of a water management system approved by the director of public works and city geologist. 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 efficient and water-conserving irrigation methods to prevent water entering the ground that may exacerbate land movement.
- I. 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 Landslide Exception Permit.
- J. All other necessary permits and approvals required pursuant to this code or any other applicable statute, law or ordinance shall be obtained.

15.20.060. Application.

- A. Applicants for an exception to this chapter under section 15.20.040 (B), (H), (K), (M), (N), (O) and (P) shall file an application for a Landslide 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 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 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.

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.

15.20.080. Expiration.

A Landslide 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.

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 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.).

15.20.100. Exclusions.

For a parcel of land to be excluded from the Greater Portuguese Bend Landslide Complex Map, 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 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.

15.20.110. Required connection to operational sanitary sewer system.

Any owner of a lot or parcel within the Greater Portuguese Bend Landslide Complex, as outlined on the landslide boundary map, as the same may be revised from time-to-time, on file in the 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. 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.

Section 5. To address the expanded area of movement as well as the ancient landslide areas, the Greater Portuguese Bend Landslide Complex Boundary Map as referenced in the new code Chapter 15.20 (Greater Portuguese Bend Landslide Complex Regulations on Land Use Permits) is adopted as Exhibit A.

Section 6. Section 15.04.040 (Building code amended – Specialized foundation requirements) of Chapter 15.04 (Building Code) is amended as follows with the additions presented as underline and the deletions presented as ~~strikethrough~~:

15.04.040. - Building code amended—Specialized foundation requirements.

Notwithstanding the provisions of section 15.04.010 (Building code adopted), section 1805.5 is added to read:

1805.5 Major alterations or repairs of existing buildings or structures (excluding demolition and replacement). This section shall apply only to the active landslide areas of the Portuguese Bend Landslide and the Abalone Cove Landslide, as determined by the city geologist and depicted on the attached map (see exhibit A) and shall not apply in other areas of the city or other portions of the landslide moratorium area Greater Portuguese Bend Landslide Complex as represented in section 15.20.020. A certificate of occupancy or permit under this title may be issued provided:

1. The building official will require a structural engineering report and design prepared by a structural engineer licensed by the state. Material specifications shall be minimum concrete $f'(c)=4,000$ psi, reinforcing steel ASTM A-615 grade 40 or 60, and continuous inspection by a special inspector is required. Alternate materials shall be subject to approval of the building official. Prestressed concrete is not permitted without special approval from the building official.
2. Every existing building or structure shall have a structural framework designed to distribute the load of the building uniformly over the entire footprint of the building. The structural framework is designed by determining the total weight of the building and dividing that weight by the area of the building. At the discretion of the building official, the soil pressure may be considered as a load and the walls and columns may be considered as reactions. At a minimum, one end bearing wall shall be fixed to the ground by a foundation, at least at one point. All other portions of the structural framework may be supported by adjustable means approved by the building official. The structural framework shall be designed to span between all supports.
3. The applicant signs and records with the county registrar-recorder a statement in a form approved by the city attorney that he or she is the owner of the real property and that he or she is aware that the records of the building official indicate the property is subject to a physical hazard of a geologic nature.
4. The applicant signs and records an hold harmless agreement in a form approved by the city attorney releasing the city and all officers, contract employees, consultants, employees, and agents thereof from any liability for any damage or loss which may result from issuance of such permit.

5. The applicant shall demonstrate that the proposed work on the site or use of the site shall:

- a. Not adversely affect property by accelerating a geologic hazard; and
- b. Have sufficient distance to any other structure to preclude damage in the instance of failure, as determined by the building official.

6. The applicant shall identify and correct any deficiencies in on-site drainage and sanitary disposal. If the property is not served by sanitary sewers, the applicant shall submit for recordation a covenant, which is satisfactory to the city attorney, 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.

7. The building official shall require a geologic report and geotechnical report. Any such geological reports shall be prepared by a certified engineering geologist licensed by the state. Any such geotechnical reports shall be prepared by a registered civil engineer or soils engineer who is qualified to perform this work. Every report shall contain a finding regarding the effect of the structure or use upon the geological stability of the site and properties outside of the subject property. When both a geological and a geotechnical report are required for the evaluation, the two reports shall be coordinated before submission to the building official.

8. This section shall not be interpreted to supersede or waive any other permit or approval required by this Code, including, without limitation, the provisions of chapter 15.20 (~~Moratorium on Land Use Permits~~)(Greater Portuguese Bend Landslide Complex Regulations on Land Use Permits).

Section 7. Section 16.40.030 (Parcel requirements) of Chapter 16.40 (Urban Lot Splits) is amended as follows with the additions presented as underline and the deletions presented as ~~strikethrough~~:

16.40.030. - Parcel requirements.

The parcel that is proposed for subdivision through an urban lot split:

- A. Shall be located in an RS zoning district;
- B. Shall satisfy all the requirements of Government Code § 65913.4(a)(6)(B)—(K);

- C. Shall not be located within a historic district or on property included on the State Historic Resources Inventory, as that term is defined in Public Resources Code § 5020.1, or within a site that is designated or listed as a city or county landmark or historic property or district pursuant to a city or county ordinance;
- D. Shall not be located in the landslide moratorium area Greater Portuguese Bend Landslide Complex, as defined in section 15.20.020;
- E. Shall not have been created through a previous urban lot split;
- F. Shall not be adjacent to a parcel that was previously subdivided through an urban lot split by the owner of the parcel on which the urban lot split is proposed or any person acting in concert with the owner;
- G. Shall only have residential uses located on it on the date the urban lot split is approved; and
- H. Shall have at least one residential dwelling unit with a valid certificate of occupancy located on it on the date that the urban lot split is approved, unless the parcel is owned by a "community land trust" as that term is defined in Revenue and Taxation Code § 402.1(a)(11)(C)(ii) or a "qualified nonprofit corporation" as that term is described in Revenue and Taxation Code § 214.15.

Section 8. Severability. If any section, subsection, subdivision, paragraph, sentence, clause or phrase of this ordinance or its application to any person or circumstance, is for any reason held to be invalid or unenforceable by a court of competent jurisdiction, such invalidity or unenforceability shall not affect the validity or enforceability of the remaining sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases of this Ordinance, or its application to any other person or circumstance. The City Council declares that it would have adopted each section, subsection, subdivision, paragraph, sentence, clause, phrase hereof, irrespective of the fact that any one or more sections, subsections, subdivisions, paragraphs, sentences, clauses or phrases hereof be declared invalid or unenforceable.

Section 9. Certification and Posting. The City Clerk shall cause this Ordinance to be posted in three (3) public places in the City within fifteen (15) days after its passage, in accordance with the provisions of Section 36933 of the Government Code. The City Clerk shall further certify to the adoption and posting of this Ordinance, and shall cause this Ordinance and its certification, together with proof of posting, to be entered in the Book of Ordinances of the Council of this City.

Section 10. Effective Date. This Ordinance shall go into effect at 12:01 AM on the 31st day after its passage.

PASSED, APPROVED and ADOPTED this 19th day of August, 2025.



David Bradley, Mayor

ATTEST:



Teresa Takaoka, City Clerk

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

I, TERESA TAKAOKA, City Clerk of the City of Rancho Palos Verdes, do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance No. 692 passed first reading on August 5, 2025, was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on August 19, 2025, and that the same was passed and adopted by the following roll call vote:

AYES: Ferraro, Lewis, Perestam and Mayor Bradley
NOES: None
ABSENT: Seo
ABSTAIN: None

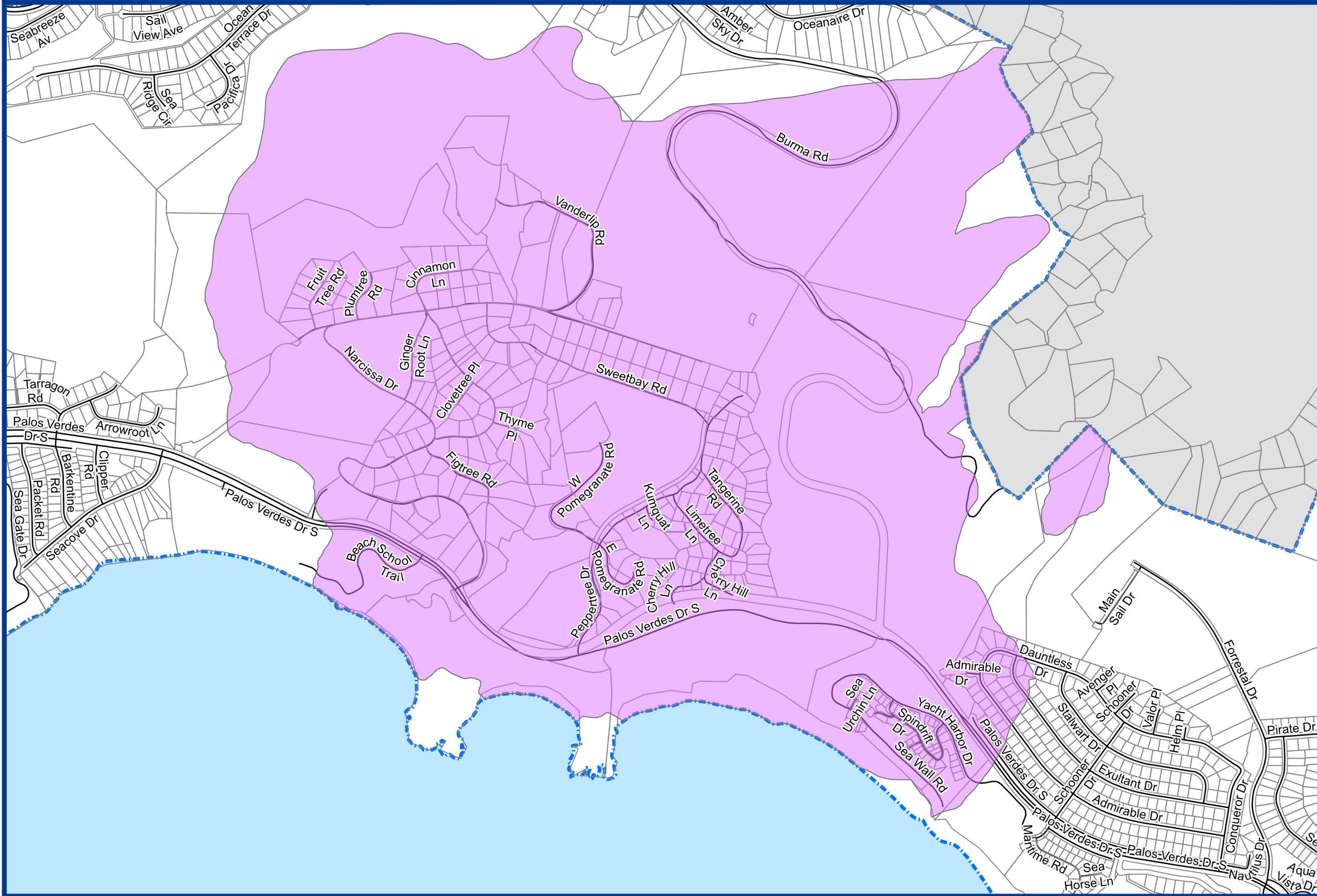


City Clerk

Greater Portuguese Bend Landslide Complex Map



City of Rancho Palos Verdes



Greater Portuguese Bend
Landslide Complex Map

City Limit Boundary



US Feet

0 1,000 2,000
Source:
City of Rancho Palos Verdes

DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT**DIVISION OF HOUSING POLICY DEVELOPMENT**

2020 W. El Camino Avenue, Suite 500

Sacramento, CA 95833

(916) 263-2911 / FAX (916) 263-7453

www.hcd.ca.gov

November 6, 2023

Brandy Forbes, Director
Community Development Department
City of Rancho Palos Verdes
30940 Hawthorne Blvd.
Rancho Palos Verdes, CA 90275

Dear Brandy Forbes:

RE: Approval of Urgency Ordinance – Moratorium on Construction within the Greater Portuguese Bend Landslide Complex

The purpose of this letter is to provide a determination to the City of Rancho Palos Verdes (City) regarding the request to approve the adoption of Interim Urgency Ordinance No. 674U (Ordinance), prohibiting any construction within the geographic boundaries of the Greater Portuguese Bend Landslide Complex (Landslide Complex). The California Department of Housing and Community Development (HCD) is statutorily required to provide determination regarding proposed moratoria (Gov. Code, § 66300, subd. (b)(1)(B)(ii)). HCD received a request for approval for the proposed Ordinance, met with the City staff, and reviewed relevant materials (e.g., staff letter, resolution declaring a local emergency, Interim Ordinance No. 674U, land movement monitoring surveys, etc.). Upon review of the written materials and discussion with the local jurisdiction, HCD has determined that the current conditions of the Landslide Complex pose an imminent threat to the health and safety of persons residing in the area subject to the Ordinance.

Background

Since the 1950s to 1970s, three large landslides have been active in the City, including Portuguese Bend Landslide (PBL), Abalone Cove Landslide (ACL), and the Klondike Canyon Landslide (KCL). The Greater Portuguese Bend Landslide Complex or Landslide Complex encompasses these three active landslides. Beginning in May of 2023, land movement has increased in the PBL and KCL complexes. Based on a surveying report of PBL in October 2022 and revised assessment in June 2023, “movement velocities have accelerated over the average velocity for the previous four years, which saw an acceleration over the previous 15-20 years”.¹ The accelerating

¹ McGee Surveying Consulting, Conditions Assessment Report, dated October 19, 2022 and revised June 6, 2023, Page 2.

land movement has destroyed homes, impacted the Portuguese Bend Reserve, increased water main breaks, and caused roadway and utility line distress.

The City established Landslide Moratorium Area in 1978, imposing development restrictions in response to the Landslide Complex. Since then, the City has adopted a series of Interim Urgency Ordinances (Nos. 108U, 139U, 427U, 459U, 526, etc.) to temporarily halt permit processing and construction, and make amendments to enforce appropriate landslide mitigations measures in designated areas (Rancho Palos Verdes Municipal Code sections 15.20.040 and 15.20.050).

The proposed Ordinance No. 674U is to encompass the entire Portuguese Bend Landslide Complex (including ACL and KCL). The Ordinance would address an imminent threat to public health and safety and prevent the exacerbation of existing unstable geologic conditions caused by activities related to new construction within the Landslide Complex. During the effective period of this Ordinance, the City will not accept or consider any permit applications, nor issue any permits for construction on any property within the Landslide Complex. This Ordinance also applies to any pending applications and to any permits or entitlements that have issued but upon which construction has not commenced.

The City has confirmed that no sites included in its housing element site inventory are within the Landslide Complex. As a result, no such sites are subject to the proposed Ordinance. Pursuant to Government Code section 65858, the City seeks to adopt and enforce the proposed Ordinance that will begin with a 45-day period, following its date of adoption, and if necessary extended for up to 22 months and 15 days.

The City is in the process of implementing a large-scale remediation project to stabilize the Landslide Complex. The project will proceed in three phases: (1) repairing existing fractures, (2) improving surface drainage of stormwater, and (3) installing a network of hydraulers. Staff anticipates that 90 percent of the planning and Environmental Impact Report certification will be complete by September 2024, and final engineering and permitting will be complete by September 2025.

Local Moratorium Regulations Under the Housing Crisis Act (HCA)

Pursuant to Government Code section 66300, subdivision (b)(1)(B)(ii), a city cannot enforce a moratorium that would limit housing development until it has submitted the ordinance to and received approval from HCD. Conditions for imposing a moratorium, or similar restrictions on housing development, must demonstrate “an imminent threat to the health and safety of persons residing in, or within the immediate vicinity of, the area subject to the moratorium” (Gov. Code, § 66300, subd. (b)(1)(B)(i)).

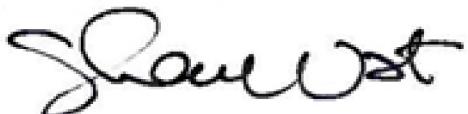
HCD acknowledges the severity of the Portuguese Bend Landslide Complex's condition and the potential harm to public health and safety, and the environment, and anticipates that the Ordinance will need to be extended beyond the 45-day period, pursuant to Government Code section 65858. HCD hereby approves the adoption and enforcement of Interim Urgency Ordinance No. 674U during the effective period of 45 days from its adoption and its planned extension for up to 22 months and 15 days by the City of Rancho Palos Verdes.

Conclusion

In summary, HCD approves the adoption and enforcement of the Ordinance and hopes for a speedy resolution of this matter.

If you have any questions regarding the content of this letter or would like additional technical assistance, please contact Mehrsa Imani, of our staff, at mehrsa.imani@hcd.ca.gov.

Sincerely,

A handwritten signature in black ink, appearing to read "Shannan West".

Shannan West
Housing Accountability Unit Chief



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

AFFIDAVIT OF POSTING

The undersigned, being first duly sworn, deposes and says:

That at all times herein mentioned, she was and now is the City Clerk of the City of Rancho Palos Verdes;

That on August 27, 2025, she caused to be posted the following document entitled: **ORDINANCE 692, AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RANCHO PALOS VERDES, CALIFORNIA, DETERMINING THAT THIS ORDINANCE IS EXEMPT FROM THE CALIFORNIA ENVIRONMENTAL QUALITY ACT AND REPEALING CHAPTER 15.20 (MORATORIUM ON LAND USE PERMITS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) OF THE RANCHO PALOS VERDES MUNICIPAL CODE AND REPLACING IT WITH CHAPTER 15.20 (GREATER PORTUGUESE BEND LANDSLIDE COMPLEX REGULATIONS ON LAND USE PERMITS) AND AMENDING §15.04.040 (BUILDING CODE AMENDED – SPECIALIZED FOUNDATION REQUIREMENTS) OF TITLE 15 (BUILDINGS AND CONSTRUCTION) AND AMENDING §16.40.030 (PARCEL REQUIREMENTS) OF CHAPTER 16.40 (URBAN LOT SPLITS) OF TITLE 16 (SUBDIVISIONS) OF THE RANCHO PALOS VERDES MUNICIPAL CODE TO PROPERLY REFERENCE CHAPTER 15.20**, a copy of which is attached hereto, in the following locations:

City Hall
30940 Hawthorne Blvd.
Rancho Palos Verdes

Hesse Park
29301 Hawthorne Blvd.
Rancho Palos Verdes

Ladera Linda Community Park
32201 Forrestal Drive
Rancho Palos Verdes

I certify under penalty of perjury that the foregoing is a true and correct affidavit of posting.



City Clerk