

ORDINANCE NO. 440 U

AN ORDINANCE OF THE CITY OF RANCHO PALOS VERDES EXTENDING URGENCY ORDINANCE NO. 427U AND URGENCY ORDINANCE NO. 439U TO OCTOBER 25, 2006, THEREBY 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 LANDSLIDE MORATORIUM AREA OUTLINED IN RED AND BLUE ON THE LANDSLIDE MORATORIUM MAP ON FILE IN THE CITY'S PLANNING, BUILDING AND CODE ENFORCEMENT DEPARTMENT 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 asked the City Geologist to determine whether the more flexible development standards that had been allowed in the Blue Area since 1989 should be repealed so that the Blue Area will be subject to the same development criteria that are applicable to the other areas that are subject to the Landslide Moratorium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; and,

WHEREAS, on November 15, 2005, the City Council adopted Urgency Ordinance No. 427U, which established a 60-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 and temporarily suspended Section 15.20.040 K of the Rancho Palos Verdes Municipal Code pending the completion of new geological data to determine whether construction in the Blue Area is safe in light of the newly observed instability or if the proposed development could adversely impact the stability of said Area; and,

WHEREAS, because the Global Positioning System ("GPS") Data still was being collected, and the City Geologist still was in the process of completing the review of that data to assess the potential impacts of construction in the Blue Area upon the overall stability of said Area and upon the public health, safety and welfare and, accordingly, needed additional time to complete that review before determining if the moratorium imposed by Ordinance 427 U should be lifted, the moratorium was extended by the City Council to March 21, 2006; and

WHEREAS, because the City Geologist's report has been completed and was presented to the City Council, but the City Council would like to conduct a study session to discuss the entire Moratorium Area and the geologic issues that are relevant to development of new structures and additions to existing structures within the Moratorium Area before determining whether to amend the Chapter 15.20 of the Rancho Palos Verdes Municipal Code; and

WHEREAS, due to ongoing litigation regarding development in a portion of the Moratorium Area and the generation of additional information regarding the stability of certain portions of the Moratorium Area in connection with that litigation, which may be relevant to the analysis of the issues that the City Council would like to have addressed at the upcoming study session, it was not possible for City Staff and the City's geologic consultants to complete their review of all of the information regarding the stability of portions of the Moratorium Area in time to prepare comprehensive reports for the City Council for the study session that had been scheduled to occur on June 3, 2006; and

WHEREAS, because additional time is required for certain information, which may be relevant to the geologic workshop, to be submitted to the City for review and analysis by the City's geotechnical consultants, and because it is uncertain when the additional information will be submitted to the City and how long it will take the City's consultants to review and analyze that

information so that it can be presented to the City Council as part of the workshop, it is necessary to further extend the Moratorium that was established by Ordinance 427U and Ordinance No. 439U;

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 extends Urgency Ordinance No. 427U and Urgency Ordinance No. 439 U for an additional 117 days, until October 25, 2006. Except as previously modified by Urgency Ordinance 439 U, and except as modified herein, all provisions of Urgency Ordinance No. 427U shall remain in full force and effect through and including October 25, 2006, unless earlier rescinded or extended by another ordinance adopted by the City Council.

SECTION 2. In addition to suspending the provisions of Section 15.20.040 K of the Rancho Palos Verdes Municipal Code, the provisions of Paragraphs H and L of Section 15.20.040 have been suspended, and no permits or approvals shall be processed or granted by the City pursuant to any of those Paragraphs.

SECTION 3. Notwithstanding any other ordinance or code of the City of Rancho Palos Verdes, no application for a building permit, grading permit, conditional use permit, height variation, tentative map or parcel map for the subdivision of land, or other any other permit to develop property, or for a Landslide Exception Permit shall be accepted for filing, processed or approved as to any land within the Landslide Moratorium Area, as outlined in Red or Blue on the Map that is on file in the City's Planning Building and Code Enforcement Department, and no such permit shall be issued, for any project for which a landslide moratorium exception permit had been issued previously by the City pursuant to Paragraphs H, K and L of Section 15.20.040 of the Rancho Palos Verdes Municipal Code.

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 and any other home where above-ground construction work has been performed in substantial reliance on a building permit that has been issued by the City, which shall not be affected by the provisions of this Ordinance, any building or grading permit, landslide moratorium exception permit, or other permit for new construction in the Landslide Moratorium Area, which has been previously granted by the City but which has not been acted upon in substantial reliance by the holder thereof, is 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, the City Geologist was to review recently collected GPS Data 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. The City Geologist's report has been completed and has been submitted to the City Council. However, additional time is needed for new information to be submitted to the City for review by the City's geotechnical consultants regarding the stability of other portions of the Moratorium Area. Additional time also is required for the City's consultants to include the analysis of that information into reports that will be prepared for the City Council in connection with the upcoming City Council study session that will be held to discuss the Moratorium Area and the geologic issues that are relevant to development of new structures and additions to existing structures within the Moratorium Area. The City Council has stated that it would like to hold the study session before determining whether to amend the Chapter 15.20 of the Rancho Palos Verdes Municipal Code. Thus, the City's geologic experts and the City Council needs additional time to review all of the reports and information and determine whether additional controls on development are necessary to protect the public health, safety, and general welfare from the harmful effects associated with slope failure. The City Council finds that continued development in the Landslide Moratorium Area during this additional time could expose residents to undue health hazards and safety risks and could pose a current and immediate threat to the public health, safety, or general welfare and approval of additional entitlements for development inconsistent with the provisions of Urgency Ordinances No. 427U and 439U and would frustrate the City's ability to protect the public health, safety and welfare by minimizing the adverse effects of slope failure. 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 until 11:59 p.m. on October 25, 2006, unless further extended by the City Council by the adoption of another ordinance.

PASSED, APPROVED AND ADOPTED this 20th day of June 2006.

/s/ Stefan Wolowicz
Mayor
Attest:

/s/ Carolyn Petru
City Clerk

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

I, Carolynn 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. 440U was duly and regularly adopted by the City Council of said City at a regular meeting thereof held on June 20, 2006, and that the same was passed and adopted by the following roll call vote:

AYES: Clark, Gardiner, Long, and Mayor Wolowicz

NOES: None

ABSENT: Stern

ABSTAIN: None

City Clerk