

Exhibit A – Ordinance No. 1201 (Amendments to Title 15 Buildings and Construction for State Building Code Updates)

**Title 15
BUILDINGS AND CONSTRUCTION**

Chapters:

Chapter 15.04 ADMINISTRATION¹

15.04.010 Adoption of Chapter 1 of the California Building Code.

Except as provided in this chapter, the code currently adopted state building code under Title 24 sections parts 1-6, 8, 9 and 11 of the California Code of Regulations (CCR) known and designated as the 2022 California Building Codes (CBC), as adopted by the state of California, based on the 2021 International Building Code published by the International Code Council and the Plumbing and Mechanical Codes written by IAPMO and the National Electrical Code and Fire Code as written by NFPA, shall become the administrative provisions of the City of Coachella for regulating the construction, erection, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use and occupancy and maintenance of all buildings and/or structures in the city. Chapter 1 of the 2022 California Building Code and all other formally adopted building code will be on file for public examination in the offices of the building official as required by State law.

The city of Coachella does hereby formally adopt the State of California model building codes into local law as listed below:

- 2022 California Administrative Code Title 24 Part 1
- 2022 California Building Code Title 24 Part 2 (Volumes 1 & 2)
- 2022 California Electrical Code Title 24 Part 3 (based on 2017 NEC)
- 2022 California Mechanical Code Title 24 Part 4 (based on 2018 Uniform Mechanical Code)
- 2022 California Plumbing Code Title 24 Part 5
- 2022 California Energy Code Title 24 Part 6
- 2022 California Historical Building Code Title 24 Part 8
- 2022 California Fire Code Title 24 Part 9
- 2022 California Green Building Standards Code Part 11

All sections of the code listed here and legally adopted by the state of California's Building Standards Commission or by the Office of the State Fire Marshall shall be formally adopted by the city of Coachella as the California Building Code to be enforced within the city limits as required by state law. Sections and appendices not specifically adopted by the aforementioned state offices are hereby adopted by reference. Appendix J of the Building Code is hereby adopted as the Garding Code for Title 24 Buildings as well as referenced elsewhere in this code for land development.

15.04.020 Amendments to Chapter 1, Division II of the California Building Code.

A. "Sub-section 105.1 Required." is amended to read as follows:

Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit. The City of Coachella requires a building permit for the following projects:

1. Hardscape work including concrete flatwork, patio slabs, and pavers, (Walkways not exempt)
2. New driveways made of concrete, pavers, grass-crete or comparable permeable or impermeable surfaces.
3. Removal and repair of existing masonry walls for the purpose of installation of gates and driveways.
4. Tent structures and canvas shade structures and coverings over 200 square feet, unless exempt as part of a Special Event Permit.
5. Storage sheds and metal containers in excess of 120 square feet.
6. Re-surfacing and re-striping of existing parking lots.

105.1(a) Prohibited Block Walls: Notwithstanding the provisions of the 2022 California Building Code, the City shall prohibit post-tension masonry walls, unless said post tension designs are specifically designed to mitigate soil conditions specific to this jurisdiction and pre-approved by the City Building Official in advance by way of engineered design.

B. "Sub-section 105.2 Work exempt from permit", Items 2, 4, and 6 under "Building" are hereby deleted and replaced in their entirety as follows:

2. Fences conforming to design requirements of Title 17 of this Code, not exceeding a height of 2 feet (610 mm).
4. Retaining walls that are not over 2 feet (610 mm) in height measured from the top of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

C. The "Electrical" provision of Section 105.2 is hereby amended to read as follows:

Electrical:

1. Listed cord and plug connected temporary decorative lighting.
2. Reinstallation of attachment plug receptacles, but not the housing, wiring and conduit therefore.
3. Repair or replacement of branch circuit overcurrent devices, listed for the use, of the required capacity in the same location.
4. Installation or maintenance of communications wiring, devices, appliances, apparatus or equipment specifically under the jurisdiction of utilities as described by the code.
5. Installation or replacement of electrical equipment such as lamps and of electrical utilization equipment approved for connection to suitable permanently installed receptacles, Replacement of flush or snap switches, fuses, lamp sockets, and receptacles, and other minor maintenance and repair work, such as replacing worn cords and tightening connections on a wiring device.
6. The process of manufacturing, testing, servicing, or repairing electrical equipment or apparatus.

-
7. The installation or replacement of electrical meter sockets within an existing panel or private meter assembly. (Locally occurring condition)
- D. Section 105.2 Work exempt from permit, is amended by adding thereto language to read as follows:
- Grading:**
- See Appendix J, Section J103.2 Exemptions, for work exempt from grading permits.
- E. Section 113, Board of Appeals is hereby amended to read as follows:

Section 113
BOARD OF APPEALS

113.1 General. A local Appeals Board shall be created, as described by CBC 113, for the purpose of providing determinations in relation to the application and interpretation of the Code. Code language not susceptible to interpretation and clearly defined under law, as written, shall not be the subject of appeal. This Board shall be tasked with ruling on appeals of orders, decisions or determinations made by the Building Official and will hereby be known as the "Board of Appeals". This Board shall also serve as the Accessibility Appeals Board as described below.

113.2 Definition. The following term shall, for the purpose of this section, have the meaning shown.

ACCESSIBILITY APPEALS BOARD. The board of the city which is authorized by the governing body of the city to hear appeals brought by any person regarding action taken by the building department of the city in enforcement of the authority to grant exceptions to the standards and specifications contained in California Health and Safety Code section 19957. (Note: The establishment of this board is pursuant to Health and Safety Code 19957.5)

113.3 Appeals Board Defined. The Housing Appeals Board, Accessible Appeals Board, and the Local Appeals Board shall be for the purposes of this code and may be one in the same and shall be referred to herein throughout this code as the Appeals Board.

113.4 Qualifications. In addition to the qualifications established in CBC Section 1.8.8, at least two members shall be physically disabled, if the Appeals Board is to hear appeals relating to accessibility issues pursuant to CBC, (California) Chapter 1, Section 1.9.1.5 (Special conditions for persons with disabilities requiring appeals action ratification; Pursuant to Health and Safety Code 19957.5)

- E. Section 114.4, Violation penalties, is hereby amended to read as follows:

114.4 Violation penalties. Any person, firm or corporation violating any of the provisions, regulations, requirements, additions, amendments and/or deletions of this code is guilty of a misdemeanor and the penalty for such a misdemeanor shall be as set forth in Chapter 3.48.090 of the City of Coachella Municipal Code.

Chapter 15.08 BUILDING CODE²

²Editor's note(s)—Ord. No. 1147 , § 3, adopted Jan. 22, 2020, repealed the former Ch. 15.08, §§ 15.08.010—15.08.030, and § 4 of the same ord. enacted a new chapter as set out herein. The former Ch. 15.08 pertained to similar subject matter and derived from Ord. No. 1099, § 4, adopted Jan. 11, 2017.

15.08.010 Adoption of specific sections of the California Building Code.

Except as amended in this chapter, those certain building codes known and designated as the 2022 California Building Code (CBC), including Chapters 2 through 35, and Appendix C, G, H, I, and J as adopted by the State of California, based on the 2021 International Building Code as published by the International Code Council, except as amended herein, shall become the building code of the city of Coachella for regulating the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all buildings and/or structures in the city. The 2022 California Building Code and its adopted appendices and amendments will be on file for public examination in the offices of the building official and is available online at the State California Building Standards Commission homepage..

(Ord. No. 1147 , § 4, 1-22-20)

15.08.020 Enforcement.

Pursuant to California Building Code, (California) Chapter 1, Section 1.11.2.1, the delegated enforcement official responsible for the enforcement of the building standards relating to fire and panic safety and other regulations of the State Fire Marshal as they relate to Group R, Division 3 Dwellings shall be the Building Official.

(Ord. No. 1147 , § 4, 1-22-20)

15.08.030 Amendments to the California Building Code.

A. Automatic Sprinkler Systems. Where determined by the Fire Chief that no major life safety hazard exists, and the fuel load does not pose a significant threat to firefighter safety or to other structures or property, automatic fire sprinklers may be exempted.

Newly constructed one- and two-family dwellings shall have an automatic fire sprinkler system regardless of square footage in accordance with the California Residential Code. Fire sprinkler systems shall be installed in mobile homes, manufactured homes and multifamily manufactured homes with two dwelling units in accordance with Title 25 of the California Code of Regulations.

The following exceptions in the California Fire Code shall not be allowed:

- a. Exception in Section 903.2.3
- b. Exceptions 2 in Section 903.2.11.3

B. Section 1904.3 is hereby amended by adding thereto Section 1904.3.1 and 1904.3.2 to read as follows:

1904.3.1 Type of cement. All concrete used in floor slabs where floor slab is supported by earth or fill of any kind and all concrete used in footings, foundations, curbs, gutters, sidewalks, driveways and walls supporting or retaining earth or fill shall contain only sulfate resistant Type V. Portland cement. Portland cement concrete shall be composed of not less than four hundred seventy (470) pound (five sacks) of Portland cement per cubic yard of concrete, except that any concrete containing an approved water reducing admixture, used in accordance with the manufacturer's recommendations shall contain not less than four hundred eighteen (418) pound (4.5 sacks) of Portland cement per cubic yard of concrete.

C. Section 1907.1 is hereby amended by adding thereto Section 1910.1.1 and 1910.1.2 to read as follows:

1907.1.1 Base course required. A base course shall be provided beneath the concrete floor slab of any structure consisting of at least a four inch thickness of a limited capillarity material. Base course shall be either clean graded gravel or crushed rock. Material shall pass a two inch sieve and be retained in a one-fourth inch sieve.

Capillary break in conformance with the California Green Building Standards Code Chapter 4, Division 4.5 is required.

1907.1.2 Expansion protection for slab. A two-inch layer of dry washed sand shall be placed on top of the base course under of a ten (10) mil thick water-proof membrane. This waterproof membrane shall be placed on top of the base course under all slabs to provide for expansion protection for concrete.

D. Section G101.5 is hereby added to Appendix G, FLOOD-RESISTANT CONSTRUCTION, to read as follows:

G101.5 Administration and Enforcement. For the purpose of the administration and enforcement of this Appendix G, Flood-Resistant Construction, the Building Official shall mean the City Director of Public Works or their designated representative.

E. Appendix J, GRADING, is hereby amended as follows:

1. Section J101.3 is hereby added to read as follows:

J101.3 Administration and Enforcement. For the purpose of the administration and enforcement of this Appendix Chapter, Grading, the Building Official shall mean the City Director of Public Works or their designated representative.

2. The "Exception" in Section J104.3 is hereby amended to read as follows:

Exception: A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

3. Section J107.4 is hereby amended by adding thereto Section J107.4.1 to read as follows:

J107.4.1 Using alkaline fill soil. Soils or materials which may have an alkali or sulfate content shall not be relocated, placed or used as fill at any location within the city unless a test sample of the soil is first obtained under the direction of the department of building and tests conducted by an approved testing agency indicates that the alkali or sulfate content of the soil sample does not exceed the amount in the natural soil at the location where the fill is to be placed. The director of building may waive the test sample requirements for good cause.

4. Section J109.5 is hereby added to read as follows:

J109.5 Drainage Devices.

J109.5.1 Minimum gradients. Except on slopes, drainage devices shall be constructed with minimum gradients as follows: Poured in place cement concrete construction - 0.5%; Shotcrete concrete construction - 0.5%; Asphaltic concrete pavement - 1.0%; Soils swales - 0.5%; Pipes - 0.4%.

J109.5.2 Slopes. Drainage devices constructed on slopes shall have a minimum gradient of five percent (5.0%). Such drainage devices shall be constructed of shotcrete or poured in place concrete with suitable reinforcement. Closed piping, unpaved swales and Asphaltic concrete drainage structures shall not be used for slope drainage.

J109.5.3 Erosion prevention. Drainage devices shall be constructed to convey drainage to an established private or public watercourse, channel, storm drain or public street, and shall be designed to prevent erosion.

J109.5.4 Device design. Drainage devices conveying water to the public streets shall drain over driveway approaches, through curb drains, through sidewalk culverts, or through non-concentrated sheet flow over the curb as designated by the City Engineer.

(Ord. No. 1147 , § 4, 1-22-20)

Chapter 15.12 ELECTRICAL CODE³

15.12.010 Adoption of the Electrical Code.

Except as provided in this chapter, the 2022 California Electrical Code, including Appendix Chapters A, B, C, D, E, F, and G, as adopted by the state of California, based on the 2020 National Electrical Code as published by the National Fire Protection Association (NFPA), shall become the electrical code of the city of Coachella, regulating all installation, arrangement, alteration, repair, use and other operation of electrical wiring, connections, fixtures and other electrical appliances on premises within the city. The California Electrical Code is on file for public examination in the office of the building official and is also available online at <https://codes.iccsafe.org>.

(Ord. No. 1147 , § 4, 1-22-20)

15.12.020 Amendments to the California Electrical Code.

The 2022 Edition of the California Electrical Code is hereby adopted with no amendments.

(Ord. No. 1147 , § 4, 1-22-20)

Chapter 15.16 MECHANICAL CODE⁴

15.16.010 Adoption of the Mechanical Code.

Except as provided in this chapter, the 2022 California Mechanical Code, including Appendix Chapters Appendices A, B, C, and D as adopted by the state of California, based on the 2021 Uniform Mechanical Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the mechanical code of the city of Coachella, regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance of heating, ventilating, cooling, refrigeration systems, incinerators and other miscellaneous heat producing appliances. The California Mechanical Code is on file for public examination in the office of the building official.

(Ord. No. 1147 , § 4, 1-22-20)

15.16.020 Amendments to the California Mechanical Code.

The 2022 Edition of the California Mechanical Code is hereby adopted with no amendments.

(Ord. No. 1147 , § 4, 1-22-20)

Chapter 15.20 PLUMBING CODE⁵

15.20.010 Adoption of the Plumbing Code.

Except as provided in this chapter, the 2022 California Plumbing Code, including Appendix Chapters A, B, D, G, H, I and K as adopted by the state of California, based on the 2021 Uniform Plumbing Code as published by the International Association of Plumbing and Mechanical Officials (IAPMO), shall be and become the plumbing code of the city of Coachella, regulating erection, installation, alteration, repair, relocation, replacement, maintenance or use of plumbing systems within the city. The California Plumbing Code will be on file for public examination in the office of the building official.

(Ord. No. 1147 , § 4, 1-22-20)

15.20.020 Amendments to Chapter 1, Division II of the California Plumbing Code.

The 2022 Edition of the California Plumbing Code is hereby adopted with the following amendment to section 104.1.

A. "104.1 Permits Required." is amended to read as follows:

It shall be unlawful for a person, firm, or corporation to make an installation, alteration, repair, replacement, or remodel a plumbing system regulated by this code except as permitted in Section 104.2, or to cause the same to be done without first obtaining a separate plumbing permit for each separate building or structure. The City of Coachella requires a plumbing permit to abandon an existing private disposal system, and connect to a public sewer system for the following projects:

1. Additions to existing buildings or structures that result in the need for enlarged capacity of septic tank pursuant to Table H 201.1(1), whenever there is an existing public sewer main line or lateral line within 30 feet of the property boundaries.
2. Remodels to existing buildings or structures that increase the number of plumbing fixtures to a structure served by an existing septic tank that is out of compliance with Table H 201.1 (1), whenever there is an existing public sewer main line or lateral line within 30 feet of the property boundaries.

(Ord. No. 1147 , § 4, 1-22-20)

Chapter 15.28 UNIFORM CODE FOR THE ABATEMENT OF DANGEROUS BUILDINGS⁶

⁶Editor's note(s)—Ord. No. 1147 , § 4, adopted Jan. 22, 2020, amended Ch. 15.28 in its entirety to read as herein set out. Former Ch. 15.28, §§ 15.28.010, 15.28.020, pertained to Uniform Code for the Abatement of Dangerous Buildings Adopted and derived from Ord. 928, § 12, adopted in 2005; prior code, §§ 7-136, 7-137.

15.28.010 Adoption of the Uniform Code for the Abatement of Dangerous Buildings.

- A. That certain document, three copies of which are now on file in the office of the city clerk, being marked and designated as the Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition, with all state and city amendments thereto, is adopted as the code for the abatement of dangerous buildings of the city.
- B. Each and all of the regulations, provisions, penalties, conditions and terms of such Uniform Code for the Abatement of Dangerous Buildings, as amended by this chapter and on file in the office of the city clerk, are referred to, adopted, and made a part hereof as if fully set out in this chapter, together with any and all amendments thereto, which have or may be adopted by the state of California except as listed below.

(Ord. No. 1147 , § 4, 1-22-20)

15.28.020 Amendments to the Uniform Code for the Abatement of Dangerous Buildings.

- A. Sections 205, 501, 502 and 503 of the Uniform Code for the Abatement of Dangerous Buildings are repealed.
- B. Section 601.1 of the Uniform Code for the Abatement of Dangerous Buildings is amended to read as follows:

Hearings. The board of appeals shall proceed pursuant to Article VIII of Chapter 2; and said provisions shall prevail over all other conflicting provisions hereof. However, the board of appeals may appoint one or more hearing examiners or designate one or more of its members to serve as hearing examiners to conduct the hearings. The examiner hearing the case shall exercise all powers relating to the conduct of the hearings until it is submitted to the board of appeals for decision.

(Ord. No. 1147 , § 4, 1-22-20)

Chapter 15.32 EXISTING BUILDING CODE⁷

15.32.010 Adoption of the existing building code.

Except as provided in this chapter, the 2022 California Existing Building Code including Appendices A-1 based on the 2021 International Existing Building Code, as adopted by the state of California, as published by the International Code Council (ICC), shall become the Existing Building Code of the city of Coachella for the purpose of regulating the repair, alteration, change of occupancy, addition to and relocation of the Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings, in existing buildings in the city. The California Existing Building Code will be on file for public examination in the office of the building official.

(Ord. No. 1147 , § 4, 1-22-20)

15.32.020 Amendments to the existing building code.

- A. Section 202, Definitions, is hereby amended by adding thereto the following definition to read as follows:
Substantial Structural Damage. A condition where:

⁷Editor's note(s)—Ord. No. 1147 , § 3, adopted Jan. 22, 2020, repealed the former Ch. 15.32, §§ 15.32.010, 15.32.020, and § 4 of the same ord. enacted a new chapter as set out herein. The former Ch. 15.32 pertained to similar subject matter and derived from Ord. No. 1099, § 4, adopted Jan. 11, 2017.

-
1. In any story, the vertical elements of the lateral-force-resisting system, have suffered damage such that the lateral load-carrying capacity of the structure in any direction has been reduced by more than 20 percent from its pre-damaged condition, or
 2. The capacity of any vertical gravity load-carrying component, or any group of such components, that supports more than 30 percent of the total area of the structure's floor(s) and roof(s) has been reduced more than 20 percent from its pre-damaged condition, and the remaining capacity of such affected elements with respect to all dead and live loads is less than 75 percent of that required by the building code for new buildings of similar structure, purpose, and location.
- B. Section 404 is amended by adding thereto Section 404.6 to read as follows:
- 404 Repairs.** Repairs of structural elements shall comply with this section.
- 404.6.1 Seismic evaluation and design.** Seismic evaluation and design of an existing building and its components shall be based on the following criteria.
- 404.6.1.1 Evaluation and design procedures.** The seismic evaluation and design shall be based on the procedures specified in the building code, ASCE 31 Seismic Evaluation of Existing Buildings (for evaluation only) or ASCE 41 Seismic Rehabilitation of Existing Buildings.
- C. **Appendix Chapter A1**(*Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings*) only, of the 2019 California Existing Building Code by ICC is hereby adopted with no amendments.
- (Ord. No. 1147 , § 4, 1-22-20)

Chapter 15.40 CONSTRUCTION SITE SECURITY

Sections:

15.40.010 Construction site security.

- A. The owner, contractor or responsible party constructing a new building, addition, alteration, or demolition to an existing building shall maintain security measures as deemed necessary or as required by the building official to control vandalism, fires, blowing dust, sand or debris.
- B. Perimeter security fencing is required along all property lines. Fencing shall be a minimum six feet high with a minimum ninety-four (94) percent blackout heavy-duty plastic screening. The number of access points onto the site shall be minimized, and where feasible, situated in locations that are highly visible from an adjacent street. Vehicle and pedestrian gates and openings shall have gates secured after hours of operation. Locking gates shall be secured with minimum 3/8-inch thick, thirty (30) grade coil chain, or minimum 5/16-inch cable.
- C. The owner, contractor or responsible party constructing a new building, addition, alteration, or demolition to an existing building shall keep the construction site clean by having an adequately sized debris box container placed on the site for the depositing of trash and debris. As used in this section, trash and debris shall include papers, cartons, bottles, cans, garbage, roofing materials, insulation, plaster, concrete, boards and other substance that may be accumulated as a result of construction activities.
- D. A trash container shall remain on the construction site until the building inspector has completed the final inspection or has approved the removal of the container. Said container shall be emptied of its contents on a regular schedule or as ordered by the building inspector in order to avoid blowing debris or other public nuisances.

-
- E. Disposal shall be by transportation to a legally established dump site by the city's refuse contractor, or other person authorized by law to remove any container from the location where the person in charge for storage and collection placed the container.
 - F. Refusal to comply with the provisions of this section shall be deemed a misdemeanor or infraction and is punishable as stipulated in Section 3.48.090 of this code. The non-compliance can be sufficient cause for the revocation of the issued building permit.

(Ord. 988 § 4 (part), 2007)

Chapter 15.41 MOVED BUILDINGS AND TEMPORARY STRUCTURES

Sections:

15.41.010 Permits required.

It is unlawful for any person, firm or corporation to move or cause to be moved any building or structure excepting a contractor's tool house, construction office or similar structure which is relocated as construction requires, into or within the city without first obtaining a permit to do so from the building official.

Exception: Buildings moved to the business premises of a house for the purpose of temporary storage.

(Ord. 988 § 4 (part), 2007)

15.41.020 Application and investigation fee.

To obtain a permit to relocate a building or structure the applicant shall first file an application therefore as required by California Building Code. The building official may require plans, photographs and other data to substantiate the application.

Each application shall be accompanied by an investigation fee to cover the costs of processing the application, inspecting the building and premises, and handling other matters connected therewith. Such fee shall be nonrefundable. If the building to be moved is located outside the city, the applicant shall pay an additional fee to cover increased costs of inspection and mileage.

(Ord. 988 § 4 (part), 2007)

15.41.030 Investigation and report.

The building official may cause an investigation to be made of each building or structure for which an application for a relocation permit has been received. A written report shall be prepared based on such inspection, and a copy of the report shall be given to the applicant. This report shall contain the approval or disapproval by the building official for relocating the building. If approved for relocation, the report may list the requirements and corrections necessary for making the building conform to the codes adopted herein.

In granting an approval for relocation, the building official may impose such terms and conditions as he or she may deem reasonable and proper, including time limits for completion of all work, and requirements for whatever changes, alterations, additions or repairs are necessary to assure that relocation will not be materially detrimental or injurious to public health, safety and welfare.

The investigation report shall remain valid for a period of one hundred eighty (180) days after the building or structure has been inspected, after which time a new investigation and report may be required by the building official.

(Ord. 988 § 4 (part), 2007)

15.41.040 Denial of permit.

Except as otherwise provided in this section, the building official shall be vested with the discretion to refuse to issue a relocation permit for any building or structure which:

- A. Is so constructed or is in such condition as to be dangerous;
- B. Is infested with pests or is unsanitary;
- C. Is in such condition in the judgment of the building official that it does not admit of practicable and effective repair;
- D. Is so dilapidated, defective or unsightly or is in such a condition of deterioration or disrepair that its relocation at the proposed site would cause appreciable harm to or be materially detrimental to the property or improvements in the area to which it would be relocated;
- E. Because of age, size, design or architectural treatment, does not substantially conform to the design, plan and construction of the buildings located in the area to which it is to be relocated so that its relocation would be materially detrimental to the property or improvements in said area.

(Ord. 988 § 4 (part), 2007)

15.41.050 Security required.

The building official shall be vested with the authority to require the applicant for a permit to first post with the building official a performance bond executed by the owner of the premises where the building or structure is to be located, listing said owner as principal, and an approved surety company authorized to do business in the state as surety; a cash bond naming the city of Coachella as the payee; or an assignment of certificates or shares issued by a savings and loan association doing business in this state and insured by the Federal Savings and Loan Insurance Corporation. The building official may waive the requirement of security when the owner of the property is a governmental agency.

The performance bond required by this section shall:

- A. Be in form joint and several;
- B. Name the city of Coachella as obligee;
- C. Guarantee that the required work will be completed or, when ordered by the building official, the building or structure will be removed or demolished and the site cleared, cleaned, and restored to its original condition; within a reasonable time frame set by the building official;
- D. Be in an amount equal to the estimated cost, plus ten (10) percent, of the work required to be done in order to comply with all of the conditions of the relocation permit or shall be in an amount equal to the cost of demolition and removal, whichever is greater. Such costs for purposes of the bond shall be as estimated by the building official;
- E. State therein the legal description or address of the property to which the building or structure is to be relocated.

(Ord. 988 § 4 (part), 2007)

15.41.060 Conditions of security.

Every performance bond, cash bond or assignment of shares required by this chapter shall be conditioned as follows:

- A. Unless otherwise specified in the investigation report, work required to be done pursuant to the conditions of the relocation building permit shall be initiated within one hundred eighty (180) days from the date of issuance of the permit;
- B. The time limit specified may be extended for good and sufficient cause after written request of the principal or surety, before said time limit has expired. The building official shall notify the principal and surety in writing of such time extension and may extend the time limit without consent of the surety;
- C. The term of each bond posted pursuant to this section shall begin upon the date of the posting thereof and shall end upon the completion to the satisfaction of the building official of the performance of all the terms and conditions of the relocation building permit;
- D. The building official and the surety, or the duly authorized representative of either, shall have access to the premises described in the relocation permit for the purpose of inspecting the progress of the work;
- E. Upon default by the principal, the surety shall cause all required work to be performed as set forth as stated in the investigation report and relocation permit;
- F. In the event of default in the performance of any term or condition of the relocation permit, the surety or any person employed or engaged on its behalf, or the building official or any person employed or engaged on his or her behalf, may go upon the premises to complete the required work or to remove or demolish the building or structure, and to clear, clean and restore the site.

(Ord. 988 § 4 (part), 2007)

15.41.070 Permit issuance and fees.

Before any permit is issued for the relocation, reconstruction or repair of a building or structure a fee therefore shall be paid to the building official in accordance with the city council resolution for building, electrical, plumbing, mechanical, grading or other permits when applicable. The required permits, together with the investigation report, shall comprise the relocation permit for the purpose of this section.

The valuation for the purpose of determining the relocation permit fee shall be based upon the building officials estimate of the cost of work necessary to relocate the structure and to bring into compliance with conditions listed on the investigation report and permit.

(Ord. 988 § 4 (part), 2007)

15.41.080 General requirements.

The following information shall be filed for review and subject to the approval of the building official prior to the issuance of the building relocation permit:

The location and address of the old and new sites;

- A. A plot plan of the new location, including adjacent lots of all sides of the property with their use and an indication of all structures and improvements on such lot;

(Supp. No. 24)

Created: 2022-06-06 10:54:58 [EST]

-
- B. Plans and specifications for the proposed improvements at the new location, including drainage, foundation design and attachment, structural, geologic and soil engineering as appropriate;
 - C. The definition of the route of travel for the structure to be moved. The time and route shall be subject to the approval of the city engineer, fire chief and chief of police;
 - D. A termite inspection report prepared by a legally qualified person;
 - E. The abandonment of sewage disposal systems and/or sewer laterals as set forth in the California Plumbing Code, for the old and the new parcels involved;
 - F. A current photograph showing all four elevations of each structure to be relocated;
 - G. Such additional information as shall be deemed reasonably necessary by the building official to carry out the intent and purpose of this chapter;
 - H. That the structure shall comply or be altered to comply with current building, electrical, comfort heating, and air conditioning and plumbing code requirements; and
 - I. The vacated site shall be cleaned and restored to a safe and sightly condition, including the removal of abandoned foundation systems.

(Ord. 988 § 4 (part), 2007)

15.41.090 Expiration of permits.

Permits for the relocation, reconstruction and repair of a building or structure shall be null and void in accordance with the provisions of CBC Section 106.4.4 if the building or structure is not relocated to the proposed site and/or the required work commenced within three hundred and sixty five (365) consecutive calendar days of the date of issuance of such permits.

(Ord. 988 § 4 (part), 2007)

15.41.110 Procedure upon default.

- A. **Performance Bond.** Should the principal fail to comply with the conditions required by the relocation permit, the building official shall give notice of default in writing to the principal and to the surety named in the performance bond. The notice of default shall state the conditions of the bond, which have not been complied with and shall specify the period of time the building official deems to be reasonably necessary for completion of the work. Upon receipt of a notice of default, the surety shall cause the required work to be completed within the time specified. The surety shall have the option of removing or demolishing the building or structure in lieu of completing the required work, in which case the site shall be suitably cleared, cleaned and restored to the satisfaction of the building official.

Exception: The surety may be granted a release from its obligation to perform under the conditions of the performance bond provided,

1. A written agreement is executed between surety and the division of building and safety under which the division assumes responsibility for causing completion of required work or demolition of the structure; and
2. A cash bond is posted by surety in the amount of the performance bond, payable to the city, to enable the building official to cause the required work of repair or demolition to be performed in accordance with subsection B of this section.

-
- B. Cash Bond. When a cash bond has been posted the building official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the building official at his or her own discretion may proceed without delay and without further notice or proceeding to use the cash deposit or any portion thereof to cause the required work to be completed by contract or otherwise.
 - C. Assignment of Shares. When an assignment of shares has been posted the building official shall give notice of default to the principal in the manner set forth above. Should the principal fail to comply with requirements within the specified time period, the building official may request payment of the assigned certificates or share or any portion thereof by the savings and loan association and at his or her own discretion the building official may proceed without delay and without further notice or proceeding to use such assets to cause the required work to be completed by contractor or otherwise.

(Ord. 988 § 4 (part), 2007)

15.41.120 Release of security.

- A. Performance Bond. When all conditions and requirements of the relocation permit and applicable laws and ordinances have been completed, the building official shall notify the surety that the bond has been exonerated.
- B. Cash Bond. When a cash bond has been posted and all requirements of the relocation permit have been completed, the building official shall return the cash to the depositor, or to his or her successor or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this section.
- C. Assignment of Shares. When an assignment of shares has been made and all requirements of the relocation permit have been completed, the building official shall notify the savings and loan association and shall do all things reasonably necessary to effect a release of said assignment to the principal or to his or her successors or assigns, except any portion thereof that may have been used, cashed or deducted as provided elsewhere in this section.

(Ord. 988 § 4 (part), 2007)

Chapter 15.44 BUILDING NUMBERING

Sections:

15.44.010 Required.

Every person owning real property in the city which is improved with a building is required to affix at or near the main entrance to said building a proper street number.

(Prior code § 7-126)

15.44.020 Assignment of number—System.

Building numbers shall be assigned to buildings by the director of building who shall assign such number in accordance with the uniform numbering system heretofore and now being used in the Coachella Valley, county of Riverside, state of California.

(Prior code § 7-127)

15.44.030 Size, color, location of numbers.

The numbers in building numbers shall be of sufficient size and color and shall be so affixed at or near the main entrance to the building so as to be easily visible from that portion of the street upon which such building shall face which shall be immediately adjacent to such front entrance.

(Prior code § 7-128)

15.44.040 Numbering by city.

If any person shall fail to comply with the provisions of this chapter within thirty (30) days of being notified of the number assigned by the director of building, the director shall, and he or she is hereby empowered, to enter upon the real property of such person and affix the number assigned by him or her to such building and to collect the reasonable cost of such installation from the owner of such real property by court action or otherwise.

(Prior code § 7-129)

15.44.050 Correcting erroneous numbers.

In cases where incorrect numbers have been placed and remain or shall hereafter be placed on any house or building, the owner, agent or other person shall, upon notification by the building official, correct the erroneous numbers within thirty (30) days after official notification.

(Ord. 988 § 5 (part), 2007)

15.44.060 Violation—Penalty.

It is unlawful for any person to violate any provision or fail to comply with any of the requirements of this chapter. Any person violating any provision of the chapter or failing to comply with any of the requirements is deemed guilty of a violation of Section 3.48.090 of this code.

(Ord. 988 § 5 (part), 2007)

Chapter 15.48 HISTORIC DISTRICTS AND SITES

Sections:

15.48.010 Purpose—Authority.

This chapter is adopted pursuant to the authority of Government Code Section 37361 for the purpose of preserving areas and specific buildings of the city which reflect elements of its cultural, social, economic, political, architectural and archaeological history. This chapter is intended to stabilize and improve buildings, structures or areas which are considered to be of historical, architectural, archaeological or ecological value, to foster civic beauty, to strengthen the local economy and to promote the use of specific buildings for the education and welfare of the citizens.

(Prior code § 18-41)

15.48.020 Definitions.

For the purposes of this chapter, the following words shall have the meanings ascribed to them unless the context indicates another meaning:

"Historic district" means any area of the city containing a number of structures, natural features or sites having historic, architectural, archaeological, cultural or aesthetic significance and designated as an historic district under the provisions of this chapter.

"Historic site" means a historic site is any real property such as: a building; a structure, including but not limited to archways, tiled areas and similar architectural elements; an archeological excavation or object that is unique or significant because of its location, design, setting, materials, workmanship or aesthetic effect; and

1. That is associated with events that have made a meaningful contribution to the nation, state or community;
2. That is associated with lives of persons who made a meaningful contribution to the nation, state or local history;
3. That reflects or exemplifies a particular period of the national, state or local history;
4. That embodies the distinctive characteristics of a type, period or method of construction;
5. That presents the work of a master builder, designer, artist, or architect whose individual genius influenced his or her age; or that possesses high artistic value;
6. That represents a significant and distinguishable entity whose components may lack individual distinction; or
7. That has yielded or may be likely to yield information important to national, state or local history or prehistory.

(Prior code § 18-42)

15.48.030 Exceptions.

The regulations contained in this chapter do not apply to routine maintenance or repair to restore a structure as near as possible to its original condition after decay, injury, dilapidation or partial destruction of a structure within an historic district or upon an historic site, provided such maintenance or repair does not exceed one thousand five hundred dollars (\$1,500.00) in value.

(Prior code § 18-43)

15.48.040 Appeal.

Any person aggrieved by an action of the planning commission under this chapter may appeal the decision to the city council by filing a request to appeal with the city clerk within ten (10) days from the planning commission's decision.

(Prior code § 18-44)

15.48.050 Penalty for chapter violation.

Any violation of this chapter shall constitute a misdemeanor.

(Prior code § 18-45)

(Ord. No. 1098, § 37, 12-14-16)

15.48.060 Injunctive relief.

The city council may seek relief from the appropriate court to restrain or enjoin any violation of this chapter and of the orders and decisions of the planning commission, or to compel the reconstruction of any building, structure or object which is destroyed in violation of this chapter or the orders and decisions of the planning commission or city council.

(Prior code § 18-46)

15.48.070 Compliance with other laws.

- A. The provisions of this chapter are separate from and additional to all other requirements of law, including but not limited to compliance with other ordinances and codes of the city, conditions of approval of land use permits and architectural review and approval. Neither a certificate of approval nor any other provisions of this chapter shall be deemed to relieve the owner or applicant from full compliance with any such laws, ordinances, codes or conditions.
- B. All permits issued for construction, preservation, restoration or alteration of a building designated as a historic site shall be issued in accordance with the state historic building code as provided in Health and Safety Code, Sections 18950 through 18961, or as amended, which the city adopts and incorporates in this chapter by this reference.

(Prior code § 18-47)

15.48.080 Created by council.

The city council may designate one or more historic sites or districts by following the procedures specified in this section. Designations will be made by categorizing nominated sites and districts into one of the following classifications and such other categories as may be designated by resolution:

- A. Class 1. Structure/site qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained. Structure/site may not be modified nor objects moved without the approval of the city council; usage may be limited by the city council to the extent that it may impair the integrity of the site. Site will be plaqued (intended for use when the structure or site still exists as it did during the historical period or is restorable).
- B. Class 2. Site qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained. Site is eligible for plaquing (intended for use when the site is not occupied by a modern structure or use which is different than that of the historical period or if structure is unusable, nonconforming, unrestorable or the like).
- C. Class 3. Structure/site was constructed before 1945, or a year to be determined by the city council, or construction date cannot be confirmed. Eligible for a six-month stay of demolition. Action of the historical site preservation board may include recommendation to reclassify. All structures built prior to the subject date would be automatically so classified.
- D. Historic District. Qualified for city designation; may be qualified at the federal, state and/or county level. Archival file will be maintained and shall contain a map delineating contributing and

(Supp. No. 24)

Created: 2022-06-06 10:54:58 [EST]

noncontributing structures or sites. Contributing structures/sites shall be subject to class 1 regulations until such time that they may be reclassified. Non-contributing structures/sites shall be subject to review by the historical site preservation board before demolition or construction. A specific plan, containing special regulations pertaining to the subject area, may be adopted by each district.

(Prior code § 18-51)

15.48.090 Investigation and study by the planning commission.

The city council designates the planning commission to act as an investigatory and advisory body with respect to preservation of historic sites or structures within the city. The planning commission shall conduct or cause to be conducted such preliminary surveys, studies or investigations as it deems necessary to adequately inform the planning and city council prior to the public hearing, and shall make available to any interested person the results of any such survey, study or investigation. The planning commission may request the assistance of any individual who has knowledge and interest in the cultural, socioeconomic, architectural or archaeological history of the area, either through experience, training, education or occupation.

A. Planning Commission serves as the Cultural Heritage Board in which the Commission's duties are to:

1. Compile and maintain a current list of all of such sites, buildings or structures which it has determined to be historical or cultural sites or monuments. Such list shall contain a brief description of the site, building, structure or object in its natural setting, and the reasons for its inclusion in the list;
2. Publish and transmit said list to all interested parties and to disseminate public information concerning the list, or any site, building, structure or object in its natural setting contained therein;
3. Take all steps necessary to preserve such historically significant properties which are not in conflict with the health, safety, and general welfare of the public, or the powers and duties of the City, or its several boards, officers or departments;
4. Make any recommendations to the City Council in connection with the exercise of its duties which it determines are necessary to implement or carry out the spirit and intent of this subsection;
5. Designate landmarks and historical districts subject to the approval of the City Council.

(Prior code § 18-52)

1548.095 - Initiation of Historic District or Amendments to the City's Designated Historic Resources List or City's Landmarks List. An amendment to the City's Designated Historic Resources List or Landmarks List may be initiated by any of the following actions:

(Supp. No. 24)

Created: 2022-06-06 10:54:58 [EST]

1. At the direction of the Planning Director, City Council or Planning Commission acting as the Cultural Heritage Board.

2. The filing of an application by a property owner(s) or his/her (their) authorized agent(s).

15.48.100 Notice of public hearing by the planning commission.

- A. Mailed notice of the public hearing shall be provided at least ten (10) days prior to the hearing to the owners of all property lying within the area proposed to be designated as an historic site or district or within three hundred (300) feet of the outer boundaries of the area proposed to be designated as an historic site or district, and in addition to such mailed notice, notice of such hearing shall be published in a newspaper of general circulation within the city at least ten (10) days prior to such hearing. If mailed notice as required above would result in notice to more than two hundred fifty (250) persons, as an alternative to such mailed notice, notice may be given by placing a display advertisement in a newspaper of general circulation in the city, and by posting such notice in at least three conspicuous places within the proposed boundaries of such site.
- B. Notice of public hearing before the city council may be combined with the notice of public hearing before the planning commission; provided, that the date set for public hearing before the city council shall be not more than sixty (60) days later than the date set for public hearing by the planning commission. For good cause, the public hearing may be continued from time to time, without further published notice, by announcing the fact at the time and place set for the public hearing before the city hearing body.

(Prior code § 18-53)

15.48.110 Findings—Recommendation to the city council.

Following such public hearing, the planning commission shall make findings upon which it shall base its recommendation to the city council concerning the designation of such proposed historic site or district. Within thirty (30) days after the conclusion of the public hearing, the planning commission shall file its recommendation with the city council, together with a report of findings, hearings, and other supporting data.

(Prior code § 18-54)

15.48.120 Public hearing—City council.

The city council shall hold a public hearing upon notice given in the same manner and to the same persons as required for the public hearing before the planning commission, which notices may be combined as stated elsewhere in this chapter.

(Prior code § 18-55)

15.48.130 Same—Conduct.

At the public hearing the city council shall receive all evidence and hear all interested persons, and the matter shall then be submitted to the city council for decision.

(Prior code § 18-56)

15.48.140 Same—Findings and decisions—Resolution.

If the city council shall find that the purposes of this chapter are furthered by designation of property as an historic site or district, such findings shall be stated in a resolution designating such property within such historic site or district. From and after the adoption of such resolution, all property within such historic site or district shall be subject to the rules and regulations governing the demolition, preservation, rehabilitation or alteration of historic sites.

(Prior code § 18-57)

15.48.150 Markers for designated historic sites.

- A. Upon designation of an historic site by the city council, the planning commission may determine which historic sites shall be marked with uniform and distinctive markers. The markers shall be of a design approved by the planning commission.
- B. As a courtesy, notice may be given to the county historical commission and the state department of parks and recreation (office of historic preservation) regarding the proposed location of markers prior to installation to permit recommendations by those agencies.

(Prior code § 18-58)

15.48.160 Initiation of proceedings for nomination in the national register.

- A. The planning commission may initiate proceedings for designation of an historic site or district or the recommendation of a property for nomination to the national register by motion, and shall then hold at least one public hearing prior to making a recommendation to the city council.
- B. The city council may initiate proceedings for designation of an historic site or district or the recommendation of a property for nomination to the national register by motion, and shall then refer the matter to the planning commission for public hearing and recommendation.
- C. Upon final action by the city council recommending a property for nomination to the national register, the recommendation will be forwarded by appropriate application to the state department of parks and recreation.

(Prior code § 18-50)

15.48.170 Stay of demolition.

At any time after the initiation of proceedings for designation of an historic site or district, the planning commission may, upon its own motion or upon the application of any interested person, issue an order staying any proposed or threatened demolition or alteration of the exterior or any structure within or upon such proposed site. Such stay order shall be effective for no longer than one hundred twenty (120) days, and is intended to afford time for necessary studies, hearings and determination whether such sit should be designated as an historic site. Such stay order may be extended once for a period not to exceed sixty (60) days.

(Prior code § 18-71)

15.48.180 Effect of stay order—Exceptions.

Upon the issuance of a stay order, no permit shall be given for the demolition or exterior alteration of any structure or the interior arrangement of a public building described in such stay order and any such permit previously issued shall forthwith be revoke subject to any legal constraints that may exist; provided, however, that a stay order shall not prevent the performance of an repairs, demolition, or removal necessary for the protection of public health or safety, and ordered by the chief building official of the city to be performed by the owner or occupier of such structure.

(Prior code § 18-72)

15.48.190 Approval required.

No person may undertake any of the following within or upon a class 1 historic site without a certificate of approval from the planning commission:

- A. Construction of a new structure.
- B. The moving, demolition or alteration of an existing structure in any manner which affects the exterior appearance of the structure.
- C. A change in land use which affects the exterior appearance of a structure or the interior arrangement of public buildings.
- D. The erection, remodeling or replacing of a sign which affects the exterior appearance of a structure.

(Prior code § 18-73)

15.48.200 Application for permit to construct or alter structures.

A person who desires to construct (including new construction), alter, move or demolish a structure within or upon a class 1 historic site or an historic district shall file an application upon a form prescribed by the city. The application shall include all necessary information required by the rules of the planning commission. When the application is filed, it shall be referred to the planning commission for review at its next meeting.

(Prior code § 18-74)

15.48.210 Factors to be considered upon permit application.

In reviewing and acting upon each application, the planning commission shall consider:

- A. The historic value and significance, or the architectural value and significance or both, of the structure and its relation to the historic value of the surrounding area.
- B. The relationship of the exterior architectural features of any structure to the rest of the structure itself and to the surrounding area.
- C. The general compatibility of exterior design, arrangement, texture and material which is proposed by the applicant.
- D. Archaeological or ecological significance of the area.

(Prior code § 18-75)

15.48.220 Board action restricted to exterior features—Exception.

- A. The planning commission shall consider and pass upon only the exterior features of a structure and may not consider the interior arrangement of the structure, except in the case of public buildings. The commission may not disapprove applications except in regard to the considerations set forth in this chapter and in rules and regulations adopted by the planning commission pursuant to this chapter.
- B. It is the purpose and intent of this chapter that the planning commission be strict in its judgment or plans for structures considered to have great historic or architectural value. It is also the purpose of this chapter and the intent of the city council that the planning commission be lenient in its judgment of plans for structures which have little or no historic value except for plans which seriously impair the historic or architectural value of surrounding structures or the archaeological or ecological value of surrounding area. In adopting this chapter the city council does not intend to limit new construction, alteration or repairs to any particular period or architectural style.

(Prior code § 18-76)

15.48.230 Procedure upon permit application.

- A. Upon the filing of an application, the secretary of the planning commission shall set the matter for review and shall give notice in accordance with this chapter and the rules of the planning commission. The planning commission shall make its decision within forty-five (45) days from the date the application is filed. If the planning commission fails to act within forty-five (45) days, the application is considered approved unless the applicant and the planning commission agree to an extension of time.
- B. At the conclusion of its review, the planning commission shall make its decision and shall file a certificate of approval or certificate of rejection with the building official of the city. No person may do any work upon a structure which is subject to an application until the planning commission has filed its certificate of approval. If the planning commission files a certificate of rejection, the building or demolition official may not issue a permit for such work.

(Prior code § 18-77)

15.48.240 Special considerations.

- A. If an application affects the exterior appearance of a structure or proposes to demolish a structure in a manner which the planning commission considers to be detrimental to the city, the planning commission shall attempt, in cooperation with the owner to arrive at an economically feasible plan for the preservation of the structure.
- B. If the planning commission is satisfied that the propose construction or alteration will not materially impair the historic or architectural value of the structure, it shall approve the application.
- C. If the planning commission finds that the retention of the structure constitutes a hazard to public safety and the hazard cannot be eliminated by economic means available to the owner, it shall approve the application.
- D. The planning commission may approve the application if any of the following circumstances exist:
 - 1. The structure is a deterrent to a major improvement program which substantially benefits the city;
 - 2. Retention of the structure causes an undue hardship to the owner; or
 - 3. Retention of the structure is not in the interest of the majority of the inhabitants of the city.

E. The planning commission may approve the moving of a structure of historical architectural value as an alternative to demolition.

(Prior code § 18-78)

15.48.250 Limit on number of permit applications.

No application for the same or similar work may be filed within one year after the planning commission has rejected it.

(Prior code § 18-79)

15.48.260 Preexisting building permits.

This chapter does not apply to construction, alteration, moving or demolition of a structure started under a building permit issued before the effective date of this chapter.

(Prior code § 18-80)

Chapter 15.52 CONCRETE ON ALKALINE SOIL

Sections:

15.52.010 Purpose.

This chapter is adopted for the general welfare of the property owners of the city in order to prevent the depreciation of property values and the elimination of economic loss to property owners of the city. The high sulfate content of soil materials within the incorporated limits of the city requires that regulations and restrictions, in accordance with this chapter, be created and adopted pertaining to the placement and protection of all concrete placed within the city which will or may come into contact with alkaline soils containing sulfates.

(Prior code § 7-76)

15.52.020 Applicability.

The regulations and restrictions of this chapter are placed upon all concrete within the city which comes into contact with alkaline soils containing sulfates.

(Prior code § 7-77)

15.52.030 Elevation—Thickness of slabs.

All concrete floor slabs shall have an elevation at least eight inches above the adjacent finish grade and shall not be less than three and one-half inches in thickness.

(Prior code § 7-78)

15.52.040 Height of slab above street.

The top of concrete floor slab shall be at least eight inches above the crest of the street or the top of the curb if curbs are in place.

(Prior code § 7-79)

15.52.050 Type of cement.

All concrete used in floor slabs where floor slab is supported by earth or fill of any kind and all concrete used in footings, foundations, curbs, gutters, sidewalks, driveways and walls supporting or retaining earth or fill shall contain only sulfate resistant Type V. Portland cement. Portland cement concrete shall be composed of not less than four hundred seventy (470) pound (five sacks) of Portland cement per cubic yard of concrete, except that any concrete containing an approved water reducing admixture, used in accordance with the manufacturer's recommendations shall contain not less than four hundred eighteen (418) pound (4.5 sacks) of Portland cement per cubic yard of concrete.

(Prior code § 7-80)

15.52.060 Standards for ready-mix concrete.

Ready mixed concrete shall comply with Uniform Building Code Standard No; 26-11-64 based on the specification standards of the American Society for Testing and Materials.

(Prior code § 7-81)

15.52.070 Using alkaline fill soil.

Soils or materials which may have an alkali or sulfate content shall not be relocated, placed or used as fill at any location within the city unless a test sample of the soil is first obtained under the direction of the department of building and tests conducted by an approved testing agency indicates that the alkali or sulfate content of the soil sample does not exceed the amount in the natural soil at the location where the fill is to be placed. The director of building may waive the test sample requirements for good cause.

(Prior code § 7-82)

15.52.080 Base course required.

A base course shall be provided beneath the concrete floor slab of any structure consisting of at least a four inch thickness of a limited capillarity material. Base course shall be either clean graded gravel or crushed rock. Material shall pass a two inch sieve and be retained in a one-fourth inch sieve.

(Prior code § 7-83)

15.52.090 Expansion protection for slab.

A two-inch layer of dry washed sand shall be placed on top of the base course under of a ten (10) mil thick water-proof membrane. This waterproof membrane shall be placed on top of the base course under all slabs to provide for expansion protection for concrete.

(Supp. No. 24)

Created: 2022-06-06 10:54:59 [EST]

(Prior code § 7-84)

Chapter 15.53 PROTECTION OF PREFORMED CONCRETE BLOCK

15.53.010 Purpose.

This chapter is adopted for the general welfare and safety of the property owners of the city in order to prevent the depreciation of property values and the elimination of economic loss to property owners of the city and to address the deteriorating block walls which have become a nuisance within the city. The high sulfate and selenium content of soil materials within the incorporated limits of the city requires that regulations and restrictions, in accordance with this chapter, be created and adopted pertaining to the placement and protection of all concrete block placed within the city which will or may come into contact with alkaline soils containing sulfates and selenium.

(Ord. No. 1147 , § 5, 1-22-20)

15.53.020 Applicability.

The regulations and restrictions of this ordinance are placed upon all concrete block walls installed within the city in which the block units come into contact with alkaline soils containing sulfates and selenium.

(Ord. No. 1147 , § 5, 1-22-20)

15.53.030 Findings.

High sulfate and selenium content contained within soil within the Coachella city limits has eroded the low plasticity cement contained within concrete block units (CMU) and decomposed this block down to its aggregate content (ruble). This process has left the concrete block unable to maintain compressive strength and has reduced it to a pile of sand. These elements were deposited into the Coachella Valley soil during the cretaceous era by biological sedimentation and naturally break down the soil and clays here into sand and small sized gravel.

(Ord. No. 1147 , § 5, 1-22-20)

15.53.040 Financial considerations.

The below requirement places a minimal financial burden on homeowners and contractors proposing the construction of block walls within the city jurisdiction and represents approximately one dollar (\$1.00) to two dollars (\$2.00) of added cost per linear foot of CMU construction. This financial consideration must be taken into account in the approval of this ordinance.

(Ord. No. 1147 , § 5, 1-22-20)

15.53.050 Requirement.

All concrete block used within the city of Coachella, to construct retaining, freestanding separation, block fence and structural walls within the city jurisdiction shall be protected from sulfate and selenium erosion by use of rubberized, polymer or asphalt membrane which render the block contents impervious to water and deleterious soil elements. All walls will have added membrane protection from the top of the footing up to a level of eight

(Supp. No. 24)

Created: 2022-06-06 10:54:59 [EST]

inches above finished soil grade without interruption, including motor and head joints. Membrane shall consist of the liquid applied, surface bonding type, no preformed membrane papers will be allowed.

(Ord. No. 1147 , § 5, 1-22-20)

15.53.060 Standards for membrane material.

Membrane material installed on walls within the city jurisdiction shall comply with California building code requirements contained in CBC 1805.3 and shall be of a type suitable for use with the type of preformed blocks applied to.

(Ord. No. 1147 , § 5, 1-22-20)

Chapter 15.54 RECYCLING AND DIVERSION OF WASTE FROM CONSTRUCTION AND DEMOLITION

Sections:

15.54.010 Findings and purpose.

The city council of the city of Coachella hereby finds and determines that the city is committed to protecting the public health, safety, welfare, and environment; that in order to meet these goals, it is necessary that the city promote the reduction of solid waste and reduce the stream of solid waste going to landfills; that under California law, as embodied in the California Waste Management Act (California Public Resources Code Section 40000 et seq.), Coachella is required to prepare, adopt, and implement source reduction and recycling elements to reach reduction goals, and is required to make substantial reductions in the volume of waste materials going to landfill, under the threat of penalties of ten thousand dollars (\$10,000.00) per day; that waste from demolition and construction of commercial and residential buildings represents a large portion of the volume presently coming from Coachella, and that a percentage of that waste is particularly suitable for recycling; that Coachella's commitment to the reduction of waste and to compliance with state law requires the establishment of programs for recycling and salvaging construction and demolition materials; that the city council recognizes that requiring demolition and construction waste to be recycled and reused may in some respects add modestly to the cost of demolition and construction and in other respects may make possible some cost recovery and cost reduction; and that it is necessary in order to protect the public health, safety, and welfare that the following regulations be adopted.

(Ord. 930 § 2 (part), 2005)

15.54.020 Definitions.

"Applicant" means any individual, firm, limited liability company, association, partnership, political subdivision, government agency, municipality, industry, public or private corporation, or any other entity whatsoever who applies to the city for the applicable permits to undertake any construction, demolition, or renovation project within the city.

"City-owned projects" means construction, demolition, addition, alteration, and remodel projects that are city-owned and are not described by Section 15.54.050 of this chapter as exemptions.

"Compliance official" means a person designated by the city to evaluate C&D waste plans, track project progress, and determine return and forfeiture of securities.

"Construction" means all building, landscaping, remodeling, addition, removal or destruction involving the use or disposal of designated recyclable and reusable materials as defined in Section 15.54.030 of this chapter.

"Construction and demolition (C&D) waste" means and includes the waste building materials, packaging and rubble resulting from construction, remodeling, repair and demolition operations on pavements, houses, commercial buildings and other structures.

C&D waste includes the following items that meet the above criteria:

1. Components of the building or structure that is the subject of the construction work including, but not limited to, lumber and wood, gypsum wallboard, glass, metal, roofing material, tile, carpeting and floor coverings, window coverings, plastic pipe, concrete, fully cured asphalt, heating, ventilating, and air conditioning systems and their components, lighting fixtures, appliances, equipment, furnishings, and fixtures;
2. Tools and building materials consumed or partially consumed in the course of the construction work including material generated at construction trailers, such as blueprints, plans, and other similar wastes;
3. Cardboard and other packaging materials derived from materials installed in or applied to the building or structure or from tools and equipment used in the course of the construction work; and
4. Plant materials resulting from construction work when commingled with dirt, rock, inert debris or C&D waste.

"Construction and demolition waste plan (C&D waste plan)" means a completed C&D waste form, approved by the city for the purpose of compliance with this chapter, submitted by the applicant for any covered project.

"Contractor" means any person or entity holding, or required to hold, a contractor's license of any type under the laws of the state of California, or who performs (whether as contractor, subcontractor or owner-builder) any construction, demolition, remodeling, or landscaping relating to buildings or accessory structures in the city of Coachella.

"Conversion rate" means the rate set forth in the standardized Conversion Rate Table approved by the city pursuant to this chapter for use in estimating the volume or weight of materials identified in a C&D waste plan.

"Covered projects" means all construction, demolition, addition, alteration, and remodel projects within the city requiring a building permit.

"Demolition" means the decimating, razing, ruining, tearing down or wrecking of any facility, structure, pavement or building, whether in whole or in part, whether interior or exterior.

"Diversion requirement" means the diversion of at least fifty (50) percent of the total C&D waste generated by a project via reuse or recycling, unless the applicant has been granted an exemption pursuant to Section 15.54.050 of this chapter, in which case the diversion requirement shall be the maximum feasible diversion rate established by the compliance official.

"Divert" means redirection of material that would previously be disposed into the landfill. Appropriate diversion methods include transfer of materials to acceptable recycling facilities, approved on-site reuse techniques, and other waste minimization methods approved by the compliance official.

"Exempt" means projects that are described by the criteria outlined in Section 15.54.050 of this chapter are considered exempt.

"Large project" means projects that are forty (40) or more homes under a subdivision or a specific plan constructing one hundred thousand (100,000) square feet or more.

"Mixed waste processing facility" means a recycling, composting, materials recovery or reuse facility for which the compliance official has issued a certification pursuant to regulations promulgated by the compliance official.

"Noncovered projects" means projects that are not described by the definition of "covered projects."

"Performance security" means a letter of credit, certificate of deposit, or cash and cash equivalents submitted to the city pursuant to Section 15.54.080 of this chapter.

"Project" means a building or buildings covered under an individual permit.

"Recycling" means the process of collecting, sorting, cleansing, treating, and reconstituting materials that would otherwise become solid waste, and returning them to the economic mainstream in the form of raw material for new, reused, or reconstituted products which meet the quality standards necessary to be used in the marketplace.

"Recycling facility" means an approved processing facility by city, county, state, or federal government.

"Renovation" means any change, addition, or modification to an existing structure.

"Residential standards" means standards that apply to the construction of residential development.

"Reuse" means further or repeated use of construction or demolition waste.

"Salvage" means the controlled removal of construction or demolition waste from a permitted building or demolition site for the purpose of recycling, reuse, or storage for later recycling or reuse.

(Ord. 930 § 2 (part), 2005)

15.54.030 Designated recyclable and reusable materials.

A. Recyclable and reusable materials include, but are not limited to, the following:

1. Appliances including, but not limited to, stoves, refrigerators, water heaters, air conditioning, and lighting;
2. Cardboard materials;
3. Drywall and plaster materials including drywall, gypsum, and sheetrock;
4. Green waste, which includes tree trimmings, grass, leaves, roots, and palm fronds;
5. Masonry building materials including all products generally used in construction including, but not limited to, concrete, rock, stone, and brick;
6. Metals including ferrous (steel, stainless steel, steel piping, roofing, and flashing) and nonferrous (aluminum, copper, and brass);
7. Paving materials including asphalt, brick, and concrete;
8. Roofing materials including wood shingles as well as asphalt, stone, concrete, metal, and slate-based roofing material;
9. Salvageable materials and structures including, but not limited to, wallboard, doors, windows, fixtures, toilets, sinks, and bathtubs;
10. Wood waste includes any and all dimensional lumber, fencing or construction wood that is not chemically treated, creosoted, CCA pressure-treated, contaminated or painted;
11. Any other construction or demolition debris that is nonhazardous and available for recycling or reuse, including dirt.

(Ord. 930 § 2 (part), 2005)

15.54.040 Diversion requirements/covered projects requirements.

- A. Demolition. Every structure planned for demolition shall be made available for deconstruction, salvage, and recovery prior to demolition. It shall be the responsibility of the owner, the general contractor and all subcontractors to recover the maximum feasible amount of salvageable designated recyclable and reusable materials prior to demolition. Recovered and salvaged designated recyclable and reusable materials from the deconstruction phase shall qualify to be counted in meeting the diversion requirements of this chapter. Recovered or salvaged materials may be given or sold on the premises, or may be removed to a reuse warehouse facility for storage or sale.

All covered projects must do the following:

1. Meet the diversion requirement of at least fifty (50) percent of all construction waste;
 2. Submit a construction and demolition waste plan (on the required forms);
 3. Submit a performance security along with the application required for a construction permit. City-owned projects will not be required to pay the performance security.
- B. New Construction. All covered projects must do the following:
1. Meet the diversion requirement of at least fifty (50) percent of all construction waste.
 2. Submit a construction and demolition waste plan (on the required forms).
 3. Submit a performance security along with the application required for a construction permit. City-owned projects will not be required to pay the performance security.
- C. Every applicant shall submit a properly completed "Recycling and Waste Reduction Form" as prescribed by the city's compliance official, to the building and safety department, as a portion of the building or demolition permit process. The form shall contain an accurate estimate of the tonnage or other specified units of construction and/or demolition waste to be generated from construction and demolition on the site. Approval of the form as complete and accurate shall be a condition precedent to issuance of any building or demolition permit.

(Ord. 930 § 2 (part), 2005)

15.54.050 Diversion requirement exemptions.

- A. Evaluation of the C&D waste plan may determine the following projects exempt:
1. Work for which a building or demolition permit is not required;
 2. Roofing projects that do not include tear-off of existing roof;
 3. Remodels, alterations, or additions with total area less than five hundred (500) square feet;
 4. Work for which only a plumbing, only an electrical, or only a mechanical permit is required;
 5. Seismic tie-down projects;
 6. Installation of pre-fabricated patio enclosures or accessories such as signs or antennas where no structural building modifications are required;
 7. Projects where no structural building modifications are required;

(Supp. No. 24)

Created: 2022-06-06 10:54:59 [EST]

-
8. Emergency demolition that is required to protect the public health and safety; and
 9. Other projects that the compliance official determines infeasible to comply with the diversion requirement.
- B. The compliance official shall determine if the construction project is in compliance with this section. While not required, it shall be encouraged that at least fifty (50) percent of all project-related construction and demolition waste from exempt projects be diverted. The compliance official shall distribute education materials that encourage recycling of construction and demolition waste.

(Ord. 930 § 2 (part), 2005)

15.54.060 Mixed waste processing facilities.

- A. The compliance official shall issue a certification only if the owner or operator of the facility submits documentation satisfactory to the compliance official:
1. That the facility has obtained all applicable federal, state, and local permits, and is in full compliance with all applicable regulations; and
 2. The mixed waste facility shall determine the amount of material landfilled versus diverted and provide the compliance official with tonnage diverted on receipts.
- B. The city shall make available to each building permit applicant paying a performance security a current list of mixed waste processing facilities.

(Ord. 930 § 2 (part), 2005)

15.54.070 Construction and demolition waste plan.

- A. In conjunction with the building permit applications fee, the applicant shall submit a properly completed C&D waste plan to the compliance official, in a form as prescribed by that official, for one or more building permits issued at the same time. The completed C&D waste plan shall contain the following:
1. The estimated volume or weight of construction and demolition waste that will be disposed;
 2. The estimated weight of such materials that can feasibly be diverted via reuse or recycling by material type;
 3. The vendor(s) that the applicant proposes to use to service the clean up activities and the markets identified that will be used in recycling or reusing the diverted materials.

The applicant must contract with the city's designated refuse hauler for all refuse removal including, but not limited to, recycling materials.

Because actual material weights are not available in this stage, estimates are used. In estimating the volume or weight of materials as identified in the C&D waste plan, the applicant shall use the standardized conversion rates approved by the city of Coachella for this purpose. Approval of the C&D waste plan as complete and accurate shall be a condition precedent to the issuance of any building or demolition permit. If the applicant calculates the projected feasible diversion rate as described above, and find the rate does not meet the diversion goal, the applicant must then submit information supporting the lower diversion rate. If this documentation is not included, the C&D waste plan shall be deemed incomplete.

- B. Evaluation of the C&D waste plan will determine the following:

(Supp. No. 24)

Created: 2022-06-06 10:54:59 [EST]

-
1. Approval. No building or demolition permit shall be issued for any covered project unless and until the compliance official has approved the C&D waste plan. The compliance official shall only approve a C&D waste plan if he or she determines that all of the following conditions have been met:
 - a. The C&D waste plan provides all of the information set forth in this section;
 - b. The C&D waste plan indicates that the diversion requirements of Section 15.54.040 of this chapter are met; and
 - c. The applicant has submitted an appropriate performance security for the project.
 2. Nonapproval. If the compliance official determines that the C&D waste plan is incomplete or fails to indicate that the diversion requirements of Section 15.54.040 of this chapter will be met, he or she shall either:
 - a. Return the C&D waste plan to the applicant marked "Disapproved," including a statement of reasons, and will notify the building department, which shall then immediately stop processing the building or demolition permit application; or
 - b. Return the C&D waste plan to the applicant marked "Further Explanation Required."

(Ord. 930 § 2 (part), 2005)

15.54.080 Performance security.

- A. The applicant for a building or demolition permit shall submit a performance security along with the C&D waste plan. This performance security shall be in the amount of one percent of the building permit valuation, but not greater than one hundred thousand dollars (\$100,000.00).
- B. For large projects, a one hundred thousand dollars (\$100,000.00) performance security will be deposited. The security may be carried forward to the following phase provided the contractor has met the required diversion requirements. If diversion requirements are not met and a portion or all of the performance security is forfeited, the security must be replenished to meet one hundred thousand dollars (\$100,000.00). The dollar amount to be replenished will be based on the diversion schedule in Section 15.54.130 of this chapter.
- C. The applicant shall post performance security in the form of cash, money order, letter of credit, performance or surety bond.

(Ord. 930 § 2 (part), 2005)

15.54.090 Refund of performance security.

- A. The compliance official may authorize the refund of any performance security which was erroneously paid or collected.
- B. The compliance official may authorize the refund of any performance security when the building permit application is withdrawn or cancelled before any work has begun.
- C. The performance security shall be returned, without interest, in total or prorated, upon proof of satisfaction by the compliance official that no less than the required percentage of construction and demolition waste tonnage generated by the covered project has been diverted from disposal and has been recycled or reused. If a lesser percentage of construction and demolition waste tonnage than is required is diverted, a proportionate share of the deposit shall be returned. The deposit shall be forfeited entirely or to the

prorated extent that there is a failure to comply with the requirements of this chapter. The city may, by formal resolution, modify the amount of the required security.

(Ord. 930 § 2 (part), 2005)

15.54.100 Use of performance security.

- A. Monies received by the city as performance security shall be used only for:
 - 1. Payment of performance security refunds;
 - 2. Programs to divert construction, demolition, and alteration projects from the landfill;
 - 3. Programs whose purpose is to develop or improve the infrastructure needed to divert wastes from construction, demolition, and alteration projects from landfill disposal;
 - 4. Allocated staff costs.

(Ord. 930 § 2 (part), 2005)

15.54.110 Reporting.

- A. To the extent practical, all construction and demolition waste shall be weighed in compliance with all regulatory requirements for accuracy and maintenance. For construction and demolition waste for which weighing is not practical due to small size or other considerations, a volumetric measurement shall be used. For conversion of volumetric measurements to weight, the applicant shall use the standardized conversion rates approved by the city for this purpose.
- B. Throughout the duration of the project, the applicant is required to submit documentation to the compliance official that proves compliance with the requirements of Sections 15.54.040 and 15.54.070 of this chapter. The documentation shall consist of monthly updates showing waste tonnage data, total tonnage, tonnage diverted, and tonnage landfilled supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors, and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether waste generated from the covered project has been or is being recycled, reused, salvaged or disposed. The applicant shall make reasonable efforts to ensure that all designated recyclable and reuse waste salvaged or disposed are measured and recorded using the most accurate method of measurement available. If the applicant fails to complete this requirement, the building inspector or compliance official will consider placing a stop work order on the project or covered project to ensure compliance with this section.
- C. Within sixty (60) days following the completion of the demolition of a covered project (if applicable), and again within sixty (60) days following the final inspection of the project, the applicant shall submit documentation to the compliance official that proves compliance with the requirements of Sections 15.54.040 and 15.54.070 of this chapter. The documentation shall consist of a final completed C&D waste plan showing actual waste tonnage data, supported by original or certified photocopies of receipts and weight tags or other records of measurement from recycling companies, deconstruction contractors, and/or landfill and disposal companies. Receipts and weight tags will be used to verify whether waste generated from the covered project has been or is to be recycled, reused, salvaged, or disposed. The applicant shall make reasonable efforts to ensure that all designated recyclable and reuse waste salvaged or disposed are measured and recorded using the most accurate method of measurement available. If the applicant fails to comply with this requirement, the performance security will be forfeited.

(Ord. 930 § 2 (part), 2005)

15.54.120 Forfeiture of performance security.

- A. If the compliance official determines that the applicant has not made a good faith effort to comply with this chapter, or if the applicant fails to submit the documentation required by Sections 15.54.070, 15.54.110, and 15.54.130 of this chapter within the sixty (60)-day time period, then the deposit shall be forfeited to the city.
- B. If it has been determined through the monthly progress of submitted documentation that the project is failing to meet the criteria of Section 15.54.040 of this chapter, the city reserves the right to hire appropriate assistance necessary for the project to achieve compliance. If this occurs, the applicant will be held liable for the costs associated with compliance.
- C. If the compliance official determines that the applicant has diverted a lesser percentage of construction and demolition waste tonnage than required, the deposit shall be forfeited entirely or to the prorated extent that there is failure of compliance.

(Ord. 930 § 2 (part), 2005)

15.54.130 Compliance and release of performance security.

The compliance official shall review the information submitted under Section 15.54.110 of this chapter and determine whether the applicant has complied with the diversion requirement as follows:

- A. Full Compliance. If the compliance official determines that the applicant has fully complied with the diversion requirement applicable to the project, the compliance official shall cause the performance security to be returned in full, without interest, within fifteen (15) days.
- B. Partial Compliance. If the contractor is not found in compliance but has submitted required forms and documentation, the city may refund a percentage of the deposit for partial compliance. See schedule in this subsection to determine the amount of the security to be refunded based on the level of diversion obtained and supported.

% Diverted	% Deposit Returned
50%	100%
40—49%	80%
30—39%	60%
20—29%	40%
10—19%	20%
Under 10%	0%

- C. Noncompliance. If the compliance official determines that the applicant has not fully or partially complied with the diversion requirement, or if the applicant fails to submit the documentation required by Section 15.54.110 of this chapter within the sixty (60)-day time period, then the performance security shall be forfeited to the city.

(Ord. 930 § 2 (part), 2005)

15.54.140 Appeal/administrative appeal.

- A. Any decision of a code compliance officer made under Section 15.54.130 of this chapter may be appealed under the procedure set forth in Chapter 3.28 of this code.

(Ord. 930 § 2 (part), 2005)

15.54.150 Option to revise.

Annually, the city will evaluate the Recycling and Diversion of Construction and Demolition Waste Ordinance to determine its effectiveness in reducing the amount of C&D waste disposed. In making this determination, the city will consider issues such as the amount of C&D waste disposed, volume of C&D activity, markets for C&D waste, and other barriers encountered by applicants. If the city determines the C&D disposed had the potential for diversion, then the city may amend these provisions and implement the necessary measures to divert more C&D waste.

(Ord. 930 § 2 (part), 2005)

15.54.160 Violation as a public nuisance.

A violation of any provision of this chapter shall be a public nuisance subject to the enforcement provisions of Title 3 of this code.

(Ord. 930 § 2 (part), 2005)

15.54.170 Misdemeanor violation.

A violation of any provision of this chapter shall be a misdemeanor and shall be punishable by a fine not to exceed one thousand dollars (\$1,000.00) or imprisonment for no more than one year, or both.

(Ord. 930 § 2 (part), 2005)

Chapter 15.56 FLOODPLAIN MANAGEMENT*

Sections:

Article I Statutory Authorization, Findings of Fact, Purpose and Methods

15.56.010 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 Coachella of the county of Riverside does hereby adopt the following floodplain management regulations.

(Ord. 1005 § 2 (part), 2008; Ord. 1002 § 2 (part), 2008)

15.56.020 Findings of fact.

- A. The flood hazard areas of Coachella Valley 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.

-
- B. 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. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.030 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. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.040 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;
- E. Prevent or regulate the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

(Ord. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

Article II Definitions

15.56.050 Definitions.

Unless specifically defined below, words or phrases used in this chapter shall be interpreted so as to give them the meaning they have in common usage and to give this chapter its most reasonable application.

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 (150) square feet and one thousand five hundred dollars (\$1,500.00) 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 a 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 designated AO or AH zone on the flood insurance rate map (FIRM). 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."

"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 (100) 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.

Building. See "Structure."

"Development" means any man-made 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 19, 1980.

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

"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 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 "Flooding."

"Floodplain administrator" is the community official designated by title to administer and enforce the floodplain management regulations.

"Floodplain management" means the operation of an overall program of corrective and preventive measures for reducing flood damage and preserving and enhancing, where 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.

"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 fringe" is that area of the floodplain on either side of the "Regulatory Floodway" where encroachment may be permitted.

"Fraud and victimization" as related to Article VI of this chapter, means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the city council will consider the fact that every newly constructed building adds to government responsibilities and remains a part of the community for fifty (50) to one hundred years (100). 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 which cannot perform its intended purpose unless it 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 or passengers, and ship building and ship repair facilities, and does not include long-term storage or related manufacturing facilities.

"Governing body" is the local governing unit, i.e., county or municipality, that is empowered to adopt and implement regulations to provide for the public health, safety and general welfare of its citizenry.

"Hardship" as related to Article VI of this chapter means the exceptional hardship that would result from a failure to grant the requested variance. The city council requires that the variance 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 neighbors 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 a 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 man-made 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 non-elevation design requirements, including, but not limited to:
 - a. The flood openings standard in Section 15.56.170(C)(3);

-
- b. The anchoring standards in Section 15.56.170(A);
 - c. The construction materials and methods standards in Section 15.56.170(B); and
 - d. The standards for utilities in Section 15.56.180.
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 county of Riverside substantial damage/improvement procedures. See Section 15.56.140(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.

"New construction," for floodplain management purposes, means structures for which the "start of construction" commenced on or after August 19, 1980, 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 19, 1980.

"Obstruction" means and includes, but is not limited to, any dam, wall, wharf, embankment, levee, dike, pile, abutment, protection, 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 (100) Year Flood. See "Base flood."

"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 Article VI of this chapter, 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.

"Recreational vehicle" means a vehicle which is:

1. Built on a single chassis;
2. Four hundred (400) square feet or less when measured at the largest horizontal projection;
3. Designed to be self-propelled or permanently towable by a light-duty truck; and
4. Designed primarily not for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel, or seasonal use.

"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 the water surface elevation more than one foot.

"Remedy a violation" means to bring the structure or other development into compliance with state or local floodplain management regulations, or if this is not possible, to reduce the impacts of its noncompliance. Ways that impacts may be reduced include protecting the structure or other affected development from flood damages, implementing the enforcement provisions of the ordinance or otherwise deterring future similar violations, or reducing state or federal financial exposure with regard to the structure or other development.

"Riverine" means relating to, formed by, or resembling a river (including tributaries), stream, brook, etc.

"Sheet Flow Area." See "Area of shallow flooding."

"Special flood hazard area (SFHA)" means an area in the floodplain subject to a one percent or greater chance of flooding in any given year. It is shown on an FHBM or FIRM as zone A, AO, A1-A30, AE, A99, or AH.

"Start of construction" means and 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 (180) 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 manufacture 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 (50) 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 (50) 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."

"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.

"Water surface elevation" means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, North American Vertical Datum (NAVD) of 1988, or other datum, of floods of various magnitudes and frequencies in the floodplains of coastal or riverine areas.

"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.

(Ord. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

Article III General Provisions

15.56.060 Lands to which this chapter applies.

This chapter shall apply to all areas of special flood hazards within the jurisdiction of city of Coachella.

(Ord. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.070 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Emergency Management Agency (FEMA) in the "Flood Insurance Study (FIS) for Riverside County, California Unincorporated Areas" dated August 18, 2003, with accompanying flood insurance rate maps (FIRMs) and flood boundary and floodway maps (FBFMs), dated August 18, 2003, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This 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 council by the floodplain administrator. The study, FIRMs and FBFMs are on file at 1515 Sixth Street, City of Coachella, California City Engineers Office.

(Ord. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.080 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) shall constitute a misdemeanor. Nothing herein shall prevent the city council from taking such lawful action as is necessary to prevent or remedy any violation.

(Ord. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.090 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. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.100 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. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.110 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 man-made 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 city council, 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. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.120 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 ordinance as a whole, or any portion thereof other than the section so declared to be unconstitutional or invalid.

(Ord. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

Article IV Administration

15.56.130 Designation of the floodplain administrator.

The director of public works is appointed to administer, implement, and enforce this chapter by granting or denying development permits in accord with its provisions.

(Ord. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.140 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 Coachella; and
 5. All letters of map revision (LOMR's) 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 (CLOMR's). Approved CLOMR's 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 15.56.070, 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 Article V.

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 LOMR's 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 (CLOMR's). Approved CLOMR's 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 Sections 15.56.170(C)(1) and 15.56.200 (lowest floor elevations);
 2. Certification required by Section 15.56.170(C)(2) (elevation or floodproofing of nonresidential structures);
 3. Certification required by Sections 15.56.170(C)(3) (wet floodproofing standard);
 4. Certification of elevation required by Section 15.56.190(A)(3) (subdivisions and other proposed development standards);
 5. Certification required by Section 15.56.220(B) (floodway encroachments); and
 6. 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 15.56.160.
 - F. Remedial Action. Take action to remedy violations of this chapter as specified in Section 15.56.080.
 - G. Biennial Report. Complete and submit Biennial Report to FEMA.
 - H. Planning. Assure community's general plan is consistent with floodplain management objectives herein.

(Ord. 1005 § 2 (part), 2008; Ord. 1002 § 2 (part), 2008)

15.56.150 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 15.56.070. Application for a development permit shall be made on forms furnished by the city of Coachella. 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 15.56.070 or 15.56.140;
 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 15.56.170(C)(2) of this chapter 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 15.56.170(C)(2).
 - C. For a crawl-space foundation, location and total net area of foundation openings as required in Section 15.56.170(C)(3) of this chapter 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 15.56.140(E) of this chapter.

(Ord. 1005 § 2 (part), 2008; Ord. 1002 § 2 (part), 2008)

15.56.160 Appeals.

The city council of the city of Coachella 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. 1005 § 2 (part), 2008; Ord. 1002 § 2 (part), 2008)

Article V Provisions for Flood Hazard Reduction

15.56.170 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 two feet 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 BFE's specified on the FIRM (unnumbered A zone), elevated two feet above base flood elevation; as determined under Section 15.56.140(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 (C)(2)(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 non-engineered 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.
 - a. See Section 15.56.200.
- 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 Section 15.56.170(C)(3). Areas of the garage below the BFE must be constructed with flood resistant materials. See Section 15.56.170(B).

- 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.
 1. "Accessory structures" used solely for parking (two car detached garages or smaller) or limited storage (small, low-cost sheds), as defined in Section 15.56.050, 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:
 - i. Use of the accessory structure must be limited to parking or limited storage;
 - ii. The portions of the accessory structure located below the BFE must be built using flood-resistant materials;
 - iii. The accessory structure must be adequately anchored to prevent flotation, collapse and lateral movement;
 - iv. Any mechanical and utility equipment in the accessory structure must be elevated or floodproofed to or above the BFE;
 - v. The accessory structure must comply with floodplain encroachment provisions in Section 15.56.200; and
 - vi. The accessory structure must be designed to allow for the automatic entry of floodwaters in accordance with Section 15.56.170(C)(3).
 2. Detached garages and accessory structures not meeting the above standards must be constructed in accordance with all applicable standards in Section 15.56.170.

(Ord. 1005 § 2 (part), 2008; Ord. 1002 § 2 (part), 2008)

15.56.180 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 shall be located to avoid impairment to them, or contamination from them during flooding.

(Ord. 1005 § 2 (part), 2008; Ord. 1002 § 2 (part), 2008)

15.56.190 Standards for subdivisions and other proposed development.

- A. All new subdivisions proposals and other proposed development, including proposals for manufactured home parks and subdivisions, greater than fifty (50) lots or five acres, whichever is the lesser, shall:

-
1. Identify the special flood hazard areas (SFHA) and base flood elevations (BFE);
 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. 1005 § 2 (part), 2008; Ord. 1002 § 2 (part), 2008)

15.56.200 Standards for manufactured homes.

- 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.
- 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, and AE on the community's flood insurance rate map that are not subject to the provisions of Section 15.56.200(A) 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 (36) 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. 1005 § 2 (part), 2008; Ord. 1002 § 2 (part), 2008)

15.56.210 Standards for recreational vehicles.

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

-
1. Be on the site for fewer than one hundred eighty (180) 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 15.56.150 of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.56.200(A).

(Ord. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.220 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 Coachella.
- B. Within an adopted regulatory floodway, the city of Coachella 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 Sections 15.56.220(A) and (B) are satisfied, all new construction, substantial improvement, and other proposed new development shall comply with all other applicable flood hazard reduction provisions of Article V.

(Ord. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

Article VI Variance Procedure

15.56.230 Nature of variances.

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 of the ordinance 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 council 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. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.240 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, providing that the procedures of Articles IV and V of this chapter 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 15.56.050 of this chapter) 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 council 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 council 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 (\$25.00) for one hundred dollars (\$100.00) 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 Riverside 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. 1005 § 2 (part), 2008: Ord. 1002 § 2 (part), 2008)

15.56.250 Appeal board.

- A. In passing upon requests for variances, the city council 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"), 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 through 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 15.56.240(A) and the purposes of this chapter, the city council may attach such conditions to the granting of variances as it deems necessary to further the purposes of this chapter.

(Ord. 1005 § 2 (part), 2008; Ord. 1002 § 2 (part), 2008)

APPENDIX

Appendices

1.0 ALLUVIAL FAN ADVISORY

Hazards of Alluvial Fan Development

Alluvial fans present a unique flood hazard environment where the combination of sediment, slope, and topography create an ultra hazardous condition for which elevation on fill will not provide reliable protection.

Active alluvial fan flooding is characterized by flow path uncertainty combined with abrupt deposition and erosion. As a result, any area of an alluvial fan may be subject to intense flood hazards.

The technology of mathematically modeling the hydrodynamics of water and debris flows for alluvial fans is still in the early development stage. The Federal Emergency Management Agency (FEMA) has formulated a mapping procedure for the purpose of defining the likelihood of flood hazards on inundated alluvial fan zones to be used for flood insurance purposes and general floodplain regulation, referred to as the FEMA alluvial fan methodology.

An active alluvial fan flooding hazard is indicated by three related criteria:

- a. Flow path uncertainty below the hydrographic apex;
- b. Abrupt deposition and ensuing erosion of sediment as a stream or debris flow loses its competence to carry material eroded from a steeper, upstream source area; and
- c. An environment where the combination of sediment availability, slope, and topography creates an ultra hazardous condition for which elevation on fill will not reliably mitigate the risk.

Inactive alluvial fan flooding is similar to traditional riverine flood hazards, but occurs only on alluvial fans. It is characterized by flow paths with a higher degree of certainty in realistic assessments of flood risk or in the reliable mitigation of the hazard. Counter to active alluvial fan flooding hazards, an inactive alluvial fan flooding hazard is characterized by relatively stable flow paths. However, areas of inactive alluvial fan flooding, as with active alluvial fan flooding, may be subject to sediment deposition and erosion, but to a degree that does not cause flow path instability and uncertainty.

An alluvial fan may exhibit both active alluvial fan flooding and inactive alluvial fan flooding hazards. The hazards may vary spatially or vary at the same location, contingent on the level of flow discharge. Spatially, for example, upstream inactive portions of the alluvial fan may distribute flood flow to active areas at the distal part of the alluvial fan. Hazards may vary at the same location, for example, with a flow path that may be stable for lower flows, but become unstable at higher flows.

More detailed information can be found at FEMA's website: "Guidelines for Determining Flood Hazards on Alluvial Fans" at http://www.fema.gov/fhm/ft_afgd2.shtm#1.

Alluvial Fans and LOMR's

The NFIP does not allow for the removal of land from the floodplain based on the placement of fill (LOMR-F) in alluvial fan flood hazard areas. The NFIP will credit a major structural flood control project, through the LOMR process, that will effectively eliminate alluvial fan flood hazards from the protected area. Details about map revisions for alluvial fan areas can be found in the Code of Federal Regulations at Title 44, Part 65.13.

Alluvial Fan Task Force

As stated in AB 2141 (Longville, Chapter 878, Statutes of 2004), the State of California Department of Water Resources will convene an Alluvial Fan Task Force (AFTF). The AFTF will produce an alluvial fan model ordinance for local communities and a recommendations report to the legislature. As of March 2006, the ordinance and report are projected to be completed by 2007.

2.0 HIGHER STANDARDS RECOMMENDED BY THE STATE OF CALIFORNIA

This ordinance meets the minimum standards required to participate in the National Flood Insurance Program. Community adoption of higher standards can be applied towards credit under the Community Rating System (CRS) program and result in reduced premiums for all flood insurance policy holders within the entire community. The State of California recommends:

A. Freeboard.

- To elevate at least 2 feet above the minimum required base flood elevation, make the following changes:
 1. Modify Sections 5.1.C.1.a, 5.1.C.1.C, and 5.4.A.1 by replacing "elevated to or above" with "elevated 2 feet above."
 2. Modify Section 5.4.B.1 by replacing "at or above" with "at least 2 feet above."
 3. Replace Section 5.1.C.1.b with:

In an AO zone, elevated above the highest adjacent grade to a height 2 feet above the depth number specified in feet on the FIRM, or elevated at least 4 feet above the highest adjacent grade if no depth number is specified.

B. Determining BFE's in Unnumbered A Zones.

- Replace "may" with "shall" in the second paragraph of Section 4.2.C to read:

"NOTE: A base flood elevation shall..."

C. Determining Market Value of Existing Structures.

- Replace the "Market value" definition in Section 2 with:

"Market value" shall be determined by estimating the cost to replace the structure in new condition and adjusting that cost figure by the amount of depreciation which has accrued since the structure was constructed.

 1. The cost of replacement of the structure shall be based on a square foot cost factor determined by reference to a building cost estimating guide recognized by the building construction industry.
 2. The amount of depreciation shall be determined by taking into account the age and physical deterioration of the structure and functional obsolescence as approved by the floodplain administrator, but shall not include economic or other forms of external obsolescence.

Use of replacement costs or accrued depreciation factors different from those contained in recognized building cost estimating guides may be considered only if such factors are included in a report prepared by an independent professional appraiser and supported by a written explanation of the differences.

D. Increased Cost of Compliance (ICC) Coverage—Repetitive Loss Provisions.

This provision allows communities the opportunity for flood insurance policy holders to have ICC coverage made available in repetitive loss situations.

- Modify the definition of "Substantial damage" as follows:

"Substantial damage" means:

 1. Damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred; or
 2. Flood-related damages sustained by a structure on two separate occasions during a 10-year period for which the cost of repairs at the time of each such event, on the average, equals

or exceeds 25 percent of the market value of the structure before the damage occurred.
This is also known as "repetitive loss."

E. Non-conversion of Enclosed Areas Below the Lowest Floor.

- Insert/add the following section as Section 4.2.J.

A. Non-conversion of Enclosed Areas Below the Lowest Floor.

To ensure that the areas below the BFE shall be used solely for parking vehicles, limited storage, or access to the building and not be finished for use as human habitation without first becoming fully compliant with the floodplain management ordinance in effect at the time of conversion, the Floodplain Administrator shall:

1. Determine which applicants for new construction and/or substantial improvements have fully enclosed areas below the lowest floor that are 5 feet or higher;
2. Enter into a "NON-CONVERSION AGREEMENT FOR CONSTRUCTION WITHIN FLOOD HAZARD AREAS" or equivalent with the City of Coachella. The agreement shall be recorded with the County of Riverside County Recorder as a deed restriction. The non-conversion agreement shall be in a form acceptable to the Floodplain Administrator and County Counsel; and
3. Have the authority to inspect any area of a structure below the base flood elevation to ensure compliance upon prior notice of at least 72 hours.

3.0 SPECIAL REQUIREMENTS

A. Crawlspace Construction.

Communities with construction practices that result in crawl spaces with interior floors up to 2 feet below grade have historically been in violation of the NFIP requirements. FEMA Technical Bulletin 11-01 now provides accommodation for these practices.

- Remove the following from "Lowest floor" definition in Section 2:
 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.
- Add the following section into your ordinance at Section 5.1 .C:

5.1 .C. Crawlspace Construction.

This sub-section applies to buildings with crawl spaces up to 2 feet below grade. Below-grade crawl space construction in accordance with the requirements listed below will not be considered basements.

- a. The building must be designed and adequately anchored to resist flotation, collapse, and lateral movement of the structure resulting from hydrodynamic and hydrostatic loads, including the effects of buoyancy. Crawl space construction is not allowed in areas with flood velocities greater than 5 feet per second unless the design is reviewed by a qualified design professional, such as a registered architect or professional engineer;

- b. The crawl space is an enclosed area below the BFE and, as such, must have openings that equalize hydrostatic pressures by allowing for the automatic entry and exit of floodwaters. For guidance on flood openings, see FEMA Technical Bulletin 1-93;
- c. Crawl space construction is not permitted in V zones. Open pile or column foundations that withstand storm surge and wave forces are required in V zones;
- d. Portions of the building below the BFE must be constructed with materials resistant to flood damage. This includes not only the foundation walls of the crawl space used to elevate the building, but also any joists, insulation, or other materials that extend below the BFE; and
- e. Any building utility systems within the crawl space must be elevated above BFE or designed so that floodwaters cannot enter or accumulate within the system components during flood conditions.
- f. Requirements for all below-grade crawl space construction, in addition to the above requirements, to include the following:
 1. The interior grade of a crawl space below the BFE must not be more than 2 feet below the lowest adjacent exterior grade (LAG), shown as D in figure 3 of Technical Bulletin 11-01;
 2. The height of the below-grade crawl space, measured from the interior grade of the crawl space to the top of the crawl space foundation wall must not exceed 4 feet (shown as L in figure 3 of Technical Bulletin 11-01) at any point;
 3. There must be an adequate drainage system that removes floodwaters from the interior area of the crawl space within a reasonable period of time after a flood event, not to exceed 72 hours; and
 4. The velocity of floodwaters at the site should not exceed 5 feet per second for any crawl space. For velocities in excess of 5 feet per second, other foundation types should be used.

B. Mudslide (i.e., Mudflow) Prone Areas. (Zone M)

- Communities with mudslide prone areas shall insert the following:

1. Definitions to Section 2:

"Area of special mudslide (i.e., mudflow) hazard" is the area subject to severe mudslides (i.e., mudflows). The area is designated as Zone M on the Flood Insurance Rate Map (FIRM).

"Mudslide" describes a condition where there is a 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 (i.e., mudflow) prone area" means an area with land surfaces and slopes of unconsolidated material where the history, geology, and climate indicate a potential for mudflow.

2. Section **"5.{X} Mudslide (i.e., Mudflow) Prone Areas"**:

5.{X} Mudslide (i.e., Mudflow) Prone Areas.

- A.** The Floodplain Administrator shall review permits for proposed construction of other development to determine if it is proposed within a mudslide area.
- B.** Permits shall be reviewed to determine that the proposed site and improvement will be reasonably safe from mudslide hazards. Factors to be considered in making this determination include, but are not limited to:
 - 1. The type and quality of soils;
 - 2. Evidence of ground water or surface water problems;
 - 3. Depth and quality of any fill;
 - 4. Overall slope of the site; and
 - 5. Weight that any proposed development will impose on the slope.
- C.** Within areas which may have mudslide hazards, the Floodplain Administrator shall require:
 - 1. A site investigation and further review by persons qualified in geology and soils engineering;
 - 2. The proposed grading, excavation, new construction, and substantial improvement be adequately designed and protected against mudslide damages;
 - 3. The proposed grading, excavations, new construction, and substantial improvement not aggravate the existing hazard by creating either on-site or off-site disturbances; and
 - 4. Drainage, planting, watering, and maintenance not endanger slope stability.

C. Erosion-prone areas. (Zone E)

- Communities with erosion prone areas shall insert the following:

1. Definitions into Section 2:

"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 as Zone E on the Flood Insurance Rate Map (FIRM).

"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 level or suddenly caused by an unusually high water level 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 unusually and unforeseeable event which results in flooding.

"Flood-related erosion area" or "Flood-related erosion prone 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.

2. Section "5.{X} FLOOD-RELATED EROSION-PRONE AREA" into Section 5:

5.{X} FLOOD-RELATED EROSION-PRONE AREA

- A. The Floodplain Administrator shall require permits for proposed construction and other development within all flood-related erosion-prone areas known to the community.
- B. Permit applications shall be reviewed to determine whether the proposed site alterations and improvements will be reasonably safe from flood-related erosion, and will not cause flood-related erosion hazards or otherwise aggravate the existing hazard.
- C. If a proposed improvement is found to be in the path of flood-related erosion or would increase the erosion hazard, such improvement shall be relocated or adequate protective measures shall be taken to avoid aggravating the existing erosion hazard.
- D. Within Zone E on the Flood Insurance Rate Map, a setback is required for all new development from the ocean, lake, bay, riverfront or other body of water to create a safety buffer consisting of a natural vegetative or contour strip. This buffer shall be designated according to the flood-related erosion hazard and erosion rate, in relation to the anticipated "useful life" of structures, and depending upon the geologic, hydrologic, topographic, and climatic characteristics of the land. The buffer may be used for suitable open space purposes, such as for agricultural, forestry, outdoor recreation and wildlife habitat areas, and for other activities using temporary and portable structures only.

Chapter 15.60 ENFORCEMENT

Sections:

15.60.010 Violations.

- A. It shall be a misdemeanor for any person to alter, construct, convert, demolish, enlarge, equip, erect, improve, maintain, move, occupy, repair, or use any building or structure in the city, or cause or permit the same to be done, contrary to or in violation of any provision of any code adopted under this chapter. A person shall be guilty of a separate and distinct offense for each and every day during which any violation of any provision of any code adopted under this chapter is committed, continued, or permitted to be committed or continued.
- B. It shall be a misdemeanor for any person to fail to comply with a notice or order to comply or repair issued under any provision of any code adopted under this chapter. A person shall be guilty of a separate and distinct offense for each and every day that he or she fails to comply with the notice or order.

(Prior code § 7-176)

15.60.020 Penalties.

Every person found guilty of a misdemeanor shall be punishable for each separate offense by a fine not exceeding one thousand dollars (\$1,000.00) or by imprisonment in the county jail not exceeding six months, or by both such fine and imprisonment.

(Prior code § 7-177)

15.60.030 Mobilehome Parks Act and Special Occupancy Parks Act—Notice of cancellation of responsibility.

- A. Pursuant to subdivisions 18300(e) and 18865(e) of the California Health and Safety Code and Section 1006 of the California Code of Regulations, Title 25, Division 1, Chapter 2, the city of Coachella does hereby provide notification to the department of housing and community development of its intent to cancel its assumption of responsibility for enforcement of the Mobilehome Parks Act (Health and Safety Code Section 18200 et seq.) and the Special Occupancy Parks Act (Health and Safety Code Section 18860 et seq).
- B. The mayor is authorized to sign such written notice of cancellation on behalf of the city as may be necessary to provide proper notice to the department of housing and community development.
- C. The city clerk is authorized to transmit a certified copy of the ordinance codified in this section to the administrative office of the department of housing and community development, mobilehome parks program.
- D. Provided the applicable provisions for cancellation of responsibility contained in the Mobilehome Parks Act and the Special Occupancy Parks Act have been met, the ordinance codified in this section shall become effective in accordance with applicable law.

(Ord. 969 § 1, 2007)

15.60.040 Purpose and intent; violation of chapter.

The city council has determined that the quality of life in Coachella is tied to the character and condition of real property within the city, and that inadequate property maintenance tends to cause a diminution in the enjoyment, use, aesthetics, and value of surrounding properties. It is the purpose of this chapter to restate, cross-reference, and amend the city's property maintenance standards, in an effort to promote public awareness of those standards, visual unity and order, as well as enhance the value of land and development within the city, and protect the appearance, integrity and character of the community. Restatements and cross-references of existing code provisions and laws are not intended to supersede or conflict with those laws.

Inspection of property for compliance with these standards may be accomplished in any constitutionally permissible fashion including inspection from public rights-of-way, inspection with a property owner or occupier's consent, and inspection through a court-issued warrant. Violations of the property management standards of this chapter are declared a public nuisance, which may be abated by the city in accordance with Chapter 8.20 of this code. In addition to or in lieu of such administrative abatement, the city may pursue any other legal or equitable remedies available to it under this code or state law, including, but not limited to, the procedures contained in the California Health and Safety Code.

(Ord. 988 § 6 (part), 2007)

(Supp. No. 24)

Created: 2022-06-06 10:55:01 [EST]

15.60.050 Substandard buildings and housing.

Buildings and structures on property shall not be left abandoned, partially destroyed, in an "unreasonable state of partial construction," or in a condition that violates an applicable provision of the California Health and Safety Code or of the California Codes previously adopted by the city, as the same currently exist or may hereafter be amended. See California Health and Safety Code Sections 17920.3, 17922.2; see also Title 15 of this code.

For purposes of this section, the following definitions shall apply:

"Abandoned" means forsaken and devoid of any apparent owner or other person claiming title, or unoccupied and unmaintained for such an extended period of time and in such a manner as to give an outward appearance that all claims to possession or control have been relinquished.

"Partially destroyed" means severely damaged by fire, flood, earthquake, vandalism or other forces and, as a result, substantially detracting from the appearance of the immediate neighborhood or reduces the property values in the immediate neighborhood.

"Unreasonable state of partial construction" means a state in which building permits for construction have expired before the completion of construction and the partially constructed building or structure substantially detracts from the appearance of the immediate neighborhood, or reduces the property values in the immediate neighborhood.

(Ord. 988 § 6 (part), 2007)

Chapter 15.62 SAFETY ASSESSMENT PLACARDS

Sections:

15.62.010 Intent.

This chapter establishes standard placards to be used to indicate the condition of a structure for continued occupancy. The chapter further authorizes the building official and his or her authorized representatives to post the appropriate placard at each entry point to a building or structure upon completion of a safety assessment.

(Ord. 958 § 1 (part), 2006)

15.62.020 Application of provisions.

The provisions of this chapter are applicable to all buildings and structures of all occupancies regulated by the city of Coachella. The council may extend the provisions as necessary.

(Ord. 958 § 1 (part), 2006)

15.62.030 Definitions.

As used in this chapter:

"Safety assessment" means a visual, nondestructive examination of a building or structure for the purpose of determining the condition for continued occupancy.

(Ord. 958 § 1 (part), 2006)

15.62.040 Placards.

- A. The following are verbal descriptions of the official jurisdiction placards to be used to designate the condition for continued occupancy of buildings or structures. Copies of actual placards are attached.
 - 1. "INSPECTED - Lawful Occupancy Permitted" is to be posted on any building or structure wherein no apparent structural hazard has been found. This placard is not intended to mean that there is no damage to the building or structure.
 - 2. "RESTRICTED USE" is to be posted on each building or structure that has been damaged wherein the damage has resulted in some form of restriction to the continued occupancy. The individual who posts this placard will note in general terms the type of damage encountered and will clearly and concisely note the restrictions on continued occupancy.
 - 3. "UNSAFE - Do Not Enter or Occupy" is to be posted on each building or structure that has been damaged such that continued occupancy poses a threat to life safety. Buildings or structures posted with this placard shall not be entered under any circumstance except as authorized in writing by the building official, or his or her authorized representative. Safety assessment teams shall be authorized to enter these buildings at any time. This placard is not to be used or considered as a demolition order. The individual who posts this placard will note in general terms the type of damage encountered.
- B. The number of the ordinance codified in this chapter, the name of the jurisdiction, its address, and phone number shall be permanently affixed to each placard.
- C. Once it has been attached to a building or structure, a placard is not to be removed, altered or covered until done so by an authorized representative of the building official. It is unlawful for any person, firm or corporation to alter, remove, cover or deface a placard unless authorized pursuant to this section.

(Ord. 958 § 1 (part), 2006)

Chapter 15.66 SEISMIC HAZARD MITIGATION

Sections:

15.66.010 Purpose.

The purpose of this chapter is to promote public safety by identifying those buildings in the city of Coachella which are most susceptible to earthquake damage and to require certain mitigation measures to protect the lives of persons working and residing in Coachella.

(Ord. 985 § 1, 2007)

15.66.020 Definitions.

As used in this chapter:

"Accessory building" is a detached subordinate building, the use of which is customarily incidental to that of the principal building or to the primary uses of the land and which is located on the same lot with the principal building or use.

"California Building Code (CBC)" is as published by the International Conference of Building Officials, Whittier, California, as adopted by the city of Coachella.

(Supp. No. 24)

Created: 2022-06-06 10:55:01 [EST]

"Civil engineer or structural engineer" means a licensed civil or structural engineer registered by the state of California pursuant to the rules and regulations set forth in Chapter 5 of Title 16 of the California Administrative Code.

"Diaphragm" is a horizontal or nearly horizontal system acting to transmit lateral forces to the vertical resisting elements. When the term "diaphragm" is used, it includes horizontal bracing systems.

"Essential building" is any building housing a hospital or other medical facility having surgery or emergency treatment areas; fire or police stations; municipal government disaster operation and communication centers.

"Exterior design elements" means and includes, but are not limited to, parapets, cornices, masonry veneers, and any additional exterior nonstructural features which are likely to fall on the public right-of-way during an earthquake.

"Load bearing walls" means masonry walls having all of the following characteristics:

1. Provide the vertical support for a floor or roof;
2. Have a total superimposed load over one hundred (100) pounds per linear foot.

"Unreinforced masonry (URM) building" means any building containing load bearing walls and/or columns constructed wholly or partially of masonry which have an area of vertical, horizontal and combined reinforcing steel less than fifty (50) percent of that required by the 1988 Uniform Building Code, and includes, but is not limited to:

1. Unreinforced brick masonry;
2. Hollow clay tile;
3. Adobe unburned clay tile;
4. Stone masonry.

(Ord. 985 § 2, 2007)

15.66.030 Applicability.

The provisions of this chapter shall apply to all unreinforced masonry buildings in the city, and to buildings with exterior design elements which, in the opinion of the building official, are subject to failure in the event of an earthquake.

(Ord. 985 § 3, 2007)

15.66.040 Exempted unreinforced masonry buildings.

The following buildings are exempted from complying with this chapter:

- A. Unoccupied accessory buildings on residential lots;
- B. Buildings which meet the minimum hazard reduction requirements of Section 15.66.090, and are used as warehouses with not more than ten (10) percent of the gross floor area used as office space accessory to the warehouse use. Warehouses which contain pharmaceutical supplies or hazardous materials or are used for disaster relief or emergency services are not exempt from this chapter;
- C. Buildings which have been structurally upgraded in substantial conformity to the structural standards for unreinforced masonry buildings of Appendix Chapter 1 of the Uniform Code for Building

Conservation ("UCBC"), or to the force levels of the 1973 or later, edition of the California Building Code, or to another standard approved by the building official.

(Ord. 985 § 4, 2007)

(Ord. No. 1147 , § 6, 1-22-20)

15.66.050 Notification of owners.

Owners of buildings subject to the provisions of this chapter shall be notified within thirty (30) days of the effective date of this chapter by the building division of the city of Coachella that each such building has been included in the city's list of potentially hazardous buildings, and of all of the requirements of this chapter. Building owners shall also be notified that they are required to comply with the sign posting requirements of California Government Code Section 8875.8.

(Ord. 985 § 5, 2007)

15.66.060 Removal from list of potentially hazardous buildings.

A building may be removed from the city's list of potentially hazardous buildings by demonstrating to the satisfaction of the building official that either:

- A. The building is exempt under the provisions of Section 15.66.040; or
- B. All of the following conditions are met:
 - 1. The minimum hazard reduction requirement of Section 15.66.090 has been satisfied,
 - 2. A seismic safety report has been prepared in accordance with Section 15.66.070 herein, and
 - 3. That any additional mitigation work recommended in the seismic safety report has been performed and the building has been structurally upgraded to be in substantial conformity with the structural standards for unreinforced masonry buildings of the California Building Code, or to another standard approved by the building official.

(Ord. 985 § 6, 2007)

(Ord. No. 1147 , § 6, 1-22-20)

15.66.070 Seismic safety report.

Owners of buildings identified as potentially hazardous shall submit a seismic safety report to the building division of the city of Coachella as follows:

- A. Time Frame. Seismic safety reports shall be submitted within twelve (12) months of the effective date of this chapter, or such additional time as the building official deems necessary and proper;
- B. Authorized Preparers. Seismic safety reports shall be prepared by a civil or structural engineer licensed by the state of California. Each seismic safety report shall bear the signature and professional registration number, including its expiration date, or the responsible engineer;
- C. Purpose. The purpose of the seismic safety report shall be to evaluate the structural adequacy of the building to resist the seismic effects of earthquake, meet the standards described in subsection D

(Supp. No. 24)

Created: 2022-06-06 10:55:01 [EST]

hereof, and to identify any exterior design elements. The report may include a compliance plan as described in Section 15.66.080, if rehabilitation is deemed necessary.

Building Standards. The building standards to be used in preparation of seismic safety reports shall be the minimum hazard reduction described in Section 15.66.090 the UCBC or the 1973, or later edition of the UBC, and any other standards accepted by the building official;

- D. Format. The format for seismic safety reports shall incorporate the following data:
1. General Information. The building's address, age, original use, and any subsequent changes in use or occupancy,
 2. Configuration. A description of the building's size, shape, arrangement of structural elements, and any irregularities or discontinuities. Shall also include nonstructural elements such as appendages, parapets, and veneers,
 3. Materials. The types, ages and present conditions of all materials,
 4. Plans of Existing Construction. A description of the seismic integrity of existing conditions with an adequate and appropriate degree of detail,
 5. Calculations to Check Existing Construction. A description of the capacities of existing resisting elements and connections and including any testing results,
 6. Conclusions and Recommendations. A description of the areas found to be deficient in their ability to withstand prescribed seismic forces. This section discuss in general terms the alternatives available for mitigation to the applicable standards of these inadequacies and recommendations for the most suitable solutions.

(Ord. 985 § 7, 2007)

15.66.080 Compliance plan.

If the seismic safety report for a building has identified deficiencies the owner shall submit a compliance plan for approval by the building official within ninety (90) days after submittal of the seismic safety report. The report shall describe how the building owner intends to approach hazard reductions of the building in addition to improvements required under Section 15.66.090 (Minimum hazard reduction requirement) and when the indicated improvements will be made. Options available to the building owner to achieve hazard reduction include, but are not limited to, the following:

- A. Commence the structural rehabilitation of the building to meet or exceed the seismic provisions of the engineering standards referenced in Section 15.66.070(D) of this chapter;
- B. Any building which qualifies as "historical property" as determined by an appropriate governmental agency under Section 37602 of the Health and Safety Code shall be retrofitted in accordance with the State Historical Building Code;
- C. Vacate the Building. Any vacated building shall either be rehabilitated or demolished within twelve (12) months from the date of the engineer's report;
- D. Demolish the building, or proportions thereof, to eliminate the potentially hazardous conditions. Any reconstruction shall be made in accordance with the design review provisions of the zoning code.

(Ord. 998 § 1, 2008; Ord. 985 § 8, 2007)

15.66.090 Minimum hazard reduction requirement.

Owners of buildings included in the list of potentially hazardous buildings shall be required to do the following within thirty-six (36) months of the effective date of this chapter: (1) to secure the roof and floor(s) to the building's walls if such attachment is lacking or declared inadequate in the seismic safety report to insure that bearing walls will transfer loads of at least one hundred (100) pounds per linear foot of wall, and (2) remove, upgrade or repair dangerous exterior design elements. The building official may, at his or her sole discretion, grant additional time to comply with this section.

(Ord. 985 § 9, 2007)

15.66.100 City's review of seismic safety reports and compliance plan.

The building division shall review the documents submitted for each building identified as potentially hazardous and approve the seismic safety report and compliance plan pursuant to this chapter. Copies of approved seismic safety reports submitted shall be available to the public for inspection at the building division upon request.

(Ord. 985 § 10, 2007)

15.66.110 Interpretation.

The interpretation of the building official shall prevail on matters relating to the implementation of this chapter.

(Ord. 985 § 11, 2007)

15.66.120 Appeal of building official's determination.

Any decision made by the building official pursuant to this chapter may be appealed in writing to the city manager or his or her designee who may be a licensed civil or structural engineer. The written appeal shall include all facts relevant to the decision and reasons to support any alleged abuse of discretion by the building official. The city manager may take testimony of the appellant and the building official and independent experts or may in his or her discretion determine the appeal based upon the written record. The decision of the city manager or his or her designee shall be final.

(Ord. 985 § 12, 2007)

15.66.130 Fees and costs of appeal.

The building owners shall pay an engineer's report review fee for review of the seismic safety report as established by resolution. The amount of this fee shall be deducted from the plan checking fee collected for any building permit issued for the seismic rehabilitation of the structure. The building owner is responsible for any fees and costs necessary for an appeal and shall also deposit, in advance of any appeal provided herein, an amount equal to the estimated cost of experts retained to testify or to determine the appeal.

(Ord. 985 § 13, 2007)

15.66.140 Remedies.

It is unlawful for the owner of any building subject to this chapter to violate any provision of this chapter. The remedies that are available to the city shall include, but not be limited to:

- A. The city may seek injunctive relief to enjoin a building owner's violation of this chapter;
- B. A building owner violating this chapter shall be guilty of a misdemeanor and, upon conviction thereof, shall be punishable by a fine of not more than one thousand dollars (\$1,000.00) or by imprisonment in the county jail for a term not exceeding six months, or by both such fine and imprisonment. Such building owner shall be guilty of a separate offense for each and every day during any portion of which such violation of this chapter is committed, continued or permitted by such building owner.
- C. The remedies provided under this section are not exclusive.

(Ord. 985 § 14, 2007)

15.66.150 Building tenant notification.

Owners of each identified building shall provide each of their tenants with written notification that a seismic investigation of their building has taken place, and that the seismic safety report documenting the investigation is available for review at the building division. Such notification shall occur within thirty (30) days after submittal of the seismic safety report to the building division.

(Ord. 985 § 15, 2007)

15.66.160 Exemption from subsequent amendments.

Buildings on which construction has been completed in compliance with all requirements of this chapter existing at the date of completion shall not be declared a potentially hazardous building under standards adopted after the date of completion and may be allowed to post signage pursuant to California Government Code Section 8875.9. This exemption from later adopted standards shall be effective for a period of fifteen (15) years from the date of completion. This exemption shall not apply to a building which no longer meets the standards under which the seismic work was completed or buildings which undergo a change of use or occupancy. For the purposes of this section "date of completion" shall refer to the date that the building is removed from the list of potentially hazardous buildings.

(Ord. 985 § 16, 2007)

15.66.170 Administrative citations.

An owner who is subject to this section and who does not comply with the posting requirements specified in Section 15.66.050 shall be subject to an administrative citation pursuant to city of Coachella Municipal Code Chapter 3.48.090 and subject to an administrative fine of two hundred fifty dollars (\$250.00) no sooner than fifteen (15) days after notification by the building official that the owner is subject to the administrative fine. Thereafter, if the owner does not comply with and maintain compliance with the posting requirements, within thirty (30) days of the first administrative fine, the owner shall be subject to an additional administrative citation and an additional administrative fine of one thousand dollars (\$1,000.00).

(Ord. 998 § 2, 2008)