

5.6 HAZARDS OVERLAY ZONES

Hazardous conditions vary greatly in character and geographic distribution. Structural hazards, such as URM buildings, may be scattered through a community or concentrated within a few blocks, depending upon historical building patterns. Flood hazards are often widespread. Fault rupture hazards are localized, while strong ground shaking potential may be extensive. Contamination from chemical spills can be highly localized, while releases of hazardous gases can affect entire neighborhoods. Sometimes, these hazard conditions are found in combination and may interact. For example, a hazardous spill can dump toxics into a river during a flood.

Whether separate or combined, such structural, geological and technological hazards all call for specific types of mitigation or abatement procedures. Mitigation measures required for one type of hazard may have no relation to those needed for another. Liquefaction potential might require special foundation treatment, but if the site is on a flood plain, perhaps the development should not occur at all.

Similarly, mitigation measures needed to abate a certain type of hazard might not be reasonable if applied on all properties throughout the jurisdiction. It would be impossible, for instance, to justify the cost of adding foundation requirements to offset liquefaction effects in areas not susceptible to that condition.

In a trend toward more sophisticated regulatory practice, many cities have adopted special hazard-specific regulations, in addition to normal zoning, building, and subdivision codes and ordinances. Special measures needed to mitigate a given hazard cannot help other hazards, cannot be required in situations where such hazards do not exist, and should not be imposed upon all properties in the jurisdiction. Specialized mitigation measures tailored to each hazard in each area, such as special site preparation, setbacks, site layout, or structural design, would be applied only to the locations described by overlay zone boundaries.

- Overlay zones applied to hazard zone mapping can reduce the hazard through several routes:
- Special investigation requirements that may lead to a recommendation of mitigation measures.
- Land use zoning policy recommendations. For example, no- or low-density land uses would be appropriate for fault special study zones, where building setbacks may have to be implemented.
- Real estate disclosure. Disclosure of potential hazardous conditions can be

attached to the property title.

- Flexible means of amendment. Preliminary studies leading to the initial definition of boundaries can be supplemented over time as understanding grows.
- Contribution to the state of scientific knowledge. Studies required within overlay zones can help advance understanding of the hazard.
- Public education. Overlay zones flags conditions of which citizens should be aware for their own education, preparedness and well-being.

Adoption of overlay zones may require more planning and zoning guidance, additional staffing and sometimes, greater controversy. The alternative is to impose jurisdiction-wide mitigation standards that deal with specific hazards as they are encountered, case-by-case. The following discussion explores these alternative approaches.

5.6.1 Overlay Zones as a Planning Tool

Section 65852 of the California Government Code requires local jurisdictions to apply zoning so that it is "uniform for each class or kind of building or use of land throughout each zone." This means, for example, that an additional requirement to set-back a house from a fault surface rupture cannot be enforced unless the zoning ordinance specifically sets forth fault setback provisions applicable to any property in that zone facing such hazard.

The overlay zone concept has become popular among local governments seeking to regulate specific problems applicable only to certain portions of their jurisdiction. It enables a County to isolate an issue, such as the scenic quality of a road or neighborhood, and "overlay" regulations dealing specifically with that feature.

Precise provisions and boundaries of the overlay zone are adopted by ordinance after public hearings before the Planning Commission and County Council. Provisions may be geared toward aesthetics, urban design or public safety purposes, which are described in the ordinance.

Overlay zones allow a County to meet three fundamental objectives: