

Title 15

BUILDINGS AND CONSTRUCTION

Chapters:

- 15.04 Building and Fire Codes**
- 15.05 Board of Building Appeals**
- 15.08 Fire Protection**
- 15.10 Expedited Solar Permitting Ordinance**
- 15.12 Mobile Homes**
- 15.14 Mobile Home Transportation**
- 15.16 Moving Buildings**
- 15.18 Green Building Regulations**
- 15.20 Floodplain Management**
- 15.28 Excavation and Grading**

Chapter 15.04

BUILDING AND FIRE CODES

Sections:

- 15.04.010 Adoption of California Building Codes.
- 15.04.020 Penalty for violation.
- 15.04.040 Residential doorway width.
- 15.04.050 Modifications to the California Building Code.
- 15.04.060 Modifications to the California Residential Code.
- 15.04.070 Modifications to the California Mechanical Code.
- 15.04.080 Modifications to the California Plumbing Code.

15.04.010 Adoption of California Building Codes.

The city of Capitola adopts the following codes or designated portions thereof:

A. The California Building Code and appendices, 2022 Edition, which edition incorporates the International Building Code, 2021 Edition as published by the International Code Council, and includes the Historic, Existing Building, and International Property Maintenance Codes.

B. The California Electrical Code, 2022 Edition, which incorporates the 2021 National Electrical Code as published by the National Fire Protection Association, NFPA 70.

C. The California Mechanical Code, 2022 Edition, which incorporates the 2021 Uniform Mechanical Code as published by the Association of Plumbing and Mechanical Officials.

D. The California Plumbing Code, 2022 Edition, which incorporates the 2021 Edition of the Uniform Plumbing Code.

E. The California Fire Code, 2022 Edition, as amended by the Central Fire Protection District Fire Code, 2021 Edition.

F. The California Residential Code, 2022 Edition, which incorporates the International Residential Code, 2021 Edition.

G. The 2022 California Referenced Standards Code.

H. The California Energy Code, 2022 Edition.

I. The California Green Building Standards Code, 2022 Edition.

J. The California Administrative Code, 2022 Edition.

K. The California Historical Building Code, 2022 Edition.

L. The California Existing Building Code, 2022 Edition, which incorporates the International Existing Building Code, 2022 Edition.

The International Building Codes may be used as an alternative to the California Codes, when submitted, reviewed, and approved by the city's building official. (Ord. 1056 § 2, 2022; Ord. 1035 § 1, 2019; Ord. 1007 § 2, 2016; Ord. 987 § 2, 2014; Ord. 951 § 1, 2011; Ord. 927 § 1, 2007; Ord. 842 § 1, 2002; Ord. 812 § 1, 1999; Ord. 784 § 1, 1995; Ord. 733, 1992; Ord. 712, 1991; Ord. 684 § 1, 1989; Ord. 607 § 1 (part), 1986; Ord. 592 § 1, 1985; Ord. 549 § 2, 1984; Ord. 511 § 1, 1981; Ord. 496, 1981; Ord. 489, 1980; Ord. 479 § 2, 1980)

15.04.020 Penalty for violation.

Any person violating any of the provisions or failing to comply with any of the mandatory requirements of said codes shall be guilty of a misdemeanor and punishable by a fine of not more than five hundred dollars or by imprisonment not to exceed six months or by both such fine and imprisonment. (Ord. 479 § 3, 1980)

15.04.040 Residential doorway width.

Residential structures not regulated by Chapter 11 of the California State Building Code shall have a minimum clear width of thirty inches at all doorways, through which any user may pass, excluding shower doors, closet or pantry doors when the back wall of the closet or pantry is less than three feet from the door. (Ord. 784 § 2, 1995; Ord. 607 § 1 (part), 1986; Ord. 502, 1981)

15.04.050 Modifications to the California Building Code.

A. The following local geologic conditions justify modifications to California Building Standards Code as detailed in subsection B of this section:

Geological – The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the usability of buildings, degraded the life-safety of building occupants, and increased the cost of rehabilitation of the structures.

B. The following modifications apply to the California Building Code:

Section 105.5.1 [Permit] Expiration

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

C. Section 1905.1.8. Amend ACI 318 section 22.10.1 of ACI 318 that allows the use of plain concrete in residential structures assigned to seismic design category D, E or F to read:

22.10. Plain concrete in structures assigned to seismic design category C, D, E or F.

22.10.1. Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

(a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

(b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete footings with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross-sectional area of the footing.

(Ord. 1056 § 3, 2022; Ord. 1007 § 3, 2016; Ord. 987 § 3, 2014; Ord. 927 § 2, 2007; Ord. 842 § 2, 2002)

15.04.060 Modifications to the California Residential Code.

The following changes and modifications are hereby made to the California Residential Code as referenced below:

A. CRC R105.5 shall be amended to read:

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

R403.1.3. Seismic reinforcing.

a) Concrete footings located in Seismic Design Categories D₀, D₁ and D₂, as established in Table R301.2 (1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

b) In Seismic Design Categories D₀, D₁ and D₂ where a construction joint is created between a concrete footing and a stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing, have a standard hook and extend a minimum of 14 inches (357 mm) into the stem wall.

c) In Seismic Design Categories D₀, D₁ and D₂ where a grouted masonry stem wall is supported on a concrete footing and stem wall, a minimum of one No. 4 bar shall be installed at not more than 4 feet (1219 mm) on center. The vertical bar shall extend to 3 inches (76 mm) clear of the bottom of the footing and have a standard hook.

d) In Seismic Design Categories D₀, D₁ and D₂ masonry stem walls without solid grout and vertical reinforcing are not permitted.

Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted and the use of Method PCP is limited to one-story single family dwellings and accessory structures.

Add the “e” footnote notation in the title of Table R602.10., after the four footnotes currently shown, to read:

TABLE R602.10.1.3(3)^{a,b,c,d, e}

e) R602.10.4.4. Limits on methods GB and PCP. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single-family dwellings and accessory structures.

(Ord. 1056 § 4, 2022; Ord. 1035 § 2, 2019; Ord. 1007 § 4, 2016; Ord. 987 § 4, 2014)

15.04.070 Modifications to the California Mechanical Code.

The following modification is made to the California Mechanical Code:

A. Section 104.4.3 of the California Mechanical Code is deleted and replaced with the following:

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 104.4.3.1 is deleted.

(Ord. 1056 § 5, 2022)

15.04.080 Modifications to the California Plumbing Code.

The following modification is made to the California Plumbing Code:

A. Section 104.4.3 is deleted and replaced with the following:

Every permit issued shall become invalid unless the work authorized by such permit is commenced within 180 days after its issuance or after commencement of work if more than 180 days pass between inspections. The building official is authorized to grant, in writing, one or more extensions of time, for periods of not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

Section 104.4.3.1 is deleted.

(Ord. 1056 § 6, 2022)

Chapter 15.05

BOARD OF BUILDING APPEALS

Sections:

- 15.05.010 Purpose.
- 15.05.020 Access appeals board.
- 15.05.030 Access appeals board jurisdiction.
- 15.05.040 General appeals board.
- 15.05.050 General appeals board jurisdiction.
- 15.05.060 Appeals, how made.
- 15.05.070 Procedures.
- 15.05.080 Access appeals board review of findings and determinations.
- 15.05.090 Board hearings, how set.
- 15.05.100 Chapter 2.52 not applicable.

15.05.010 Purpose.

State law requires that the city adopt and implement various standard codes such as the Uniform Building Code. (See municipal code Chapter 15.04.) Various provisions of the uniform codes provide a right of appeal from the decision or determinations of the building official. The purpose of this chapter is to specify certain matters related to any such appeal process. (Ord. 793 § 1 (part), 1996)

15.05.020 Access appeals board.

“Access appeals board” as used in this chapter means an appeals board as contemplated by subsection 4 of the Uniform Building Code (1994) Section 101.17.11 (or any successor to that section) and Health & Safety Code 19957.5. Its membership shall be as set forth in Health & Safety Code Section 19957.5(b) which reads as follows:

Two members of the appeals board shall be physically handicapped persons, two members shall be persons experienced in construction, and one member shall be a public member.

Such board members shall be appointed by or terminated by, and at the discretion of, the Capitola city council, which shall have similar authority to appoint and terminate the terms of one or more alternates to each of the classifications of board members. Any appointment of alternates should designate them as “first alternate, second alternate, etc.” The board may make rules regarding its procedures providing they are not contrary to applicable state law. (Ord. 793 § 1 (part), 1996)

15.05.030 Access appeals board jurisdiction.

The access appeals board shall have jurisdiction to review “findings and determinations in accordance with subsection 4 of the 1995 Uniform Building Code Section 101.17.11 or any applicable succeeding statute.” It shall also have authority to hear appeals made to it pursuant to Health & Safety Code Section 19957.5. (Ord. 793 § 1 (part), 1996)

15.05.040 General appeals board.

“General appeals board” as used in this chapter refers to the board of appeals mandated by Section 105.1 of the Uniform Building Code. It shall have three regular members who meet the qualifications required by Section 105.1, namely, “members who are qualified by experience and training to pass on matters pertaining to building construction and who are not employees...” of the city.

Such board members shall be appointed by or terminated by, and at the discretion of, the Capitola city council, which shall have similar authority to appoint and terminate the terms of one or more alternates of board members. Any appointment of alternates should designate them as “first alternate, second alternate, etc.”

The board may make rules regarding its procedures providing they are not contrary to applicable state law.

The general appeals board shall conduct its proceedings in accordance with Section 19957.5(b) of the Health & Safety Code. (Ord. 793 § 1 (part), 1996)

15.05.050 General appeals board jurisdiction.

The general board of appeals shall hear appeals as required by the Uniform Building Code Section 105.1, namely “decisions or determinations made by the building official relative to the application and interpretation of [that] code” subject to the limitation of Uniform Building Code Section 105.2, namely, “The board of appeals shall have no authority relative to interpretation of the administrative provisions of this code nor shall the board be empowered to waive requirements of this code.” However, in any situation in which there is an issue that falls under the jurisdiction of both the access appeals board and the general appeals board, the matter shall be heard by the access appeals board. (Ord. 793 § 1 (part), 1996)

15.05.060 Appeals, how made.

Any appeal of an action by the building official must be made within seven working days from notice of the underlying determination. Appeals shall be in writing on a form provided by the building official with an appeal fee of fifty dollars. The building official, after receiving proper application for appeal, shall notify the chairperson of the board and set a hearing within thirty working days of receipt of completed appeal application. (Ord. 793 § 1 (part), 1996)

15.05.070 Procedures.

The access appeals board shall follow the procedures set forth in applicable uniform codes. (See Uniform Building Code Section 105.1.) (Ord. 793 § 1 (part), 1996)

15.05.080 Access appeals board review of findings and determinations.

The access appeals board review of proposed findings and determinations pursuant to subsection 4 of Uniform Building Code Section 101.17.11, if no person has appealed any such proposed findings and determinations, shall be referred to the access appeals board by the building official in a timely manner. (Ord. 793 § 1 (part), 1996)

15.05.090 Board hearings, how set.

Unless rules adopted by one of the above-described boards otherwise prescribe, the building official shall schedule hearings by the board after making reasonable efforts to determine feasible dates for the regular board members. Whenever regular board members are unable to attend on the scheduled date, the building official shall attempt to arrange for the attendance of an alternate board member. (Ord. 793 § 1 (part), 1996)

15.05.100 Chapter 2.52 not applicable.

Decisions of the access appeals board and general appeals board are final and not reviewable by the city council, Chapter 2.52 of this code notwithstanding. (Ord. 793 § 1 (part), 1996)

Chapter 15.08

FIRE PROTECTION*

Sections:

15.08.010 Fireworks.

* Prior history: Ords. 262, 289 and 337.

15.08.010 Fireworks.

The city council, by resolution, may allow the sale of fireworks, notwithstanding any contrary provision in the Uniform Fire Code. (Ord. 549 § 3, 1984)

Chapter 15.10

EXPEDITED SOLAR PERMITTING ORDINANCE

Sections:

- 15.10.010 Purpose and findings.
- 15.10.020 Definitions.
- 15.10.030 Applicability.
- 15.10.040 Solar energy system requirements.
- 15.10.050 Applications and documents.
- 15.10.060 Permit review and inspection requirements.

15.10.010 Purpose and findings.

The purpose of this chapter is to provide an expedited, streamlined solar permitting process that complies with the Solar Rights Act and Assembly Bill 2188 (Chapter 521, Statutes 2014, California Government Code Section 65850.5) in order to achieve timely and cost-effective installations of small residential rooftop solar energy systems. This chapter encourages the use of solar systems by removing unreasonable barriers, minimizing costs to property owners and the city and expanding the ability of property owners to install solar energy systems. This chapter allows the city to achieve these goals while protecting the public health and safety. (Ord. 1002 § 1 (part), 2015)

15.10.020 Definitions.

As used in this chapter:

A. “Solar energy system” means either of the following:

1. Any solar collector or other solar energy device whose primary purpose is to provide for the collection, storage, and distribution of solar energy for space heating, space cooling, electric generation, or water heating.
2. Any structural design feature of a building, whose primary purpose is to provide for the collection, storage, and distribution of solar energy for electricity generation, space heating or cooling, or for water heating.

B. “Small residential rooftop solar energy system” means all of the following:

1. A solar energy system that is no larger than ten kilowatts alternating current nameplate rating or thirty kilowatts thermal.
2. A solar energy system that conforms to all applicable state fire, structural, electrical, and other building codes as adopted or amended by the city, and all state and city health and safety standards.
3. A solar energy system that is installed on a single- or two-family dwelling.
4. A solar panel or module array that does not exceed the maximum legal building height as defined by the city.

C. “Electronic submittal” means the utilization of electronic email or submittal via the Internet.

D. “Specific, adverse impact” means a significant, quantifiable, direct, and unavoidable impact, based on objective, identified, and written public health or safety standards, policies, or conditions as they existed on the date the application was deemed complete.

E. “Reasonable restrictions” on a solar energy system are those restrictions that do not significantly increase the cost of the system or significantly decrease its efficiency or specified performance, or that allow for an alternative system of comparable cost, efficiency, and energy conservation benefits.

F. “Restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance” means:

1. For water heater systems or solar swimming pool heating systems: an amount exceeding ten percent of the cost of the system, but in no case more than one thousand dollars, or decreasing the efficiency of the solar energy system by an amount exceeding ten percent, as originally specified and proposed.

2. For photovoltaic systems: an amount not to exceed one thousand dollars over the system cost as originally specified and proposed, or a decrease in system efficiency of an amount exceeding ten percent as originally specified and proposed. (Ord. 1002 § 1 (part), 2015)

15.10.030 Applicability.

A. This chapter applies to the permitting of all small residential rooftop solar energy systems in the city.

B. Small residential rooftop solar energy systems legally established or permitted prior to the effective date of the ordinance codified in this chapter are not subject to the requirements of this chapter unless physical modifications or alterations are undertaken that materially change the size, type, or components of a small rooftop energy system in such a way as to require new permitting. Routine operation and maintenance or like-kind replacements shall not require a permit.

C. A conditional use permit and/or design review may be required for properties on the city's list of historic resources as deemed necessary by the community development director. (Ord. 1002 § 1 (part), 2015)

15.10.040 Solar energy system requirements.

A. All solar energy systems shall meet applicable health and safety standards and requirements imposed by the state and the city.

B. Solar energy systems for heating water in single-family residences and for heating water in commercial or swimming pool applications shall be certified by an accredited listing agency as defined by the California Plumbing and Mechanical Code.

C. Solar energy systems for producing electricity shall meet all applicable safety and performance standards established by the California Electrical Code, the Institute of Electrical and Electronics Engineers, and accredited testing laboratories such as Underwriters Laboratories and, where applicable, rules of the Public Utilities Commission regarding safety and reliability. (Ord. 1002 § 1 (part), 2015)

15.10.050 Applications and documents.

A. All documents required for the submission of an expedited solar energy system application shall be made available on the city website.

B. Electronic submittal of the required permit application and documents by email, or the Internet shall be made available to all small residential rooftop solar energy system permit applicants.

C. The city's building division shall adopt a standard plan and checklist of all requirements with which small residential rooftop solar energy systems shall comply to be eligible for expedited review.

D. The small residential rooftop solar system permit process, standard plan(s), and checklist(s) shall substantially conform to recommendations for expedited permitting, including the checklist and standard plans contained in the most current version of the California Solar Permitting Guidebook adopted by the Governor's Office of Planning and Research. (Ord. 1002 § 1 (part), 2015)

15.10.060 Permit review and inspection requirements.

A. The building official shall implement an administrative, nondiscretionary review process to expedite approval of small residential rooftop solar energy systems. The building division shall issue a building permit, the issuance of which is nondiscretionary, within five business days upon receipt of a complete application that meets the requirements of the approved checklist and standard plan. The building official may require an applicant to apply for a conditional use permit if the official finds, based on substantial evidence, that the solar energy system could have a specific, adverse impact upon the public health and safety. Such decisions may be appealed to the planning commission.

B. Review of the application shall be limited to the building official's review of whether the application meets local, state, and federal health and safety requirements.

C. If a conditional use permit is required, the planning commission may deny the application if it makes written findings based upon substantive evidence in the record that the proposed installation would have a specific, adverse impact upon public health or safety and there is no feasible method to satisfactorily mitigate or avoid, as defined, the adverse impact. Such findings shall include the basis for the rejection of the potential feasible alternative for preventing the adverse impact. Such decisions may be appealed to the city council.

D. Any condition imposed on an application shall be designed to mitigate the specific, adverse impact upon health and safety at the lowest possible cost.

E. "A feasible method to satisfactorily mitigate or avoid the specific, adverse impact" includes, but is not limited to, any cost-effective method, condition, or mitigation imposed by the city, on another similarly situated application in a prior successful application for a permit. The city shall use its best efforts to ensure that the selected method, condition, or mitigation meets the conditions of subparagraphs (A) and (B) of paragraph (1) of subdivision (d) of Section 714 of the Civil Code defining restrictions that do not significantly increase the cost of the system or decrease its efficiency or specified performance.

F. The City shall not condition approval of an application on the approval of an association, as defined in Section 4080 of the Civil Code.

G. If an application is deemed incomplete, a written correction notice detailing all deficiencies in the application and any additional information or documentation required to be eligible for expedited permit issuance shall be sent to the applicant for resubmission.

H. Only one inspection shall be required and performed by the building division for small residential rooftop solar energy systems eligible for expedited review.

I. The inspection shall be done in a timely manner and should include consolidated inspections.

J. If a small residential rooftop solar energy system fails inspection, a subsequent inspection is authorized. (Ord. 1002 § 1 (part), 2015)

Chapter 15.12

MOBILE HOMES

Sections:

15.12.010 Trailers on private property.

15.12.010 Trailers on private property.

A. It is unlawful for any person to place, keep or maintain any mobile home on any land within the city without the express permission of the owner of such land; and no persons shall allow or suffer to permit any mobile home to be placed, kept or maintained on any land owned or controlled by him or her except in mobile home park for which a permit has been issued by the building department; except that when only one single-family residence exists on a lot, the occupant of any single-family dwelling may allow not more than one mobile home of a nonpaying guest to be placed, kept or maintained thereon for a period not exceeding sixty days in any period of twelve months by securing a permit as provided in subsection B of this section and otherwise complying with the provisions of this chapter relating thereto.

This section shall not pertain to a single trailer merely stored on any premises and not used for sleeping or living purposes.

B. Any person desiring a permit to place or maintain a single mobile home as provided for in subsection A of this section, shall file with the building department an application therefor within forty-eight hours after said mobile home is placed upon the ground of said single-family dwelling, on a form to be furnished by said department. Said application shall describe the property where said mobile home is to be located, either by street and number or by legal description, shall give the date of expiration of the permit, a statement by the applicant that any toilet in said mobile home will be sealed off so that it cannot be used during the period of its stay on said property and that said trailer will be used solely for its sleeping accommodations. Permits issued under this subsection shall expire sixty days after the date of issuance and no other such permit shall be issued for the same lot or parcel of land during the ten months following such expiration date.

The building official is authorized in the exercise of reasonable discretion to revoke any permit issued pursuant to this section if, after due investigation, he or she determines that the holder thereof has violated any of the provisions of this chapter.

C. Each application for a permit for a single auto trailer as provided for in this section shall be accompanied by a fee of five dollars. (Ord. 791 § 2, 1996; Ord. 305 § 4, 1968)

Chapter 15.14

MOBILE HOME TRANSPORTATION

Sections:

- 15.14.010 Permit required.
- 15.14.020 Contents of permit application.
- 15.14.030 Permit fee.
- 15.14.040 Obstructing streets.
- 15.14.050 Penalties for violations.

15.14.010 Permit required.

It is unlawful for any person to transport a mobile home to or from a mobile home park in the city over the public streets or alleys of the city without first filing a written permit application and without first securing a permit from the police department to do so in the manner provided in this chapter. (Ord. 848 § 1 (part), 2003)

15.14.020 Contents of permit application.

A. Applications for permits to transport a mobile home shall be filed with the police department a minimum of three business days prior to the anticipated mobile home transportation and at a minimum shall contain the following information:

1. The route on which the mobile home is proposed to be transported and its destination;
2. The loaded height of the mobile home;
3. The proposed transportation date and hours;
4. Proof of insurance evidencing coverage in an amount sufficient to reimburse the city for any damage to city streets or other public improvements or public or private property which might occur as a result of the mobile home transportation process. (Ord. 848 § 1 (part), 2003)

15.14.030 Permit fee.

A fee of fifty dollars shall be paid to the police department prior to the issuance of the mobile home transportation permit. (Ord. 848 § 1 (part), 2003)

15.14.040 Obstructing streets.

No person owning or having charge of the transportation of any mobile home over and upon the public streets of the city shall permit said mobile home to stand on any street for a period longer than twelve hours. (Ord. 848 § 1 (part), 2003)

15.14.050 Penalties for violations.

A. Any person who violates any of the provisions of this chapter or who violates any of the terms and conditions of any permit issued pursuant to this chapter is guilty of an infraction and is further deemed guilty of a separate offense for each and every day during which any such person is in violation.

B. In addition to enforcing penalties for any such violation, the city may institute civil or administrative action to enjoin any violation of any provision of this chapter or secure any other appropriate legal or equitable relief or monetary penalties.

C. In addition to all other penalties imposed by this code, the transportation of any mobile home in violation of this chapter shall constitute a public nuisance and the same may be abated by appropriate legal or administrative action. (Ord. 848 § 1 (part), 2003)

Chapter 15.16

MOVING BUILDINGS

Sections:

- 15.16.010 Purpose.
- 15.16.020 Relocation permit – Required.
- 15.16.030 Relocation permit – Application.
- 15.16.040 Relocation permit – Hearing procedure.
- 15.16.050 Relocation permit – Issuance.
- 15.16.060 Relocation permit – Denial.
- 15.16.070 Appeal.
- 15.16.080 Relocation agreement and bond.
- 15.16.090 Moving permit – Required.
- 15.16.100 Moving permit – Application contents – Bond.
- 15.16.110 Obstructing streets.
- 15.16.120 Obstructing public conveyances.
- 15.16.130 Displacement of wires.
- 15.16.140 Penalty for violation.

15.16.010 Purpose.

The purpose of this chapter is to establish a method whereby neighborhoods may be protected from encroachment by structures of an incompatible nature through the house moving procedure, and to regulate the moving of structures into and within the city. (Ord. 111 § 1, 1957)

15.16.020 Relocation permit – Required.

No permit for the moving of any building or structure to any premises located within the city shall be issued until the owner thereof, or his or her duly authorized agent, has first secured a relocation permit in the manner provided in this chapter. (Ord. 111 § 2, 1957)

15.16.030 Relocation permit – Application.

An application for a relocation permit shall be filed at the office of the secretary of the planning commission, and shall contain the following information:

- A. The name, address and telephone number of the person making the application;
- B. The present street address and assessor's parcel number, or subdivision lot and block number;
- C. The street address and assessor's parcel number, or subdivision lot and block number of the property upon which it is proposed to relocate the structure;
- D. A plot plan of the proposed site drawn at an accurate scale of not less than one inch equals ten feet, showing the lot lines and their dimensions, the proposed location of structures to be placed thereon, and their dimensions, the distances between buildings on the lot, and the dimensions of all yards, side, front and rear;
- E. Ten photographs four inches by five inches in size, showing all of the front and as much of one side of the structure as is possible. The photographs shall clearly show the character of the structure and its size and condition;
- F. A list of alterations, of any, proposed to be made to the building;
- G. A list of the names and addresses as shown on the most recent equalized assessment roll of all persons owning property within the zone of interest. Said zone of interest shall include all parcels in whole or in part within a distance of three hundred feet of the exterior limits of the property to which it is proposed to move the structure;
- H. A copy of the written inspection report, which the owner or his or her duly authorized agent, will obtain from the office of the building inspector.

A fee of seventy-five dollars shall be paid upon application for relocation permit. Said fee is not refundable if permit is not granted. (Ord. 111 § 3, 1957)

15.16.040 Relocation permit – Hearing procedure.

A. Upon receipt of an application for a relocation permit, accompanied by a written inspection report and recommendation of the building inspector, the secretary of the planning commission shall set a date for a public hearing on said application, to be held not less than twenty-one days after receipt of said report and application. The secretary of the planning commission shall mail a notice of said hearing not less than five days prior to the date thereof to all owners of property within the zone of interest and shall post not less than eight notices within the zone of interest. The planning commission shall accept and evaluate evidence concerning the proposed relocation of said residential structure. Their determination shall be based upon the compatibility of the structure in question with existing structures and the general character of the area in which it is proposed to relocate. Points to be considered are: comparable economic values, age, architectural style, and physical condition.

B. At the public hearing, tenant or owner within the zone of interest may appear to support or protest the granting of the relocation permit. The findings of the planning commission shall be recorded, and said records shall be kept on file in the office of the secretary of the planning commission. (Ord. 111 § 4, 1957)

15.16.050 Relocation permit – Issuance.

If the planning commission finds in favor of the applicant's request, the planning commission shall issue a permit for the relocation of said residential structure on the proposed new site. The planning commission may impose whatever conditions are deemed necessary to assure compatibility of said structure with the area in which it is proposed to be relocated. (Ord. 111 § 5, 1957)

15.16.060 Relocation permit – Denial.

If the planning commission denies the applicant's request, the secretary of the planning commission shall so inform the applicant, and shall state in writing the reasons for the denial. (Ord. 111 § 6, 1957)

15.16.070 Appeal.

A. The applicant may, within fifteen calendar days of the decision of the planning commission, appeal to the city council in writing, offering evidence to demonstrate the compatibility of the residential structure to the area of the proposed new location.

B. The records of the planning commission shall be submitted to the city council for their use in considering said appeal. The decision of the city council shall be final. (Ord. 111 § 7, 1957)

15.16.080 Relocation agreement and bond.

After a relocation permit has been secured and before a moving permit may be obtained, the owner shall execute an agreement with the city guaranteeing that the terms of the relocation permit will be complied with in full within ninety days after the building has been moved. Said agreement shall give the city the right to demolish the building if the agreement is violated. A faithful performance bond in the amount of five hundred dollars shall be executed by the owner and shall inure to the benefit of the city to guarantee the cost of said demolition. In lieu of said faithful performance bond, a cash deposit in said amount may be made with the city clerk. (Ord. 111 § 8, 1957)

15.16.090 Moving permit – Required.

It is unlawful for any person to move any building or structure over the public streets or alleys of the city without first filing a written application, and without first securing a permit from the building inspector so to do in the manner provided in this chapter. (Ord. 111 § 9, 1957)

15.16.100 Moving permit – Application contents – Bond.

A. The application for a permit to move a building or structure shall be filed with the building inspector and shall contain the following:

1. A copy of the relocation permit issued by the planning commission unless the building or structure is to be moved to a location outside the city;
2. The route on which the building is proposed to be moved;

3. The loaded height of the building;
4. The proposed moving date and hours.

B. A moving permit shall not be issued until after the person, firm or corporation so applying therefor has first delivered to the clerk of the city a surety bond running to the city in the sum of five thousand dollars, which bond shall be conditioned that the parties so desiring to move a building or structure in the city will strictly comply with all the conditions and, requirements of this chapter and of any ordinances hereafter passed by the city council regulating housemoving and the building code and zoning ordinance of the city as the same now exist or as they may be hereafter amended, and that said party will pay any and all damages which may result by reason of any structure moving in the city by said party, his or her agent, employees or workmen, to any fence, tree, pavement, street, sidewalk, cable, electric or steam railroad line or to any electric telephone or telegraph lines belonging to the city or to any telegraph or telephone company or to any railway company having a franchise in the city, and conditioned further that said party and said principal will save, indemnify and keep harmless the city against all liabilities, damages, judgments, costs and expenses which may in any way accrue against the city in consequence of the granting or exercising of such permit, and will in all things strictly comply with the conditions of such permit.

C. Any such bond filed by any person, firm or corporation shall operate as a bond for the purpose required by this chapter for the term of one year from the date of the filing thereof insofar that no other or additional bond need be given by any such party for the removal of buildings or structures in the city during the period of one year.

D. Such permit shall specify the character of the building to be removed, the place from which and to which the building is to be moved, and the streets on, over or through which said removal may be made; and said building shall not be moved on, over, or through any other street except those named in said permit.

E. No permit for the removal of a building or structure shall be issued until after the payment of the sum of twenty-five dollars therefor to the city. This twenty-five dollar fee is in addition to the fee required for remodeling, constructing or reconstructing of a building as provided in the building code. (Ord. 111 § 10, 1957)

15.16.110 Obstructing streets.

No person, firm or corporation owning or having charge of the removal of any building or structure through the public streets of the city shall permit said building to stand on any street, lane, alley or public grounds for a longer period than twenty-four hours except by written permission obtained from the superintendent of streets. (Ord. 111 § 11, 1957)

15.16.120 Obstructing public conveyances.

No person, firm or corporation owning, or having charge of the removal of any building, shall permit the same to obstruct any electric road in operation, or any steam railroad, except between the hours of two a.m. and five a.m. (Ord. 111 § 12, 1957)

15.16.130 Displacement of wires.

It is unlawful for any person, firm or corporation to remove any building or structure where such removal will require the cutting or displacement of any overhead electrical wires, until after forty-eight hours notice in writing has been given by the person proposing to move such building to the firm or corporation owning or operating such electric wires or appurtenances shall, within twenty-four hours thereafter, furnish the person proposing such removal an estimate showing the maximum cost of removal and displacement of such wires, and such wires shall be removed and replaced in such manner as the person owning or operating them determines to be necessary for the safety of the public; and the entire expense of such removal and replacement shall be borne by the person, firm or corporation proposing such removal. (Ord. 111 § 13, 1957)

15.16.140 Penalty for violation.

A. Any person, firm or corporation, violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than ten dollars or more than five hundred dollars, or by imprisonment for not less than five days nor more than six months, or by both such fine and imprisonment.

B. Every such person, firm or corporation shall be deemed guilty of a separate offense for each and every day during which any building or structure moved by such person, firm or corporation in violation of the provisions of this chapter continues in such condition and shall be punishable therefor as provided in this section.

C. In addition to enforcing said penalties for any such misdemeanor, the city may institute civil action to enjoin any violation of any provision of this chapter or secure any other appropriate legal or equitable relief, including abatement.

D. The removal of any building in violation of this chapter and the failure to remove, remodel, locate and complete the same in accordance with the terms of the permits, shall constitute such building or structure a public nuisance and the same may be abated by appropriate legal action. (Ord. 111 § 14, 1957)

Chapter 15.18

GREEN BUILDING REGULATIONS

Sections:

- 15.18.010 Purpose and findings.
- 15.18.020 Definitions.
- 15.18.030 Standards for compliance.
- 15.18.040 Exceptions.
- 15.18.050 Maintenance of document.
- 15.18.060 Method of compliance.
- 15.18.070 Exceptional design.
- 15.18.080 Creation of green building fund.

15.18.010 Purpose and findings.

The city finds that green building design, construction and operation can have a significant positive effect on energy and resource efficiency, waste and pollution generation, and the health and productivity of a building's occupants over the life of the building. The second purpose is to create healthy work and living environments increasing the productivity of workers and residents and visitors to the city by improving indoor air quality and lighting.

The intent of this chapter is to help promote the environmental sustainability of natural resources and improvement of the interior environment by efficiently redirecting the use of recyclable materials away from landfills, by introducing recycled content and materials created with low embodied energy materials in construction, and by reducing the energy consumption needs of structures by making use of efficient construction methods.

The city also finds that green design and construction decisions made by the city in the construction and remodeling of city buildings can result in significant cost savings to the city over the life of the buildings. The city also recognizes that it must lead by example in order to have the general populace follow suit and therefore commits itself to the practice of green building for all new and remodeling construction on city owned buildings and structures.

The city additionally finds that water conservation, storm water pollution prevention, and greenhouse gas reductions advance the city's general plan goals to promote resource conservation, clean and healthy air and water, and overall environmental sustainability. (Ord. 1017 § 4 (Exh. B) (part), 2018)

15.18.020 Definitions.

"Addition" means a structure expansion that is physically connected to a previously existing building.

"Interior remodel" means a change or alteration in only the interior of a building that does not increase its net square footage.

"New construction" means a new building not physically connected to a previously existing building.

"Nonhabitable residential structure" means a building on a residential property that is not legally habitable, such as a garage or shed.

"Nonresidential" means not meeting the definition of "residential."

"Remodel" means a change or alteration in a building that does not increase its net square footage.

"Residential" means single-family, accessory dwelling units, or multifamily residences. (Ord. 1017 § 4 (Exh. B) (part), 2018)

15.18.030 Standards for compliance.

Persons constructing a new building, adding to or substantially remodeling a building in the city of Capitola shall participate in the Capitola green building program. In order to obtain a building permit for any new building,

addition or substantial remodel in excess of those exempted in Section 15.18.040, each project must include elements from the program checklist equal to or exceeding the following:

Table 1: Nonresidential (Commercial) Actions and Point Requirements

| Total Points Possible | 75 |
|----------------------------------|------------------------------------|
| Action | Points required to receive action: |
| C-1. Receipt of building permit* | 7 |
| C-2. Green building award | 40 |

* Exceptions: These points are not required for nonresidential additions and remodels totaling less than one thousand square feet, or interior-only nonresidential remodels of any size.

Table 2: Residential New Construction Actions and Point Requirements

| Total Points Available | 460 | |
|-----------------------------------|------------------------------------|-----------------------------------------------------|
| Action | Points required to receive action: | |
| | First 350 square feet | Each additional 100 square feet or fraction thereof |
| R-N-1. Receipt of building permit | 10 | 1.5 |
| R-N-2. Green building award | 60 | 3.5 |

Table 3: Residential Remodel and Addition Action Point Requirements

| Total Points Available | 464 | |
|--------------------------------------|------------------------------------|-----------------------------------------------------|
| Action | Points required to receive action: | |
| | First 350 square feet | Each additional 100 square feet or fraction thereof |
| R-A/R-1. Receipt of building permit* | 5 | 1.1 |
| R-A/R-2. Green building award | 35 | 2.5 |

* Exception: These points are not required for additions and/or remodels of less than three hundred fifty square feet.

(Ord. 1017 § 4 (Exh. B) (part), 2018)

15.18.040 Exceptions.

The following are exempt from the provisions of this chapter:

- A. Additions and remodels of less than three hundred fifty square feet of any residential dwelling structure.
- B. Additions and remodels of less than one thousand square feet and interior remodels of any nonresidential structure.
- C. Equipment and nonstructural modifications of any residential or nonresidential structure.
- D. Nonhabitable residential structures of less than one thousand square feet.
- E. General maintenance of any structure.
- F. Historical structures where the historic fabric would be compromised. (Ord. 1017 § 4 (Exh. B) (part), 2018)

15.18.050 Maintenance of document.

Building and planning staff shall update the green building program documentation and checklist to reflect advances in green building techniques and materials and to make necessary modifications in program implementation on an annual basis. (Ord. 1017 § 4 (Exh. B) (part), 2018)

15.18.060 Method of compliance.

The chief building official and/or the community development director shall maintain the following documents for the public:

- City of Capitola: Standards for Green Building Compliance
- New Home Green Points Check List for Residential Buildings
- New Building Green Points Check List for Non-Residential Buildings

These documents shall be to aid in the design and certification of new residential and nonresidential buildings and significant remodels and additions thereto. Every applicant of a building permit not exempted by Section 15.18.040 (Exceptions) shall complete and submit the appropriate check list for their project as well along with the standard application documents. All compliance measures shall be clearly delineated on plan sets. (Ord. 1017 § 4 (Exh. B) (part), 2018)

15.18.070 Exceptional design.

Designers and builders employing exceptional design, construction practices and/or maintenance features may have their project modified from the strict interpretation of the program if in the opinion of the community development director or building official such features exhibit at least a twenty percent increase in points over the minimum standards for a green building award as outlined in Section 15.18.030 (Standards for compliance). Exceptional designs shall also be recognized by the city and eligible to receive a plaque that may be displayed on the structure. (Ord. 1017 § 4 (Exh. B) (part), 2018)

15.18.080 Creation of green building fund.

Building permits which are required to comply with the green building regulations shall be assessed a fee equal to 0.0025 times the overall valuation of the project. Revenues collected shall be maintained by the finance department as a revolving green building fund and shall be used only for program management, training, publications, public educational purposes, incentive programs, and materials and supplies necessary to promote sustainable development, water conservation, storm water pollution prevention, and climate action planning activities. (Ord. 1017 § 4 (Exh. B) (part), 2018)

Chapter 15.20

FLOODPLAIN MANAGEMENT

Sections:

- 15.20.010 Statutory authorization.
- 15.20.020 Findings of fact.
- 15.20.030 Statement of purpose.
- 15.20.040 Methods of reducing flood losses.
- 15.20.050 Abrogation and greater restrictions.
- 15.20.060 Interpretation.
- 15.20.070 Warning and disclaimer of liability.
- 15.20.080 Severability.
- 15.20.090 Basis for establishing the areas of special flood hazard.
- 15.20.100 Definitions.
- 15.20.110 Designation of the floodplain administrator.
- 15.20.120 Duties and responsibilities of the floodplain administrator.
- 15.20.130 Compliance.
- 15.20.140 Development permit.
- 15.20.150 Appeals.
- 15.20.160 Standards of construction.
- 15.20.170 Standards for utilities.
- 15.20.180 Standards for subdivisions.
- 15.20.190 Development standards for manufactured homes and manufactured home parks and subdivisions in floodplain area.
- 15.20.200 Standards for recreational vehicles.
- 15.20.210 Standards within floodways.
- 15.20.220 Coastal high hazard areas.
- 15.20.230 Variance procedure.
- 15.20.240 Conditions for variances.
- 15.20.250 Approval of variances.
- 15.20.260 Nonconforming structures in floodplain.
- 15.20.270 Variance appeal procedure.
- 15.20.280 Disclosure requirement.

15.20.010 Statutory authorization.

The Legislature of the state of California has in Government Code Sections 65302, 65560, and 65800 conferred upon local governments the authority to adopt regulations designed to promote the public health, safety, and general welfare of its citizenry. Therefore, the city of Capitola does hereby adopt the following floodplain management regulations. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.020 Findings of fact.

The flood hazard areas of the city of Capitola are subject to periodic inundation which results in loss of life and property, health and safety hazards, disruption of commerce and governmental services, extraordinary public expenditures for flood protection and relief, and impairment of the tax base, all of which adversely affect the public health, safety, and general welfare.

These flood losses are caused by uses that are inadequately elevated, floodproofed, or protected from flood damage. The cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities also contributes to flood losses. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.030 Statement of purpose.

It is the purpose of this chapter to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by legally enforceable regulations applied uniformly

throughout the community to all publicly and privately owned land within flood prone, mudslide (i.e., mudflow) or flood-related erosion areas. These regulations are designed to:

- A. Protect human life and health;
- B. Minimize expenditure of public money for costly flood control projects;
- C. Minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- D. Minimize prolonged business interruptions;
- E. Minimize damage to public facilities and utilities such as water and gas mains; electric, telephone and sewer lines; and streets and bridges located in areas of special flood hazard;
- F. Help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future blighted areas caused by flood damage;
- G. Ensure that potential buyers are notified that property is in an area of special flood hazard; and
- H. Ensure that those who occupy the areas of special flood hazard assume responsibility for their actions. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.040 Methods of reducing flood losses.

In order to accomplish its purposes, this chapter includes regulations to:

- A. Restrict or prohibit uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or flood heights or velocities;
- B. Require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- C. Control the alteration of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;
- D. Control filling, grading, dredging, and other development which may increase flood damage; and
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.050 Abrogation and greater restrictions.

This chapter is not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this chapter and another ordinance, easement, covenant, or deed restriction conflict or overlap, whichever imposes the more stringent restrictions shall prevail. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.060 Interpretation.

In the interpretation and application of this chapter, all provisions shall be:

- A. Considered as minimum requirements;
- B. Liberally construed in favor of the governing body; and
- C. Deemed neither to limit nor repeal any other powers granted under state statutes. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.070 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may

be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of the city of Capitola, any officer or employee thereof, the state of California, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made hereunder. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.080 Severability.

This chapter and the various parts thereof are hereby declared to be severable. Should any section of this chapter be declared by the courts to be unconstitutional or invalid, such decision shall not affect the validity of the chapter as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.090 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study (FIS) dated June 3, 1986, and accompanying Flood Insurance Rate Maps (FIRMs) and Flood Boundary and Floodway Maps (FBFMs) dated June 3, 1986, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. The FIS and attendant mapping is the minimum area of applicability of this chapter and may be supplemented by studies for other areas which allow implementation of this chapter and which are recommended to the city by the floodplain administrator. The study, FIRMS and FBFMs are on file at 420 Capitola Avenue, city of Capitola. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.100 Definitions.

For the purposes of this chapter, the following words, phrases and terms shall have the meanings ascribed to them by this section:

A Zone. See “Special flood hazard area.”

“Accessory structure” means a structure that is either:

1. Solely for the parking of no more than two cars; or
2. A small, low cost shed for limited storage, less than one hundred fifty square feet and one thousand five hundred dollars in value.

“Accessory use” means a use which is incidental and subordinate to the principal use of the parcel of land on which it is located.

“Alluvial fan” means a geomorphologic feature characterized by cone or fan-shaped deposit of boulders, gravel and fine sediments that have been eroded from mountain slopes, transported by flood flows, and then deposited on the valley floors, and which is subject to flash flooding, high velocity flows, debris flows, erosion, sediment movement and deposition, and channel migration.

“Apex” means a point on an alluvial fan or similar landform below which the flow path of the major stream that formed the fan becomes unpredictable and alluvial fan flooding can occur.

“Appeal” means a request for a review of the floodplain administrator’s interpretation of any provision of this chapter.

“Area of shallow flooding” means a designation A or AH zone on the Flood Insurance Rate Map (FIRM) where: the base flood depths range from one to three feet; a clearly defined channel does not exist; the path of flooding is unpredictable and indeterminate; and velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

Area of Special Flood Hazard. See “Special flood hazard area.”

“Area of special flood-related erosion hazard” is the land within a community which is most likely to be subject to severe flood-related erosion losses. The area may be designated a zone E on the Flood Insurance Rate Map (FIRM).

“Base flood” means a flood which has a one percent chance of being equaled or exceeded in any given year (also called the “one-hundred-year flood”). Base flood is the term used throughout this chapter.

“Base flood elevation (BFE)” means the elevation shown on the Flood Insurance Rate Map for zones AE, AH, A1-30, VE and V1-V30 that indicates the water surface elevation resulting from a flood that has a one percent or greater chance of being equaled or exceeded in any given year.

“Basement” means any area of the building having its floor subgrade, i.e., below ground level, on all sides.

“Breakaway walls” are any type of walls, whether solid or lattice, and whether constructed of concrete, masonry, wood, metal, plastic or any other suitable building material which is not part of the structural support of the building and which is designed to break away under abnormally high tides or wave action without causing any damage to the structural integrity of the building on which they are used or any buildings to which they might be carried by floodwaters. A breakaway wall shall have a safe design loading resistance of not less than ten and no more than twenty pounds per square foot. Use of breakaway walls must be certified by a registered engineer or architect and shall meet the following conditions:

1. Breakaway wall collapse shall result from a water load less than that which would occur during the base flood; and
2. The elevated portion of the building shall not incur any structural damage due to the effects of wind and water loads acting simultaneously in the event of the base flood.

Building. See “Structure.”

“Coastal high hazard area” means an area of special flood hazard extending from offshore to the inland limit of a primary frontal dune along an open coast and any other area subject to high velocity wave action from storms or seismic sources. It is an area subject to high velocity waters, including coastal and tidal inundation or tsunamis. The area is designated on a Flood Insurance Rate Map (FIRM) as zone V1-V30, VE, or V.

“Development” means any manmade change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or drilling operations or storage of equipment or materials.

“Encroachment” means the advance or infringement of uses, plant growth, fill, excavation, buildings, permanent structures or development into a floodplain which may impede or alter the flow capacity of a floodplain.

“Existing manufactured home park or subdivision” means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before August 14, 1984.

“Expansion to an existing manufactured home park or subdivision” means the preparation of additional sites by construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads, or the construction of streets).

“Flood,” “flooding” or “floodwater” means:

1. A general and temporary condition of partial or complete inundation of normally dry land areas from the overflow of inland or tidal waters; the unusual and rapid accumulation or runoff of surface waters from any source; and/or mudslides (i.e., mudflows); and
2. The condition resulting from flood-related erosion.

“Flood Boundary and Floodway Map (FBFM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the floodway.

“Flood Hazard Boundary Map” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

“Flood Insurance Rate Map (FIRM)” means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.

“Flood Insurance Study” means the official report provided by the Federal Insurance Administration that includes flood profiles, the Flood Insurance Rate Map, the Flood Boundary and Floodway Map and the water surface elevation of the base flood.

“Floodplain” or “flood-prone area” means any land area susceptible to being inundated by water from any source. See “Flood.”

“Floodplain administrator” is the individual appointed to administer and enforce the floodplain management regulations.

“Floodplain area” means the land on either side of a creek or other watercourse which may be subject to flooding. “Floodplain area” includes the one-hundred-year floodplain as determined by the Federal Flood Insurance Program and shown on both the Flood Insurance Rate Map and Flood Boundary and Floodway Map, each dated June 3, 1986.

“Floodplain management” means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, when possible, natural resources in the floodplain, including, but not limited to, emergency preparedness plans, flood control works, floodplain management regulations and open space plans.

“Floodplain management regulations” means this chapter and other zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as grading and erosion control) and other application of police power which control development in flood-prone areas. This term describes federal, state or local regulations in any combination thereof which provide standards for preventing and reducing flood loss and damage.

“Floodproofing” means any combination of structural and nonstructural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures, and their contents. For guidelines on dry and wet floodproofing, see FEMA Technical Bulletins TB 1-93, TB 3-93, and TB 7-93.

“Flood-related erosion” means the collapse or subsidence of land along the shore of a lake or other body of water as a result of undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding.

“Flood-related erosion area” means a land area adjoining the shore of a lake or other body of water which, due to the composition of the shoreline or bank and high water levels or wind-driven currents, is likely to suffer flood-related erosion damage.

“Flood-related erosion area management” means the operation of an overall program of corrective and preventive measures for reducing flood-related erosion damage including, but not limited to, emergency preparedness plans, flood-related erosion control works and floodplain management regulations.

“Floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than one foot. Also referred to as “regulatory floodway.”

“Floodway encroachment lines” means the lines marking the limits of floodways on federal, state and local floodplain maps.

“Floodway fringe” is the area of the floodplain on either side of the “regulatory floodway” where encroachment may be permitted.

“Fraud and victimization” means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city of Capitola will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty to one hundred years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger, and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

“Functionally dependent use” means a use, the intended purpose of which cannot be performed unless the use is located or carried out in close proximity to water. The term includes only docking facilities, port facilities that are necessary for the loading and unloading of cargo and passengers, and ship-building and ship-repair facilities, but does not include long-term storage or related manufacturing facilities.

“Habitable floor” means floors usable for living purposes, which includes working, sleeping, eating or recreation, or combination thereof. A floor used only for storage purposes is not a habitable floor.

“Hardship” means the exceptional hardship that would result from a failure to grant the requested variance. The city of Capitola requires that the variance must be exceptional, unusual, and peculiar to the property involved. Mere economic or financial hardship alone is not exceptional. Inconvenience, aesthetic considerations, physical handicaps, personal preferences, or the disapproval of one’s neighbor likewise cannot, as a rule, qualify as an exceptional hardship. All of these problems can be resolved through other means without granting a variance, even if the alternative is more expensive, or requires the property owner to build elsewhere or put the parcel to a different use than originally intended.

“Highest adjacent grade” means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of the structure.

“Historic structure” means any structure that is:

1. Listed individually in the National Register of Historic Places (a listing maintained by the Department of Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
2. Certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
3. Individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of Interior; or
4. Individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either by an approved state program as determined by the Secretary of the Interior or directly by the Secretary of the Interior in states without approved programs.

“Levee” means a manmade structure, usually an earthen embankment, designed and constructed in accordance with sound engineering practices to contain, control or divert the flow of water so as to provide protection from temporary flooding.

“Levee system” means a flood protection system which consists of a levee, or levees, and associated structures, such as closure and drainage devices, which are constructed and operated in accord with sound engineering practices.

“Lowest floor” means the lowest floor of the lowest enclosed area, including basement (see “basement” definition).

1. An unfinished or flood-resistant enclosure below the lowest floor that is usable solely for parking of vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor provided it conforms to applicable nonelevation design requirements, including, but not limited to:

- a. The flood openings standard in Section 15.20.160(C)(3);
- b. The anchoring standards in Section 15.20.160(A);
- c. The construction materials and methods standards in Section 15.20.160(B); and
- d. The standards for utilities in Section 15.20.170.

2. For residential structures, all subgrade enclosed areas are prohibited as they are considered to be basements (see "basement" definition). This prohibition includes below-grade garages and storage areas.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and is designed for use with or without a permanent foundation when attached to the required utilities. The term "manufactured home" does not include a "recreational vehicle."

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Market value" is defined in the city of Capitola substantial damage/improvement procedures. See Section 15.20.120(B)(1).

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mudslide" describes a condition where there is river, flow or inundation of liquid mud down a hillside, usually as a result of a dual condition of loss of brush cover and the subsequent accumulation of water on the ground, preceded by a period of unusually heavy or sustained rain.

"Mudslide prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology and climate indicate a potential for mudflow.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after August 14, 1984, and includes any subsequent improvements to such structures.

"New manufactured home park or subdivision" means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed on or after August 14, 1984.

"Obstruction" includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protective, excavation, channelization, bridge, conduit, culvert, building, wire, fence, rock, gravel, refuse, fill, structure, vegetation or other material in, along, across or projecting into any watercourse which may alter, impede, retard or change the direction and/or velocity of the flow of water, or due to its location, its propensity to snare or collect debris carried by the flow of water, or its likelihood of being carried downstream.

One-Hundred-Year Flood or 100-Year-Flood. See "Base flood."

"Primary frontal dune" means a continuous or nearly continuous mound or ridge of sand with relatively steep seaward and landward slopes immediately landward and adjacent to the beach and subject to erosion and overtopping from high tides and waves during major coastal storms. The inland limit of the primary frontal dune occurs at the point where there is a distinct change from a relatively mild slope.

“Program deficiency” means a defect in a community’s floodplain management regulations or administrative procedures that impairs effective implementation of those floodplain management regulations.

“Public safety and nuisance” as related to Section 15.20.230 means that the granting of a variance must not result in anything which is injurious to safety or health of an entire community or neighborhood, or any considerable number of persons, or unlawfully obstructs the free passage or use, in the customary manner, of any navigable lake, or river, bay, stream, canal, or basin.

“Regulatory floodway” means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing water surface elevation more than one foot.

“Sand dunes” means naturally occurring accumulations of sand in ridges or mounds landward of the beach.

Sheet Flow Area. See “Area of shallow flooding.”

“Special flood hazard area (SFHA)” means an area having special flood, mudslide or flood-related erosion hazards and shown on the FHBM or FIRM as zone A, AO, A1-A30, AE, A99, AH, E. M. V1-V30, VE or V.

“Start of construction” includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within one hundred eighty days from the date of the permit. The “actual start” means either the first placement of permanent construction of a structure on a site, such as the pouring of slab or footings, the installation of piles, the construction of columns, or any work beyond the stage of excavation; or the placement of a manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading, and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement, the “actual start of construction” means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

“Structure” means a walled and roofed building that is principally above ground; this includes a gas or liquid storage tank or a manufactured home.

“Substantial damage” means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed fifty percent of the market value of the structure before the damage occurred.

“Substantial improvement” means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds fifty percent of the market value of the structure before the “start of construction” of the improvement. This term includes structures which have incurred “substantial damage,” regardless of the actual repair work performed. The term does not, however, include either:

1. Any project for improvement of a structure to correct existing violations or state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
2. Any alteration of a “historic structure”; provided, that the alteration will not preclude the structure’s continued designation as a “historic structure.”

V Zone. See “Coastal high hazard area.”

“Variance” means a grant of relief from the requirements of this chapter which permits construction in a manner that would otherwise be prohibited by this chapter.

“Violation” means the failure of a structure or other development to be fully compliant with this chapter. A structure or other development without the elevation certificate, other certifications, or other evidence of compliance required in this chapter is presumed to be in violation until such time as that documentation is provided.

“Watercourse” means a lake, river creek, stream, wash, arroyo, channel or other topographic feature on or over which waters flow at least periodically. Watercourse includes specifically designated areas in which substantial flood damage may occur.

“Water surface elevation” means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929 (or other datum, where specified), of floods of various magnitudes and frequencies in the floodplain or coastal or riverine areas. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.110 Designation of the floodplain administrator.

The building official is hereby appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.120 Duties and responsibilities of the floodplain administrator.

The duties and responsibilities of the floodplain administrator shall include, but not be limited to, the following:

A. Permit Review. Review all development permits to determine:

1. Permit requirements of this chapter have been satisfied, including determination of substantial improvement and substantial damage of existing structures;
2. All other required state and federal permits have been obtained;
3. The site is reasonably safe from flooding;
4. The proposed development does not adversely affect the carrying capacity of areas where base flood elevations have been determined but a floodway has not been designated. This means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will not increase the water surface elevation of the base flood more than one foot at any point within the city of Capitola; and
5. All letters of map revision (LOMRs) for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

B. Development of Substantial Improvement and Substantial Damage Procedures.

1. Using FEMA publication FEMA 213, “Answers to Questions About Substantially Damaged Buildings,” develop detailed procedures for identifying and administering requirements for substantial improvement and substantial damage, to include defining “market value.”
2. Assure procedures are coordinated with other departments/divisions and implemented by community staff.

C. Review, Use and Development of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 15.20.090, the floodplain administrator shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal or state agency, or other source, in order to administer Sections 15.20.160 through 15.20.220.

Note: A base flood elevation may be obtained using one of two methods from the FEMA publication FEMA 265, “Managing Floodplain Development in Approximate Zone A Areas – A Guide for Obtaining and Developing Base (100-Year) Flood Elevations” dated July 1995.

D. Notification of Other Agencies.

1. Alteration or Relocation of a Watercourse.

- a. Notify adjacent communities and the California Department of Water Resources prior to alteration or relocation;
- b. Submit evidence of such notification to the Federal Emergency Management Agency; and
- c. Assure that the flood carrying capacity within the altered or relocated portion of said watercourse is maintained.

2. Base Flood Elevation Changes Due to Physical Alterations.

- a. Within six months of information becoming available or project completion, whichever comes first, the floodplain administrator shall submit or assure that the permit applicant submits technical or scientific data to FEMA for a letter of map revision (LOMR).
- b. All LOMRs for flood control projects are approved prior to the issuance of building permits. Building permits must not be issued based on conditional letters of map revision (CLOMRs). Approved CLOMRs allow construction of the proposed flood control project and land preparation as specified in the “start of construction” definition.

Such submissions are necessary so that upon confirmation of those physical changes affecting flooding conditions, risk premium rates and floodplain management requirements are based on current data.

3. Changes in Corporate Boundaries. Notify FEMA in writing whenever the corporate boundaries have been modified by annexation or other means and include a copy of a map of the community clearly delineating the new corporate limits.

E. Documentation of Floodplain Development. Obtain and maintain for public inspection and make available as needed the following:

1. Certification required by Section 15.20.160(C)(1) and Section 15.20.190 (lowest floor elevations);
2. Certification required by Section 15.20.160(C)(2) (elevation or floodproofing of nonresidential structures);
3. Certification required by Section 15.20.160(C)(3) (wet floodproofing standard);
4. Certification of elevation required by Section 15.20.180(A)(3) (subdivisions and other proposed development standards);
5. Certification required by Section 15.20.210(B) (floodway encroachments);
6. Information required by Section 15.20.220(F) (coastal construction standards); and
7. Maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency.

F. Map Determination. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazard, where there appears to be a conflict between a mapped boundary and actual field conditions. The person contesting the location of the boundary shall be given a reasonable opportunity to appeal the interpretation as provided in Section 15.20.150.

G. Remedial Action. Take action to remedy violations of this chapter as specified in Section 15.20.130.

H. Biennial Report. Complete and submit biennial report to FEMA.

I. Planning. Assure community’s general plan is consistent with floodplain management objectives herein. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.130 Compliance.

No structure or land shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this chapter and other applicable regulations. Violation of the requirements (including violations of conditions and safeguards established in connection with conditions) shall constitute a misdemeanor. Nothing herein shall prevent the city from taking such lawful action as is necessary to prevent or remedy any violation. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.140 Development permit.

A development permit shall be obtained before any construction or other development, including manufactured homes, within any area of special flood hazard established in Section 15.20.090. Application for a development permit shall be made on forms furnished by the city of Capitola. The applicant shall provide the following minimum information:

A. Plans in duplicate, drawn to scale, showing:

1. Location, dimensions, and elevation of the area in question, existing or proposed structures, storage of materials and equipment and their location;
2. Proposed locations of water supply, sanitary sewer, and other utilities;
3. Grading information showing existing and proposed contours, any proposed fill, and drainage facilities;
4. Location of the regulatory floodway when applicable;
5. Base flood elevation information as specified in Section 15.20.090 or 15.20.120(C);
6. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures; and
7. Proposed elevation in relation to mean sea level to which any nonresidential structure will be floodproofed, as required in Section 15.20.160(C)(2) and detailed in FEMA Technical Bulletin TB 3-93.

B. Certification from a registered civil engineer or architect that the nonresidential floodproofed building meets the floodproofing criteria in Section 15.20.160(C)(2).

C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.20.160(C)(3) and detailed in FEMA Technical Bulletins 1-93 and 7-93.

D. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development.

E. All appropriate certifications listed in Section 15.20.120(E). (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.150 Appeals.

The city of Capitola shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the floodplain administrator in the enforcement or administration of this chapter. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.160 Standards of construction.

In all areas of special flood hazards the following standards are required:

A. Anchoring. All new construction and substantial improvements of structures, including manufactured homes, shall be adequately anchored to prevent flotation, collapse or lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy.

B. Construction Materials and Methods. All new construction and substantial improvements of structures, including manufactured homes, shall be constructed:

1. With flood-resistant materials, and utility equipment resistant to flood damage for areas below the base flood elevation;
2. Using methods and practices that minimize flood damage;
3. With electrical, heating, ventilation, plumbing and air conditioning equipment and other service facilities that are designed and/or located so as to prevent water from entering or accumulating within the components during conditions of flooding; and
4. Within zones AH or AO, so that there are adequate drainage paths around structures on slopes to guide floodwaters around and away from proposed structures.

C. Elevation and Floodproofing.

1. Residential Construction. All new construction or substantial improvements of residential structures shall have the lowest floor, including basement:

- a. In AE, AH, A1-30 zones, elevated to or above the base flood elevation;
- b. In an AO zone, elevated above the highest adjacent grade to a height equal to or exceeding the depth number specified in feet on the FIRM, or elevated at least two feet above the highest adjacent grade if no depth number is specified;
- c. In an A zone, without BFEs specified on the FIRM (unnumbered A zone), elevated to or above the base flood elevation; as determined under Section 15.20.120(C).

Upon the completion of the structure, the elevation of the lowest floor, including basement, shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator.

2. Nonresidential Construction. All new construction or substantial improvements of nonresidential structures shall either be elevated to conform with subsection (C)(1) of this section or:

- a. Be floodproofed, together with attendant utility and sanitary facilities, below the elevation recommended under subsection (C)(1) of this section, so that the structure is watertight with walls substantially impermeable to the passage of water;
- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered civil engineer or architect that the standards of subsections (C)(2)(a) and (b) of this section are satisfied. Such certification shall be provided to the floodplain administrator.

3. Flood Openings. All new construction and substantial improvements of structures with fully enclosed areas below the lowest floor (excluding basements) that are usable solely for parking of vehicles, building access or storage, and which are subject to flooding, shall be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of floodwater. Designs for meeting this requirement must meet the following minimum criteria:

- a. For nonengineered openings:
 - i. Have a minimum of two openings on different sides having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - ii. The bottom of all openings shall be no higher than one foot above grade;
 - iii. Openings may be equipped with screens, louvers, valves or other coverings or devices; provided, that they permit the automatic entry and exit of floodwater; and

- iv. Buildings with more than one enclosed area must have openings on exterior walls for each area to allow floodwater to directly enter; or
 - b. Be certified by a registered civil engineer or architect.
- 4. Manufactured Homes. See Section 15.20.190.
- 5. Garages and Low Cost Accessory Structures.
 - a. Attached Garages.
 - i. A garage attached to a residential structure, constructed with the garage floor slab below the BFE, must be designed to allow for the automatic entry of floodwaters. See subsection (C)(3) of this section. Areas of the garage below the BFE must be constructed with flood-resistant materials. See subsection B of this section.
 - ii. A garage attached to a nonresidential structure must meet the above requirements or be dry floodproofed. For guidance on below grade parking areas, see FEMA Technical Bulletin TB-6.
 - b. Detached Garages and Accessory Structures.
 - i. “Accessory structures” used solely for parking (two-car detached garages or smaller) or limited storage (small, low cost sheds), as defined in Section 15.20.100, may be constructed such that its floor is below the base flood elevation (BFE), provided the structure is designed and constructed in accordance with the following requirements:
 - (A) Use of the accessory structure must be limited to parking or limited storage;
 - (B) The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - (C) The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - (D) Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - (E) The accessory structure must comply with floodplain encroachment provisions in Section 15.20.210; and
 - (F) The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with subsection (C)(3) of this section.
 - ii. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Sections 15.20.160 through 15.20.220. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.170 Standards for utilities.

- A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate:
 - 1. Infiltration of floodwaters into the systems; and
 - 2. Discharge from the systems into floodwaters.
- B. On-site waste disposal systems are prohibited per Chapter 13.04, Sewers. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.180 Standards for subdivisions.

A. All new subdivision proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty lots or five acres, whichever is the lesser, shall:

1. Identify the special flood hazard areas (SFHAs) and base flood elevations (BFEs).
2. Identify the elevations of lowest floors of all proposed structures and pads on the final plans.
3. If the site is filled above the base flood elevation, the following as-built information for each structure shall be certified by a registered civil engineer or licensed land surveyor and provided as part of an application for a letter of map revision based on fill (LOMR-F) to the floodplain administrator:
 - a. Lowest floor elevation;
 - b. Pad elevation;
 - c. Lowest adjacent grade.

B. All subdivision proposals and other proposed development shall be consistent with the need to minimize flood damage.

C. All subdivision proposals and other proposed development shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage.

D. All subdivisions and other proposed development shall provide adequate drainage to reduce exposure to flood hazards. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.190 Development standards for manufactured homes and manufactured home parks and subdivisions in floodplain area.

A. All manufactured homes that are placed or substantially improved on sites located: (1) outside of a manufactured home park or subdivision; (2) in a new manufactured home park or subdivision; (3) in an expansion to an existing manufactured home park or subdivision; or (4) in an existing manufactured home park or subdivision upon which a manufactured home has incurred “substantial damage” as the result of a flood, shall:

1. Within zones A1-30, AH, and AE on the community’s Flood Insurance Rate Map, be elevated on a permanent foundation such that the lowest floor of the manufactured home is elevated to or above the base flood elevation and be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement.
2. Within zones V1-30, V, and VE on the community’s Flood Insurance Rate Map, meet the requirements of Section 15.20.220.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision within zones A1-30, AH, AE, V1-30, V, and VE on the community’s Flood Insurance Rate Map that are not subject to the provisions of subsection A of this section will be securely fastened to an adequately anchored foundation system to resist flotation, collapse, and lateral movement, and be elevated so that either the:

1. Lowest floor of the manufactured home is at or above the base flood elevation; or
2. Manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than thirty-six inches in height above grade.

Upon the completion of the structure, the elevation of the lowest floor including basement shall be certified by a registered civil engineer or licensed land surveyor, and verified by the community building inspector to be properly elevated. Such certification and verification shall be provided to the floodplain administrator. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.200 Standards for recreational vehicles.

A. All recreational vehicles placed in zones A1-30, AH, AE, V1-30 and VE will either:

1. Be on the site for fewer than one hundred eighty consecutive days; or
2. Be fully licensed and ready for highway use. A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the site only by quick disconnect type utilities and security devices, and has no permanently attached additions; or
3. Meet the permit requirements of Section 15.20.140 and the elevation and anchoring requirements for manufactured homes in Section 15.20.190.

B. Recreational vehicles placed on sites within zones V1-30, V, and VE on the community's Flood Insurance Rate Map will meet the requirements of subsection A of this section and Section 15.20.220. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.210 Standards within floodways.

Since floodways are an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Until a regulatory floodway is adopted, no new construction, substantial development, or other development (including fill) shall be permitted within zones A1-30 and AE, unless it is demonstrated that the cumulative effect of the proposed development, when combined with all other development, will not increase the water surface elevation of the base flood more than one foot at any point within the city of Capitola.

B. Within an adopted regulatory floodway, the city of Capitola shall prohibit encroachments, including fill, new construction, substantial improvements, and other development, unless certification by a registered civil engineer is provided demonstrating that the proposed encroachment shall not result in any increase in flood levels during the occurrence of the base flood discharge.

C. If subsections A and B of this section are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Sections 15.20.160 through 15.20.220. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.220 Coastal high hazard areas.

Within coastal high hazard areas, zones V, V1-30, and VE, as established under Section 15.20.090, the following standards shall apply:

A. All new residential and nonresidential construction, including substantial improvement/damage, shall be elevated on adequately anchored pilings or columns and securely anchored to such pilings or columns so that the bottom of the lowest horizontal structural member of the lowest floor (excluding the pilings or columns) is elevated to or above the base flood level. The pile or column foundation and structure attached thereto is anchored to resist flotation, collapse, and lateral movement due to the effects of wind and water loads acting simultaneously on all building components. Water loading values used shall be those associated with the base flood. Wind loading values used shall be those required by applicable state or local building standards.

B. All new construction and other development shall be located on the landward side of the reach of mean high tide.

C. All new construction and substantial improvement shall have the space below the lowest floor free of obstructions or constructed with breakaway walls as defined in Section 15.20.100. Such enclosed space shall not be used for human habitation and will be usable solely for parking of vehicles, building access or storage.

D. Fill shall not be used for structural support of buildings.

E. Manmade alteration of sand dunes which would increase potential flood damage is prohibited.

F. The floodplain administrator shall obtain and maintain the following records:

1. Certification by a registered engineer or architect that a proposed structure complies with subsection A of this section; and
2. The elevation (in relation to mean sea level) of the bottom of the lowest horizontal structural member of the lowest floor (excluding pilings or columns) of all new and substantially improved structures, and whether such structures contain a basement. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.230 Variance procedure.

The issuance of a variance is for floodplain management purposes only. Insurance premium rates are determined by statute according to actuarial risk and will not be modified by the granting of a variance.

The variance criteria set forth in this section are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. A variance may be granted for a parcel of property with physical characteristics so unusual that complying with the requirements of this chapter would create an exceptional hardship to the applicant or the surrounding property owners. The characteristics must be unique to the property and not be shared by adjacent parcels. The unique characteristic must pertain to the land itself, not to the structure, its inhabitants, or the property owners.

It is the duty of the city of Capitola to help protect its citizens from flooding. This need is so compelling and the implications of the cost of insuring a structure built below flood level are so serious that variances from the flood elevation or from other requirements in the flood ordinance are quite rare. The long-term goal of preventing and reducing flood loss and damage can only be met if variances are strictly limited. Therefore, the variance guidelines provided in this chapter are more detailed and contain multiple provisions that must be met before a variance can be properly granted. The criteria are designed to screen out those situations in which alternatives other than a variance are more appropriate. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.240 Conditions for variances.

A. Generally, variances may be issued for new construction, substantial improvement, and other proposed new development to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level; provided, that the procedures of Sections 15.20.110 through 15.20.150 and 15.20.160 through 15.20.220 have been fully considered. As the lot size increases beyond one-half acre, the technical justification required for issuing the variance increases.

B. Variances may be issued for the repair or rehabilitation of “historic structures” (as defined in Section 15.20.100) upon a determination that the proposed repair or rehabilitation will not preclude the structure’s continued designation as an historic structure and the variance is the minimum necessary to preserve the historic character and design of the structure.

C. Variances shall not be issued within any mapped regulatory floodway if any increase in flood levels during the base flood discharge would result.

D. Variances shall only be issued upon a determination that the variance is the “minimum necessary,” considering the flood hazard, to afford relief. “Minimum necessary” means to afford relief with a minimum of deviation from the requirements of this chapter. For example, in the case of variances to an elevation requirement, this means the city of Capitola need not grant permission for the applicant to build at grade, or even to whatever elevation the applicant proposes, but only to that elevation which the city of Capitola believes will both provide relief and preserve the integrity of the local ordinance.

E. Any applicant to whom a variance is granted shall be given written notice over the signature of a community official that:

1. The issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as twenty-five dollars for one hundred dollars of insurance coverage; and

2. Such construction below the base flood level increases risks to life and property. It is recommended that a copy of the notice shall be recorded by the floodplain administrator in the office of the Santa Cruz County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

F. The floodplain administrator will maintain a record of all variance actions, including justification for their issuance, and report such variances issued in its biennial report submitted to the Federal Emergency Management Agency. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.250 Approval of variances.

A. In passing upon requests for variances, the city of Capitola shall consider all technical evaluations, all relevant factors, standards specified in other sections of this chapter, and the:

1. Danger that materials may be swept onto other lands to the injury of others;
2. Danger of life and property due to flooding or erosion damage;
3. Susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the existing individual owner and future owners of the property;
4. Importance of the services provided by the proposed facility to the community;
5. Necessity to the facility of a waterfront location, where applicable;
6. Availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
7. Compatibility of the proposed use with existing and anticipated development;
8. Relationship of the proposed use to the comprehensive plan and floodplain management program for that area;
9. Safety of access to the property in time of flood for ordinary and emergency vehicles;
10. Expected heights, velocity, duration, rate of rise, and sediment transport of the floodwaters expected at the site; and
11. Costs of providing governmental services during and after flood conditions, including maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water system, and streets and bridges.

B. Variances shall only be issued upon a:

1. Showing of good and sufficient cause;
2. Determination that failure to grant the variance would result in exceptional “hardship” to the applicant; and
3. Determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, create a nuisance (see “Public safety and nuisance” (Section 15.20.100)), cause “fraud and victimization” of the public, or conflict with existing local laws or ordinances.

C. Variances may be issued for new construction, substantial improvement, and other proposed new development necessary for the conduct of a functionally dependent use; provided, that the provisions of subsections A, B and D of this section are satisfied and that the structure or other development is protected by methods that minimize flood damages during the base flood and does not result in additional threats to public safety and does not create a public nuisance.

D. Upon consideration of the factors of Section 15.20.240(A) and the purposes of this chapter, the city of Capitola may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.260 Nonconforming structures in floodplain.

A structure which was lawful before enactment of this chapter, but which is not in conformity with the provisions of this chapter, may be continued as a nonconforming structure subject to the following condition: If any nonconforming structure is destroyed by flood, earthquake, tsunami or for another cause to the extent of fifty percent or more of its fair market value immediately prior to the destruction, it shall not be reconstructed except in conformity with the provisions of this chapter. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.270 Variance appeal procedure.

A. Appeal procedure for all decisions made under this chapter shall be in conformance with standard appeal procedures of Chapter 2.52 of this code.

B. The director of public works shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

C. Any applicant to whom a variance is granted should be given written notice that the structure will be permitted to be built in variance with these rules and that the cost of flood insurance will be commensurate with the increased risk resulting from such variance. (Ord. 1017 § 5 (Exh. C) (part), 2018)

15.20.280 Disclosure requirement.

A person who is acting as an agent for a seller of real property which is located within an area of special flood hazard, or the seller if he or she is acting without an agent, shall disclose to any prospective purchaser the fact that the property is located within an area of special flood hazard. The community development director may adopt methods of informing owners and real estate sales persons of this requirement. (Ord. 1017 § 5 (Exh. C) (part), 2018)

Chapter 15.28

EXCAVATION AND GRADING

Sections:

- 15.28.010 Scope and intent.
- 15.28.020 Definitions.
- 15.28.030 General provisions.
- 15.28.040 Hazardous conditions.
- 15.28.050 Permit exemptions.
- 15.28.060 Permit application and requirements.
- 15.28.070 Fees.
- 15.28.080 Bonds.
- 15.28.090 Design standards for cut and excavations.
- 15.28.100 Design standards for fill.
- 15.28.110 Design standards for cut and fill setbacks.
- 15.28.120 Design standards for drainage and terraces.
- 15.28.130 Design standards for erosion and sediment control.
- 15.28.140 Inspection reports and compliance.

15.28.010 Scope and intent.

This chapter sets forth guidelines, rules, regulations and minimum standards to control excavation, grading, clearing, erosion control, and maintenance, including cut and fill embankments; requires control of all existing and potential conditions of accelerated erosion; establishes administrative procedures for issuance of permits; and provides for approval of plans and inspections during construction and maintenance. (Ord. 511 § 2 (part), 1981)

15.28.020 Definitions.

For the purpose of this chapter, the following terms shall have the meanings set out in this section:

1. “Accelerated erosion” means rapid erosion caused by human induced alteration of the vegetation, land surface topography or runoff patterns. Evidence of accelerated erosion is indicated by exposed soils, active gullies, rills, sediment deposits, or slope failures caused by human activities.
2. “Access and building envelope” means an area delineated on the site plan within which all grading, land clearing, and other disturbances for construction of access and/or building will be confined.
3. “Approved erosion controls specialist” means a person who has a certificate of qualifications and is recognized by the city engineer as capable of preparing erosion control and grading plans.
4. “Bedrock” means in place, solid, undisturbed rock.
5. “Bench” means a relatively level step excavated into earth material on which fill is to be placed.
6. “Borrow” means earth material acquired from an offsite location for use in grading on a site.
7. “Civil engineer” means a professional engineer licensed in California to practice civil engineering works.
8. “Clearing” means the removal of vegetation and debris down to bare soil by any method.
9. “Compaction” means the densification of earth and solids or fill by mechanical means.
10. “Development permit” means a city permit issued for new land use activities, including but not limited to minor land division, building, grading, land clearing, subdivision, and planned unit development.
11. “Drainage course” means a well defined, natural, or manmade channel which conveys stormwater runoff either year round or intermittently.

12. "Earth material" means rock, natural soil, or any combination thereof.
13. "Engineering geologist" means a geologist licensed to practice in California and experienced and knowledgeable in engineering geology.
14. "Erosion" means the wearing away of the ground surface by the actions of water, wind, ice, gravity, or a combination thereof.
15. "Erosion hazards" means areas susceptible to significant erosion because of soils conditions, condition and steepness of a slope, rock type, vegetation, or other site factors.
16. "Excavation" means the mechanical removal of earth materials.
17. "Fill" means the deposit of earth materials placed by artificial means.
18. "Grade" means the vertical location of the ground surface or the degree of rise or descent of a slope.
 - a. "Existing grade" means the grade prior to land disturbance.
 - b. "Rough grade" means an approximate elevation of the ground surface conforming to the approved plan.
 - c. "As graded or finished grade" means the final grade which conforms to the approved plan.
19. "Grading" means any excavation, filling, leveling, or combination thereof.
20. "Grading official," for purposes of this chapter means the city official(s) in charge of the city inspection or the application processing contemplated by the particular section of this chapter. It may be the building official, the community development director, or the public works director, or their subordinates.
21. "Key" means a designed, compacted fill placed in a trench excavated in undisturbed earth material beneath the toe of a proposed fill slope to develop shearing resistance. (See Figure 1 of Ordinance 511.)
22. "Land disturbance" means clearing, excavating, grading, or other manipulation of the natural terrain.
23. "Owner" means the person(s) or entity owning the equitable (as distinguished from a trustee's legal title) interest in the property. Unless clearly rebutted by other evidence, this will be presumed to be the owners shown in the county recorder's office.
24. "Permittee" means the person in whose name the permit to undertake land disturbance activities has been issued and the owner. Where appropriate, this includes the employees and agents of the foregoing.
25. "Riparian corridor" means those areas identified in Sections 17.64.040 and 17.64.050.
26. "Road gradient (%)" means vertical rise or distance multiplied by one hundred and divided by horizontal run or distance.
27. "Runoff" means the movement of surfacewater over ground surface or paved areas.
28. "Sediment" means eroded earth material that is carried by water, wind, gravity or ice and deposited into channels, lakes, rivers or other areas.
29. "Site" means a parcel of land or contiguous parcels where land disturbance including erosion control, clearing, grading, or construction are performed or proposed.
30. "Slope" means an included ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
31. "Soil" means naturally occurring mineral and organic earth materials overlying bedrock or parent material.

32. "Stream" means any watercourse as designated by a solid line or dash and three dots symbol shown on the largest scale of United States Geological Survey map most recently published.

33. "10-year storm" means a storm with such intensity and duration that its magnitude would only be exceeded on the average once every ten years.

34. "100-year storm" means a storm with such intensity and duration that its magnitude would only be exceeded on the average once every one hundred years.

35. "Terrace" means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

36. "Topsoil" means eight to sixteen inches of loose, friable, organic, and fertile earth materials on top of a soil profile, usually the A-horizon.

37. "Waterbreak" means a ditch, dike, dip, or combination thereof, constructed to effectively divert water as an aid to erosion control. (Ord. 677 § 9(A), 1989; Ord. 511 § 2 (part), 1981)

15.28.030 General provisions.

No person shall cause or allow the persistence of a condition on any site that could cause accelerated erosion. Accelerated erosion shall be controlled and/or prevented by the responsible person or the property owner by using measures outlined in subsequent sections as applicable. Additional measures may be necessary, and may be specifically required by the grading official. (Ord. 511 § 2 (part), 1981)

15.28.040 Hazardous conditions.

Whenever the grading official determines that an existing excavation or embankment or cut or fill has become a hazard to life or limb, or endangers property of others or adversely affects the safety, use, or stability of a public way or drainage channel or causes significant detriment to the natural resources of the area, the owner of the property upon which the excavation, cut, or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the grading official, shall, within the period specified therein, repair or eliminate such condition so as to eliminate the hazard and be in conformance with the requirements of this chapter. Where feasible, erosion problems shall be controlled no later than the beginning of the next rainy season (approximately October 15th). (Ord. 511 § 2 (part), 1981)

15.28.050 Permit exemptions.

Excavation, grading, filling, clearing, and/or erosion control work requires a permit within the coastal zone. Only those activities that qualify for exemptions or waivers of permit requirements pursuant to Chapter 17.44 (Coastal Overlay Zone) may be exempted. Outside of the coastal zone, the following exemptions apply:

A. Subdivisions. When erosion control and grading plans comply with this chapter and have been approved at the time a subdivision map was approved;

B. Building Pads and Driveways. Grading, when done with a valid building permit;

C. Emergency Work. Outside of the coastal zone, work necessary to preserve life or property; provided, however, that when emergency work is performed under this section, the person performing it shall report the pertinent facts relating to the work to the grading official within twenty-four hours after commencement of the work. Thereafter, the person shall obtain a permit pursuant to Section 15.28.060 and perform such work as may be determined by the grading official to be reasonably necessary to correct any erosion or conditions with a potential to cause erosion resulting from the emergency work. In the coastal zone the provisions of Section 17.44.170 shall apply to emergency work;

D. Excavations. An excavation which does not exceed ten cubic yards and is less than two feet in depth, or which does not create a cut slope greater than three feet in height and steeper than two horizontal to one vertical. This exemption is permitted only once per site;

E. Fill. A fill, except when in a riparian zone, containing earth materials only which is less than two feet in depth, is placed on natural terrain with a slope flatter than five horizontal to one vertical, does not exceed ten cubic yards on

any one site, does not alter or obstruct a drainage course, and will not be used for structural support or roadways. This exemption is permitted only once per site;

F. Basements and Footings. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill except as provided under subsection E of this section, made with the material from such excavation nor exempt any excavation having an unsupported depth greater than five feet after the completion of such structures;

G. Cemeteries. Cemetery graves;

H. Refuse Disposal. Refuse disposal sites which are permitted and actually being controlled pursuant to other city regulations, and excavations for in and community sewage disposal systems made pursuant to other city permits;

I. Soil Investigations. Exploratory excavations under the direction of soils engineer or engineering geologist where such excavation is to be returned to the original condition under the direction of such engineer or geologist within forty-five days after the start of work;

J. Agricultural Work. Use of land operated under a conservation plan by a resource conservation district. Routine plowing, harrowing, disking, listing, leveling, and similar operations necessary to prepare a field for a crop. Not exempted shall be initial grading to convert land from nonproductive to crop-producing use;

K. Public Works. Work in connection with public improvement projects for which inspection is provided by the city or other public agency. (Ord. 685 §§ 10, 15, 1989; Ord. 677 § 9(B), 1989; Ord. 511 § 2 (part), 1981)

15.28.060 Permit application and requirements.

A. Generally. Except as exempted in Section 15.28.050, a permit shall be obtained from the city by the owner(s) of the property (or agent when authorized in writing) for each site. Approval of a permit for a new development shall require the abatement of any existing human-induced or accelerated erosion problems on the property.

B. Plans and Specifications. Two sets of plans, plus supporting data, shall be required for each application when required by the grading official. Plans shall be drawn to scale upon substantial material, minimum size eighteen inches by twenty-four inches, and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that it will conform to the provisions of this chapter and all relevant laws and regulations. The first sheet of each set of plans shall include the location and assessor's parcel number(s) of work, the name, telephone number, and address of the owner(s), and the name, telephone number, and address of person by whom they were prepared. The plans shall include the following information in writing, diagrams, and/or scale drawings:

1. Statements as to the specific intention or ultimate purpose for which the grading is being done;
2. General location and vicinity of the proposed site;
3. Property lines and accurate contours of the existing ground and details of terrain and area drainage without existing vegetation. Contour intervals shall be two feet when the natural ground slope is less than twenty percent, and five feet when slope is more than twenty percent. Contours shall overlap fifteen feet onto adjacent properties;
4. Limiting dimensions, elevations or finished contours to be achieved by the grading and proposed drainage channels and related construction, including proposed vegetation, landscaping, and comparison of runoff without project and with project. Finished grade contours will be shown as they relate to surrounding property contours;
5. Detailed plans showing the location of all temporary and permanent structure(s) and nonstructure erosion and sediment control devices, of all surface and subsurface drainage devices, wall, cribbing, dams, sediment basins, storage reservoirs, and other protective devices to be constructed with, or as a part of, the proposed work, together with a map showing the drainage area with the complete drainage network and the estimated runoff of the area served by any drains. The location, capacity and condition of any ravines and drainage courses in the pathway of offsite runoff or drainage shall be indicated;

6. The planned direction and disposition of all storm drainage flow (with approximate grade) from all buildings, yards, lots, driveways, parking areas, and streets;
7. Vegetative erosion control and revegetation measures for all surfaces exposed or expected to be exposed during grading activities as a part of overall erosion and sediment control plans;
8. Locations of buildings or structures on the property where the work is to be performed and the approximate location of buildings or structures on adjacent lands owned by other owners which are within fifteen feet of the property line, or which may be affected by the proposed operations;
9. A statement of the quantity of excavation and fill;
10. Specifications, when required, shall contain information covering construction and material requirements;
11. Estimated starting and completion dates;
12. Soil description, including soil types, depth, erodibility, and vegetative establishment and growing capabilities;
13. Extent and manner of tree cutting and/or vegetative clearing including a disposal plan;
14. A provision for stockpiling topsoil when necessary for erosion control or landscaping;
15. North arrow, written and graphic scales.

C. Engineering Requirements. The building official may require that a civil engineer or other qualified professional shall prepare and sign the plans and specifications and be coordinator and liaison between other professionals, owners, contractors, and the city staff in the following instances:

1. Subdivisions of more than four lots;
2. Grading in excess of ten cubic yards;
3. Planned unit developments, planned developments, and major (as determined by the community development director) use permits;
4. Other projects likely to cause major land disturbance as determined by the grading official.

D. Engineering Reports. Unless waived by the grading official, each application for a permit shall be accompanied by two sets of supporting data consisting of a soil and/or civil engineering report and/or engineering geology report, and/or any other reports necessary.

1. The soil engineering report shall include data regarding feasibility of the site for the proposed uses; recommendations for grading, including site preparation and placement of fill; nature, distribution, erosion hazards and strength of existing surface and subsurface soils; foundation recommendations; finished slope stability; design of buttress fills; recommendations for seismic and erosion control; and surface and subsurface drainage.
2. The civil engineering report shall include hydrological calculations of runoff for 10-year and 100-year storm frequencies; conclusions and recommendations for adequate erosion control and grading procedures; comparison of runoff without and with project; design criteria for corrective measures, including the existing and/or required safe storm drainage capacity outlet of channels both on and off-site; and opinions and recommendations covering adequacy of site to be developed by the proposed grading.
3. The engineering geology report shall include an adequate description of the geology of the site; description of potential geologic hazards; conclusions and recommendations regarding the effects of geologic conditions on the proposed development; and opinions and recommendations covering the adequacy and stability of the geologic subsurface of cuts and fill loads to be developed by the proposed grading.

4. Recommendations included in the reports, when approved by the grading official, shall be incorporated in the plans and specifications.

E. Variances. A request for, variance from the provisions of this chapter, the permit conditions, or the plan specifications may be approved, conditionally approved, or denied by the city planning commission. A request for a variance must state in writing the provision to be varied, the proposed substitute provision, when it would apply and its advantages.

F. Work Time Limits. The permittee shall fully perform and complete all the work required to be done within the time limits specified. If no time limit is specified the permittee shall complete the work within one hundred, eighty working days after the date of the issuance of the permit. If work has not started within one hundred eighty days after the permit is issued, it expires. If work authorized is started and suspended or abandoned for one hundred eighty calendar days, the permit also expires unless stoppage has been authorized in writing by the grading official. If the permittee is unable to complete the work within the specified time, he or she shall, prior to the expiration of the permit, present in writing a request for an extension of time, setting forth the reasons for the requested extension. If in the opinion of the grading official an extension is warranted, additional time may be granted for the completion of the work. (Ord. 511 § 2 (part), 1981)

15.28.070 Fees.

Fees, if any, necessary to implement this chapter shall be as set forth by city council resolution. (Ord. 511 § 2 (part), 1981)

15.28.080 Bonds.

The grading official may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be done. In lieu of surety bond, the applicant may file a cash bond or instrument of credit with the grading official in an amount equal to that which would be required in the surety bond. (Ord. 511 § 2 (part), 1981)

15.28.090 Design standards for cut and excavations.

A. Generally. Unless otherwise recommended in the soil engineering and/or engineering geology reports approved by the grading official, cuts and excavations shall conform to the provisions of this section.

B. Slope. The slope of cut surface shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than two horizontal to one vertical, and shall not exceed twenty feet in vertical height or exceed seventy-five feet slope (horizontal) distance without a bench or terrace break. Due to individual site soils and geology, flatter and shorter slope lengths may be required, or steeper and longer slope lengths may be allowed upon review by the grading official when he or she finds this consistent with the building and safety. Cut slopes shall be rounded off so as to blend in with natural terrain. (See Figure 2 of Ordinance 511.)

C. Stockpiles. Stockpile material for trenches and pits will be put upslope of the excavation to be promptly backfilled and compacted into trenches and pits. Excavated material not needed at the site will be removed or disposed of at a location approved by the grading official.

D. Vegetative Protection. All earth cuts shall be planted or otherwise protected from the storm runoff erosion within thirty days of the completion of final erosion control and grading work. Planting shall be irrigated to establish a root system before the rainy season, if necessary in the opinion of the grading official. (Ord. 511 § 2 (part), 1981)

15.28.100 Design standards for fill.

A. Generally. Unless otherwise recommended in the soil engineering and/or engineering geology reports approved by the grading official, fill shall conform to the provisions of this section.

B. Fill Location. Fill shall not be constructed on natural slopes steeper than two to one unless an engineer devises a method of placement which will ensure the fill will remain in place. The toe of the fill shall be no closer than twelve feet horizontally to the top of existing or planned cut slopes. The area beyond the toe of the fill shall be sloped for sheet overflow or a drain shall be provided. (See Figure 3 of Ordinance 511.)

C. Fill Slopes. The slope of fill surfaces can be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two to one and shall not exceed twenty feet vertical height or seventy-five feet slope (horizontal) distance without a terrace break. Due to individual soil properties, shorter and flatter slopes may be required or steeper and longer slopes may be allowed upon review by the grading official if he or she finds the deviations consistent with stability and safety. Fill slopes shall be rounded off so as to blend with the natural terrain. (See Figure 2 of Ordinance 511.)

D. Ground Preparation. Natural ground surface over which fills are planned shall first be cleaned of all trash, vegetation, stumps, debris, noncomplying fill, topsoil and other unsuitable materials and shall be scarified prior to the placement of the fill. Where slopes are five to one or steeper, a key, ten feet wide minimum, shall be dug into undisturbed, solid competent soil or bedrock beneath the toe of the proposed fill. The key must be cut and approved as a suitable foundation for fill before placing any fill. (See Figures 1 and 3 of Ordinance 511.)

E. Materials Permitted. Only earth material free from tree stumps, detrimental amounts of organic matter, trash, garbage, sod, peat and/or similar materials shall be used. Rocks and/or broken concrete larger than six inches in greatest dimension shall not be used unless the method of placement is approved by the grading official. Topsoil may be used in the top twelve-inch surface layer to aid in planting and landscaping.

F. Compaction of Fill. All fills shall be compacted to a minimum relative dry density of ninety percent as determined by ASTM D-1557-78 or CALTRANS test method under California 216. Field density verification must be submitted for any fill twelve inches or more in depth where such fill may support the foundation for a structure. A higher relative dry density and/or additional compaction tests may be required at any time by the grading official.

G. Vegetative Protection. All earth fill shall be planted or otherwise protected from the effects of storm runoff within thirty days of the completion of final grading and planting shall be irrigated to establish a root system, if necessary in the opinion of the grading official. (Ord. 511 § 2 (part), 1981)

15.28.110 Design standards for cut and fill setbacks.

A. Generally. Unless otherwise recommended in the approved soil engineering and/or engineering geology reports and shown on the approved grading plan, setbacks shall conform to this section and be no less than as shown in Figure 4 of Ordinance 511.

B. Minimum Setbacks. Tops and toes of cut and filled slopes shall be set back from property boundaries and structures as far as necessary for the safety of the adjacent properties and to prevent damage resulting from water runoff, by flooding, erosion of the slopes, or by sediment deposition. (See Figure 4 of Ordinance 511.)

C. Stream and Riparian Setbacks. Tops and toes of cut and/or filled slopes shall be set back far enough to prevent encroachment upon streams, floodplains, channels, or bodies of standing water and to provide and maintain an undisturbed protective strip between the grading and the riparian corridor. This strip shall have sufficient filter capacity as determined by the grading official to prevent degradation of water quality. If it is determined that the filter capacity of the protective strip is insufficient, additional erosion control may be required by increasing the width of the protective strip or with structural measures and/or by seeding, planting, mulching of bare soil areas.

D. Retaining Walls. Retaining walls when keyed into stable foundations and capable of sustaining the design loads, may be used to reduce the required cut and fill setbacks when recommended by the civil or soil engineers, or geologist and approved by the grading official. Other restrictions and/or minimums may be increased or relaxed upon review by the grading official if he or she finds the deviations consistent with safety and stability and to provide access for slope maintenance and drainageways. (Ord. 511 § 2 (part), 1981)

15.28.120 Design standards for drainage and terraces.

A. Generally. Drainage facilities and terraces shall conform to the provisions of this section-unless otherwise indicated on the approved permit and plans. To the greatest extent possible, peak storm drainage runoff and sediment rates may not exceed predevelopment rates. A pro rata share of the cost of offsite erosion sediment, and flood-control improvements and/or for maintenance to the principal drainageway may be required by the grading official to handle the increased peak runoff and/or sediment generated by the development if greater than predevelopment rates.

B. Runoff Calculations. Plans and specifications prepared for subdivisions of five acres or more shall show, by table and/or calculations, the peak rates of storm runoff both before and after development. A combination of storage and controlled release of stormwater runoff may be required.

C. Drainage Facilities.

1. Disturbance of natural drainageways shall be kept to a minimum and existing drainage courses shall not be obstructed or obliterated without mitigating measures installed that have been approved by the grading official.
2. Whenever a grading operation obstructs or impairs the flow of runoff in an existing drainage course, a culvert, bridge or other suitable drainage facility designed and acceptable to the grading official shall be installed to convey the flow past the point of impairment. No construction materials or construction byproducts shall be discarded in any drainageway or riparian zone.
3. Drainage facilities shall be culverts, pipe drains, paved, rock, or vegetative channels designed to safely carry existing and potential offsite runoff from a fully developed area upstream as well as local onsite surface and subsurface waters to the nearest adequate drainage course designated for such purposes by the grading official. Properly designed energy dissipators are required at the point of discharge.
4. Culvert size and industry standard materials shall be used in accordance with city standard design criteria and as approved by the grading official. Minimum diameter shall be twelve inches.
5. Cuts, fills, and retaining walls shall have subsurface drainage facilities as necessary for stability.
6. Berms, ditches, interceptor drains, or swales, shall be constructed at the top of cut and fill slopes when necessary for protection against water runoff. Minimum size interceptor drains above cut slopes with a tributary drainage area greater than forty feet measured horizontally or an area larger than one-third acre shall be paved with three inches of reinforced concrete or gunite and shall be twelve inches deep with thirty-six inches paved width and discharge into down drain. Energy dissipators may be required by the grading official.
7. At least a one percent grade will be required toward an improved storm drainage facility, either existing or planned, from all building sites, pads, yards, roof drains, driveways, and etc.
8. Grading equipment shall not disturb or cross flowing streams unless absolutely necessary and only with prior approval from the grading official. The California Department of Fish and Game shall be consulted and appropriate permits obtained for any activities undertaken in areas subject to their jurisdiction.

D. Terraces.

1. Terraces at least six feet in width shall be established at not more than twenty-foot vertical intervals or seventy-five-foot slope horizontal intervals. Suitable access shall be provided to permit proper grading and maintenance of these terraces. Where only one terrace is required, it shall be at mid height. (See Figure-4 of Ordinance 511.)
2. Swales or interceptor pipes or drains, ditches, on terraces and on the top of cut slopes, shall be designed to carry water and sediment to safe disposal structures and areas and shall have a minimum gradient of one percent and must be paved with concrete or gunite not less than three inches in thickness or other paved or vegetative approved nonerodible surface. They shall have a minimum depth of one foot and a minimum paved or protected area of five feet. (See Figure 4 of Ordinance 511.) A revegetation and maintenance plan may be required by the grading official. (Ord. 677 § 9(C), 1989; Ord. 511 § 2 (part), 1981)

15.28.130 Design standards for erosion and sediment control.

A. Generally. Buildings and access envelopes shall be delineated on the development plans when necessary to keep disturbance out of particularly erodible areas. New lots shall not be created which will require access road and driveways to cross slopes exceeding fifty percent (two to one) for distances greater than fifty feet. Exposed soil shall be protected from erosion by temporary and/or permanent measures. Such protection may consist of mulching, plastic sheeting, and/or vegetation.

B. Slope. Structures on existing slopes exceeding thirty percent shall utilize pole, step or other such foundation that does not require major excavations or fillings. (See Figure 3 of Ordinance 511.)

C. Runoff Control. Where concentrated runoff will occur, it will be carried in pipe or culvert conduits or over a nonerodible surface (paved, rock, or vegetated) with discharge points clearly shown on the development plans. All conduits must have proper energy dissipators at the point of discharge when necessary to prevent erosion.

D. Building Site Runoff. Runoff from buildings, roads, driveways and the total site area shall be controlled by berms, swales, ditches, structures, vegetative filter strips and/or catchbasins to prevent the escape of sediment from the site.

E. Vegetative Removal. Development plans shall indicate the areas where vegetation is to be removed and replaced within the building and access envelopes. Vegetation removal shall be limited to that amount necessary to conduct the permitted activity and as indicated on the approved development plan. The method and time shall be such that the erosive effects are minimized. When work is allowed, native groundcover shall not be cleared, destroyed, burned, or disturbed more than fifteen days prior to grading or construction work unless approved in advance by the grading official.

F. Vegetative Disposal. Vegetation removed during clearing operations shall be disposed of by chipping, used as mulch, compost, and/or by burning. Burning shall comply with local air quality standards and no long branches or charred pieces shall be permitted to remain.

G. Topsoil. To promote regrowth of vegetation, the topsoil shall be stockpiled and reapplied upon completion of grading on slopes of less than five-to-one (twenty percent). Soil stockpiles and exposed soil shall be protected from erosion at all times.

H. Temporary Vegetation. Temporary vegetation sufficient to stabilize the soil as permanent vegetation cover is maturing shall be established on all disturbed areas as needed and as each stage of grading is completed.

I. Winter Operations – October 15th to April 15th.

1. Land disturbance or development operations may be restricted or temporarily halted between October 15th and April 15th (the normal rainy season), and/or other times whenever the grading official determines that the weather, soil, slope and general site conditions may cause serious accelerated erosion or sediment damage either onsite or downstream.

2. When land development work is allowed during the normal, rainy winter season, adequate erosion and sediment control measures must be in place during any land disturbance, and temporary erosion control measures must be applied to all soils bared at the end of each day.

3. During winter, sufficient erosion control materials of straw, plastic, netting, etc., shall be kept on the site at all times to be installed immediately by the permittee upon advent of any rainfall or wind that may be expected to cause accelerated erosion.

4. All cut and fill slopes without established vegetation between October 15th and April 15th shall be mulched. The mulching shall be anchored by punching or tacking into the soil or by the use of netting. A minimum of one thousand pounds of straw, or equivalent, per each ten thousand square feet of slope surface will be required to be anchored. Any additional amount may be required by the grading official.

5. Within ten working days after seeding, fertilizing and/or mulching, the permittee will commence irrigation of the seeded areas or slopes and shall continue until the rains come and/or the groundcover is fully developed. Berms, diversion catchbasins, etc., shall be installed prior to seeding and mulching.

6. All erosion control plantings and mulching shall be closely monitored throughout the winter and runoff problems corrected promptly. All erosion and/or slippage of banks shall be repaired by the permittee at his or her expense.

J. Dust. Dust from grading operations must be controlled. The permittee may be required to keep adequate equipment on the grading site to prevent dust problems.

K. Erosion Control Coordination with Project Installation.

1. All vegetative and/or structural measures required to safely discharge any accelerated runoff generated by the project shall be installed during the first or initial construction phase of the project.
2. Land shall be developed in increments of workable size which can be completed in a single construction season. Erosion and sediment control measures shall be coordinated with a sequence of grading, development, and construction operations and all necessary erosion control measures shall be put in effect prior to the commencement of the next work increment and/or winter rainy season.
3. Prior to completion and final acceptance of the project, all erosion control measures must be in place and all exposed bare soil shall be mulched, fertilized and otherwise prepared so that it is planted to a permanent vegetative cover. Native or naturalized vegetation should be used. The grading official may require watering of planted areas to initiate and assure growth.

L. Livestock. Where necessary to assure that water quality is not affected by the keeping of livestock, vegetative buffer and/or filter strips shall be established on all downhill sides of areas where livestock are kept. The width of the buffer strip shall be determined by the grading official. Also, additional erosion control measures, such as diversion, dissipators and sediment basins may be required to control runoff from these areas where livestock have destroyed and torn up protective vegetation.

M. Maintenance. All onsite erosion control facilities shall be properly maintained by the owners for the life of the project so that they do not become nuisances with stagnant water, heavy algae growth, insect breeding, odors, discarded debris, and/or safety hazards. Vegetative maintenance required may include mowing, fertilization, irrigation and/or reseeding. (Ord. 511 § 2 (part), 1981)

15.28.140 Inspection reports and compliance.

A. General. Excavation, grading, filling, clearing and erosion control work requiring a permit shall be subject to inspection by the grading official in lieu of inspection by city staff employees, the grading official may require supervision, regular inspection, and special testing be performed and certified by the licensed professional who prepared the approved plan; or the grading official may require supervision, inspection, and testing be done by an independent approved testing agency to ensure compliance with this chapter and the permittee's permit conditions.

B. Inspections Required. The following inspections shall be required:

1. Presite inspection to determine the suitability of the proposed project and the existing and potential erosion and sediment hazards;
2. Periodic ongoing inspection during project progress, including compaction and special testing as may be required by the approved plan;
3. Final inspection determining compliance with terms and conditions of this chapter and permit.

C. Required Reports. Upon completion of the rough grading work and at the final completion of the work, the grading official may require the following reports and drawings and supplements thereto:

1. An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities. He or she shall provide approval that the work was done in accordance with the final approved grading plan.
2. A soil grading report prepared by the soils engineer, including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. He or she shall provide approval as to the adequacy of the site for the intended use.

3. A geologic grading report prepared by the engineering geologist including a final description of the geology of the site including any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. He or she shall provide approval as to the adequacy of the site for the intended use as affected by geologic factors.

D. Notification. The permittee shall notify the grading official two working days prior to the beginning of the operation authorized by the permit, and one complete working day prior to any inspection or testing requested by the permittee.

E. Final Inspection. The permittee or his or her agent shall notify the grading official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices and all erosion control measures have been completed in accordance with the final approved grading plan and the required reports have been submitted.

F. Right of Entry. Filing of an application for a permit under this chapter constitutes a grant of permission for the city to enter the permit area for the purpose of administering this chapter from the date of the application to the termination of the erosion control maintenance period. If necessary, the grading official shall be supplied with a key or lock combination, or permitted to install a city lock. (Ord. 511 § 2 (part), 1981)