

## **Chapter 17.68 - GH Geologic Hazards District**

### Chapter 17.68

#### GH GEOLOGIC HAZARDS DISTRICT\*

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\* Prior ordinance history: Ords. 472, 562.

17.68.010 Definitions. For purposes of this chapter the following definitions shall apply:

- A. "Bluff or Seacliff" means a landform that includes a scarp or steep face of rock adjacent to the bay or ocean and meeting one of the following two parameters:
  - a. The toe is now or was historically (generally within the last two hundred years) subject to marine erosion.
  - b. The toe of which lies within an area otherwise identified in Public Resources Code Section 30603(a)(1) or (a)(2).
- ~~or cliff" means the scarp or steep face of rock, decomposed rocks, sediment or soil resulting from erosion, faulting, folding or excavation of land mass and exceeding ten feet in height, and includes what we commonly know as "cliffs."~~

B. "Floodplain" means the land on either side of the creek or other watercourse which may be subject to flooding, includes

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but is not necessarily limited to any one-hundred year floodplain, as determined by the Federal Flood Insurance Program.

C. "Geological hazard" means a threat to life, property or public safety caused by geological or hydrological processes such as faulting and secondary seismic effects, including but not limited to: liquefaction, landsliding, erosion, flooding, tsunami, or storm wave inundation. (Ord. 628 §2 (part), 1987).

D. "Coastal hazard" includes but is not limited to episodic and long-term shoreline retreat and coastal erosion, high seas, ocean waves, storms, tsunami, tidal scour, wave overtopping, coastal flooding, landslides, bluff and geologic instability, bluff retreat, liquefaction and their interaction, many of which are likely to worsen with sea level rise.

17.68.020 Applicability. The regulations set forth in this chapter apply in all GH districts. (Ord. 628 §2 (part), 1987).

17.68.030 Purpose. The GH district is designed to inform property owners and potential property owners of lands which are located in areas containing geological hazards, including, but not limited to, floodplains, fault zones, known landslide areas, bluffs, tsunami inundation areas, and high liquefaction areas. Along the shoreline and in areas subject to coastal hazards, the GH district is also designed (a) to protect and enhance bluff, shoreline, offshore, and sandy beach recreational areas for public use and enjoyment while ensuring all development (including private structures and public infrastructure) is safe from coastal hazards as much as possible both now and in the future; and (b) to ensure that otherwise allowable development is sited, designed, and conditioned to minimize risks to life and property, to avoid being subject to coastal hazards, and where development cannot entirely avoid coastal hazards, to appropriately mitigate for all adverse impacts to coastal resources, including to bluff, shoreline, offshore, and sandy beach recreational areas.

(Ord. 628 §2 (part), 1987).

17.68.040 Combining district. Land classified GH shall also have a basic zoning classification as defined in Chapters 17.12 through 17.45. For example, R-1-GH means that the R-1 district regulations apply as well as the GH regulations. (Ord. 628 §2 (part), 1987).

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17.68.050 Principal permitted uses. The following are principal permitted uses the GH district:

A. All uses permitted in the basic zoning district. (Ord. 628 §2(part), 1987).

17.68.060 Accessory uses. The following are accessory uses permitted in the GH district:

A. All accessory uses permitted in the basic zoning district. (Ord. 628 §2(part), 1987).

17.68.070 Conditional uses. The following are conditional uses in the GH district:

A. All conditional uses in the basic zoning district. (Ord. 628 §2(part), 1987).

17.68.080 Development standards. The development standards in the GH district shall be the same as the basic zoning district except in those instances when more restrictive standards are necessary to provide assurance that stability and structural integrity can be maintained for ~~the economic life of the project~~ (fifty years.) (Ord. 628 §2(part), 1987).

17.68.090 Beach area regulations. In the GH district:

A. A geologic/engineering report shall be required for all developments located on or adjacent to a beach, including shoreline protective measures. "Shoreline protective measures" includes the installation, in an area where coastal process operate, of any structure or material, including but not limited to riprap or a seawall, for the purpose of protecting any structure, including a road, utility or transmission line. Shoreline protection structures shall be permitted only when they are:

1. Necessary If required to protect coastal-dependent uses, and/or existing development structures (other than accessory structures), or public beaches in danger from erosion; or and

2. Necessary to protect public beaches in danger from erosion, and Only if nonstructural solutions (i.e.g., artificial beach nourishment, relocation of structures, etc.) and any other less environmentally damaging alternatives (such as nature-based adaptation measures) have proven to be infeasible; and

3. If they are determined to be the least environmentally damaging feasible alternative to protect the

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endangered structure/beach/use; and

4. If all coastal resource impacts are avoided, and where all unavoidable impacts are commensurately mitigated; including that they are ~~D~~esigned so as to eliminate or mitigate adverse impacts on local shoreline sand supply, public access, marine habitats, visual resources, and paleontological resources, and any other coastal resources; and

45. Designed to provide lateral and vertical public access elements where feasible (Ord. 628 §2(part), 1987).

17.68.100 Bluff and seacliff area regulations. In the GH district:

A. Bluff and seacliff top development shall be permitted only if the design and setback provisions are designed to assure stability and structural integrity for ~~the expected life of the development~~ (at least fifty years;) and if the development (including storm runoff, foot traffic, grading and irrigation) will neither create nor contribute significantly to erosion problems or geological instability of the site or surrounding areas.

B. A geologic/engineering report shall be required for any blufftop or seacliff development which is proposed within two hundred feet of the seacliff edge. In specific areas of known geological stability ~~or where adequate protective devices already exist (as determined by adequate geologic evaluation and historic evidence),~~ a lesser area of demonstration may be designated. The city may designate a greater area of demonstration or exclude development entirely in areas of known high instability. (Ord. 677 §15 (A), 1989; Ord. 628 §2(part), 1987).

17.68.110 Earthquake fault areas. In any area determined by the State Geologist, pursuant to Public Resources Code Section 2622, to be a special studies zone, a geologic/ engineering report shall be required before any developmental permit may be issued. Nothing in this section shall diminish the duties of any person arising out of the AlquistPriolo- Special Studies Zone Act (Public Resources Code Section 2621 and following.) (Ord. 628 §2(part), 1987).

17.68.120 Floodplain. Any development in the GH district which is proposed to be located within the one-hundred year riverine floodplain of Soquel Creek or Noble Creek shall be constructed so as to conform to the Federal Flood Insurance

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program guidelines for development control. (Ord. 628 §2(part), 1987).

17.68.130 Landslide areas. In areas determined by the planning director, the public works director, the building inspector or the planning commission to have a landslide potential, a geologic/engineering report shall be required. (Ord. 628 §2(part), 1987).

17.68.140 Steep slope areas. Any development in the G-H district which is designed to be built on a slope in excess of thirty percent shall require a geologic/engineering **report**. The report shall include methods of achieving structural stability as well as any mitigation measures for preventing erosion. (Ord. 677 §15 (B), 1989: Ord. 628 §2(part), 1987).

17.68.150 Other Geologic hazard areas. The planning commission may require a geologic/engineering report in other areas of geologic hazards. (Ord. 628 §2(part), 1987).

17.68.160 Contents of geologic/engineering reports. All geologic/engineering reports required by this chapter shall be prepared according to the guidelines for practice issued by the California Division of Mines and Geology, specifically, No. 37 Guidelines for Preparing Engineering Geological Reports and Coastal Commission Guidelines for Bluff Top Development. The required geological reports for all developments shall be prepared by a registered geologist or professional engineer with expertise in soils or foundations engineering, or by a certified engineering geologist. Because the city staff may not contain the expertise necessary to evaluate the adequacy of a report, the city may employ, at the applicant's expense, an appropriate expert to evaluate the adequacy of the report. (Ord. 628 §2(part), 1987).

Bluff and hillside stability evaluations shall consider a range of coastal hazards—including erosion rates, wave climate, storm surge, and sea-level rise—over a 50-year planning horizon. Proposed development shall incorporate mitigation measures designed to perform for a minimum of 50 years post-occupancy. Slope stability shall meet minimum factors of safety of 1.5 (static) and 1.1 (seismic, pseudo static) unless otherwise justified by a site-specific analysis prepared and sealed by a California-licensed Geotechnical Engineer (GE) or Certified Engineering Geologist (CEG) and accepted by the City of

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Capitola. Because the city staff may not contain the expertise necessary to evaluate the adequacy of a report, the city may employ, at the applicant's expense, an appropriate expert to evaluate the adequacy of the report.

17.68.170 Appeals. Planning commission determination made pursuant to this chapter may be appealed to the city council as provided in Chapter 2.56. (Ord. 628 §2(part), 1987).

17.68.180 Requirement of disclosure of property location by seller to seller's agent. A person who is acting ~~on~~ behalf of real property which is located within a GH district, or the seller if ~~he is~~ they are acting without an agent, shall disclose any prospective purchaser the fact that the property is located within a GH district. The planning director may adopt methods of informing owners and real estate salespersons of this requirement. (Ord. 628 §2(part), 1987).

17.68.190 Report to be noted on subdivision maps. All geologic/engineering reports prepared in conjunction with an application to subdivided property shall be noted on the map as provided in Government Code Section 66434(f). (Ord. 628 §2(part), 1987).