

INTERPRETATION PROCEDURE FOR OPEN-SPACE HAZARD (OH) AREAS

Pursuant to Chapter 17.32 of the City's Development Code, the Open-Space Hazard zoning district (known as "OH") "*prevents unsafe development of hazardous areas that must be preserved or regulated for public health and safety purposes.*" Generally speaking, the OH zoning district is comprised of areas where the slope exceeds 35%, areas experiencing down-slope movement, areas unstable for development, areas where grading of the land may endanger public health and safety due to erosion, the ocean bluff areas, and areas subject to flooding from storm water. As such, the OH zoning district boundary lines adopted as part of the Official Zoning Map do not necessarily follow lot lines, but often cross over lot lines and sometimes over developed areas of properties.

In order to address situations where an OH boundary line should be adjusted, Chapter 17.90 of the Development Code allows the Director to make interpretations to adjust an OH boundary line by **up to 100 feet** or to be coterminous with the boundary of an area designated as "Open Space Hillside" in the updated General Plan Land Use Map, whichever distance is shorter, from its current location on the Official Zoning Map.

In order to process an Interpretation Procedure request to adjust an OH boundary line, the following materials must be submitted to the Planning Division:

1. An OH Interpretation Procedure application, signed by the property owner, describing the distance that the OH zoning district boundary line is to be adjusted from its current location as depicted on the Official Zoning Map.
2. Two (2) copies of a scaled site plan, which includes the property lines, the existing OH boundary line, and the proposed new OH boundary line with the scaled distance of the proposed movement of the boundary line.
3. Two (2) copies of a "vicinity map", prepared to scale, which shows all neighboring properties that are **adjacent** to the subject property (applicant). The "Vicinity Map" must be prepared exactly as described in the attached instruction sheet.
4. Two (2) sets of self-adhesive mailing labels and one (1) photocopy of the labels which list the property owners of every parcel which is **adjacent** to the subject property. The name and address of every property owner (including applicant) must be typed on 8 1/2" X 11" sheets of self-adhesive labels. The mailing labels must be keyed to the corresponding lots, as shown on the vicinity map described above. The property owners' mailing list must be prepared exactly as described in the attached instruction sheet.

Please note that an Interpretation Procedure request will not be deemed complete for processing if any of the above listed items are missing or incomplete. Once an Interpretation Procedure request has been deemed complete by City Staff, the Director will issue an interpretation within 30 days, which may be appealed (pursuant to Chapter 17.80 of the Development Code) to the Planning Commission within **five (5)** calendar days of the Director's notice of decision. Any decision of the Planning Commission may then be appealed to the City Council. Within **fifteen (15)** calendar days of filing an appeal, an appellant challenging an Interpretation Procedure must submit the basis for the appeal, supported by a letter or report from a registered geologist or geotechnical engineer. If no timely written appeal is submitted or if a written appeal is submitted but not followed up with a timely geological letter or report, the Director's interpretation will be final.

A request for an Interpretation Procedure can be made in conjunction with an application for construction on a specific property, in which the Interpretation Procedure will require an approval by the Director prior to deeming the application complete. As such, a decision for an Interpretation Procedure made in conjunction with a proposed development application may result in longer processing times than described above as the OH boundary line adjustment may affect changes to the proposed development.

NOTE: Pursuant to Ordinance No. 532 (effective on Feb. 21, 2012), all Interpretation Procedure application fees (\$1,443) and appeal fees (\$2,275) are waived for property owners until the updated General Plan Land Use Map and the Official Zoning Map have both been officially adopted with revised, consistent open space hazard areas. These maps are currently being considered as part of the Zoning Code and Zoning Map Update process. Please contact the Community Development Department with any questions regarding the waiver of these fees and/or to confirm the status of the map update process.

◀ Important ▶

- Notice: CC&R's are private restrictions or agreements. Therefore the City is not responsible for a property owner's compliance with any CC&R's that may govern their property and the City does not enforce private CC&R's. The City recommends that property owners review their title report to see if any CC&R's govern their property, and if so, consult such CC&R's prior to submittal of their application. Additionally, property owners should review their title report for any other private property restrictions (Deed Restriction, Private Easement, etc.) that may govern their property.

**OPEN-SPACE HAZARD DISTRICT BOUNDARY
INTERPRETATION PROCEDURE APPLICATION**

CASE NO. _____

APPLICANT/CONTRACTOR:

LANDOWNER:

Name: _____

Name: _____

Address: _____

Address: _____

Phone: _____

Phone: _____

E-Mail: _____

E-Mail: _____

Property Address: _____

1. Describe why the interpretation procedure is being requested.

2. Requested distance that the OH boundary line is to be adjusted: _____

3. The following materials are attached (check boxes):

- Two (2) Scaled Site Plan, with the property lines, existing OH boundary line, and proposed new OH boundary line
- Two (2) copies of vicinity map showing all properties **adjacent** to subject property
- Two (2) sets and one (1) copy of labels for all properties **adjacent** to the subject property

I HEREBY CERTIFY, under penalty of perjury, that the information and materials submitted with this application are true and correct.

Signature of Applicant/Contractor and _____
Signature of Landowner **(REQUIRED)**

Dated: _____

Dated: _____