

Code of Ordinances

Titles - AIRPORT

>

Title 26 - COMMUNITY ENERGY

>

Title 27 - PROCUREMENT OF PUBLIC WORKS

CODE COMPARATIVE TABLE

< 17.08.800 - Warning and disclaimer of liability.

Chapter 17.12 - CITY OF SAN JOSÉ FIRE CODE >

Chapter 17.10 - GEOLOGIC HAZARD REGULATIONS

:

Part 1 - GENERAL PROVISIONS

:

17.10.100 - Purpose.

:

Geologic hazards, whether natural or artificial, pose a serious threat to public safety. Geologic conditions are subject to change over time and knowledge about geologic hazards and technology is evolving. The intent of this council to ensure an appropriate level of review to projects which are located in geologically sensitive areas in order to identify any geologic hazard and impose necessary mitigations before development may be permitted.

(Ords. 24680, 25710.)

17.10.105 - Requirements.

:

- A. No person shall construct or grade, or permit any construction or grading of any property in a geologic hazard zone except in full compliance with this chapter.
- B. Any certificate holder, contractor, certified engineering geologist or consulting geotechnical and/or civil engineer who identifies or becomes aware of any geologic hazard not fully assessed in the certificate of geologic hazard clearance shall immediately cease construction and report the information to the director of public works. Based on the new information, the director may revoke or suspend the certificate, as appropriate, pursuant to [Section 17.10.330](#).

(Ords. 24680, 25710.)

Part 2 - DEFINITIONS

:

17.10.200 - Definitions.

## Code of Ordinances



The definitions set forth in this part shall govern the application and interpretation of this chapter. Where terms are not specifically defined in this chapter, the definitions contained in [Chapter 17.04](#) shall control.

(Ords. 24680, 25710.)

**17.10.205 - Alteration of existing structures.**

"Alteration" is any change, addition or modification in construction or occupancy of an existing structure including, but not limited to, any addition to the square footage, footprint or building envelope of the structure, including both habitable and nonhabitable areas including decks and swimming pools.

(Ords. 24680, 25710.)

**17.10.210 - Director.**

"Director" shall mean the director of public works.

(Ords. 24680, 25710.)

**17.10.215 - Discretionary approval for development.**

"Discretionary approval for development" shall mean any approval granted pursuant to [Title 19](#) or [Title 20](#) of this Code.

(Ords. 24680, 25710.)

**17.10.220 - Geologic hazard.**

"Geologic hazard" shall mean any condition in earth, whether naturally occurring or artificially created, which is dangerous or potentially dangerous to life, limb, property, or improvements due to movement, failure or shifting of earth, or which, in the opinion of the director; may lead to damage to structures located on or adjacent to soils or rocks having such conditions. For purposes of this chapter, geologic hazard includes, but is not limited to, fault ruptures, landslides, mudslides and rock falls, ground failure due to earthquake shaking, erosion and sedimentation, and creeping soil.

(Ords. 24680, 25710.)

**17.10.225 - Geologic hazard zone.**

A. "Geologic hazard zone" shall mean any land:

1. In the area identified as very high landslide susceptibility, high or moderate/high landslide susceptibility zones on Plates 1C, 1D, (landslide susceptibility) of the

Code of Ordinances "Technical Report, Geological Investigation, City of San José's Sphere of Influence," prepared by Cooper, Clark and Associates, dated July 19, 1974 on file in the department of public works; or

2. On the state of California earthquake fault zone maps on file in the department of public works; or
3. Within the boundary of the City of San José geologic hazard zone map dated November, 1985 on file in the department of public works; or
4. Within the boundary of the City of San José fault hazard zone maps dated 1983 on file in the department of public works.

B. "Geologic hazard zone" also shall mean any land added by way of an amendment pursuant to [Section 17.10.805](#).

(Ord. 25710.)

#### **17.10.230 - Off-site evaluation.**

"Off-site evaluation" shall mean an analysis of any site not included in the application for a certificate of geologic hazard clearance which is identified in the geologic assessment or geologic investigation as potentially affecting the site or affected by the site.

(Ords. 24680, 25710.)

#### **17.10.235 - Repair of existing structures.**

"Repair" is the reconstruction or renewal of any part of an existing building or structure for the purpose of its maintenance. Any enlargement of or addition to such structure shall not be considered a repair, for the purposes of this chapter.

(Ords. 24680, 25710.)

#### **17.10.240 - Special geologic hazard study area.**

- A. "Special geologic hazard study area" shall mean any land which is located within the boundary of the City of San José Special geologic hazard study area map, on file in the department of public works.
- B. "Special geologic hazard study area" also shall mean any land added by way of an amendment pursuant to [Section 17.10.805](#).

(Ords. 24680, 25710.)

#### **17.10.245 - Standard geologic hazard study area.**

"Standard geologic hazard study area" shall mean any land located in a geologic hazard zone which is not located in a special geologic hazard study area.

(Ords. 24680, 25710.)

#### **17.10.250 - Subregional study area.**

"Subregional study area" shall mean that land located in a subregion or subregions of the special geologic hazard study area as shown on the City of San José special geologic hazard study area map, dated December 12, 1995, on file in the department of public works.

(Ords. 24680, 25710.)

### **Part 3 - GEOLOGIC HAZARD CLEARANCE PROCESS**

#### **17.10.300 - Certificate of geologic hazard clearance.**

- A. No discretionary approval for development, grading permit or building permit shall be issued for any property located in the geologic hazard zone unless the director has first issued a certificate of geologic hazard clearance.
- B. No geologic evaluation, as required by Part 5 for a geologic hazard clearance, shall be accepted for any site in the special geologic hazard study area except as provided in [Section 17.10.610](#).
- C. The applicant may simultaneously file an application for a certificate and for any discretionary approval for development, grading permit or building permit.

(Ords. 24680, 25015, 25710.)

#### **17.10.305 - Application for certificate of geologic hazard clearance.**

- A. An application for a certificate pursuant to this chapter shall be submitted to the director on the form provided by the city.
- B. All application fees shall be paid at the time an application is filed, in the amount set forth in the schedule of fees adopted by resolution of the city council.

(Ords. 24680, 25710.)

#### **17.10.310 - Geologic evaluation and regional study.**

- A. The geologic evaluation shall be conducted by the applicant as set forth in Part 5 of this chapter.
- B. If required, a regional study shall be conducted by the applicant as set forth in Part 6 of



## Code of Ordinances

this chapter.



- C. All geologic and geotechnical reports submitted as part of the geologic evaluation and regional studies will be maintained on file by the city and made available for public review in the office of the city's engineering geologist.

(Ords. 24680, 25710.)

**17.10.315 - Denial.**

- A. A certificate shall be denied if the director, or the city council on appeal, do not make the findings for issuance set forth in [Section 17.10.400](#).
- B. Prior to denying an application for a certificate, the director shall afford the applicant an opportunity for an informal hearing at which the applicant can provide testimony and additional evidence.
- C. If the director, after considering the testimony and evidence presented as well as considering the opinion of the city's consulting geologist or geotechnical engineer, if any, denies the issuance of the certificate, the applicant may appeal the denial to the city council in accordance with [Section 17.10.340](#).

(Ords. 24680, 25710.)

**17.10.320 - Certificate expiration.**

- A. The certificate will be in effect for a period of up to three years from the date of issue, unless revoked or suspended.
- B. No discretionary approval for development, grading permit or building permit shall be granted after the expiration date, unless the certificate has been renewed pursuant to [Section 17.10.325](#).
- C. A building permit issued in accordance with this chapter may be renewed after the expiration of the certificate, if work was commenced within one hundred eighty days from the date the building permit was issued and if substantial progress has been made which is verified by an inspection every one hundred eighty days.

(Ords. 24680, 25710.)

**17.10.325 - Renewal.**

- A. The director shall not renew a certificate unless additional geologic evaluation demonstrates that the prior geologic evaluation is still adequate and that:
  - 1. Any facts previously unknown to the director, scientific advancement, or change in conditions are considered;
  - 2. That any on or off-site geologic hazard identified at any time prior to renewal of the

Code of Ordinances certificate can be mitigated to an acceptable degree so that the public health and safety are protected; and

3. The certificate was not issued in reliance on incorrect or misinterpreted information.
- B. The applicant may appeal the denial of a renewal request to the city council pursuant to [Section 17.10.340](#).

(Ords. 24680, 25159, 25710.)

### 17.10.330 - Revocation and suspension.

A certificate may be revoked or suspended whenever the director, or city council on appeal, determines that any of the following circumstances has occurred:

1. The certificate was granted in error, was granted on the basis of incorrect or misinterpreted information, or was granted in violation of any law, ordinance or regulatory provision.
2. The review upon which the certificate was granted was incomplete and further geologic information or analysis is necessary.
3. The findings made pursuant to [Section 17.10.400](#) are incorrect.
4. There is sufficient uncertainty about any geologic hazard, either on or off-site, which makes it reasonable to require further geologic evaluation.
5. Scientific or technological advancement, a change in geologic conditions, or previously unknown facts or geologic analysis make it reasonable to require further geologic evaluation.
6. The development proposal upon which the certificate is based is modified and the geologic evaluation does not address the project as modified.

(Ords. 24680, 25710.)

### 17.10.335 - Notice.

Notification of the denial of the certificate, the denial of the renewal of such certificate, the issuance of such certificate with conditions or, the revocation or suspension of such certificate shall be mailed to applicant, postage prepaid, at the address given for purposes of such notice on the application.

(Ords. 24680, 25710.)

### 17.10.340 - Appeal to city council.

- A. The applicant may appeal the denial, revocation or suspension of the certificate or any condition imposed on the certificate to the city council by filing a written notice of appeal with the director within ten days after the notification was mailed.

B. The hearing before the city council shall be de novo.

C. The city council shall uphold the decision of the director unless it makes the findings for issuance pursuant to [Section 17.10.400](#).

(Ords. 24680, 25710.)

## Part 4 - CERTIFICATE OF GEOLOGIC HAZARD CLEARANCE

### 17.10.400 - Issuance of certificate.

- A. No certificate shall be issued unless a geologic evaluation demonstrates, to the satisfaction of the director, or the city council on appeal, that the proposed development or alteration:
1. Is not endangered or potentially endangered by any geologic hazard on the site or in any area which may potentially affect the site; and
  2. Will not create or have the potential to create any new geologic hazard, including those associated with reactivation of landslide deposits, which potentially affects either the site proposed for development or off-site areas; and
  3. That the proposed improvements, including earthwork, will adequately mitigate all identified on and off-site geologic hazards.
- B. The issuance of a certificate is not a determination that the site is free from any geologic hazard. Such clearance shall mean only that based on the information provided, it is the judgment of the director or the city council that any geologic hazard has been mitigated to an acceptable degree.

(Ords. 24680, 25710.)

### 17.10.405 - Conditions of clearance.

- A. The director, or council on appeal, may impose conditions on the certificate.
- B. Such conditions may include, but are not limited to:
1. Mitigation measures identified in the geologic evaluation;
  2. Slope stabilization;
  3. Surface and subsurface drainage control;
  4. Off-site improvements to mitigate a geologic hazard which potentially affects either the site proposed for development or applicable off-site areas;
  5. Use restrictions to avoid or mitigate hazardous geologic conditions;
  6. Implementation of an approved erosion control plan;
  7. Adequate guarantees that all private improvements, located within a geologic



Code of Ordinances hazard zone will be properly maintained.  
(Ords. 24680, 25710.)



#### 17.10.410 - Repair of existing structures.

Notwithstanding [Section 17.10.400](#), a certificate shall be issued for repair of existing structures, in either the standard geologic hazard study area or the special geologic hazard study area, if it is demonstrated, to the satisfaction of the director, that the repair will be conducted in a manner which does not create an additional or increased geologic hazard.

(Ords. 24680, 25710.)

#### 17.10.415 - Alteration of existing structures - Special geologic hazard study area.

Alteration of existing structures in the special geologic hazard study area shall be allowed, without the requirement for a regional study pursuant to Part 6, if a geologic hazard clearance for the alteration has been issued by the director pursuant to Part 5.

(Ords. 24680, 25015, 25710.)

#### 17.10.420 - Single family residences - Special geologic hazard study area.

The construction of one single family residence per lot in the special geologic hazard study area shall be allowed, without the requirement for a regional study pursuant to Part 6 of this chapter, if a geologic hazard clearance for the construction has been issued by the director pursuant to Part 5 or renewed pursuant to [Section 17.10.325](#) and all of the following criteria are met:

- A. No zoning change or further subdivision or lot line adjustment is required to accommodate the construction of the single family residence.
- B. All public or private infrastructure needed to support the residence has already been constructed, excluding storm and sanitary sewer laterals and utility service connections. Except for the construction of storm and sanitary sewer laterals and utility service connections, no construction of any additional infrastructure shall be allowed.
- C. The existing public storm drainage system has sufficient capacity, as determined by the director, to convey present and future storm water runoff.
- D. The construction has been designed in a manner which, at a minimum:
  - 1. Prevents any additional storm water runoff or drainage on site; and
  - 2. Provides for the drainage of any storm water runoff or drainage from the structure, driveway or other paved surfaces directly into the public storm drainage system.



Code of Ordinances E. A grading plan in accordance with the grading ordinance has been approved by the director provides, at a minimum, for:

1. Balanced grading, unless the applicant has demonstrated, to the satisfaction of the director, that an imbalance would promote increased soil or slope stability; and
2. Retaining walls which are not a part of the structure and which do not exceed five feet in height; and
3. Soil cuts and fills, other than necessary for the foundation of the structure, which do not exceed five feet in depth, measured from the existing ground surface to the proposed ground surface; and
4. A subdrainage system satisfactory to the director; and
5. Erosion control measures deemed by the director to be appropriate for all graded areas and the time of year in which the grading is anticipated to occur; and
6. The minimum amount of grading necessary, as determined by the director, to:
  - a. Construct the residence and attendant hard surfaces, and
  - b. Provide for proper drainage, and
  - c. Provide for the remediation of identified on-site and off-site geologic hazards.

(Ords. 25015, 25159, 25710.)

## Part 5 - GEOLOGIC EVALUATION

### 17.10.500 - Approval required.

No geologic evaluation which requires or contemplates any invasive testing or soil disturbance shall be conducted by an applicant unless and until the director approves a plan for the geologic evaluation which includes but is not limited to the following requirements and mitigation measures:

1. All geotechnical testing shall be designed and completed under supervision of a certified engineering geologist or geotechnical engineer; and
2. The incorporation of specific dust control measures to avoid air quality impacts from fugitive dust; and
3. The preparation of habitat assessment and the incorporation of specific measures to avoid habitat and biological impacts; and
4. The incorporation of specific measures to avoid impacts from erosion and sedimentation of surface waters; and

- Code of Ordinances
5. The preparation of a cultural resources assessment and the incorporation of specific impacts to cultural resources; and
  6. A requirement that a qualified archaeologist examine any materials exposed during testing and make specific recommendations regarding appropriate mitigation that the director shall direct the applicant to perform.

(Ord. 25710.)

#### **17.10.510 - Content of geologic evaluation.**

- A. Each applicant for a certificate shall conduct a geologic assessment and, if required, a geologic investigation.
- B. All reports required by this part shall be submitted in writing, in a form satisfactory to the director, shall contain a full analysis and all supporting data and be dated and signed by a certified engineering geologist or registered geotechnical or civil engineer, as appropriate.

(Ords. 24680, 25710.)

#### **17.10.520 - Geologic assessment.**

- A. The geologic assessment shall include both a site specific evaluation and an off-site evaluation, which shall assess the potential of the development creating, adding to, affecting or being affected by any on or off-site geologic hazard. The off-site evaluation shall be limited to areas potentially affecting or affected by the site for which a certificate is sought.
- B. The assessment shall identify any existing geologic hazard, the potential for erosion and sedimentation and recommended mitigation of any geologic hazard.

(Ords. 24680, 25710.)

#### **17.10.530 - Geologic investigation.**

- A. A geologic investigation shall be conducted, unless the geologic assessment demonstrates, to the satisfaction of the director:
  1. That there is no on or off-site geologic hazard; or
  2. That implementation of recommendations in the geologic assessment will fully mitigate any geologic hazard.
- B. The geologic investigation shall include, but is not limited to, a subsurface examination including boring and trenching and shall include recommendations for feasible mitigation of any identified geologic hazard.

(Ords. 24680, 25710.)

#### **17.10.540 - Erosion control plan.**

## Code of Ordinances



- A. If existing or potential erosion problems are identified in the geologic evaluation an erosion control plan shall be prepared and submitted for the director's approval.
- B. An erosion control plan may, as required by the director, include plans and specifications for plantings, checkdams, sedimentation basins, cribbing, riprap, or other devices or methods for controlling erosion and sedimentation. Scheduling of installation, maintenance and any other special considerations must also be addressed.
- C. An erosion control plan, which utilizes vegetation, must take into account any special soils or climate conditions and should be compatible with vegetation in surrounding areas.

(Ords. 24680, 25710.)

## Part 6 - REGIONAL STUDIES

### 17.10.600 - Approval required.

No regional study which requires or contemplates any invasive testing or soil disturbance shall be conducted by an applicant unless and until the director approves a plan for the regional study which includes but is not limited to the following requirements and mitigation measures:

1. All geotechnical testing shall be designed and completed under supervision of a certified engineering geologist or geotechnical engineer; and
2. The incorporation of specific dust control measures to avoid air quality impacts from fugitive dust; and
3. The preparation of habitat assessment and the incorporation of specific measures to avoid habitat and biological impacts; and
4. The incorporation of specific measures to avoid impacts from erosion and sedimentation of surface waters; and
5. The preparation of a cultural resources assessment and the incorporation of specific measures to avoid impacts to cultural resources; and
6. A requirement that a qualified archaeologist examine any materials exposed during testing and make specific recommendations regarding appropriate mitigation that the director shall direct the applicant to perform.

(Ord. 25710.)

### 17.10.610 - Content of regional study.

- A. No geologic evaluation pursuant to Part 5 of this chapter shall be accepted for any site in

## Code of Ordinances

the special geologic hazard study area, except as provided in subsection C. below, until the director has made a final determination that the required regional studies required by this part have been completed and the studies demonstrate to the satisfaction of the director that either:

1. No large, deep-seated, active or potentially unstable landslides exist within the applicable subregional study area(s) which could affect or be affected by the proposed development; or
  2. Adequate mitigations have been identified for each large, deep-seated, active or potentially unstable landslide which could affect or be affected by the proposed development within the applicable subregional study area(s) to ensure that the landslide is sufficiently stable under both static and dynamic conditions to allow the proposed development.
- B. A regional study shall consist of an investigative study and, if required by [Section 17.10.630](#), below, a long term study for the subregional study area(s) of the special geologic hazard study area in which the property is located and for any additional subregional study area(s) in which any new, enlarged or upgraded infrastructure needed to serve the property will be located.
- C. No investigative or long term study is required for the alteration of an existing structure in accordance with [Section 17.10.415](#) or construction of a single family residence in accordance with [Section 17.10.420](#).

(Ord. 25710.)

### 17.10.620 - Format and cost of regional studies.

- A. All investigative and long term studies required by this part shall be submitted in writing, in a form satisfactory to the director. Such studies shall contain a full analysis and all supporting data and shall be dated and signed by the certified engineering geologist and/or registered geotechnical engineer, as appropriate.
- B. The full cost and expense of any consulting geologic or geotechnical engineer retained by either the applicant or the city, with the applicant's agreement, to perform the investigative and long term studies required by this part shall be borne by the applicant.
- C. Fees for the city's review and processing of all investigative and long term studies shall be paid at the time of the applicant's submission of each study and shall be in the amount set forth in the schedule of fees adopted by resolution of the city council. The city shall not accept any investigative or long term study for which the applicable fees have not been paid.
- D. Nothing herein shall preclude an applicant from performing a combined Investigative and long term study in lieu of separate studies.



**17.10.630 - Investigative study.** ⓘ

- A. The applicant shall submit an investigative study plan for approval by the director.
- B. The investigative study shall include, at a minimum, subsurface exploration including deep borings and trenching and a subregional slope stability analysis to:
  - 1. Establish the boundaries, depth and characteristics of each landslide within the subregional study area(s) which could affect or be potentially affected by the development; and
  - 2. Assess the static and seismic stability of landslides identified in the subarea which could affect or be potentially affected by the development including, but not limited to landslides identified in subsection B.1., above;
  - 3. Identify current geologic conditions and potential future groundwater conditions which could affect or be potentially affected by the development; and
  - 4. Evaluate the potential for future earth movement which could affect or be potentially affected by the development and its possible effect on public and private property; and
  - 5. Identify and recommend adequate mitigation of any geologic hazard within the subregional study area(s) which could affect or be potentially affected by the development.
- C. The subsurface exploration and slope stability analysis shall include, at a minimum, all of the following items, if applicable:
  - 1. Deep, continuously sampled or cored borings drilled to a depth sufficient to penetrate all potential critical landslide rupture surfaces; and
  - 2. Large diameter borings; and
  - 3. Installation and monitoring of piezometers or groundwater monitoring wells to evaluate groundwater conditions; and
  - 4. Exploratory trenching to evaluate the surface, geologic structure, fault/shear zones, and toe(s) of identified landslide(s); and
  - 5. Geophysical logging of boreholes; and
  - 6. Laboratory shear strength testing.
- D. A long term study shall be conducted, unless the investigative study demonstrates, to the satisfaction of the director, that:
  - 1. No deep-seated active or potentially unstable landslide exists which could affect or potentially be affected by the proposed development; or
  - 2. The proposed development site and any new, expanded or upgraded infrastructure

Code of Ordinances serving the development will not be endangered by deepseated active or potentially unstable landsliding; and

3. The proposed development and any new, expanded or upgraded infrastructure serving the development will not increase the danger that any other property or public improvements will be impacted by potentially unstable landsliding; or
4. Implementation of recommendations in the investigative study will fully mitigate any identified deep-seated active or potentially unstable landslide which could affect or be potentially affected by the development or any new, expanded or upgraded infrastructure.

(Ord. 25710.)

#### 17.10.640 - Long term study.

- A. If required by the director pursuant to [Section 17.10.630](#) above, the applicant shall submit a long term study plan for approval by the director.
- B. The purpose of the long term study is to better characterize deep-seated active or potentially unstable landslides, which could affect or potentially be affected by the proposed development, determine the depths, direction and area of movement, define the limits of sliding, determine the rate of movement over time, help determine the mechanism of movement, and verify that implemented mitigation measures have been effective.
- C. The long term study shall include, at a minimum, continuous monitoring and analysis to address slope stability under both static and seismic conditions including, if applicable, and, without limitation:
  1. Installation and monitoring of slope inclinometers; and
  2. Installation and monitoring of surface monuments to evaluate landslide movement; and
  3. Installation and/or monitoring of piezometers and groundwater monitoring wells; and
  4. Slope stability analysis; and
  5. Large diameter borings; and
  6. Trenching and test pits; and
  7. Deep, continuously sampled or cored borings drilled to a depth sufficient to penetrate all potential critical landslide rupture surfaces; and
  8. Monitoring of surface and subsurface land movement with the applicable study area over time. All subsurface monitoring activities shall take place at such depth as is adequate to determine movement of all landslide slip surfaces beneath the

applicable study area; and

9. Evaluation of landslide movement and the potential for future displacement under static and seismic conditions; and
  10. Verification that previously implemented landslide stabilization measures, if any, have stopped movement of active landslides.
- D. The director shall review the completed long term study in order to determine whether or not the study has identified adequate mitigations for large, deepseated, active or potentially unstable landslides within the subregional study area(s) which could affect or potentially be affected by the proposed development.

(Ord. 25710.)

**17.10.650 - Determination.**

⋮

- A. The director shall provide the applicant with a notice of determination following any determination regarding the requirement of a long term study or the adequacy of the mitigations identified in the long term study.
1. The notice of determination shall be provided as set forth in [Section 17.10.335](#).
  2. The director's determination shall become final at the close of business on the tenth business day after the notice of determination was mailed.
- B. Before a determination becomes final as provided in subsection A. above, the applicant may request an informal hearing before the director to dispute the director's determination:
1. Requiring a long term study; or
  2. That the long term study has not identified adequate mitigations for all large, deep-seated, active or potentially unstable landslides.
- C. The applicant may provide testimony and evidence at the informal hearing.
- D. The applicant may appeal the director's final determination to the city council in accordance with [Section 17.10.340](#).

(Ord. 25710.)

**17.10.660 - Notice of final determination.**

⋮

Notification of the director's final determination shall be provided as set forth in [Section 17.10.335](#), above.

(Ord. 25710.)

**17.10.670 - Reevaluation.**

⋮

## Code of Ordinances

A. Applicant may request a reevaluation of any final determination by the director. However, no application for reevaluation under this chapter may be requested sooner than:

1. Twenty-four months after the final determination has been upheld by the city council on appeal; or
2. Twenty-six months after the date of the notice of final determination where the final determination has not been appealed to the city council.

B. The application for reevaluation shall be submitted to the director in writing and:

1. Set forth the specific grounds upon which the application for reevaluation is based, including new or additional information not available to the applicant at the time of the original determination; and
2. Include the certification of a certified engineering geologist and/or registered geotechnical engineer, as appropriate, verifying that the geologic studies, including any regional studies previously submitted for the proposed development, remain valid as of the date of the application for reevaluation, or
3. Include such further analysis and supporting documentation as is necessary to update the geological studies, including any regional studies previously submitted for the proposed development.

C. The application for reevaluation shall be accompanied by fees in the amount set forth in the schedule of fees adopted by resolution of the city council and shall conform to all application requirements in effect at the time it is filed.

(Ord. 25710.)

### 17.10.680 - Appeal to city council.

- A. The applicant may appeal the director's final determination pursuant to this part to the city council by filing a written notice of appeal with the director within sixty days after the date of the notification of final determination.
- B. At the hearing on appeal, the city council may consider the entirety of the record to date as well as any additional documents and testimony presented by either the applicant or the city.
- C. The city council shall uphold the decision of the director, unless it finds the determination of the director to be in error on specific facts or conclusions.

(Ord. 25710.)

## Part 7 - OWNER OBLIGATIONS

### 17.10.700 - Completion of construction.



## Code of Ordinances

A. Within 30 days of completion of the project, the owner shall provide the director a certification, signed by a certified engineering geologist or geotechnical engineer attesting that:

1. All work has been completed in conformance with the geologic evaluation and the certificate of geologic hazard clearance.
2. Any additional geologic hazard not previously identified, which was encountered during construction, was immediately reported by the applicant or their agent to the director.

(Ords. 24680, 25710.)

### 17.10.705 - Obligation to prevent hazard.

- A. The owner of any real property shall take reasonable actions as are necessary to prevent any natural or artificial geologic condition on such real property from threatening the safety of persons or other property.
- B. Whenever the director determines that any natural or artificial condition on a property may potentially endanger the safety of persons or other properties the director may issue a notice of hazardous condition and require that reasonable actions be taken to eliminate the geologic hazard within the time specified in the notice.

(Ords. 24680, 25710.)

### 17.10.710 - Violations.

Failure to fully comply with any condition of the certificate of geologic hazard clearance, violation of any provision of this chapter or maintenance of any property within any geologic hazard zone in such a manner that a natural or artificial geologic condition on such real property which could be reasonably corrected or made less dangerous, is allowed to threaten the public health, safety or welfare, shall be deemed a violation of this chapter.

(Ords. 24680, 25710.)

## Part 8 - MISCELLANEOUS PROVISIONS

### 17.10.800 - Consulting geologist.

- A. If an applicant has agreed in writing to bear the full cost of the consultant services, the director, or city council on appeal, may select and retain an independent certified engineering geologist and/or geotechnical engineer as consultant to the city to provide