

ORDINANCE NO. 460 N.S.

AN ORDINANCE AMENDING ORDINANCE NO. 405, CHAPTER 21.04 ZONING REGULATIONS OF THE CITY OF EL PASO DE ROBLES, STATE OF CALIFORNIA

The City Council of the City of El Paso de Robles, State of California does ordain as follows:

- SECTION 1:
- a. Delete Section 21.08.290 Mobile Home Definition
 - b. Delete Chapter 21.17, Overlay District

Regulations, including Chapter heading and Sections 21.17.010 through Section 21.17.090.

- SECTION 2: Insert Chapter 21.08 Definitions, the following new definitions:

- 21.08.025 Appeal shall mean a request for a review of the Planning Director's or City Engineer's interpretation of any provision of this Chapter as per Section 21.23.380.
- 21.08.027 Area of shallow flooding shall mean a designated AO 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.
- 21.08.028 Area of special flood hazard shall mean the land in the flood plain within a community subject to a one percent (1%) or greater chance of flooding in any given year.
- 21.08.035 Base flood or 100 year flood shall mean the flood having a one percent (1%) chance of being equaled or exceeded in any given year.
- 21.08.115 Development shall mean 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.
- 21.08.165 Existing mobile home park or mobile home subdivision shall mean a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot on which the mobile home is to be affixed (including, at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed before the effective date of this Chapter.
- 21.08.166 Exploration or prospecting means the search for minerals by geological, geophysical, geochemical or other techniques, including, but not limited to, sampling, assaying, drilling, or any surface or underground works needed to determine the type, extent or quantity of minerals present.
- 21.08.167 Expansion of an existing mobile home park or mobile home subdivision shall mean the preparation of additional sites by the construction of facilities for servicing the lots on which the mobile homes are to be affixed (including the installation of utilities, either final site grading or pouring of concrete pads or the construction of streets).
- 21.08.172 Five hundred year flood shall mean the flood having a two-tenths percent (0.2%) chance of being equaled or exceeded in any given year.
- 21.08.175 Flood or flooding shall mean a general and temporary condition of partial or complete inundation of normally dry land areas from:
- a. Overflow of inland waters and/or
 - b. The unusual and rapid accumulation of runoff of surface waters from any source.

is watertight with walls substantially impermeable to the pressure of water;

- b. Have structural components capable of resisting hydrostatic and hydrodynamic loads and effects of buoyancy; and
- c. Be certified by a registered professional engineer or architect that the standards of this subsection are satisfied. Such certification shall be provided to the City Engineer.

3. Mobile Homes

- a. Mobile homes shall be anchored in accordance with Section 21.14.160.1.b
- b. For new mobile home parks and mobile home subdivisions for expansions to existing mobile home parks and mobile home subdivisions where the repair, reconstruction or improvement of the streets, utilities, and pads equals or exceeds 50 percent of value of the streets, utilities and pads before the repair, reconstruction or improvement has commenced; it shall be required that:
 - (1) Stands or lots are elevated on compacted fill or on pilings so that the lowest floor of the mobile home will be at least one foot (1') above the base flood level;
 - (2) Adequate surface drainage and access for a hauler are provided; and
 - (3) In the instance of elevation on pilings, that
 - lots are large enough to permit steps;
 - piling foundations are placed in stable soil no more than ten feet apart; and
 - reinforcement is provided for pilings more than six feet above the ground level.
- c. No mobile home shall be placed in a floodway, except in an existing mobile home park or an existing mobile home subdivision.

21.14.180 APPEALS AND VARIANCE PROCEDURE

1. Appeals

- a. The Planning Commission shall hear and decide appeals and requests for variances as provided in Section 21.23.290.
- b. In passing upon such appeals, the Planning Commission shall consider all technical evaluations, all relevant factors, including all possible environmental impacts, standards specified in other sections of this Chapter; and
 - (1) The danger that materials may be swept onto other lands to the injury of others;
 - (2) The danger to life and property due to flooding or erosion damage;
 - (3) The susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (4) The importance of the services provided by the proposed facility to the community;
 - (5) The necessity to the facility of a waterfront location, where applicable;
 - (6) The availability of alternative locations, for the proposed use which are not subject to flooding or erosion damage;
 - (7) The compatibility of the proposed use with existing and anticipated development;

- (8) The relationship of the proposed use to the comprehensive plan and flood plain management program in that area;
 - (9) The safety of access to the property in time of flood for ordinary and emergency vehicles;
 - (10) The expected heights, velocity, duration, rate of rise, and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (11) The 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 systems, and streets and bridges.
- c. Generally, variances may be issued for new construction and substantial improvements 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 items (1) through (11) of subsection 1.b. above, have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.
 - d. Upon the consideration of the factors of Subsection 1.b. above, and the purposes of this Chapter, the Planning Commission may attach such conditions to the granting of variances as it deems necessary to further the purposes of this Chapter.
 - e. The City Engineer shall maintain the records of all appeal actions and report any variances to the Federal Insurance Administration upon request.

2. Conditions for Variances

- a. Variances may be issued for the reconstruction, rehabilitation, or restoration of structures listed on the National Register of Historic Places, the State Inventory of Historic Places, without regard to the procedures set forth in the remainder of this Section.
- b. Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- c. Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard to afford relief.
- d. Variances shall be issued only upon:
 - (1) A showing of good and sufficient cause;
 - (2) A determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (3) A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, or extraordinary public expense, and will not create nuisances, cause fraud on or victimization of the public, cause any environmental impact that cannot be mitigated or conflict with existing local laws or ordinances.
- e. Any applicant to whom a variance is granted shall be given written notice that the structure will be permitted to be built with a lowest floor elevation below the base flood elevation and that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced lowest floor elevation.

SECTION 5: Insert Chapter 21.14.300 HILLSIDE DEVELOPMENT

21.14.320 PURPOSE

Hillside Standards will be applied as an overlay on all zone districts. These standards are necessitated to regulate development which because of slope could cause topographic changes in grading, drainage, and erosion.

21.14.330 APPLICABILITY.

This Chapter shall apply to all areas where the natural slope is 15% or greater or where improvements are placed on land with a natural slope of 15% or greater.

21.14.340 PERMIT REQUIREMENT.

A use permit must be obtained for all developments in the area specified in 21.14.330. A use permit application shall include the following:

1. Information as required in Section 21.232.200, Required Data - all applications;
2. Engineered drawing to include height, slope and grade of any cut or fill areas;
3. Landscape and irrigation plan for cut and fill areas;
4. Engineered footing if requested by City Engineer or Building Official; and
5. Cross sections of building in relation to slopes.

SECTION 6: Insert Chapter 21.15.010 HISTORICAL AND ARCHITECTURAL PRESERVATION DISTRICT

21.15.020 INTENT.

It is the intent of the HP overlay district to encourage the preservation, restoration and renovation of buildings and/or neighborhoods of architectural significance or interest.

21.15.030 APPLICABILITY.

This zone may be applied to any area containing one or more buildings of historical or architectural interest. In determining the boundary of the zone the Planning Commission shall consider whether or not the buildings or building are architecturally or historically significant or of interest, if they have sufficient educational value to warrant consideration for museum use, if they can be retained in their original or present use, if they are adaptive to reuse, if they are adaptive to a new use without damage to those architectural elements which contribute to their significance and if preservation or restoration is economically feasible. In determining the boundary to be included in the H.P. Zone, the Commission shall consider the location of the buildings to be preserved, the original building site of the buildings, the present relationship between different buildings of significance or interest, the architectural continuity of the streets on which the buildings are located, the surrounding uses, the visibility of the buildings to the general public and the encroachment of detrimental uses and shall seek to balance the public benefit with any adverse effects to the economic value of adjacent development.

21.15.040 PUBLIC NOTICE OF INTENT TO DEMOLISH

The Planning Commission shall maintain a map of all buildings considered to be of historic or architectural significance. No permit to demolish any building shown on the map shall be issued prior to 45 days from the date of application unless it has been determined by the City Building Official that the building is an immediate threat to the public health, safety or welfare. Upon receipt of an application for a permit to demolish any building shown on the map, the Director of Planning shall publish a public notice in a newspaper of general circulation in the City of Paso Robles and in a newspaper of general circulation in San Luis Obispo County, stating the location of the building, its present use and general

condition, the reasons for its consideration as a building of historical or architectural significance or interest and shall state that a demolition permit will be issued if no action has been taken by any public or private agencies or persons to acquire the building at its fair market value within the required time limit. Any public or private organization or persons desiring to purchase the property or building may petition the Commission to extend the 45 day waiting period for demolition and upon reasonable proof that the organization or persons intend to negotiate in good faith for the purchase of the building or property, the Planning Commission may extend the waiting period for any reasonable time not to exceed six (6) months.

21.15.050 ARCHITECTURAL REVIEW

The Planning Commission shall adopt guidelines for the review of new buildings or structures in the H.P. Zone. Such guidelines shall consider building spacing, lot coverage, yard limits, setbacks, density of use, bulk, height, materials textures, scale, orientation, the rhythm of the block face and the general spirit of the area. Applications for any new building or structure in zone HP shall be referred to the Planning Commission for architectural review. The Planning Commission shall review applications for new structures in the district HP, and may impose such restrictions or conditions as it deems necessary to comply with the intent of this Chapter.

SECTION 7: Insert Chapter 21.14.200 MOBILE HOMES ON PRIVATE LOTS

21.15.210 PLACEMENT OF MOBILE HOMES

21.15.220 DESIGNATION OF MOBILE HOME LOTS

21.15.230 MOBILE HOME COMPATIBILITY

21.15.240 ARCHITECTURAL APPROVAL

21.15.250 CONSTRUCTION PERMIT REQUIREMENTS

21.15.260 FOUNDATION SYSTEMS

21.15.270 SURRENDER OF REGISTRATION

21.15.210 PLACEMENT OF MOBILE HOMES

A mobile home, under certain conditions, may be placed on a foundation system on a private lot, wherever a single-family dwelling is permitted.

21.15.220 DESIGNATION OF LOTS

The Planning Commission may designate lots in future subdivision for mobile homes. When this is accomplished, mobile homes will only be allowed on such designated lots until all such lots are developed. When designated lots are not available, then mobile homes would be allowed on other private lots subject to the conditions herein established.

21.15.230 MOBILE HOME COMPATIBILITY

Certain areas within the City are designated as incompatible for mobile homes. These areas include:

1. All districts other than R-1 and RA except where otherwise approved in the Ordinance;
2. Historic and Architectural Preservation Districts as defined in Section 21.15.010;
3. Planned Development (PD) as defined in Section 21.16.010 and where approved plans are on file in the Planning Department;
4. Planned Residential Development as defined in Section 21.18.030 and when approved plans are on file in the Planning Department.

21.15.240 ARCHITECTURAL APPROVAL

A mobile home on a foundation system is permitted on a private lot upon approval of the Architectural Review Committee.

1. Eligibility: A mobile home shall not be eligible unless it:
 - a. Was constructed after September 15, 1974, and was issued an insignia of approval by the California Department of Housing and Community Development or was constructed after July 1, 1976, and was issued an insignia of approval by the U. S. Department,
 - b. Has not been altered in violation of applicable codes.
2. Criteria: The mobile home shall:
 - a. Be occupied only as a residential use type;
 - b. Be subject to all provisions of the Zoning Ordinance applicable to residential structures;
 - c. Be attached to a permanent foundation system in compliance with all applicable building regulations;
 - d. Have a minimum width of 20 (twenty) feet;
 - e. Be covered with an exterior material customarily used on conventional dwellings and approved by the Architectural Review Committee. The exterior covering material shall extend to within 6" of grade;
 - f. Have a roof with a pitch of not less than two (2) inch vertical rise for each 12 inches of horizontal run and consisting of shingles or or other material customarily used for conventional dwellings and approved by the Architectural Review Committee;
 - g. The mobile home may be required to have porches and eaves, roofs with eaves, or garages, when, in the opinion of the Architectural Review Committee, it is necessary to make it compatible with the dwellings in the area.
3. Modification of Criteria. No modifcaiton may be granted from Paragraphs a-f above.
4. Plot Plan and Information needed for the Architectural Review Committee approval application shall be provided as indicated previously.

21.15.250 CONSTRUCTION PERMIT REQUIREMENTS

1. After issuance of Architectural approval, construction permits must be processed and issued prior to placing of the mobile home on the lot. Issuance of the construction permit requires that the applicant;
 - a. Comply with all the conditions of the Architectural Review Committee;
 - b. Obtain a grading permit (required if more than 50 cubic yards of earth will be moved or if a cut or fill depth exceeds one foot). Any fill over a foot in depth will require a compaction report by a registered civil engineer certifying the fill is compacted to a minimum of 90%. Rough grading approval must be obtained and compaction reports submitted before the site construction permit can be issued.
 - c. This permit shall be subject to all fees required in single family construction.
 - d. The applicant shall comply with all the requirements of Section 18551 (a of the State Health and Safety Code.
 - e. Obtain plan approval of the foundation system.

21.15.260 FOUNDATION SYSTEMS

1. California Administrative Code, Title 25 specifies regulations for the mobile home foundation system, these regulations provide:
 - a. That mobile home foundation systems be designed in accordance with the provisions of Chapter 29 of the Uniform Building Code, 1979 Edition, and local soil conditions.
 - b. The mobile home shall be installed in accordance with installation instructions provided by:
 - (1) The manufacturer of the mobile home or
 - (2) A California licensed architect or engineer for an individual mobile home where manufacturer's installation instructions are not available.
 - c. That both the foundation system and connection of the mobile home to the foundation system shall be capable of withstanding the design loads and concentrated loads identified in the installation instructions.
 - d. A foundation system plan shall be provided in addition to the installation instructions. The foundation system plan may be:
 - (1) Provided by the mobile home manufacturer either as a part of, or separate from, the installation instructions.
 - (2) Provided by the installation contractor.
 - (3) Required to be signed by a California licensed architect or engineer.
2. Utility Connections. The mobile home electrical, gas, water and drain connections shall be made permanent in a manner applicable to permanent buildings. Gas shutoff valves, meters and regulators shall not be located beneath the mobile home.

21.15.270 SURRENDER OF REGISTRATION

1. Prior to occupancy, the owner shall request a certification from the Planning Department that a certificate of occupancy be issued pursuant to Section 18551 (b) (2) of the California Health and Safety Code. Thereafter, for an existing mobile home, any vehicle license plate, certificate of registration issued by a State agency is to be surrendered to the appropriate state agencies via the Planning Department.
2. Where the mobile home is new and has never been registered with the Department of Motor Vehicles, a statement to that effect from the dealer selling the mobile home shall be submitted to the county.
3. Mobile homes placed on a permanent foundation in compliance with all regulations become exempt from vehicle license fees and become subject to property tax laws. Such mobile homes become eligible for exemptions.

SECTION 8: Insert Chapter 21.16.010 PD District.

Subject to the provisions of Chapter 21.20 of this title, the following uses will be allowed and the following regulations shall apply in the PD district.

21.16.020 APPLICABILITY

PD districts may be established in areas where it is deemed desirable to encourage and promote pre-planned developments, where the preservation or orderly growth is necessary to preserve stable property values, prevent inefficient property division and minimize unwarranted speculative promotion. Regulations in this district are designed to promote maximum utilization where the land was proposed to be used for a specific use in any of the following situations as well as others:

- a. The reservation of larger parcels for usage in a newly created subdivision;
- b. The rezoning of land and as a result of a specific proposal;
- c. Preservation of uniform architectural, structural or physical characteristics;
- d. A better use of land through new design approaches which emphasize usable open space and increase livability;
- e. The use of density zoning employing the concept of dwelling unit density per acre rather than using the minimum lot size as the basic criterion.

21.16.030 TIME LIMITS

If a proposed new development has not commenced two years from the date of the zone change, the PD zone classification shall become null and void and the property shall revert back into the classification before the zone change. If the development is carried out on a unit-by-unit basis, the zone classification may remain in effect on the entire property unless two years elapses between the stopping point of one phase and the beginning point of the next. In this event, the remaining units held in the PD zone classification shall revert to prior zone classification.

21.16.040 DENSITY AND USE LIMITATIONS

Uses permitted in a PD district shall be planned, developed, conducted and operated in such manner as described on the plans approved by the Planning Commission. The uses and density shall not exceed those prescribed by the general plan and in no event shall be less restrictive than those prescribed by the primary zone with which the combining zone is attached. The Planning Commission may designate such conditions as it deems necessary to fulfill the purpose of this Section which guarantees conditions are being or will be complied with.

21.16.050 DEVELOPMENT PLAN REQUIRED

An overall general development plan of the entire property shall be filed with the Planning Commission, which plans shall set forth the regulations, uses and deviations from the primary zone desired by the applicant. All pertinent documents presented for consideration and approved by the Planning Commission shall be made a permanent record on file in the Planning Department. Changes thereto shall require reappraisal and amendment of the documents by the Planning Director.

21.16.060 DEVELOPMENT PLAN DETAIL

In order that buildings, on-site improvements, structures, signs, and landscaping will be developed in an orderly and uniform manner and will be in harmony with other structures and improvements in the area and not of obnoxious, undesirable, unsightly appearance, the following items may be considered in approving plans of proposed improvements in the PD district:

- a. Uses proposed and permitted in the district;
- b. The height, bulk and area of buildings;
- c. Building lines and distance between buildings;
- d. Architectural features, landscaping, lighting and other amenities;
- e. Sign-lighting, size and style, sign-location;
- f. Vehicle parking and location;
- g. Any other elements desired by Planning Commission to fully explain the proposal.

21.16.070 REVIEW OF PLANS

If the PD zone requirements established by the Planning Commission require sufficient detail plans before final approval is given, including such plans, drawings, illustrations or materials to support the proposal for the improvements, the Planning Commission, after reviewing the initial submission of the general plan, may review the precise plan after the zoning classification is established within the two year period of time. The Planning Commission may recommend changes of these precise plans which shall later become a requirement of zoning.

21.16.080 APPEALS

In case the applicant is not satisfied with the action of the Planning Commission related to the precise plans, he may, within thirty (30) days after such action, appeal in writing to the City Council. The Council shall hold a hearing on the appeal and shall render its decision thereon within thirty (30) days after the filing of the precise plans.

21.16.090 BUILDING PERMIT RESTRICTIONS

No building permit shall be issued unless plans filed as required have been first approved by the Planning Commission.

SECTION 9: Insert Chapter 21.16.200 RD District (Redevelopment Zone)

21.16.210 PURPOSE

The purpose of the Redevelopment Zone is to 1) encourage the full development of properties which lack public services possibly by granting inducements to the developer by allowing higher densities and less restrictive uses if the developer brings the property into conformance with the standards for new subdivisions, and 2) encourage assembly of parcels in order to promote orderly and harmonious development.

21.16.220 APPLICABILITY

These regulations shall apply to selected subdivided areas of the City which 1) lack some or all of the public facilities which would be required for full development and which, in the opinion of the Planning Commission, have remained undeveloped because of the lack of necessary facilities. For the purpose of the regulation, these facilities include, but are not limited to, sewer, water, streets, curbs, gutters, and storm drainage; or 2) which are so fractionized that orderly development cannot take place. Such areas are characterized by deteriorating levels of development.

21.16.230 LIMITATIONS

The provisions of this regulation may not be used as justification for changes to the General Plan or Zoning Ordinance involving properties which are under one ownership and which lend themselves to re-subdivision and development at lower densities and more restrictive uses. Nor may the provisions of this regulation be used where the land use pattern created thereby would be inconsistent with the goals and objectives of the General Plan.

The applicable areas are shown on the General Plan map as Redevelopment areas and shall be shown on the zoning map by a designation indicating the primary zoning designation applicable at the time of adoption of this regulation followed by the letters RD and the higher and less restrictive zone in parenthesis. An example of such zoning designation is "R-1 (RD R-3)".

21.16.240 PERMITTED USES

The uses permitted by right in the Redevelopment Zone shall be the uses permitted in the primary zone. Uses and densities permitted by the RD designation shall be permitted only upon approval by the Planning Commission in accordance with the requirements of this regulation.

21.16.250 APPLICATION

An application for any of the uses permitted by the RD designation and not allowed by right in the primary zone shall be submitted to the Planning Commission for entitlement to the uses permitted in the RD zone. Such application shall include a map of the property showing all of the conditions required for a tentative subdivision map together with a written statement explaining the purpose of the application.

21.16.260 PROCEDURES

The Director of Planning shall refer the application to the Subdivision Review Committee together with a written report containing his findings relative to the requirements of this regulation.

21.16.270 PUBLIC HEARING

The Planning Commission shall hold a public hearing on the application giving notice as provided in Sections 21.24.310 and 21.24.320 of this Ordinance. Following the public hearing, the Planning Commission may disapprove or approve with conditions a tentative change of zone from the primary zone to the Redevelopment zone. Approval shall authorize the applicant to proceed with the required improvements in accordance with the procedures for a final subdivision map.

21.16.280 FINAL APPROVAL

Upon completion of all improvements, the applicant shall submit proof thereof to the City Council. After the City Council has determined that all of the conditions for approval have been complied with it shall adopt an amendment to the zoning ordinance changing the zoning designation to the designation allowed by the Redevelopment Zone.

SECTION 10: Insert Chapter 21.16.400 Rural Development

21.16.410 PURPOSE

This overlay district is created to preserve the rural character and integrity of areas in the City that currently have or where a distinctive rural environment is planned.

21.16.420 APPLICABILITY

1. This district is limited to the following primary zones:
 - a. R-1 B-4
 - b. R-1 B-5
 - c. RA
2. This district shall not be used in conjunction with PD (21.16.010) or RPD (21.18.030) Districts.

21.16.430 DEVELOPMENT STANDARDS

SECTION 11: Insert Chapter 21.17.000 SURFACE MINING AND RECLAMATION

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|-----------|---|
| 21.17.010 | PURPOSE AND INTENT |
| 21.17.030 | SCOPE |
| 21.17.040 | PERMIT AND RECLAMATION PLAN REQUIREMENT |
| 21.17.050 | REVIEW PROCEDURE |
| 21.17.060 | PERFORMANCE BOND |
| 21.17.070 | PUBLIC RECORDS |
| 21.17.080 | PERIODIC REVIEW |
| 21.17.090 | AMENDMENTS |

21.17.010 PURPOSE AND INTENT

1. This Chapter is adopted pursuant to the California Surface Mining and Reclamation Act of 1975, Chapter 9, Public Resources Code.
2. Mineral extraction is essential to the continued economic well-being of the City and to the needs of the society, and that the reclamation of mined lands is necessary to prevent or minimize adverse effects on the environment and to protect the public health and safety.
3. Reclamation of mined lands as provided in this Chapter will permit the continued mining of minerals and will provide for the protection and subsequent beneficial use of the mined and reclaimed land.
4. Surface mining takes place in diverse areas where the geologic, topographic, climatic, biological and social conditions are significantly different and that reclamation operations and the specifications therefore may vary accordingly.

21.17.030 APPLICABILITY

The provisions of this Chapter are not applicable to:

1. Excavations or grading conducted for farming or onsite construction or for the purpose of restoring land following a flood or natural disaster.
2. Prospecting and exploration for minerals of commercial value where less than 1000 cubic yards of overburden is removed in any one location of one acre or less.
3. Any surface mining operation that does not involve either the removal of a total of more than 1000 cubic yards of minerals, ores, and overburden, or involve more than one acre in any one location.
4. Surface mining operations that are required by federal law in order to protect a mining claim, if such operations are conducted solely for that purpose.
5. Such other mining operations that the City determines to be of an infrequent nature, and which involve only minor surface disturbances, and are categorically identified (no such identifications made as of the effective date of these regulations) by the State Board, pursuant to Sections 2714(d) and 2758 (c), California Surface Mining and Reclamation Act of 1975.

21.17.040 PERMIT AND RECLAMATION PLAN REQUIREMENT

1. Any person, except as provided in Section 2776, California Surface Mining and Reclamation Act of 1975, who proposes to engage in surface mining operations as defined in this Chapter shall, prior to the commencement of such operations, obtain:
 - a. A permit to mine, and
 - b. Approval of a reclamation plan, in accordance with the provisions set forth in this Chapter and as further provided in Article 5, California Surface Mining and Reclamation Act of 1975. A fee as established by Resolution shall be paid to the City of El Paso de Robles, Planning Department, at the time of filing. All applications for a Reclamation Plan for surface mining operations shall be made on forms provided by the Planning Director's office of the City Planning Department, and as called for by Section 2772 of California Surface Mining and Reclamation Act of 1975.
2. No person who has obtained a vested right to conduct a surface mining operation prior to January 1, 1976, shall be required to secure a permit pursuant to the provisions of this Chapter. A person shall be deemed to have such vested rights, if, prior to January 1, 1976, he has in good

- 21.08.176 Flood Insurance Rate Map (FIRM) shall mean the official map on which the Federal Insurance Administration has delineated both the areas of special flood hazards and the risk premium zones applicable to the community.
- 21.08.177 Flood Insurance Study shall mean the official report provided in which the Federal Insurance Administration has provided flood profiles, as well as the Flood Hazard Boundary - Floodway Map and the water surface elevation of the base flood.
- 21.08.178 Floodproofing - Walls, dikes, dams and floodgates, together with attendant utility and sanitary facilities, designed so that below the base flood level the structure is water tight with walls substantially impermeable to the passage of water and with structured components having the capability of resisting hydrostatic and hydrodynamic loads and effects of buoyancy and will not be damaged by moisture.
- 21.08.179 Floodway shall mean 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 (1') maximum.
- 21.08.225 Habitable floor shall mean any floor usable for living purposes, which includes working, sleeping, eating, cooking or recreation, or a combination thereof. A floor used only for storage purposes is not a "habitable floor".
- 21.08.273 Mined lands includes the surface, subsurface, and groundwater of an area in which surface mining operations will be, are being, or have been conducted, including private ways and roads appurtenant to any such area, land excavations, workings, mining waste, and areas in which structures, facilities, equipment, machines, tools, or other materials or property which result from, or are used in, surface mining operations are located.
- 21.08.274 Minerals are any naturally occurring chemical element or compound, or groups of elements and compounds, formed from inorganic processes and organic substances, including but not limited to, coal, peat, and bituminous rock, but excluding geo-thermal resources, natural gas and petroleum.
- 21.08.275 Mining waste includes the residual of soil, rock, mineral, liquid, vegetation, equipment, machines, tools, or other materials or property directly resulting from or displaced by, surface mining operations.
- 21.08.278 Mobile home shall mean a structure that is transportable in one or more sections, built on a permanent chassis, and designed to be used with or without a permanent foundation when connected to the required utilities. It does not include recreational vehicles or travel trailers.
- 21.08.297 New construction shall mean structures for which the "start of construction" commenced on or after the effective date of this Chapter.
- 21.08.298 New mobile home park or mobile home subdivision shall mean a parcel (or contiguous parcels) of land divided into two or more mobile home lots for rent or sale for which the construction of facilities for servicing the lot (including at a minimum, the installation of utilities, either final site grading or the pouring of concrete pads, and the construction of streets) is completed on or after the effective date of this Chapter.
- 21.08.315 Operator: Any person who is engaged in surface mining operations himself, or who contracts with others to conduct operations on his behalf.
- 21.08.317 Overburden is soil, rock, or other materials that lie above a natural mineral deposit or in between deposits, before or after their removal, by surface mining operations.

faith and in reliance upon a permit or other authorization, if such permit or other authorization was required, diligently commenced surface mining operations and incurred substantial liabilities for work and materials necessary therefore. Expenses incurred in obtaining the enactment of an ordinance in relation to a particular operation or the issuance of a permit shall not be deemed liabilities for work materials. A person who has obtained vested right to conduct surface mining operations prior to January 1, 1976, shall submit to the City Planning Department and receive, within a period of 3 months approval of a Reclamation Plan for operations to be conducted after January 1, 1976, unless a Reclamation Plan was approved by the City of El Paso de Robles prior to January 1, 1976, and the person submitting that plan has accepted responsibility for reclaiming the mined lands in accordance with that plan. Nothing in this Chapter shall be construed as requiring the filing of a reclamation plan for, or the reclamation of, mined lands on which surface mining operations were conducted prior to, but not after, January 1, 1976.

3. The State Geologist shall be notified of the filing of all permit applications.
4. This Chapter shall be continuously reviewed and revised, as necessary, in order to ensure that it is in accordance with the state policy for mined lands reclamation.

21.17.050 REVIEW PROCEDURE

The Planning Department shall review the permit application and the Reclamation Plan and shall schedule a public hearing within 60 days of the filing of both the permit application and the Reclamation Plan. Such public hearing shall be held by the Planning Commission for the purpose of consideration of the issuance of a permit for the proposed surface mining operation.

21.17.060 PERFORMANCE BOND

Upon a finding by the Planning Commission that a supplemental guarantee for the reclamation of the mined land is necessary, and upon the determination by the Planning Department of the cost of the reclamation of the mined land according to the Reclamation Plan, a surety bond, lien, or other security guarantee conditioned upon the faithful performance of the Reclamation Plan shall be filed with the Planning Department. Such surety shall be executed in favor of the City of El Paso de Robles and reviewed and revised, as necessary, bi-annually. Such surety shall be maintained in an amount equal to the cost of completing the reclamation of the site as prescribed in the approved or amended Reclamation Plan during the succeeding two-year period, or other reasonable term.

21.17.070 PUBLIC RECORDS

Reclamation Plans, reports, applications, and other documents submitted pursuant to this Chapter are public record unless it can be demonstrated to the satisfaction of the City that the release of such information, or part thereof, would reveal production, reserves, or rate of depletion entitled to protection as proprietary information. The City shall identify such proprietary information as a separate part of each application. A copy of all Permits, Reclamation Plans, reports, applications, and other documents submitted pursuant to this Chapter, including proprietary information shall be furnished to the District Geologist of the State Division of Mines (and Geology) by the City of El Paso de Robles. Proprietary information shall be made available to persons other than the State Geologist only when authorized by the mine operator and by the mine in accordance with Section 2778, California Surface Mining and Reclamation Act of 1975.

21.17.080 PERIODIC REVIEW

As a condition of approval for the Permit or Reclamation Plan, or both, a schedule for periodic inspections of the site shall be established to evaluate continuing compliance with the Permit and the Reclamation Plan.

21.17.090 AMENDMENTS

Amendments to an approved Reclamation Plan may be submitted to the City at any time, detailing proposed changes from the original plan. Substantial deviations from the original plan shall not be undertaken until such amendment has been filed with, and approved by the City.

Amendments to an approved Reclamation Plan shall be approved by the same procedure as is prescribed for approval of a Reclamation Plan.

SECTION 12: Insert Chapter 21.17.200 District T-Transition Overlay Zone

21.17.210 INTENT

This district is intended to further regulate development in areas where potential conflicts between uses exist in order to protect the more restrictive areas.

21.17.220 APPLICABILITY

These regulations shall be applied in addition to the regulations of the primary zone. Whenever a conflict between these regulations and the regulations of the primary zone exist the more restrictive shall govern.

21.17.230 USES PERMITTED

All uses permitted in the primary zone shall be permitted in this zone under a Conditional Use Permit with the following exception:

In any C zone abutting an R zone, no commercial, wholesale or light industrial uses intended to be operated during the period of 7:00 p.m. to 7:00 a.m. shall be permitted except motels and travel trailer camps.

21.17.240 DEVELOPMENT STANDARDS

The following development standards shall apply to all uses, buildings and structures erected in the T (Transition) zone.

1. Yard and Height Requirements - The setbacks, yard requirements and height of structures shall be the same as those for the adjacent more restrictive zone.
2. Performance Standards - The performance standards shall be the same as those for the adjacent more restrictive zone.
3. Access - When any parcel used for commercial purposes shall abut a major or collector street, all commercial traffic shall have ingress and egress from the major or collector street and no driveways shall be permitted on any local street.
4. Screening and Landscaping: As per use permit.

21.17.250 APPLICATION PROCEDURES

The application procedure for any use or for the extension or reconstruction of any use shall be those for a Conditional Use Permit. In considering an application for a use in the T zone, the commission may authorize such use subject to any additional conditions which it finds necessary to assure that the intent of this article is implemented.

SECTION 13: That the Zoning Map for the City of El Paso de Robles dated August 3, 1959, and amended December 1979, shall be changed as follows:

A. That Section 21.12.020 Map-Alterations, be changed by providing that Villa Lots 47, 48, 49, and 50, more particularly described on a map attached hereto as Exhibit "A" be designated on said Zoning Map as follows: Villa Lots 48, 49, and 50 as R-1 B4; Villa Lot 47 as R-1 B5.

B. That this change to the Zoning Map shall be incorporated into said Map and become part of said Map.

SECTION 14: That the Zoning Map for the City of El Paso de Robles dated August 3, 1959, and amended December 1979, shall be changed as follows:

A. That Section 21.12.020 Map-Alterations, be changed by providing that portions of Lot 24 of Rancho Santa Ysabel be rezoned from R-4 to R-4 PD, as shown on a map attached hereto as Exhibit "B".

PASSED AND ADOPTED this 15th day of June, 1982 by the following vote of the City Council:

AYES: Councilmen Monroe, Ovitt, Parish, Thorndyke and Stemper

NOES: None

ABSENT: None

Gary E. Stemper
MAYOR GARY E. STEMPER

ATTEST:

Donald B. Keefer
CITY CLERK DONALD B. KEEFER

STATE OF CALIFORNIA)
COUNTY OF SAN LUIS OBISPO) ss.
CITY OF EL PASO DE ROBLES)

I, Donald B. Keefer, City Clerk of the City of El Paso de Robles, California, do hereby certify that the foregoing Ordinance No. 460 N.S. was duly and regularly adopted, passed and approved by the City Council of the City of El Paso de Robles, California, at a regular meeting of said City Council held at the regular meeting place thereof, on the 15th day of June, 1982, by the following vote:

AYES: Councilmen Monroe, Ovitt, Parish, Thorndyke and Stemper

NOES: None

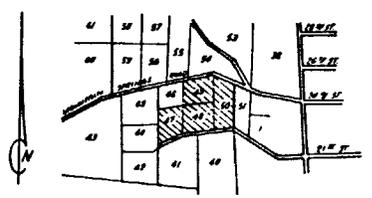
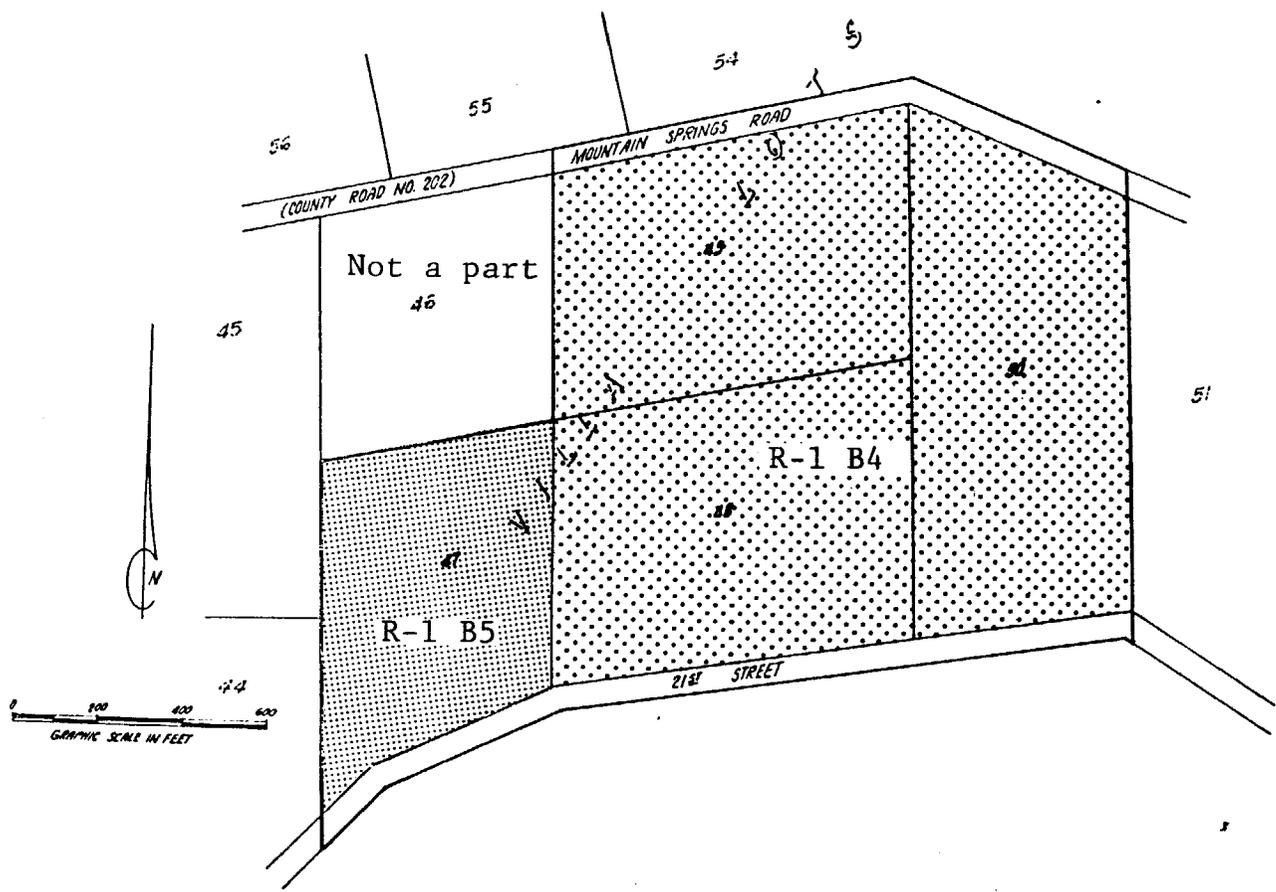
ABSENT: None

Dated this 15th day of June, 1982.

Donald B. Keefer
CITY CLERK DONALD B. KEEFER

REZONE PLAT

VILLA LOTS 47, 48, 49 & 50 OF THE CITY OF PASO ROBLES, COUNTY OF SAN LUIS OBISPO, STATE OF CALIFORNIA.



VICINITY MAP
Not To Scale

EXHIBIT "A"

TWIN CITIES ENGINEERING
 P.O. BOX 855 / 200 MAIN STREET
 TEMPLETON, CALIFORNIA 93465
 TELEPHONE (805) 434-1834

Allen W. Caryl RCE 20,244

RHO. SANTA YSABEL, PTN LT. 24

REZONE REQUEST
CITY OF EL PASO DE ROBLES
Prepared by Planning Department Staff

April 21, 1981

BK
20
20



LEGEND

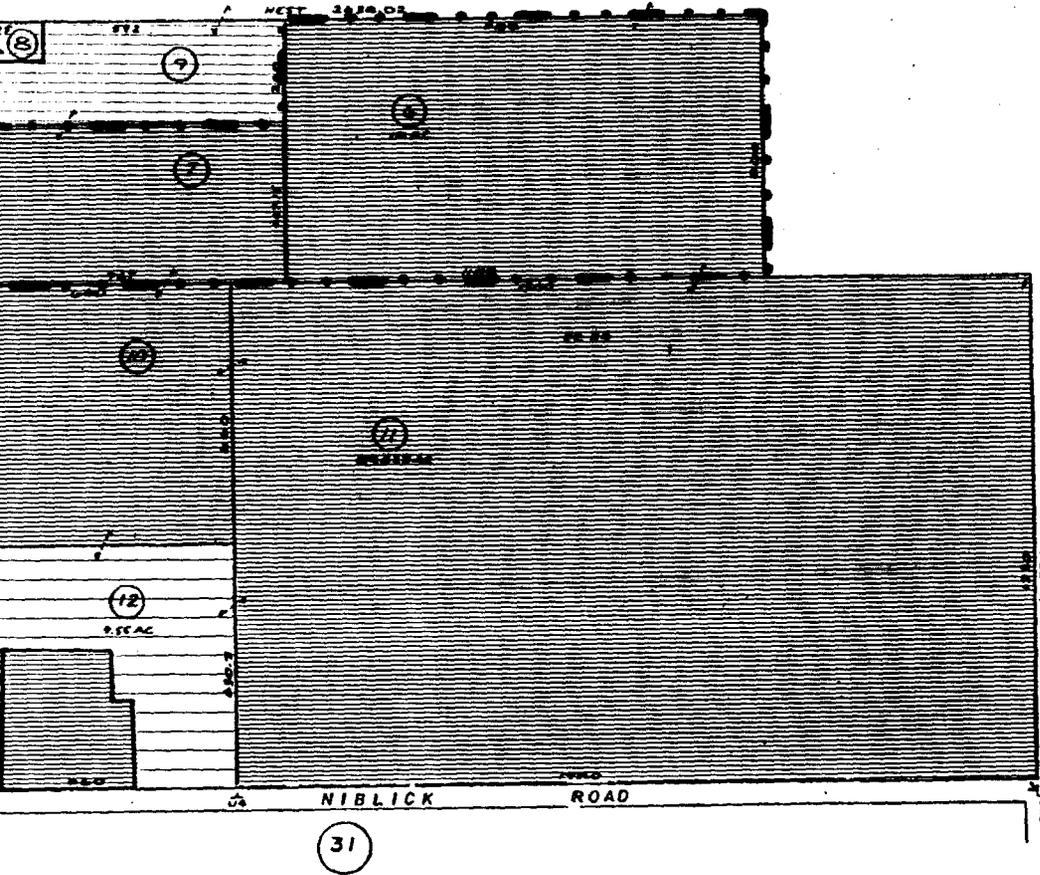
 R-4 PD

 R-4

 C-1

BK
20
20

 Area subject to Rezone request



CITY OF EL PASO DE ROBLES
Assessor's Map Bk. 9-Pg. 57
County of San Luis Obispo, Calif

EXHIBIT "R"

- 21.08.334 Permit is any formal authorization from or approval by the City.
- 21.08.336 Person is any individual, firm association, corporation, organization or partnership, or any city, county, district or the state or any department or agency thereof.
- 21.08.355 Reclamation shall mean the process of land treatment that minimizes water degradation, air pollution, damage to aquatic or wildlife habitats, flooding, erosion, and other adverse effects from surface mining operations, including adverse surface effects incidental to underground mines, so that mined lands are reclaimed to a usable condition which is readily adaptable for alternate land uses and creates no danger to public health or safety. The process may extend to affected lands surrounding mined lands, and may require backfilling, grading, resoiling, revegetation, soil compaction, stabilization, or other measures.
- 21.08.383 Start of construction shall mean the first placement of permanent construction of a structure (other than a mobile home) on a site, such as the pouring of slabs or footings or any work beyond the stage of excavation. 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 of 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 as part of the main structure. For a structure (other than a mobile home) without a basement or poured footings, the "start of construction" includes the first permanent framing or assembly of the structure or any part thereof on its pilings or foundations. For mobile homes within mobile home parks or mobile home subdivisions, "start of construction" is the date on which the construction of facilities for servicing the site on which the mobile home is to be affixed (including, at a minimum, the construction of streets, either final site grading or the pouring of concrete pads, and installation of utilities) is completed.
- 21.08.385 State Board: State Mining and Geology Board, in the Department of Conservation, State of California.
- 21.08.387 State Geologist: Individual holding office as structured in Section 677 of Article 3, Chapter 2 of Division 1 of the Public Resources Code.
- 21.08.425 Substantial improvement shall mean any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds fifty percent (50%) of the market value of the structure either before the improvement is begun, or, if the structure has been damaged and is being restored, before the damage occurred.
- For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure. The term shall not, however, include either:
- a. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
 - b. Any alteration of a structure listed on the National Register of Historic Places, or the State Inventory of Historic Places.
- 21.08.427 Surface Mining Operations are all or any part of the process involved in the mining of minerals on mined lands by removing overburden and mining directly from the mineral deposits, open-pit mining of minerals directly exposed, mining by the auger method, dredging and quarrying, or surface work incidental to an underground mine. Surface mining operations shall include, but are not limited to:

- a. Inplace distillation, retorting or leaching;
- b. The production and disposal of mining waste; and
- c. Prospecting and exploratory activities.

SECTION 3: Insert Chapter 21.13 Overlay District Regulations.

21.13.010 INTENT

Overlay Districts are created for the purpose of further regulating the uses in various primary zones (21.12.010) in order to implement the various provisions of the General Plan and to comply with various Federal or State regulations.

21.13.020 APPLICABILITY

The provisions of this Section shall apply to all uses in the primary zone and shall be in addition to the regulations for the primary zone. Whenever conflicts exist between this section and other sections of the Zoning Ordinance the most restrictive shall apply.

Overlay Districts include:

- 21.14 FLOOD DAMAGE PREVENTION REGULATIONS
- 21.14.300 HILLSIDE DEVELOPMENT
- 21.15 HISTORICAL AND ARCHITECTURAL PRESERVATION
- 21.15.200 MOBILE HOMES ON PRIVATE LOTS
- 21.16 PLANNED DEVELOPMENTS
- 21.16.200 REDEVELOPMENT
- 21.16.400 RURAL DEVELOPMENT
- 21.17 SURFACE MINING AND RECLAMATION
- 21.17.200 TRANSITION

SECTION 4: Insert Chapter 21.14 Flood Damage Prevention Regulations.

- 21.14.010 PURPOSE
- 21.14.020 METHODS OF REDUCING FLOOD LOSSES
- 21.14.040 LANDS TO WHICH THIS CHAPTER APPLIES
- 21.14.050 BASIS FOR ESTABLISHING THE AREA OF SPECIAL FLOOD HAZARD
- 21.14.060 AREAS OF SPECIAL FLOOD HAZARD AND THEIR INSURANCE CRITERIA
- 21.14.070 FLOODWAYS
- 21.14.080 SOURCE OF DESIGNATIONS AND LOCAL EXEMPTIONS
- 21.14.090 COMPLIANCE
- 21.14.100 INTERPRETATION
- 21.14.110 WARNING AND DISCLAIMER OF LIABILITY
- 21.14.120 ESTABLISHMENT OF DEVELOPMENT PERMIT
- 21.14.130 DESIGNATION OF CITY ENGINEER
- 21.14.140 DUTIES AND RESPONSIBILITIES OF THE CITY ENGINEER
- 21.14.160 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION
- 21.14.170 SPECIFIC STANDARDS
- 21.14.180 VARIANCE PROCEDURES

21.14.010 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 provisions designed:

1. To protect human life and health;
2. To minimize expenditure of public money for costly flood control projects;
3. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
4. To minimize prolonged business interruptions;
5. To minimize damage to public facilities and utilities such as water and gas mains, electric, telephone and sewer lines, streets and bridges located in areas of special flood hazard;
6. To help maintain a stable tax base by providing for the second use and development of areas of special flood hazard so as to minimize future flood blight areas;
7. To ensure that potential buyers are notified that property is in an area of special flood hazard; and
8. To ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

21.14.020 METHODS OF REDUCING FLOOD LOSSES

In order to accomplish its purposes, this Chapter includes methods and provisions for:

1. Restricting or prohibiting uses which are dangerous to health, safety, and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
2. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
3. Controlling the alteration of natural flood plains, stream channels, and natural protective barriers, which help accommodate or channel flood waters;
4. Controlling filling, grading, dredging, and other development which may increase flood damage; and
5. Preventing or regulating the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards in other areas.

21.14.040 LANDS TO WHICH THIS CHAPTER APPLIES

This Chapter shall apply to all areas of special flood hazards within the jurisdiction of the City of Paso Robles.

21.14.050 BASIS FOR ESTABLISHING THE AREA OF SPECIAL FLOOD HAZARD

The areas of special flood hazards are identified by the Federal Insurance Administration in a scientific and engineering report entitled "The Flood Insurance Study for the City of Paso Robles, California", with accompanying Flood Insurance Rate Maps. That report is hereby adopted by reference and declared to be a part of these regulations. The Flood Insurance Study on file in the Office of the City Engineer, 1030 Spring Street, Paso Robles, California, is available for inspection during regular business hours, and may be amended from time to time by resolution of the City Council. National Geodetic Vertical Datum of 1929 is the basis for the elevations in the report.

21.14.060 AREAS OF SPECIAL FLOOD HAZARD AND THEIR INSURANCE CRITERIA.

Areas of special flood hazard and their Flood Insurance Criteria are defined as follows:

1. A0 Zones: Areas of one hundred (100) year shallow flooding; flood depth of one to three feet (1-3'); product of flood depth (in feet) and velocity (feet per second) less than 15. Areas of shallow flooding with depths from one foot to three feet will be designated as an A0 Zone with depth rounded off to the nearest foot, i.e., 1, 2, or 3 feet.

In the A0 Zone, for flood plain management purposes, the lowest floor (including basement) of new residential structure shall be one foot above the flood elevation determined by adding the elevation of the highest point on the ground next to the building to the depth number specified by the zone designation. For non-residential structures, the lowest floor (including basement) must be floodproofed or raised one foot (1') above the flood elevation determined in the same manner as described for residential structures.

2. A Zones (A-1 to A-30): Areas of one hundred (100) year flooding; base flood elevations and flood hazard factors have been determined. A Zones shall have all residential structures finished first floor elevation raised a minimum of one foot (1') above the 100 year flood elevation.

Non-residential areas may either have finished first floor elevations raised a minimum of one foot (1') above the 100 year flood elevation or be floodproofed a minimum of one foot (1') above the 100 year flood elevation.

3. B Zones: Areas between limits of 100 year flooding and 500 year flooding; areas of 100 year shallow flooding where depths are less than one foot (1'). No flood insurance is required, but all projects within this zone must be reviewed by the Engineering Division to determine whether proposed finished first floor elevation is above 100 year flooding elevation.

4. C Zones: Areas outside of 500 year flooding. No flood insurance or staff review for finished first floor slab height is required.

21.14.070 FLOODWAYS

Located within areas of special flood hazards established in Sections 21.14.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of flood waters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

1. Encroachments, including fill, new construction, substantial improvements, and other development are prohibited unless certification by a registered professional engineer is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge.
2. If Subsection 1 above is satisfied, all new construction and substantial improvements shall comply with all applicable flood hazard reduction provisions of Section 21.14.160, GENERAL PROVISIONS FOR FLOOD HAZARD REDUCTION.
3. The placement of any mobile home, except in an existing mobile home park or existing mobile home subdivision, is prohibited.

21.14.080 SOURCE OF DESIGNATIONS AND LOCAL EXCEPTIONS.

1. All 100 year flooding and building elevations as referred to in Section 21.14.060 above, are based on the Flood Insurance Study done by the Federal Emergency Management Agency Federal Insurance Administration as cited in Section 21.14.050.

2. Local experience and historical data shall take precedence in all zones where there may be localized flooding that is not shown on the Flood Insurance Study cited in Section 21.14.050.

21.14.090 COMPLIANCE

No structure or land grading shall hereafter be constructed, located, extended, converted or altered without full compliance with the terms of this Chapter and other applicable regulations.

21.14.100 INTERPRETATION

In the interpretation and application of this Chapter, all provision shall be:

1. Considered as minimum requirements;
2. Liberally construed in favor of the governing body; and
3. Deemed neither to limit nor repeal any other powers granted under state statutes.

21.14.110 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 or any administrative decision lawfully made thereunder.

21.14.120 ESTABLISHMENT OF DEVELOPMENT PERMIT

A development permit shall be obtained before construction or development begins within any area of special flood hazard established in Section 21.14.060. Application for a development permit shall be made on forms furnished by the City Planning Department and may include, but not be limited to, plans, in duplicate, drawn to scale, showing the nature, location, dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing. Specifically, the following information is required:

1. Elevation in relation to mean sea level, using 1929 (NGVD), of the lowest floor (including basement) of all structures;
2. Elevation in relation to mean sea level, using 1929 (NGVD), to which any structure has been floodproofed;
3. Certification by a registered professional engineer or architect that the floodproofing methods for any non-residential structure meet the floodproofing criteria in Section 21.14.170.2C.
4. Description of the extent to which any watercourse will be altered or relocated as a result of proposed development; and
5. Plans for any walls to be used to enclose space below the base flood level.
6. Prior to occupancy the City Engineer shall be supplied with written certification by a registered land surveyor or civil engineer that the lowest floor elevation or floodproofed elevation complies with this Chapter.
7. Any other information as may be required by Section 21.232.200
Required Data - all applications.

21.14.130 DESIGNATION OF THE CITY ENGINEER

The City Engineer is hereby appointed to administer and implement this Chapter by granting or denying development permit applications in accordance with its provisions.

21.14.140 DUTIES AND RESPONSIBILITIES OF THE CITY ENGINEER

The duties of the City Engineer shall include, but are not limited to:

1. Permit Review
 - a. Review all development permits to determine that the permit requirements of this Chapter have been satisfied.
 - b. Review all development permits to determine that all building sites are reasonably safe from flooding.
 - c. Advise all applicants that other permits may be required from federal, state and local governmental agencies.
 - d. Review all development permits in the area of special flood hazard to determine if the proposed development adversely affects the flood-carrying capacity of the area of special flood hazard. For the purposes of this Chapter, "adversely affects" means that the cumulative effect of the proposed development and other preceding developments will be to increase the water-surface elevation of the base flood more than one foot at any point.
2. Use of Other Base Flood Data. When base flood elevation data has not been provided in accordance with Section 21.14.090, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, the City Engineer shall obtain, review, and reasonably utilize any base flood elevation data available from a federal, state or other source, in order to administer Sections 21.14.160, SPECIFIC STANDARDS, Residential Construction, and 21.14.160.2, SPECIFIC STANDARDS, Nonresidential Construction.
3. Information to be Obtained and Maintained.
 - a. Indicate base flood elevation.
 - b. Obtain and record the actual elevation (in relation to mean sea level, 1929 NGVD) of the lowest habitable floor (including basement) of all new or substantially improved structures;
 - c. For all new or substantially improved floodproofed structures;
 - (1) Verify and record the actual elevation (in relation to mean sea level, 1929 NGVD), and
 - (2) Maintain the floodproofing certifications required in Section 21.14.170.2.C.
 - d. Maintain for public inspection all records pertaining to the provisions of this Chapter.
4. Alteration of Watercourses
 - a. Notify adjacent communities and the California State Department of Water Resources prior to any alteration or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration.
 - b. Require that maintenance is provided within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.
5. Interpretation of FIRM Boundaries. Make interpretations where needed, as to the exact location of the boundaries of the areas of special flood hazards (for example, 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 21.14.180.1

21.14.160 GENERAL STANDARDS FOR FLOOD HAZARD REDUCTION.

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

1. Anchoring

- a. All new construction, substantial improvements and storage of materials shall be anchored to prevent flotation, collapse, or lateral movement. Materials capable of displacement due to flooding (including dissolvables) may not be stored with A Zones unless the site is floodproofed or finished grade is raised to eliminate flood hazards.
- b. The anchoring of mobile homes shall be governed by the State of California Administrative Code, Title 25, Chapter 5.

2. Construction Materials and Methods

- a. All new construction and substantial improvements shall be constructed with materials and utility equipment resistant to flood damage.
- b. All new construction and substantial improvements shall be constructed using methods and practices that minimize flood damage.

3. Utilities

- a. All new and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- b. New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters into the systems and discharge from the system into flood waters; and
- c. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

4. Subdivision Proposals

- a. All subdivision proposals shall be consistent with the need to minimize flood damage;
- b. All subdivision proposals shall have public utilities and facilities such as sewer, gas, electrical and water systems located and constructed to minimize flood damage;
- c. All subdivision proposals shall have adequate drainage provided to reduce exposure to flood damage; and
- d. Base flood elevation data shall be provided for subdivision proposals.

21.14.170 SPECIFIC STANDARDS.

In all areas of special flood hazards where base flood elevation data has been provided as set forth in Section 21.14.050, BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD, or in Section 21.14.080.2, Use of Other Base Flood Data, the following standards are required:

1. Residential Construction. New construction and substantial improvement of any residential structure shall have the lowest floor, including basement, elevated to at least one foot (1') above the base elevation, AO Zone depth.
2. Nonresidential Construction. New construction and substantial improvement of any commercial, industrial or other nonresidential structure shall either have the lowest floor, including basement, elevated to one foot (1') above the level of the base flood elevation; or AO Zone depth, or together with attendant utility and sanitary facilities, shall:
 - a. Be floodproofed to one foot (1') above the base flood level so that the structure, including utilities and plumbing facilities,