

ORDINANCE NO. 427U

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES ESTABLISHING A MORATORIUM ON THE ISSUANCE OF CERTAIN PERMITS AND THE PROCESSING OF PLANNING APPROVALS AND SUSPENDING CERTAIN PREVIOUSLY ISSUED BUILDING PERMITS AND APPROVALS, IN THE PORTION OF THE LANDSLIDE MORATORIUM AREA OUTLINED IN BLUE ON THE LANDSLIDE MORATORIUM MAP ON FILE IN THE CITY'S PLANNING, BUILDING AND CODE ENFORCEMENT DEPARTMENT, WHICH INCLUDES PORTIONS OF DAUNTLESS DRIVE, EXULTANT DRIVE, ADMIRABLE DRIVE AND PALOS VERDES DRIVE SOUTH, AND DECLARING THE URGENCY THEREOF.

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

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

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

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

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

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considered whether the more flexible development standards that had been allowed in the Blue Area since 1989 should be repealed so that the Blue Area will be subject to the same development criteria that are applicable to the other areas that are subject to the Landslide Moratorium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

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

SECTION 1. The City Council of the City of Rancho Palos Verdes hereby declares a sixty-day moratorium on the processing and issuance of building, grading or other permits, and landslide moratorium exception permits and the processing or approval of Environmental Assessments, Environmental Impact Reports, Conditional Use Permits, height variation applications, tentative maps or parcel maps in the Blue Area, unless otherwise exempted from the moratorium pursuant to terms of Sections 4 or 5 below.

SECTION 2. Section 15.20.040 K of the Rancho Palos Verdes Municipal Code is hereby suspended and no permits or approvals shall be processed or granted pursuant to that section.

SECTION 3. Notwithstanding any other ordinance or code of the City of Rancho Palos Verdes, no building permit, grading permit, or landslide moratorium exception permit or other permit for new construction shall be issued and no applications for conditional use permits, height variations, tentative maps or parcel maps for the subdivision of land shall be accepted for filing, processed or approved as to any property located in the Blue Area.

SECTION 4. Other than the building permit and other permits that have been issued by the City to construct the home at 4369 Dauntless Drive, which shall not be affected by this Ordinance, any building or grading permit, landslide moratorium exception permit or other permit for new construction in the Blue Area, which has been previously granted by the City but which has not been acted upon in substantial reliance by the holder thereof, is hereby suspended indefinitely. Construction in reliance on any such suspended permit shall be prohibited unless and until the City lifts the suspension.

SECTION 5. It has recently come to the attention of the City Council that the land identified in the Blue Area, which was previously thought to be stable, may in fact be experiencing current landslide movement. In order to protect the public health, safety and welfare, geological studies should be conducted to determine the stability of the land in question and to whether development of new structures on undeveloped lots or parcels, substantial additions to existing homes, or the construction of certain accessory structures on properties in the Blue Area should be allowed. Until such geological studies are completed and evaluated it cannot be determined whether such construction in the Blue Area (1) is safe in light of the newly observed

instability, or (2) will adversely impact the stability of said Area. This ordinance is therefore necessary for the immediate preservation of the public peace, health, safety and welfare and shall take effect immediately upon adoption as an urgency ordinance. This ordinance is effective for sixty days unless further extended by the City Council.

PASSED, APPROVED AND ADOPTED this 15th day of November 2005, by the following vote:

/s/ Larry Clark
Mayor

Attest:

/s/ Carolyn Petru
City Clerk

I, Carolyn Petru, 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. 427U was duly and regularly approved and adopted by the City Council of the City of Rancho Palos Verdes at a regular meeting thereof held on the 15th day of November 2005, and that the same was passed and adopted by the following roll call vote:

Ayes: Gardiner, Long, Stern, Wolowicz, and Mayor Clark

Noes: None

Absent: None

Abstain: None

City Clerk