ORDINANCE NO. 1263

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HOLLISTER REPEALING, AMENDING AND REPLACING CHAPTER 15.04 OF THE HOLLISTER MUNICIPAL CODE ADOPTING BY REFERENCE THE 2025 CALIFORNIA BUILDING CODE, 2025 CALIFORNIA RESIDENTIAL CODE, 2025 CALIFORNIA ELECTRICAL CODE, 2025 CALIFORNIA MECHANICAL CODE, 2025 CALIFORNIA PLUMBING CODE, 2025 CALIFORNIA ENERGY CODE, 2025 CALIFORNIA HISTORICAL BUILDING CODE, 2025 CALIFORNIA EXISTING BUILDING CODE, 2025 CALIFORNIA GREEN BUILDING STANDARDS CODE, 2024 INTERNATIONAL PROPERTY MAINTENANCE CODE, AND 2024 INTERNATIONAL SWIMMING POOL AND SPA CODE, WITH AMENDMENTS

WHEREAS, the California Building Standards Commission has adopted and published an updated Title 24 of the California Code of Regulations, also referred to as the 2025 California Building Standards Code, that will become effective statewide on January 1, 2026; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 establish the authority for a city to adopt and make local amendments and modifications to the building standards in the California Building Standards Code to establish more restrictive building standards than those contained in the California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 permit a city to make such local amendments and modifications as the city determines are reasonably necessary because of local climate, geological or topographical conditions; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 require a city, before making any amendments and modifications to the California Building Standards Code, make an express finding that such amendments and modifications are reasonably necessary because of local climate, geological or topographical conditions; and

WHEREAS, the City of Hollister has reviewed and intends to adopt the 2025 California Building Standards Code; and

WHEREAS, the City Council wishes to amend portions of the California Building Standards Code to better address local conditions and makes express findings that such amendments are reasonably necessary because of local climate, geological or topographical conditions as set forth in this Ordinance.

NOW THEREFORE THE CITY COUNCIL OF THE CITY OF HOLLISTER DOES ORDAIN AS FOLLOWS:

SECTION 1. The Hollister Municipal Code is hereby amended to repeal and replace

Chapter 15.04 to update the Hollister Building Code, to read as follows:

TITLE 13: BUILDINGS AND CONSTRUCTION
CHAPTER 15.04 HOLLISTER BUILDING CODE

15.04.010 Title.

This chapter shall be known as the Hollister Building Code, may be cited as such, and will be referred to herein as "this code."

15.04.020 Purpose and authority.

The purpose of this chapter is to provide minimum requirements and standards for the protection of the public safety, health, property, and welfare of the city of Hollister. The ordinance codified in this chapter is adopted under the authority of California Government Code Section 50022.2 and California Health and Safety Code Section 18941.5.

15.04.030 Application.

This code shall be the exclusive source of regulations for all new construction and any alterations, repairs, relocations, or reconstruction of any building or any portion thereof, including any electrical, mechanical, gas, plumbing, or fire protection equipment installed on any property or used on or within any building.

15.04.040 Conflicts with other laws, rules, regulations.

In the event of any conflict between this code and any law, rule, or regulation of the state of California, that requirement which establishes the higher standard of safety shall govern. Failure to comply with such standard of safety shall be a violation of this code.

15.04.045 Building and demolition permits—Diversion plans.

A. *Solid Waste Diversion Plan.* No building or demolition permit shall be issued until a solid waste diversion plan has been submitted to and approved by the city. Failure to obtain an approved solid waste diversion plan shall prevent the issuance of a building or demolition permit. Permittees are required to divert a minimum of 50 percent of the construction or demolition waste from disposal.

B. *Final Inspection and Occupancy—Penalty.* No final inspection will be scheduled and no occupancy will be permitted until the permittee has submitted verifiable documentation from a California Integrated Waste Management Board-permitted disposal or recycling facility that the required diversions have been met, if such documentation can be provided. Permittees who fail to divert 50 percent of the construction or demolition waste will be required to pay a penalty established by resolution of the city council. Funds generated from penalties collected will be used

for source reduction, recycling, or other waste diversion activities in the city, as determined by the city council.

C. For purposes of this section, "solid waste diversion plan" means a written proposal that establishes criteria and procedures to divert construction and demolition debris from disposal.

15.04.050 Construction codes adopted by reference.

The following codes, which are on file and available for public inspection at City Hall, are adopted by reference as fully as if set forth verbatim. 2025 Edition of the California Building Standards, Title 24 of the California Code of Regulations, in its entirety consisting of the following parts:

Part 1 California Administrative Code.

Part 2 (Vol 1) California Building Code (with local amendments).

Part 2 (Vol 2) California Building Code (with local amendments).

Part 2.5 California Residential Code (with local amendments).

Part 3 California Electrical Code (with local amendments).

Part 4 California Mechanical Code (with local amendments).

Part 5 California Plumbing Code (with local amendments).

Part 6 California Energy Code (with local amendments).

Part 7 2025 California Wildland Urban Interface Code with Appendices

Part 8 Historical Building Code.

Part 9 California Fire Code (with local amendments).

Part 10 California Existing Building Code.

Part 11 California Green Building Standards Code.

Part 12 California Reference Standards Code.

Uniform Code for the Abatement of Dangerous Buildings, 1997 Edition.

International Property Maintenance Code, 2024 Edition

Uniform Swimming Pool, Spa & Hot Tub Code, 2021 Edition.

(Ord. 1096, § 1, 2013; Ord. 1135, § 1, 2017; Ord. 1187, § 1, 2020; Ord. 1222, § 1, 2022; Ord. 1224, 2022)

Section 15.04.055 of Chapter 15 of the Hollister Municipal Code is hereby added with the text below to read as follows:

15.04.055 AMENDMENTS ADOPTION

1. This article shall be known and cited as the Hollister Building Safety Code.

2. The following Codes are hereby adopted by reference for the City of Hollister:

(a) The 2025 California Building Code, published by the International Code Council, Inc. and the California Building Standards Commission in Part 2 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Appendix J of Title 24 of the Califorina Code of Regulations, Part 2, Volume 2 of 2. Amendments, if any, are set forth in Section 15.04.056(a) of the Hollister Municipal Code. The 2025 California Building Code shall be designated and referred to as the "Building Code" for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

(b) The 2025 California Residential Code, published by the International Code Council, Inc. and the California Building Standards Commission in Part 2.5 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Appendix BG of the 2025 California Residential Code. Amendments, if any, are set forth in Section 15.04.056 (b) of the Hollister Municipal Code. The 2025 California Residential Code shall be designated and referred to as the "Residential Code" for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

(c) The 2025 California Electrical Code, published by the National Fire Protection Agency and the California Building Standards Commission in Part 3 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Appendices A, B, C, D, and F. Amendments, if any, are set forth in Section 15.04.056 (c) of the Hollister Municipal Code. The 2025 California Electrical Code shall be designated and referred to as the “Electrical Code” for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

(d) The 2025 California Mechanical Code, published by the International Association of Plumbing and Mechanical Officials and the California Building Standards Commission in Part 4 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. Amendments, if any, are set forth in Section 15.04.056 (d) of the Hollister Municipal Code. The 2025 California Mechanical Code shall be designated and referred to as the "Mechanical Code" for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

(e) The 2025 California Plumbing Code, published by the International Association of Plumbing and Mechanical Officials and the California Building Standards Commission in Part 5 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and

made a part of this Chapter as though fully set forth herein. The adoption includes Appendices A, B, C, D, I, and M. Amendments, if any, are set forth in Section 15.04.056(e) of the Hollister Municipal Code. The 2025 California Plumbing Code shall be designated and referred to as the “Plumbing Code” for the City of Hollister. There is one copy of said code in file in the office of the Building Official for use and examination by the public.

(f) The 2025 California Energy Code, published by the International Code Council, Inc. and the California Building Standards Commission in Part 6 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Appendices 1-A and 1-B of the 2025 California Energy Code. Amendments, if any, are set forth in Section 15.04.056 (f) of the Hollister Municipal Code. The 2025 California Energy Code shall be designated and referred to as the “Energy Code” for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

(g) The 2025 California Historical Building Code, published by the International Code Council, Inc. and the California Building Standards Commission in Part 8 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. Amendments, if any, are set forth in Section 15.04.056 (g) of the Hollister Municipal Code. The 2025 California Historical Building Code shall be designated and referred to as the “Historical Building Code” for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

(h) The 2025 California Existing Building Code, published by the International Code Council, Inc. and the California Building Standards Commission in Part 10 of Title 24 of the California Code of Regulations, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Appendices A1, A2, A3, and A5 of the 2025 Califorina Existing Building Code. Amendments, if any, are set forth in Section 15.04.056 (h) of the Hollister Municipal Code. The 2025 California Existing Building Code shall be designated and referred to as the “Existing Building Code” for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

(i) The 2024 International Property Maintenance Code, published by the International Code Council, Inc., is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. The adoption includes Appendix A of the 2024 International Property Maintenance Code. Amendments, if any, are set forth in Section 15.04.056 (i) of the Hollister Municipal Code. The 2024 International Property Maintenance Code shall be designated and referred to as the "Property Maintenance Code" for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

(j) The 2024 International Swimming Pool and Spa Code, published by the International Code Council, Inc., is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. Amendments, if any, are set forth in Section 15.04.056 (j) of the Hollister Municipal Code. The 2024 International Swimming Pool and Spa Code shall be designated and referred to as the "Swimming Pool and Spa Code" for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

(k) The 2025 California Green Building Standards Code, published by the International Code Council, Inc. and the California Building Standards Commission in Part 11 of Title 24 of the California Code of Regulations, also known as the CALGreen Code, is hereby adopted and referred to, and by this reference expressly incorporated and made a part of this Chapter as though fully set forth herein. Amendments, if any, are set forth in Section 15.04.056 (k) of the Hollister Municipal Code. The 2025 California Green Building Standards Code shall be designated and referred to as the “Green Building Standards Code” for the City of Hollister. There is one copy of said Code on file in the office of the Building Official for use and examination by the public.

Pursuant to California Health and Safety Code Sections 17958. 7 and 18941.5, the City Council hereby finds that the amendments are reasonably necessary due to local climatic, geological or topographical conditions as set forth below.

1. Many of the modifications or changes are reasonably necessary because of the following climatic conditions.

(a) The region is within a climate zone that requires compliance with energy efficiency standards for building construction. The amendment adds design flexibility that will add to energy efficiency in construction while maintaining nationally recognized health and safety standards. This reason is hereinafter referred to as “Climatic I.”

(b) The region is within a national climate zone that is designated “Very High” on the Termite Infestation Probability Map. This reason is hereinafter referred to as “Climatic II.”

2. Many of the modifications or changes are reasonably necessary because of the following geological conditions.

(a) The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants. This reason is hereinafter referred to as “Geological I.”

(b) The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of flexibility of materials and/or building systems as a contributing factor to damages that reduced the protection of the life-safety of building occupants and increased the cost of rehabilitation of structures. This reason is hereinafter referred to as "Geological II."

3. Many of the modifications or changes are reasonably necessary because of the following topographical conditions.

(a) Portions of the City are in hillside areas that are hazardous fire areas that have only limited fire suppression forces and facilities available for the protection of life and property. This reason is hereinafter referred to as "Topographical I"

(b) Portions of the City are in hillside areas with extensive hillside construction that is prone to erosion. This reason is hereinafter referred to as "Topographical II".

4. Some of the modifications or changes are reasonably necessary because of other climatic, geological or topographical conditions.

Section 15.04.056 of Chapter 15 of the Hollister Municipal Code is hereby added with the text below to read as follows:

15.04.056 AMENDMENTS

(a) **Amendments to the Building Code**

(1) Amend Section 1.8.4.2 to read as follows:

1.8.4.2 Fees. Fees shall be assessed in accordance with the adopted City of Hollister Comprehensive Fee Schedule.

(2) Amend Section 105.7 to read as follows:

105.7 Placement of Permit. The building permit, along with all plans and documentation approved by the building official, shall be kept on the site of the work until final approval has been granted by the building official.

(3) Amend Section 109.2 to read as follows:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required by the adopted current adopted City of Hollister Comprehensive Fee Schedule.

(4) Amend Section 109.4 to read as follows:

109.4 Work commencing before permit issuance. Whenever any work for which a permit is required by this code has commenced without first obtaining said permit, the fee for necessary permits shall be two times the

fee established by the current City of Hollister Comprehensive Fee Schedule approved by the city council and HMC 1.16.110.

(5) Add Section 109.7 to read as follows:

109.7 Plan review fees. A plan checking fee must be paid when you submit your plans, calculations, and specifications for review. If the submittal documents are incomplete or changed in a way that requires an additional plan review, or if the project involves deferred submittal items, an additional fee may be charged. This additional fee, as determined by the building official, will be based on an hourly rate set forth in the City of Hollister Comprehensive Fee Schedule.

(6) Add Section 110.7 to read as follows:

110.7 Inspection Record Card. Work requiring a permit shall not commence until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the building official such as to allow the Building Official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained and available by the permit holder until final approval has been granted by the building official.

(7) Amend Section 402.5 as follows: Delete exception.

(8) Amend Section 403.3 as follows: Delete exception.

(9) Amend Section 404.3 as follows: Delete all exceptions.

(10) Amend Section 410.6 as follows: Delete all exceptions.

(11) Amend Section 903.2 to read as follows:

903.2 Where Required. Approved Automatic sprinkler system in new and existing buildings and structures shall be provided in the locations as set forth in the Hollister Fire Code and the California Fire Code. If any conflicts occur between the California Building Code and the Hollister Fire Code, the Hollister Fire Code shall prevail.

(12) Add Section 1505.1.3 to read as follows:

1505.1.3 Roofing requirements in a Wildland-Urban Interface Fire Area. Roofing requirements for structures located in a Wildland-Urban Interface Fire Area shall comply with the California Wildland-Urban Interface Code. The entire roof covering of every existing structure where more than 50 percent of the total roof area is replaced within any one-year period, the entire roof covering of every new structure, and any roof covering applied in the alteration, repair or replacement of the roof of every existing structure, shall be a fire-retardant roof covering that is at least Class A.

(13) Add Section 1505.1.4 to read as follows:

1505.1.4 Roofing. Class A roof covering shall be required for all Hillside Construction.

(14) Amend Section 1705.3 Exception 1 to read as follows:

1. Isolated spread concrete footings of buildings three stories or less above grade plane that are fully supported on earth or rock, where the structural design of the footing is based upon a specified compressive strength, f'_c , no greater than 2,500 pounds per square inch (psi) (17.2 MPa).

(15) Amend Section 1808.1 by adding the following to the end of the section to read as follows:

All new foundations for building additions to R-3 occupancies shall be of the same type of foundation system as the existing structure, unless the foundation system is designed, and plans, calculations, and specifications are prepared, stamped and signed, by a California licensed engineer or architect.

(16) Adopt the following Appendix:

Appendix J - Grading

(17) Add subsections to Section J110 Erosion Control to read as follows:

J110.3 Erosion Control.

a. The applicant shall submit an Interim Erosion and Sediment Control Plan. This can be incorporated on the Grading Plan and shall include the following information:

1. Maximum surface runoff from the site as calculated using the method approved by the Building Official.
2. A delineation and brief description of the surface runoff and erosion control measures to be implemented including, but not limited to, types and methods of applying mulches to be used.
3. A delineation and brief description of vegetative measures to be taken, including but not limited to, seeding methods, the type, location and extent of existing and undisturbed vegetation types, and a schedule for maintenance and upkeep.

b. No improvements planned. Where an applicant does not plan to construct permanent improvements on the site, or plans to leave portions of the site graded but unimproved, applicant must:

1. Submit an Interim Plan designed to control runoff and erosion on the site for the period of time during which the site, or portions thereof, remain unimproved.
2. Submit a request for release after the completion of grading.

c. Work Schedule. The applicant must submit a master work schedule showing the following information:

1. Proposed grading schedule.
2. Proposed conditions of the site on each July 15, August 15, September 15, and October 15 during which the permit is in effect.

3. Proposed schedule for installation of all interim erosion and sediment control measures including, but not limited to, the stage of completion of erosion control devices and vegetative measures on each of the dates set forth in Subsection (2).
4. Schedule for construction of final improvements, if any.
5. Schedule for installation of permanent erosion and sediment devices where required.

d. Season Work (October 15 to April 15).

1. For commencement of the grading during the wet season, applicant must provide special documentation, as required by Building Official, showing the reasons other than financial, for the need to commence at that time.
2. For continuation of activities, other than installation, maintenance or repair of measures in the interim or final plans, during the wet season, permittee must apply for and receive in writing from the Building Official, every five (5) working days, special permission to proceed.
3. The Building Official shall grant permission under this subsection on the basis of weather forecasts, experience and other pertinent factors, which indicate the activity, may occur without excessive erosion occurring.

J110.4 Dust and Mud Control Measures. Contractors performing grading operations within the City where dry conditions or wet conditions are encountered shall adequately and effectively control dust or mud from spreading off site or onto existing structures on site. Prior to commencement of grading operations, contractor shall furnish details of proposed dust or mud control measures to the Building Official for approval. Failure to control dust or mud from grading operations shall result in suspension of grading operations until adequate measures are in place to allow continuance.

J110.5 Archeological Discovery. If in the course of any grading operation, any artifacts, human remains, or substantial fossils are discovered, all grading operations shall cease, and the discovery site shall be suitably marked and protected from further damage. A report of such findings shall be as outlined in the Zoning Ordinance. Specifically, if human remains are discovered, the Sheriff-Coroner and the Building Official shall be notified. If no human remains are discovered, but artifacts or significant fossils are discovered, the Building Official shall be notified.

J110.6 Administration and Enforcement.

J110.6.1 Work Stoppage. Whenever the Building Official determines that the work does not comply with the terms of the permit or of this Ordinance

Section, they may order the immediate cessation of all work hereunder until such corrective measures have been completed.

J110.6.2 Right of Entry. Whenever the Building Official or designated subordinate(s) have reasonable or probable cause to believe that there exists accelerated erosion and/or a violation of this Ordinance Section, they may enter such site at all reasonable times to inspect the same, to perform any duty imposed upon them by this Ordinance Section; providing that if such premises are occupied, they shall first present proper credentials and request entry, and if the premises are found to be unoccupied, they shall first make a reasonable effort to locate the owner or other person having charge or control of said premises and request entry. If such entry is refused or the owner or person having charge or control cannot be located after reasonable effort, the Building Official shall have recourse to every remedy provided by law to secure entry and abate the erosion or violation.

J110.6.3 Notification of Violation. Any person found to be in violation of the provisions of this Ordinance Section shall be required to correct the problem upon written notification from the Building Official or designated subordinate(s). Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

a. Use of specific erosion control techniques

b. Submittal of plans and specifications to be approved by the Community Development Department, and any other department affected by such work, prior to the commencement of corrective work.

c. Completion of corrective work within a specified time period.

J110.6.4 Abatement of Violation. If the responsible party fails to act in response to written notification of the Building Official, the violation may be declared a public nuisance and be abated as required to restore the site to its original condition. Where there is an emergency condition of erosion or sediment damaging a waterway, marsh, or other body of water, or significant habitat or archeological site, the Building Official may have the necessary corrective work done and bill the property owner or lien the property for repayment.

J110.6.5 Penalties.

a) Any person, whether as principal, agent, employee or otherwise, or firm or corporation violating, or causing or permitting the violation of any of the provisions of this Ordinance Section shall be subject to citations and penalties set forth in the Hollister Municipal Code, Section 1.16, Section 15.04.100 and Chapter 1.18.

b) Each separate day or portion thereof during which any violation occurs or continues without a good faith effort by the responsible person to

correct the violation, shall be deemed to constitute a separate offense.

c) In addition to the above noted penalties, the Building Official is hereby authorized to attach an investigation fee up to twice the grading permit fee, to any such permit issued for corrective action.

J110.6.6 Enforcement. The Building Official and or their designated subordinate(s) is hereby authorized and directed to enforce all the provisions of this Ordinance Section. For such purpose, the Building Official shall have the powers of a law enforcement officer.

J110.6.7 Appeals. Any person who believes the Building Official has erred in the technical application of this Ordinance Section may appeal such action to the Building Board of Appeals.

(b) **Amendments to the Residential Code**

(1) Amend Section 1.8.4.2 to read as follows:

1.8.4.2 Fees. Fees shall be assessed in accordance with the adopted City of Hollister Comprehensive Fee Schedule.

(2) Amend Section R105.7 to read as follows:

R105.7 Placement of Permit. The building permit, along with all plans and documentation approved by the building official, shall be kept on the site of the work until final approval has been granted by the building official.

(3) Amend Section R108.2 to read as follows:

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required by the adopted current adopted City of Hollister Comprehensive Fee Schedule.

(4) Amend Section R108.6 to read as follows:

R108.6 Work commencing before permit issuance. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the fee for necessary permits shall be double the fee established by the current City of Hollister Comprehensive Fee Schedule approved by the city council.

(5) Add Section R108.7 to read as follows:

R108.7 Plan review fees. When a plan review requires a plan checking fee, the fee shall be paid at the time of submitting plans, calculation and specifications for checking. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee may be charged as deemed necessary by the building official at an hourly rate established in the City of Hollister Comprehensive Fee Schedule adopted by the city council.

(6) Add Section 109.5 to read as follows:

109.5 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the building official such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained and available by the permit holder until final approval has been granted by the building official.

(7) Adopt the following Appendix:

Appendix BG – Sound Transmission

(c) **Amendments to the Electrical Code**

(1) Amend Section 230.2 by adding subsection (F) to read as follows:

230.2(F). Underground Service. All new electrical services shall be underground and installed per Section 230.30, Underground Service-Lateral Conductors. In existing commercial and industrial areas, existing overhead utilities shall be placed underground in connection with new development. In existing residential areas of the city in which development has occurred with overhead utilities in or along the frontage of properties, existing utilities shall be placed underground in connection with the development or redevelopment of property consisting of four (4) or more dwelling units.

(2) Amend Section 230.70(A) by adding subsection (4) to read as follows:

(4) Main Service Disconnect Location. The building main service disconnect and/or disconnects shall be installed on the first-floor level of the building, in accordance with 230.70(A)(l), (A)(2), and (A)(3).

(3) Amend Section 250.50 by adding subsection (A) to read as follows:

Main 250.50(A). Grounding System in New Buildings. Grounding electrode systems in all new buildings shall be an electrode encased by at least 50 mm (two inches) of concrete, located horizontally near the bottom or vertically, and within that portion of a concrete foundation or footing that is in direct contact with earth. The electrode shall consist of at least 6.0 m (20 feet) of one or more steel reinforcing bars or rods, of not less than 13 mm (½ inch) diameter or consisting of at least 6.0 m (20 feet) of bare copper conductor not smaller than 4 AWG. The connection side of this concrete-encased electrode shall be located remotely away from the main electrical service equipment.

(4) Adopt the following Annex:

Annex A – Product Safety Standards

Annex B – Application Information for Ampacity Calculation

Annex C – Conduit, Tubing, and Cable Tray Fill Tables for Conductors and Fixture Wires of the Same Size

Annex D – Examples

Annex F – Availability for Critical Operations Power Systems; and Development and Implementation of Functional Performance Tests (FPTs) for Critical Operations Power Systems

(d) **Amendments to the Mechanical Code**

(1) Adopt no amendments.

(e) **Amendments to the Plumbing Code**

(1) Amend Section 1211.8 to read as follows:

1211.8 Earthquake-Actuated Gas Shutoff Valves. Earthquake-actuated gas shutoff valves designed to automatically shut off the gas at the location of the valve in the event of a seismic disturbance and certified by the Stated Architect as conforming to California Code of Regulations, Title 24, Part 12, Chapter 12-16-1, shall be installed in all new buildings and in existing buildings that undergo alterations or additions that exceed $10,000.

(2) Adopt the following

Appendix:

Appendix A – Recommended Rules for Sizing the Water Supply

System Appendix B – Explanatory Notes on Combination Waste and

Vent Systems Appendix C – Alternate Plumbing Systems

Appendix D – Sizing Storm Water Drainage Systems

Appendix I – Installation Standards

Appendix M – Peak Water Demand Calculator

(f) **Amendments to the Energy Code**

(1) Adopt the following Appendix:

Appendix 1-A – Standards and Documents Referenced in the Energy Code

Appendix 1-B – Energy Commission Documents Incorporated by Reference in Their Entirety

(g) **Amendments to the Historical Building Code**

(1) Adopt no amendments.

(h) **Amendments to the Existing Building Code**

(1) Adopt the following Appendix:

Appendix A1 – Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings

Appendix A2 – Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms

Appendix A3 – Prescriptive Provisions for Seismic Strengthening of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings

Appendix A5 – Referenced Standards

(i) **Amendments to the Property Maintenance Code**

(1) The codes, standards, and references in this code shall be revised as follows:

Delete the following references	Insert the following references
• International Building Code • International Mechanical Code • National Electrical Code • International Fire Code • International Plumbing Code • International Existing Building Code • International Residential Code • International Energy Conservation Code • International Green Construction Code • International Zoning Code • International Fuel Gas Code • Name of Jurisdiction • Jurisdiction to insert appropriate schedule • Board of appeals	• 2025 California Building Code • 2025 California Mechanical Code • 2025 California Electrical Code • 2025 California Fire Code • 2025 California Plumbing Code • 2025 California Existing Building Code • 2025 California Residential Code • 2025 California Energy Code • 2025 California Green Building Standards Code • City of Hollister Zoning Ordinance • No reference • City of Hollister • City of Hollister Comprehensive Fee Schedule • Hearing Officer

(2) Amend Section 102.4 to read as follows:

102.4 Existing remedies. The provisions in this code shall not be construed to abolish or impair existing remedies of the jurisdiction or its officers or agencies relating to the correction of any code violation or the removal or demolition of any structure that is dangerous, unsafe, or insanitary.

(3) Amend Section 105.3 by adding the following to the end of the section to read as follows:

Any and all costs incurred by the city in connection with securing lawful entry to a structure or premise including but not limited to, costs of investigation, staffing costs incurred in the preparation of warrants, and all subsequent costs necessary to enforce compliance with the provisions of this Code may be recovered including late payment charges and costs of collection by use of any and all available legal means.

(4) Amend Section 106.1 to read as follows:

106.1 Means of appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the hearing officer, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

(5) Delete Section **106.2 Limitations of authority** through Section **106.4 Administration**.

(6) Amend Section [A] 107.1 to read as follows:

107.1 Unlawful acts. It is hereby declared to be unlawful and a public nuisance for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any premise, building, structure or building service equipment, or cause or permit the same to be done in violation of this code or the technical codes.

(7) Amend Section [A] 107.5 by adding the following to the end of the section to read as follows:

Procedures used and actions taken to correct or abate violations are not limited by this code. Procedures used and actions taken under this code may be utilized in conjunction with or in addition to any other procedure applicable to the regulation of buildings or structures or property.

(8) Amend Section 109.1 to read as follows:

109.1 Unsafe conditions. When a structure or equipment is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure shall be posted in accordance with this section and declared to be a public nuisance and the violations shall be abated by repair, rehabilitation, demolition or removal pursuant to the provisions of this code.

(9) Amend Section 109.1.4 to read as follows:

109.1.4 Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, occupied or maintained contrary to law; or one that is partially constructed, reconstructed or demolished upon which work is abandoned. Work is deemed abandoned when there is no valid building or demolition permit.

(10) Amend Section 109.1.5 by adding the following paragraph to the end of the Section:

Whenever exterior walls or other vertical structural members list, lean or buckle to such an extent that a plumb line passing through the center of gravity does not fall inside the middle one third of the base.

(11) Amend Section 109.2 by deleting the words “of condemnation”:

(12) Amend Section 109.5 to read as follows:

109.5 Unauthorized tampering. Placards, notices, signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed, tampered with, or removed without authorization from the code official. Any person violating this subsection shall be guilty of a misdemeanor.

(13) Amend Section 109.7 to read as follows:

109.7 Placarding. When the code official determines a structure, equipment or premise has been erected, constructed, enlarged, altered, repaired, moved, improved, removed, damaged, converted or demolished, equipped, used, occupied or maintained in violation of this code or the technical codes and the structure, equipment or premise constitutes a danger to the life, limb, property or safety of the public or the occupants, the code official shall post a placard on the structure, equipment or premise in a conspicuous place in or about the affected structure, equipment or premise. The placard shall clearly state the code official’s Order

regarding the structure, equipment, or premise, and specify the conditions which necessitated the posting.

(14) Amend Section 109.7.1 to read as follows:

109.7.1 Placard removal. The code official shall remove the placard whenever the defect or defects upon which the placarding action was based has been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

(15) Amend Section 109.8 to read as follows:

109.8 Prohibited occupancy. It shall be unlawful for any person, owner, owner’s authorized agent or person responsible for the premise to occupy or allow to be occupied a placarded structure or premise or operate placarded equipment in violation of the code officials posted order.

(16) Add Section 109.10 to read as follows:

109.10 Recordation of notices and orders. If compliance with the order is not achieved within the time specified therein, and no appeal has been properly and timely filed, the code official is authorized to file in the office of the county recorder a certificate describing the property, and that the premise, building, structure or building service equipment is in violation of this code or the technical codes or other regulation applicable to buildings or structures or property. Whenever the ordered corrections have been completed and the violations no longer exist on the property described in

the certificate, and when all fines, fees, penalties, and incurred costs associated with the property have been satisfied, the code official shall issue a new certificate certifying that all required corrections have been made.

(17) Amend Section 202 definition for Dwelling Unit to read as follows:

[A] DWELLING UNIT. A single unit, whether part of a multiple unit complex, or a detached individual residential dwelling, that provides complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation. "Recreational vehicles" shall not be used or classified as Dwelling, unless they are located in an approved mobile home park or RV park.

(18) Amend Section 202 definition for Inoperable Motor Vehicle to read as follows:

INOPERABLE MOTOR VEHICLE. A vehicle which cannot be driven upon the public streets for reasons including but not limited to being registered non- operational, unlicensed, wrecked, abandoned, in a state of disrepair, missing components, incapable of being moved under its own power or is prohibited from being operated on a public street or highway for any reason pursuant to the provisions of the California Vehicle Code.

(19) Amend Section 302.1 to read as follows:

302.1 Sanitation. Exterior property areas and premises shall be maintained by the property owner in a clean, safe, and sanitary condition. In residential zones, accumulations of building materials, junk, rubbish, garbage, debris, scrap materials, boxes or similar storage containers, household items or residential belonging or similar objects, except items designed for exterior use such as lawn furniture, shall not be stored or maintained in the front yard area or unenclosed patios, porches, carports, or areas visible from any street or public way or accessible to the public for a period of time in excess of seventy-two consecutive hours. Property owners shall remain liable for violations thereof regardless of any contract or agreement with any third party regarding such property. The owner of any building lot or premises within the City where a business, trade or profession has established a fixed place of business comply with the requirements of Municipal Code Sections 8.32.060.

(20) Amend Section 302.2 by adding the following sentence at the end of the section:

Excess or concentrated drainage shall be contained on site or directed to the nearest practicable drainage facility approved by the code official.

(21) Amend Section 302.3 by adding the following paragraph at the end:

The owner of any building, lot or premises within the city shall maintain the sidewalks and/or walkways located upon such premises that are accessible to the general public and the public sidewalks between such premises and any adjacent public street or alley in a clean, safe and sanitary condition. Maintenance shall include the removal and proper disposal, by methods approved by the City of Hollister, of any dangerous, unsightly and unsanitary conditions such as accumulations of garbage, refuse, rubbish, litter, dirt, gum or other substances or items, which have

been placed, dropped or spilled upon the sidewalks. Where said unsightly or unsanitary conditions have been created or caused by the owner of such building, lot or premises, whether upon the sidewalks and/or walkways located upon his premises or the public sidewalks between such premises and any adjacent public street or alley, or the sidewalks adjacent to buildings, lots or premises in the vicinity, the owner shall immediately restore the sidewalks and/or walkways to a clean, safe and sanitary condition.

(22) Amend Section 302.4 to read as follows:

302.4 Weeds. No owner, agent, lessee or occupant or other person having charge or control of any building, lot or premises within the city shall permit excess weeds or vegetation over twelve (12) inches to remain or accumulate upon such premises or upon public sidewalks or streets or alleys between such premises and the centerline of any public street or alley. Where overgrown weeds, vegetation, shrubbery, vines or trees, create an encroachment, harborage or shelter; the code official shall require the property owner to trim, cut, destroy or remove the overgrowth, and/or raise the vegetation canopy to a height of seven feet above the ground. All noxious weeds shall be prohibited. Weeds shall be defined per Municipal Code Section 8.32.060.

Upon failure of the owner or agent having charge of a property to cut and destroy excess weeds or vegetation after service of a notice of violation, they shall be subject to prosecution in accordance with Section 109.3 and as prescribed by the City of Hollister. Upon failure to comply with the notice of violation, any duly authorized employee of the City or contractor hired by the City shall be authorized to enter upon the property in violation and cut and destroy the weeds or excess vegetation growing thereon, and the costs of such removal shall be paid by the owner or agent responsible for the property.

(23) Amend Section 302.8, Exception to read as follows:

Exception: An owner, lessee, or occupant of the property may repair, wash, clean, or service personal property, provided they comply with Hollister Zoning Ordinance and Municipal Codes requirements.

(24) Amend Section 304.7 to read as follows:

304.7 Roofs and drainage. The roof and flashing shall be sound, tight, and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Damaged or deteriorated roofs and flashing shall be repaired as expeditiously as possible. When emergency temporary roof repairs require the installation of tarps or plastic sheeting to prevent leaks, the temporary repairs shall not extend beyond one month, unless approved by the Code Official. Such temporary repairs must have all edges of the material fastened and restrained with sufficient tension to prevent movement or flapping in the wind. Roof drains, gutters and downspouts

shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

(25) Amend Section 304.14 first sentence by deleting the words: "During the period from [DATE] to [DATE],"

(26) Amend Section 304.15 to read as follows:

304.15 Doors. Exterior doors, door assemblies, including weather stripping, thresholds, closers and operator systems if provided, and hardware shall be maintained in good condition. Locks at all entrances to dwelling units and sleeping units shall tightly secure the door. Locks on means of egress doors shall be in accordance with Section 702.3.

(27) Amend Section 304.16 to read as follows:

304.16 Under-Floor areas. Under-floor access doors, hatchways and ventilation openings shall be maintained to prevent the entrance of rodents, rain, and surface drainage water. Doors shall be tight fitting and ventilation openings shall be properly screened with corrosion-resistant wire mesh having openings not exceeding ¼ inch in any dimension or alternate approved materials pursuant to 2021 California Building Code Section 1203.

(28) Amend Section 304.18.2 to read as follows:

304.18.2 Windows. Operable windows that provide access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device when they are located in whole or in part within 12 feet above ground level or walking surface or 6 feet horizontally from the ground, a roof, or any other platform.

(29) Amend Section 305.1, first sentence, to read as follows:

305.1 General The interior of a structure and equipment therein including but not limited to cabinets, counters and hardware shall be maintained in good repair, structurally sound and in a sanitary condition.

(30) Amend Section 305.6 to read as follows:

305.6 Interior Doors. Every interior door, frame and hardware shall be properly installed and maintained in a workmanlike manner and capable of being opened, closed, and latched. Every interior door shall fit reasonably well within its frame and shall be securely attached to the jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

(31) Amend Section 308.3.1 to read as follows:

308.3.1 Garbage facilities. The owner of every dwelling unit or the proprietor, manager, owner or lessee of any hotel, restaurant, boardinghouse, rooming house or other place of business in the city shall be responsible for providing approved leak-proof, covered, outside garbage receptacles for each dwelling unit or place of business pursuant to Hollister Municipal Code Section 8.12. Receptacles and storage areas shall be at all times kept in a sanitary condition. Receptacles shall be

placed for collection in the alley behind the premises, or if there is no alley access, then on the front curb in front of the premises being served, or such other place as may be approved by the director of public works or the garbage contractor, so as to be readily accessible for removing and emptying the same. Receptacles shall be placed in the proper area for collection the evening prior to collection and shall be removed and stored at an approved location by the morning after. For dwelling units, receptacles shall be stored in the side yard, fully concealed behind a fence or gate immediately adjacent to the house or garage. Where the code official repeatedly finds a site in violation of Municipal code section 8.12.045, he or she may require the property owner to provide an additional or larger outside garbage container for the premise to use.

(32) Amend Section 309.1 to read as follows:

309.1 Infestation. All structures shall be kept free from insect, rodent, vermin, or other infestations. When an insect, rodent, vermin or other infestation is brought to the attention of the code official, he or she may require the owner or owner's authorized agent having charge or control of the building, lot or premise to hire a licensed exterminator or other qualified professional to inspect the building, lot or premise and provide a written report verifying the presence and severity of such infestation including in the report a recommendation for proper extermination or elimination of the infestation. All structures and/or areas in which infestations are found, shall be promptly exterminated by approved processes that will not be injurious to human health. After extermination of the infestation is complete, the code official may request a written notice from the licensed exterminator or other qualified professional attesting to the completion and success of the recommended extermination procedures. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation.

(33) Amend Section 309.2 to read as follows:

309.2 Owner. The owner of any structure or premise shall be responsible for extermination within the structure or premise prior to renting or leasing the structure or premise. The owner of a structure or premise containing a dwelling unit, multiple occupancy, rooming house, or a nonresidential structure shall be responsible for maintaining the structure and premise in a rodent and/or pest-free condition. If an infestation is caused by an occupant substantially failing to properly maintain their occupied area of the structure or premise "as clean and sanitary as the condition of the structure or premise permits". For as long as the occupant's failure either substantially causes an unlivable condition to occur, or substantially interferes with the owner's ability to repair the condition, the owner does not have to repair the condition. Where defects in a structure substantially contribute to or cause an infestation, the owner shall be responsible for correction of the defect and extermination of the infestation.

(34) Delete Section **309.3 Single Occupant** through Section **309.5 Occupant**.

(35) Delete Section **404.5 Overcrowding** through Section **404.6 Efficiency unit**.

(36) Amend Section 505.3 by adding the following sentence to the end of the Section:

Where there's damage or unauthorized modification to or use of a backflow prevention device, the code official may require theft prevention cages or enclosures to be installed.

(37) Amend Section 505.4:

Delete the words: "unless adequate combustion air is provided" and replace with the words: "the installation complies with Chapter 5 of the California Plumbing Code and Section 904.0 of the 2022 California Mechanical Code"

(38) Amend Section 506.2 by adding the following sentence to the end of the Section:

Sewer line cleanout plugs, or caps shall be of an approved type and shall be securely installed and remain in place at all times except when servicing the drain line.

(39) Amend Section 602.2 to read as follows:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F in all habitable rooms, bathrooms, and toilet rooms. Cooking appliances, fireplaces and portable heaters shall not be used as a means to achieve compliance with this section.

(40) Delete the Exception in Section 602.2.

(41) Amend Section 602.3 by deleting the words "during the period from [DATE] to [DATE]."

(42) Amend Section 602.3, Exception 1, last sentence to read as follows:

The winter outdoor design temperature for the locality shall be 32^{O}F.

(43) Delete Section 602.3 Exceptions 2.

(44) Delete Section 602.4 Occupiable work spaces

(45) Amend Section 603.1 to read as follows:

Mechanical equipment, kitchen hoods, appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances shall be properly installed and maintained in a safe working condition and shall be capable of performing their intended function. When new mechanical equipment is installed and the old equipment is no longer in use, the old equipment must be removed from the structure. Openings left in the walls, floors or ceilings must be properly repaired

and painted. Electrical circuits and gas lines must be properly abandoned and inspected.

(46) Amend Section 604.3 to read as follows:

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring or installation, deterioration or damage, or for similar reasons including the improper use of extension cords as permanent wiring, the code official shall require the defects to be corrected to eliminate the hazard.

(47) Adopt the following Appendix:

Appendix A – Boarding Standard

(j) **Amendments to the Swimming Pool and Spa Code**

(1) Adopt no amendments.

(k) **Amendments to the Green Building Standards Code**

(1) Add to Section 202 Definition as follows:

LEVEL 2 EV READY. A parking space that is served by a complete electric circuit with the following requirements:

i. A minimum of 8.3 kVa (208/240 volt, 40-ampere) capacity wiring.

ii. A receptacle labeled “Electric Vehicle Outlet” or electric vehicle supply equipment located within three (3) feet of the parking space. If EVSE is provided the minimum capacity of the EVSE shall be 30-ampere.

(2) Amend Section 4.106.4.1 title to read as follows:

4.106.4.1 One- and two-family dwellings and town-houses with private garages.

(3) Amend Section 4.106.4.1.1 to read as follows:

4.106.4.1.1 New Construction. One parking space per dwelling unit shall be a Level 2 EV Ready space.

(4) Amend Section 4.106.4.4.1 to read as follows:

4.106.4.4.1 Short-term bicycle parking for multifamily buildings, hotels and motels. Provide on-site bicycle parking at a ratio of one parking space for every 5% of visitor parking, but not less than two spaces. Short-term bicycle parking shall be located within 200 feet of

building entrances, and readily visible to passers-by. Acceptable parking facilities shall be conveniently accessed from the street and may include, but not be limited to:

1. Permanently anchored bicycle parking devices, racks, or lockers in an unsheltered, open area.
2. Covered or uncovered enclosures with permanently anchored bicycle parking devices or racks.

(5) Amend Section 4.106.4.4.2 to read as follows:

4.106.4.4.2 Long-term bicycle parking for multifamily buildings. Provide on- site bicycle parking at a ratio of one parking space for every one dwelling units. Acceptable parking facilities shall be conveniently accessed from the street and may include, but not be limited to:

1. Covered, lockable enclosures with permanently anchored bicycle parking devices or racks.
2. Lockable bicycle storage rooms with permanently anchored bicycle parking devices or racks.
3. Lockable, weatherproof, permanently anchored bicycle lockers.

(6) Amend Section 4.106.4.4.3 to read as follows:

4.106.4.4.3 Long-term bicycle parking for hotel and motel buildings. Provide one on-site long-term bicycle parking space for every 25 rooms or fraction of, but not less than two. Acceptable parking facilities shall be conveniently accessed from the street and may include, but not be limited to:

1. Covered, lockable enclosures with permanently anchored bicycle parking devices or racks.
2. Lockable bicycle storage rooms with permanently anchored bicycle parking devices or racks.
3. Lockable, weatherproof, permanently anchored bicycle lockers.

15.04.060 Liability.

The provisions of this code shall not be construed as imposing upon the city of Hollister any liability or responsibility for damage to persons or property resulting from defective work, nor shall the city of Hollister or any official, employee, or agent thereof, be held as assuming any such liability or responsibility by reason of the review or inspection authorized by the provisions of this code or any permits or certificates issued under this code.

15.04.070 Definitions.

Unless the provision or context otherwise requires, whenever in any of the codes adopted in Section 15.04.040, the following words, phrases, or terms are used, such words, phrases, or terms shall have the following meanings:

Administrative authority means the building official or authorized representative.

Building department means the building department of the city of Hollister.

Building official means the building inspector of the city of Hollister.

City codes means the Hollister Municipal Code, the codes adopted herein, or any other code or ordinance adopted by the city of Hollister.

Fire department means the fire department of the city of Hollister.

Fire marshal means the fire chief or authorized representative.

Health officer means the health officer of the county of San Benito.

15.04.080 Permit fees.

Permit fees shall be in accordance with the fees set forth in Uniform Administrative Code, 1997 Edition, on file in the office of the city clerk, unless otherwise established by a resolution of the city council.

15.04.090 Permits and approvals.

A. The issuance or granting of a permit or approval of plans and specifications under or pursuant to any city code shall not be deemed or construed to be a permit for, or approval of, any violation of any of the provisions of such codes. No permit presuming to give the authority to violate or cancel the provisions of any city code shall be valid, except insofar as the work or use which is authorized is lawful.

B. The issuance or granting of a permit or approval of plans and specifications shall not prevent the building official from thereafter requiring the correction of errors in such plans and specifications or from preventing construction operations being carried on thereunder when in violation of any city code, or any other ordinance, or from revoking any permit or certificate of approval when issued in error.

15.04.100 Violations.

A. It is unlawful for any person, firm, or corporation, whether as principal, agent, employee, or otherwise, or as owner, lessee, sublessee, or occupant, to erect, construct, install, enlarge, alter, repair, relocate, move, improve, add to, remove, replace, convert or demolish, equip, use, occupy, or maintain any building, structure, or premises, or electrical wiring, equipment or systems, or heating, ventilation, cooling or refrigeration equipment, or plumbing lines, equipment or systems, in the city, or cause the same to be done, contrary to or in violation of any of the provisions of any city code.

B. Such a violation shall be an infraction, enforced and punishable as authorized by Chapter 1.16.

CHAPTER 15.05 POST DISASTER REGULATIONS

ARTICLE I. GENERAL PROVISIONS

15.05.010 Scope.

This chapter establishes the procedures for safety assessments and abatement for all buildings and structures damaged as a result of a disaster.

15.05.020 Application of provisions.

The provisions of this chapter are applicable to all buildings and structures, of all occupancies, regulated by the city of Hollister following each disaster.

15.05.030 Definitions.

[The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:]

Building official means the officer or other designated authority charged with the administration and enforcement of this chapter, or duly authorized representative.

Disaster means a sudden unexpected occurrence involving clear and imminent danger, demanding immediate action to prevent loss or damage to life, health, property, or essential public services, including occurrences such as fire, flood, earthquake or other soil or geologic movements, riot, accidents, or sabotage.

Historic building or structure means any building or structure registered with a federal, state, county, or city government. Historic buildings and structures shall also include those buildings and structures within a recognized historic district.

Safety assessment means a visual examination of a building or structure for the purpose of determining whether continued occupancy is appropriate following a disaster.

State Historic Preservation Officer (SHPO) means the person appointed by the Governor, pursuant to Section 101(b)(1) of the National Preservation Act of 1968, as amended, to administer the State Historic Preservation Program.

15.05.050 Enforcement responsibility.

The provisions of this chapter shall be enforced by the building official.

15.05.060 Violation—Enforcement.

A violation of this chapter shall be enforced as provided in Chapter 1.16 of the Hollister Municipal Code.

ARTICLE II. POST-DISASTER SAFETY ASSESSMENT

15.05.100 Authorization to complete safety assessment.

A building official is authorized to complete a safety assessment on any building or structure following a disaster. A building official is authorized to post appropriate placards at each entry point to a building or structure upon completion of a safety assessment.

15.05.110 Placards.

A. The following official placards shall be used to designate the condition of buildings or structures following a disaster.
    1. INSPECTED - LAWFUL OCCUPANCY PERMITTED may be posted on any building or structure where no apparent hazard has been found. Placement of this placard does not mean that there is no damage to the building or structure.
    2. RESTRICTED OR LIMITED ENTRY may be posted on each damaged building or structure where the damage has created a hazardous condition which justifies restricted occupancy. The building official who posts this placard will note in general terms the hazard created and will clearly and concisely note the restrictions on occupancy.
    3. UNSAFE - DO NOT ENTER OR OCCUPY may be posted on each building or structure damaged in such a way that continued occupancy poses a threat to life or health. Buildings or structures posted with this placard may be entered only after authorization in writing by a building official. Safety assessment teams are authorized to enter these buildings at any time. This placard shall not be used or considered as a demolition order. The official who posts this placard shall note in general terms damage encountered.

B. Once a placard has been attached to a building or structure, it shall not be removed, altered, or covered until authorized by a building official.

ARTICLE III. POST DISASTER ABATEMENT

15.05.200 Abatement criteria.

A. Any building or structure that has been assessed by a building official to pose a threat to life or health and has been posted with an unsafe placard shall be abated.

B. *Notice of Determination.* Except as provided in subsection C of this section, the building official shall serve a written notice of determination to each property owner as found on the latest available copy of county assessor's roll. Said notice of determination shall be delivered by hand-delivery, telephone, telegram, facsimile, or other reasonable means, and shall clearly indicate that the structure is an imminent hazard and dangerous and that, as such, it constitutes a public nuisance. The notice shall set forth those factors which, in the opinion of the building official, make the structure an imminent hazard and dangerous, and shall also include a directive from the building official of the specific action or actions to be taken by the property owner. The notice shall specify that within 48 hours from the time of issuance of the notice of determination, the owner or other party of record with an equitable or legal interest in said property shall abate the nuisance in accordance with the directives written in the notice of determination by building official.

C. *Notice Determination Exception.* No prior notice shall be required, when the building official, after considering all the facts, determines, in writing, that the structure is an imminent hazard and dangerous, and that it must be abated immediately and that time and circumstances do not permit the giving of prior notice to the owner. In those cases where time and circumstances do not permit the city to give the owner notice prior to abatement, the building official may cause the nuisance to be abated by the city with city resources or city contractors.

D. *Appeal of Notice of Determination.* A notice of determination delivered by building official, that a building or structure is an imminent hazard and dangerous and therefore must be abated, may be appealed by the property owner or any other party of record with an equitable or legal interest in said property. Such appeal must be made to the building official within 48 hours of delivery of such notice of determination by the building official. Such appeal shall be accompanied by a written hazard abatement plan signed by a state of California licensed engineer or architect stating why the engineer or architect feels the building or structure is not an imminent hazard or dangerous at this time. Such report shall include a recommendation by the engineer or architect as to what should or should not be done at this time. If the building official accepts the proposed hazard abatement plan in lieu of the notice of determination, the hazard abatement plan must be implemented within 24 hours of acceptance by the building official. If the building official accepts an engineer's report and agrees there is no imminent hazard, the building official shall rescind in writing his or her former notice of determination.

Should the building official disagree with the hazard abatement plan, or should the building official disagree with the engineer's or architect's report, a hearing shall be conducted within 24 hours by the city's board of appeals.

E. *City Board of Building Appeals Hearing.* At the hearing, the appellant shall have the right to call witnesses, submit evidence, and to cross-examine the witnesses of the city. All witnesses shall be sworn.

A record of the entire proceedings shall be made by tape recording. Any relevant evidence may be submitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of this hearing, the board of appeals shall act to either uphold, overrule or modify the determination and order of the building official. The determination and order of the building official shall be upheld, unless the board of appeals finds, based upon the evidence in the record, that the building official erred in determining that the structure is an imminent hazard and dangerous. The decision of the board of appeals with the reasons therefor, may be given orally on the record. If given orally, the decision shall be memorialized in writing and served upon the applicant within 24 hours of the time the oral decision is rendered.

If the board of appeals upholds the decision of the building official, the property owners of record shall be ordered to abate the public nuisance within the time set forth in the order. If the structure is determined not to be an imminent hazard and dangerous, the building official's determination and order shall be vacated. The decision of the board of appeals shall be final on the date it is rendered.

F. *Hazard Abatement Plan.* If a hazard abatement plan is approved by the building official, the owner or other interested party of record shall execute such plan within 24 hours of obtaining approval of the plan from the building official or city engineer, or his or her designee. Within 24 hours of completion of the abatement work, the owner or other interested party of record shall provide the building official with a written certification that the public nuisance as described in building official's notice of hazard has been abated.

If the work performed pursuant to the hazard abatement plan amounts to temporary abatement, the owner or other party of record, prior to proceeding with permanent repairs, shall obtain required permits and file a damage assessment report with the building official. The damage assessment report shall be reviewed and approved by the building official before permanent repairs are performed.

G. *Failure to Perform.* In those instances where the property owner or other interested party of record either does not respond to the building official's notice of hazard or approved hazard abatement plan, responds untimely, or responds timely but fails to abate the public nuisance within the required time period, the imminent hazard and dangerous structure shall be subject to immediate abatement by the building official.

H. *Public Nuisance.* All structures or portions thereof which, after inspection by an authorized building official, are determined to be an imminent hazard and dangerous, either to the public, occupants of the subject structure, or to any adjacent structures, are hereby declared to be public nuisances and shall be

abated by the owner in accordance with the procedures specified in California Health and Safety Code.

I. *Suspension of Abatement Work.* Notwithstanding any provisions herein to the contrary, the building official is authorized to suspend abatement work by the city or the city's agents, and to allow the property owner or other party of legal interest to complete the abatement work.

J. *Change of Status.* When the conditions making a structure an imminent hazard and dangerous have been abated, the structure shall no longer be considered an imminent hazard or dangerous. However, if the abatement work is temporary in nature, as determined by the building official, the structure shall remain subject to the provisions of this chapter.

K. If the owner of any building or structure has decided to demolish rather than repair, the owner, or the owner's representative, shall obtain a demolition permit.

15.05.210 Hazard abatement of historic buildings or structures.

A. Within ten days after the event, the building official shall notify the State Historic Preservation Officer that one of the following actions will be taken regarding any historic building or structure determined by the building official to represent an imminent hazard to the health or safety of the public, or to pose an imminent threat to the public right-of-way:

1. Whenever possible, as determined by the building official, the building or structure may be braced or shored in such a manner as to mitigate the hazard to public health or safety or the hazard to the public right-of-way.

2. Whenever bracing or shoring is determined to be an unreasonable alternative, the building official may cause the building or structure to be condemned and immediately demolished. Such condemnation and demolition may be performed in the interest of public health or safety without a hearing pursuant to California Health and Safety Code.

B. If, ten days after the event and less than 30 days after the event, an historic building or structure is determined by the building official to represent a hazard to the health or safety of the public or to pose a threat to the public right-of-way, the building official may initiate condemnation proceedings in accordance with Chapter 15.04 of this code. The building official may also notify the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended, of its intent to hold a condemnation hearing.

C. If the building official and the owner of any historic building or structure agree that such a building or structure should be demolished, the building official shall submit a request to demolish to the Federal Emergency Management Agency, in accordance with the National Historic Preservation Act of 1966, as amended. Said request shall include all substantiating data.

D. This section shall apply to abate hazardous historic buildings or structures notwithstanding the provisions of Chapter 15.16 of this code.

CHAPTER 15.08 MOVING BUILDINGS AND STRUCTURES

15.08.010 Purpose.

The purpose of this chapter is to regulate the use of certain public streets and public property within the city by any vehicle defined in this chapter as an overload, in order to prevent damage to street foundations, surface or structures, to protect bridges and other public and private property and lives from damage and injury resulting from moving an overload vehicle upon a public street or place; to regulate the moving into or relocation of buildings within, through or out of the city; to provide site and architectural control of any relocation or moving of buildings or structures and to promote the general health, safety and welfare of the general public of the city.

15.08.020 Definitions.

The following words or phrases shall have the meaning herein set forth, and if any word or phrase used in this section is not hereinafter defined, it shall have the meaning set forth in the California Vehicle Code, provided that if any such word or phrase is not defined in said vehicle code, it shall have the meaning attributed to it in ordinary use:

Building means and includes structures of all types.

Building code. The building code for the city shall be the current edition of the Uniform Building Code as adopted and amended from time to time by the International Conference of Building Officials.

Building department means the office of building inspection of the city.

City means the city of Hollister.

City council means the city council of the city.

City traffic engineer means the traffic engineer of the city or the traffic engineer's authorized representative.

Contractor means any person or persons, firm, partnership, corporation or combination thereof, private or public, who is licensed with the state and is deemed competent in the field of contracting.

Fire chief means the fire chief of the city.

Overload means any vehicle or combination of vehicles, including any loads which it or they may bear or carry, exceeding the limits set forth in Division 15 of the California Vehicle Code relating to height, width, length or weight of vehicle or load.

Persons means any individual, firm, corporation, association, partnership, trust or other organization, or an agent, employee or lessee thereof.

Public street or places means all roads, streets, avenues, boulevards, alleys, parkways and public rights-of-way or any portions thereof of the city.

Site and architectural review committee means the planning commission of the city.

15.08.030 Applicability.

The provisions of site and architectural approval of building relocation or removal shall apply to all buildings being moved from one location in the city to another location in the city and from one location outside the city to a location within the city.

15.08.040 Permit application form.

The application for any oversize permit required under this chapter shall be made on a standard application form and as furnished by the city and also any other city forms as prescribed by the city code and furnished by the city. The application shall contain other information and data, and such certification and other proof of facts, as the city traffic engineer determines is necessary to carry out the provisions of this chapter.

15.08.050 Authority and procedure for granting a permit.

The planning commission of the city shall act as the site and architectural review committee. The site and architectural review committee shall review applications for the removal or relocation of buildings pursuant to this chapter. A public hearing shall be held and at least ten days' written notice thereof shall be mailed or delivered to all persons shown on the last equalized assessment role as owning real property within the city within 300 feet of the property to which the building is to be moved or relocated. No permit shall be granted until the site and architectural review committee has determined that the architectural and general outside appearance of the building to be moved or relocated shall be in keeping with the character of the neighborhood and the location and design of such building is such that it will not be detrimental to public health, safety or general welfare of the neighborhood in which the building is proposed to be moved or relocated. The site and architectural review committee shall make written findings approving or disapproving an application as it pertains to site location and architectural appearance. The site and architectural review committee may require reasonable conditions, changes or additions as part of approval.

15.08.060 Application submittal requirements.

In addition to other requirements set forth in this chapter regarding the contents of a relocation or moving application, the applicant shall submit ten prints of maps or drawings and two photographs which show the exact location of the site to which a building is proposed to be moved. Maps or drawings and photographs shall show the ingress and egress, which shall not interfere with normal traffic flow on abutting streets, and, where applicable, off-street parking and loading facilities. In addition, the applicant shall also provide a route map fixing the route and time over which and when a building will be moved on or across any public street within the city, including any overload usage of any portion of city streets. Maps, drawings and photographs shall also show

the location of any fencing or landscaping facilities, including, but not limited to, street trees.

15.08.070 Issuance of permit.

The city traffic engineer is authorized to issue or withhold a permit to any contractor or house space mover for any overload as the traffic engineer, in the exercise of his or her discretion, deems reasonably necessary in order to protect public parks, places and streets, including, but not limited to street trees, private property and the public health, safety and general welfare. If the traffic engineer issues an overload permit, the traffic engineer may subject it to such reasonable terms, provisions and conditions as he or she deems necessary in order to carry out the provisions of this chapter, including, but not limited to, restricting the number of trips, the weight, length, width and height of an overload, the time and date trips may be made, the date period during which trips may be made, the route or routes over which trips may be made, the measures required to protect and preserve public parks, places and streets, including, but not limited to, street trees, private property and the public health, safety and general welfare, requiring applicant to obtain written approval of, and/or give satisfactory indemnity to, any person whose property will be unduly disturbed or endangered by applicant in moving an overload on or over public streets.

15.08.080 Appeal.

No decision of the site and architectural review committee on an application for permit to move or relocate a building or structure pursuant to this chapter shall become final until the period of appeal. At any time within 15 calendar days after final action by the site and architectural review committee, the city council may, on its own motion, review the action of the site and architectural review committee. Within the same period of 15 days, the applicant, if dissatisfied with the action of the site and architectural review committee, may file with the city clerk a written notice simply stating that the applicant wishes to appeal from the actions of the site and architectural review committee and the portion of the findings to which the applicant is objecting. The council shall then set a public hearing on the matter within a reasonable time and shall have the power to revoke, modify or otherwise change the action of the site and architectural review committee as the council deems just and reasonable. The decision of the city council upon such review shall be final.

15.08.090 Type of permit and fees.

The city traffic engineer may issue a single trip permit or an annual permit valid for a period of one year. The fee schedule for issuance of transportation permits for overload vehicles as approved by the state of California is as follows:

Single trip permit	$16.00
Annual permit	$90.00 (up to 12 feet in width and 14 feet in height only)

Any single permit taking over one hour to process shall be charged at the rate of $50.00 per hour (minimum) for time in addition to the $16.00 permit charge.

Any permit where variance exceeds 14 feet in width or 135 feet in length shall be charged $50.00 per hour (minimum) in addition to the $16.00 permit charge.

The single trip and annual permit fees may be modified by resolution of the city council, and a record of such shall be maintained in the office of the city clerk.

15.08.100 Report of damage.

The permittee shall report any damage to any property, public or private, as a result of moving or having on or upon city public streets or places, any overload. Such report shall be presented to the city traffic engineer within 24 hours after such damage results. Such report shall indicate the location, cause and description of any such damage, and names of any witnesses thereto, and shall bear the signature of permittee and the permittee's duly authorized agent.

15.08.110 Insurance.

The permittee shall indemnify and save harmless the city, members of the city council, the city traffic engineer and other city officials and employees from any suits, claims or actions brought by any person or persons from or on account of any injuries or damage sustained because of or rising out of the movement or location of any overload on or upon city public streets or places. Said permittee shall keep in force for the period for which an overload permit is issued, policy of public liability and property damage insurance against liability for injury to persons or property arising out of any accidents, or occurrences attributable to or in connection with the movement of any overload on or upon city streets or places. The policy shall provide for not less than the following coverage amounts:

Bodily injury	$500,000.00 per person $1,000,000.00 per occurrence
Property damage	$250,000.00 each occurrence $500,000.00 aggregate

The policy of insurance so provided shall contain a contractual liability endorsement covering the liability assumed by the permittee by the terms of his or her permit and shall contain a provision that such policy may not be cancelled, nor the amount of coverage thereof reduced, until 30 days after receipt of the city traffic engineer of written notice of such cancellation or reduction in coverage. An additional insured endorsement to the permittee's insurance policy shall be provided naming the city, its officers and employees as additional insured in the form approved by the city.

15.08.120 Notice to be given by permittee to companies controlling telegraph, telephone, etc., wires.

A copy of each permit for the removal of structures, as required by this chapter, shall, by the person receiving the same, be served upon the superintendent or local manager of any company or person owning or controlling telegraph, telephone, fire alarm or electric light to be raised, cut or interfered with in the removal of such structure, at the office of such company or person in the city, together with a notice of the time when its wires will be required to be cut or its poles removed. Such notice shall be served at least 24 hours before the work is to be performed, legal holidays to be excluded. The party giving such notice accompanied by the permit of the public works director, and desiring such company or person to raise or cut its wires or move its poles, shall pay the expense of performing such work and restoring the disturbed line or poles, including the wages of persons employed therefor. Upon receiving such notice, copy of such permit and assurance by mover that costs will be paid, such company or person shall proceed without delay to raise or cut its wires or remove its poles for the purpose desired.

15.08.130 Buildings within fire limits to be moved in nighttime.

All buildings to be moved through or across the streets or alleys of the city within the fire limits shall be removed, as far as practicable, in the nighttime. No building in process of removal shall be allowed to stop on any street within the fire limits in the daytime without the permission of the public works director, given in writing.

15.08.140 Moving derricks through city.

No person shall haul or remove any standing derrick, the top of which is over 15 feet above the ground when upright, through or across any of the streets or alleys in the city. All derricks of a greater height than 15 feet shall be lowered before being hauled or removed through or across any of the streets or alleys in the city.

Appendix A. FORMS

FORM RL-1 APPLICATION FOR RELOCATION APPROVAL

	FORM RL-1
PLANNING DEPARTMENT	CITY OF HOLLISTER
DEPARTMENT OF PUBLIC WORKS	Hollister, California
Application No. _____	Date _____

APPLICATION FOR RELOCATION APPROVAL

Separate Transportation Permit Required

Present Address

Future Address

Building to be used as a _____ Type Construction

List improvements to building:

Above improvements will be completed by

New Owner_____ Address_____ Phone

Relocation Inspection Fee

Zone: New Location_____ Date Inspected_____ Date Posted

Committee's Decision: Approved_____ Disapproved_____ Date

Notification to applicant_____ Appeal Rec'd_____ Fee

Notice to Property Owners

Protest Received_____ Notice of Public Hearing

Committee's Decision: Approved_____ Disapproved _____Date

Agreement to terms and conditions received

Faithful Performance Bond: Amount_____ Date Filed

Building Permit Issued: By _____ Date

Sanitary Sewer Lateral Plugged _____ Date

Water Meter Removed _____ Date

Foundation and Basement Backfilled _____ Date

CITY OF HOLLISTER
NOTIFICATION TO RELOCATE
HOUSE/STRUCTURE
TRANSPORTATION PERMIT APPLICATION
FORM RL-2

No: _____
Date: _____

TO: Fire Department

Police Department
Public Works Department (Maintenance)
Pac Bell
PG&E
CABLE TV

Application Has Been Received From:

To Move a Structure: From:

To:

Route:

Proposed Moving Date:

Structure: Height:_____ Width:_____ Length:_____ Weight:

APPROVED BY:

Public Works Department, Maintenance, 1221 South Street, Hollister, Ca. (831) 636-4370

Fire Department, 110 Fifth Street, Hollister, Ca. (831) 636-4325

Police Department, 395 Apollo Ct., Hollister, Ca. (831) 636-4330

PG&E, 551 East Street, Hollister, Ca. (831) 637-5363

Pac Bell, 1060 Teven Street, Salinas, Ca. (831) 754-8419

CABLE TV (Falcon), 7630 Eigleberry Street, Gilroy, Ca. (800) 732-1971

COMMENTS:

*APPROVED BY:*_____TITLE _____ DATE:

FORM RL-3

CITY OF HOLLISTER
DEPARTMENT OF PUBLIC WORKS

PROCEDURES FOR RELOCATING BUILDINGS WITHIN OR INTO THE CITY OF HOLLISTER

Information Required with Application

1. One copy of the floor plan of the building or structure to be moved showing all proposed additions or alterations. The scale shall be 1/4" = 1'0".

2. Ten copies of a site plan to scale of the building or structure as it will appear at the proposed site locations. It shall show fences, walkways, paved areas, landscaping, and dimensions of all yards. Applicable zoning ordinances shall be followed.

3. Two or more photographs of the building showing the building as it will be seen from the street at the new location.

4. Map showing the specific route along city streets for which the building or structure shall be moved.

5. Other information such as materials to be used as requested by the Planning Department.

Fees ;00; An inspection of the building by the building inspector will be required.

Inspection fees are as follows:

1. Inside city limits: $ 5.00.

2. Outside city limits, within 25 miles of City Hall: $10.00.

3. Outside city limits, over 25 miles from City Hall: $25.00

(Note: If the building is not moved, if posting of notices in the area has not been required, and if requested by the applicant within 60 days, $ .00 of the inspection fee will be refunded by the city.)

Bonds

A cash deposit or bond in the amount determined by the planning department will be required. The minimum amount shall be $2,500.00. This bond is to insure that the building will be upgraded to meet all codes as would be applicable for new buildings. It shall further insure compliance with all requirements of the building department. In case of non-compliance, it shall be used to demolish the building.

General

The planning department's decision may be appealed to the city planning commission within ten days of the planning staff's decision.

The structure to be moved, and the new site location, shall be posted by the building inspector with a "Moving Notice." The posting must remain on the premises at least ten calendar days before the department can approve the application. Posting shall be the date of mailing notices to property owners.

A building permit will be required if alteration or modification to building is made. Fees for work shall be based on current fee schedule in the current edition of U.B.C.

FORM RL-5
NOTIFICATION TO RELOCATE HOUSE/STRUCTURE

CITY OF HOLLISTER
NOTIFICATION TO RELOCATE
HOUSE/STRUCTURE
TRANSPORTATION PERMIT APPLICATION

FORM RL-5

TO: _____ AS PERMITTEE:

In compliance with your request of _____ and subject to all of the terms, conditions and restrictions written below and the printed regulations on any part of this form so far as the general or special provisions apply.

Permittee herein shall complete the removal, moving, and relocation of said non-legal load within a total period of 24 hours, on such date which may be approved by the Public Works Director of the City of Hollister. Such work of removal shall not be commenced on any day on which weather conditions are such that the completion of said work is likely to be interrupted by rains or stormy weather.

PERMISSION IS HEREBY GRANTED TO:

Each, all and every one of the terms and conditions of this permit are expressly made terms and conditions, and the breach of any one of them by said Permittee shall cause this permit to forthwith terminate and end, and Permittee shall have no further rights hereunder.

This permit shall not be effective unless and until this permit, and each, all, and every one of the terms and conditions thereof, have been accepted and agreed to in writing by Permittee.

This permit is hereby issued for and on Behalf of the City of Hollister.

City of Hollister, a Municipal Corporation

Public Works Department
By
Title:

I agree to comply with the terms of this permit.

Permittee

NOTIFICATION TO RELOCATE HOUSE/STRUCTURE GENERAL PROVISIONS

CITY OF HOLLISTER
NOTIFICATION TO RELOCATE
HOUSE/STRUCTURE
TRANSPORTATION PERMIT APPLICATION

GENERAL PROVISIONS

At least 24 hours in advance of the commencement of the work of moving said non-legal load, Permittee shall notify each of the following Departments of the City of Hollister and Public Utilities of their intention and of the day and hour when said work shall commence, to wit: Police Department, Fire Department, and Public Works Department. PG&E, Pac Bell, and Cable TV should be notified at this time also.

This permit is issued subject to all of the ordinances, Rules, and Regulations of the State of California and the City of Hollister now in effect or which may hereafter before the completion of said removal, moving, and relocation become effective.

Permittee agrees that they will save and protect harmless the City of Hollister, its Officers, Agents, and Employees, against any and all loss or damage which may be suffered by the City of Hollister, its Officers, Agents, or Employees, resulting from or arising out of the removal, moving, and relocation by Permittee of the aforesaid structure. The Permittee will add an additional insured endorsement to the Permittee's insurance policy naming the City, its officers and employees as additional insured in the form approved by the city.

Permittee agrees that they will, at all times while said structure is being removed, moved, and relocated, carry comprehensive bodily injury liability insurance, (including automobiles). The minimum limits of liability will be as follows:

Bodily Injury	$500,000.00	$1,000,000.00
	Per person	Per Occurrence
Property Damage	$250,000.00	$500,000.00
	Each Occurrence	Aggregate

The Insurance Company will be authorized to engage in the insurance business in the State of California.

Permittees shall do and perform all of the work or removal, moving and relocation of said non-legal load in accordance with the most up-to-date standards for moving in California, and shall use the most up-to-date and efficient equipment for said moving, and agree to have employed, at all times while said structure is being moved, a sufficient and adequate crew of competent movers engaged in the moving of said load so as to ensure the most expeditious moving of said load. Said permittee agrees to move said load in such manner and at such time of day as to cause the least interference with the vehicular traffic on all the streets on which said moving is to be done.

City may provide a special police escort to be on the route and near said structure while the same is being removed, and Permittee agrees to pay the City of Hollister the cost of any special police escort.

CITY OF HOLLISTER
NOTIFICATION TO RELOCATE
HOUSE/STRUCTURE
TRANSPORTATION PERMIT APPLICATION

GENERAL PROVISIONS (CONT'D)

In the event, in the course of said removal, moving and relocation, said load shall for any reason remain upon any City street, State Highway, or public thoroughfare within the City of Hollister in excess of 24 hours, Permittee agrees to pay to the City of Hollister as liquidated damages the sum of $1,000.00 for each 24-hour period during which said structure or portion there shall remain upon any portion of any City Street, State Highway, or public thoroughfare.

CHAPTER 15.12 MOBILEHOMES AND MOBILEHOME PARKS

15.12.010 Definitions.

For the purposes of this chapter:

Mobilehome park means any area or tract of land that has been developed to the mobilehome park standards where space is rented to owners or users of mobilehomes to be used for living purposes.

Mobilehome means a structure designed for human habitation and for being moved on a street or highway under permit as defined by California Civil Code section 798.3.

Commercial coach means a structure transportable in one or more sections, designed and equipped for human occupancy for industrial, professional, or commercial purposes, which is required to be moved under permit, and shall include a trailer coach as defined in California Vehicle Code section 635.

15.12.020 Mobilehomes prohibited in certain places—Exceptions.

A. No person shall abandon, park, store, leave, keep or maintain, or permit to be abandoned, parked, stored, left, kept or maintained, any mobilehome upon any private or public property, other than in a mobilehome park.

B. With the prior authorization and consent of the city council of the city, a district, city, county or other political subdivision may park, store, leave, keep or maintain, a commercial coach for industrial, professional or commercial purposes, for a period not to exceed one year.

C. With the prior authorization and consent of the planning commission of the city, a commercial coach may be parked, stored, left, kept or maintained, for construction offices or storage purposes, for a period not to exceed 180 days.

15.12.030 Criteria for mobilehome park development.

A. *In General.* The contents of this chapter do constitute the minimum standards for locational criteria and physical development. Deviation from these standards may be permitted only by the planning commission upon such reasons as it deems valid. The criteria as set forth in this chapter shall be considered by the city in the determination as to whether or not a proposed mobilehome park is so located as to be an asset to the city, will contribute to the well-being of the community in general, will not be a detriment to persons who reside or work in the area, will not be an encroachment into a developed area, but will lend itself to the overall design of the general area, will comply with the applicable governmental regulations and will be compatible with the general plan. Mobilehome parks may be permitted in any zoning district in the city, subject to obtaining a conditional use permit.

B. *Access.* Mobilehome parks shall be located adjacent to arterial or collector streets or adjacent to a designated freeway frontage road, provided further that if located adjacent to a collector street or designated freeway frontage road it should be a reasonable distance from an arterial street or freeway access ramp.

C. *Community Services.* Mobilehome parks should be located within reasonable proximity to parks, schools (if a family type park), shopping facilities and other residential support facilities.

15.12.040 Conditional use permit required.

Mobilehome park developments are permitted in the city subject to the granting of a conditional use permit by the planning commission upon such terms and conditions deemed necessary to insure proper development. The commission must find, prior to the granting of a conditional use permit:

A. That the proposed use would not be detrimental to the public interest, safety, health, morals and general welfare;

B. That the proposed use is desirable to the public convenience and welfare;

C. That the proposed use would not impair the integrity and character of the development in the immediate neighborhood;

D. That the proposed use will not be contrary to or in conflict with the general purposes and intent of this chapter.

15.12.050 Application—Contents.

Every applicant for a permit to construct, establish and maintain a mobilehome park shall file a written application with the planning commission of the city for a conditional use permit which shall contain the name and address of the applicant, the proposed location of the park and the name and address of the owner or proprietor of the park.

15.12.060 Map—Contents, review and approval.

A. Each application shall be accompanied with five copies of a map prepared by a civil engineer or surveyor, clearly and legibly drawn on tracing cloth or paper not smaller than 18 inches by 26 inches, with a scale of one inch equals 50 feet.

B. The map shall contain the following:

1. Name and address of owner, developer and engineer, date, north point and written and graphic scale;

2. Sufficient legal description to define the location and boundaries of the proposed park;

3. The locations, names and widths of all streets adjacent to the proposed park;

4. Adjacent properties and names of the owners thereof;

5. The location and size of all sewer, water and storm drain facilities within and adjoining the proposed park;

6. Contours of the land at six-inch intervals for ground slopes between level and two percent, one-foot contours between two percent and five percent and five-foot contours for over five percent;

7. Location, width and flow direction of all watercourses;

8. Existing buildings or structures and existing uses of the property;

9. Setback or plan lines on existing streets;
10. Improvements to be made to public streets or ways;
11. The location and number of all mobilehome sites, and the design of all roadways, walkways, electrical, sanitation, sewer drainage and water facilities and the location of parking areas;
12. The sizes of mobilehome sites;
13. Location of areas to be landscaped and the location and type of all existing trees with a height of 20 feet or greater;
14. Data showing the bearing and length of every site line;
15. The center line of all public streets and rights-of-way and the location of all easements for sewer, water and storm line, street and boundary line.

C. Such commission shall determine whether the proposed park meets all the requirements of this chapter and may require any changes therein which, in its estimation, will make the proposed park conform to the requirements of this chapter. The commission may approve the map without conditions, approve the map with changes and conditions or disapprove the map. If a map is disapproved, the commission shall state the reasons therefor and in what instances the map fails to meet the requirements of this chapter.

D. One copy of the map as approved by the planning commission shall be referred to the health officer who shall review the same to determine that the map and all improvements shown thereon proposed to be constructed meet all the requirements of this chapter with respect to sanitation, water, sewer and drainage facilities.

E. One copy of the map as approved by the planning commission shall be referred to the director of public works who shall review the same to determine that the map and all improvements shown thereon proposed to be constructed meets all the requirements of this chapter with respect to sewer and drainage facilities, buildings, roadways, walkways and other similar facilities.

F. One copy of the map as approved by the planning commission shall be referred to the county water conservation and flood control district who shall review the same as to off-site drainage.

15.12.070 Application fee.

The application fee for a conditional use permit for a mobilehome park shall be $15.00.

15.12.080 Enlargement or modification of existing mobilehome parks.

A conditional use permit shall be required to enlarge, change or modify any existing mobilehome park.

No conditional use permit to enlarge, change or modify an existing mobilehome park shall be granted unless and until such mobilehome park shall meet all the requirements of this chapter, excluding the requirement for the minimum park size as provided herein.

15.12.090 Development standards.

A. *Jurisdiction of City.* The state, through the department of housing and community development, regulates many aspects of the construction and operation of the park. The city has the jurisdiction in respect to the following:

1. Park area layout and design including architectural design;
2. Lot size and shape;
3. Yards;
4. Landscaping;
5. Walls and enclosures;
6. Signs;
7. Parking and street widths;
8. Service and recreational facilities.

B. *Mobilehome Park Area.* A mobilehome park shall have a usable area of not less than ten acres, except by variance. Long narrow parcels are not deemed desirable for mobilehome park development.

C. Density. The maximum density for a mobilehome park shall be eight units per net acre.

15.12.100 Lot size and design.

A. The minimum lot size permitted shall be 2,600 square feet and the average lot size for the total development shall be at least 2,800 square feet, excluding private streets, guest parking, recreational areas, etc. Each lot shall have a minimum width of 37 feet; except that triangular or gore-shaped lots shall have a minimum width of 37 feet measured at a point midway between front and rear property lines.

B. Each mobilehome lot shall have access directly to a private roadway.

C. The lot area beneath each individual mobilehome shall be paved with two inches of asphaltic concrete, or equivalent, a minimum of two feet beyond the perimeter of each mobilehome. Each mobilehome within the park shall be surrounded by solid skirting material, which skirting shall not unreasonably impede the movement of the mobile-home, which skirting shall be openable for inspection and shall have cross-ventilation on at least three sides with not less than two square feet of opening for each 25 linear feet. All unpaved areas shall be landscaped or sterilized for weeds.

D. A four-inch P.C.C. slab or wooden deck area of 200 square feet minimum shall be provided on each individual mobilehome site adjacent to the entrances of the mobilehome.

15.12.110 Setbacks and lot coverage.

All distances between mobilehomes and related accessory buildings shall be as per the state rules and regulations governing the construction of mobilehome parks, except:

A. That no mobilehome shall be located closer than 20 feet from a park property line adjacent to a public right-of-way;

B. That no mobilehome shall be located closer than five feet to any internal street line;

C. That no mobilehome shall be located closer than five feet from a park property line other than a property line adjacent to a public right-of-way;

D. That no mobilehome shall be located closer than 20 feet to any recreation or community building, or closer than 15 feet to any laundry or service building;

E. No portion of any mobilehome shall be closer than five feet to any lot line;

F. The maximum lot coverage for individual mobilehome lots shall be 75 percent and at least 300 square feet of a site shall be free of all structures and coverage.

15.12.120 Parking.

A. All parking spaces, as required by this section, shall measure ten feet in width by 20 feet in depth and shall be surfaced with four inches of P. C. C. or two inches of asphaltic concrete with header boards and suitable base materials. Guest parking spaces shall be suitably marked outlining individual parking spaces and traffic flow.

B. On-site parking spaces for a minimum of two cars shall be provided on each mobilehome lot. Such spaces may be in tandem (ten feet by 40 feet).

C. Off-street parking for guests shall be on the basis of one parking space for each four mobile-home lots.

D. Off-street parking on the basis of one parking space for each 300 square feet of gross floor space in the recreational, all-purpose or community building, shall be provided. Such spaces shall be located adjacent to such facility or within a 100-foot radius of the exterior walls of the structure.

15.12.130 Streets.

A. All streets within a mobilehome park shall be private roadways and shall be improved as per existing standards of the city. The following private roadway widths shall be permitted:

1. A minimum of 26-foot wide private roadway with parking prohibited on both sides;

2. A minimum of 32-foot wide private roadway with parking permitted on one side;

3. A minimum of 40-foot wide private roadway with parking permitted on both sides;

4. A minimum paved access of 40 feet, as approved by the public works director;

5. All roadways shall have curbs and gutters.

B. If on-street parking is to be permitted, off-street guest parking on the basis of one parking space for each four mobilehome spaces will not be required if the total number of on-street spaces provided will equal or exceed the total number of off-street parking spaces required. If the number of on-street parking spaces does not

equal the guest parking requirement the difference shall be provided in off-street parking. Off-street parking requirements for the recreational, all-purpose or community building shall not be affected by the foregoing.

15.12.140 Walls, fences and screening— Landscaping.

A. The mobilehome park shall be surrounded with a six-foot high block wall, fence or screening, acceptable to the planning commission, on all property lines. However, such wall, fence or screening shall be a maximum of three feet in height when within 30 feet of any entrance to or exit from the property.

B. The wall, fence or screening adjacent to any street frontage shall be decorative in nature, of a design acceptable to the planning commission, and shall be set back a minimum of 30 inches from the property line. The resulting area between property line and wall, fence or screening shall be landscaped.

C. Trees, as required by the planning commission, shall be planted in landscape areas adjacent to exterior property lines so as to provide a pleasant environment through the provision of color and texture and to prevent a bleak appearance of the visual horizon of the park exterior.

D. Interior areas within the boundaries of the mobilehome park surrounding the recreation facility and other miscellaneous common areas shall be landscaped as required by the planning commission.

E. All required landscape areas other than on individual sites shall be equipped with sprinkler systems to insure ease of maintenance.

F. Detailed landscaping plans, in duplicate, shall be submitted to, and approved by, the planning commission prior to the issuance of permits of any type.

15.12.150 Recreational facilities.

A. A minimum of 200 square feet of area for each mobilehome site shall be devoted to indoor and outdoor recreational facilities.

B. Any permanent structure for recreational purposes shall be limited to two stories in height, not exceeding 35 feet.

C. Sidewalks, as per existing standards of the city, shall be provided from the private roadways to the recreational facilities as necessary.

15.12.160 Storage yard areas.

Storage yard areas designed for storage of travel trailers, campers, boats, etc., shall be provided within the boundary of the mobilehome park as per the following standards:

A. One storage space shall be provided for each five mobilehome sites in the park.

B. Each storage space shall be 180 square feet in area and shall be adjacent to an access driveway with minimum width of 25 feet.

C. The storage yard shall be located in an unobtrusive manner within the confines of the park.

D. The storage yard shall be paved with two inches of asphaltic concrete or four inches of P.C.C. with suitable base materials.

15.12.170 Animals at large.

Dogs and other animals shall not be permitted to run at large in any mobilehome park.

15.12.180 Waste containers and storage receptacles.

Metal or plastic waste containers equipped with tight-fitting lids shall be provided. Storage facilities large enough to hold waste containers shall be provided for each mobilehome site, or there shall be central storage facilities within close proximity to each mobilehome site.

15.12.190 Clothes drying yards.

Clothes drying yards shall be provided and shall be completely screened from view from the exterior of the mobilehome park in a manner acceptable to the planning commission.

15.12.200 Car washing facilities.

Car washing facilities, as required by the planning commission, shall be provided.

15.12.210 Radio and television antennas.

A central radio and television antenna system shall be provided with underground wiring to the individual sites and service buildings, as required. No individual antennas will be allowed.

15.12.220 Utilities.

All utilities within a mobilehome park shall be placed underground.

15.12.230 Lighting.

All private roadways within the mobilehome park shall be provided with lighting standards spaced at intervals to insure adequate roadway lighting and shall be sufficiently artificially lighted to adequately illuminate every building in the park and the area or tract of land containing the park.

15.12.240 Grading.

Park property shall be adequately graded and drained so as to prevent the accumulation of water within the park.

15.12.250 Signs.

Advertising signs shall be permitted within the confines of the mobilehome park for the purpose of identifying the park only. The following sign shall be permitted: A maximum of eight feet in height, 40 square feet, lighted ground sign.

15.12.260 Commercial uses.

Commercial uses shall not be permitted in any mobilehome park, irrespective of the zoning district in which the park is located.

15.12.270 Street names and lot numbering.

All street names and lot numbering shall be submitted for approval to the planning department.

15.12.280 Off-site improvements.

Off-site improvements shall be provided in accordance with specifications of those city departments concerned.

CHAPTER 15.16 HISTORIC RESOURCES

15.16.010 Title.

This chapter shall be known as the "Historic Resources Ordinance of the city of Hollister."

15.16.020 Purpose.

A. Whereas, the city council has determined:

1. That the character and history of the city are reflected in its cultural, historical and architectural heritage;
2. That these historical and cultural foundations should be preserved as living parts of community life and development to build an understanding of the city's past so that future generations may have a genuine opportunity to appreciate, enjoy and understand the heritage of the city;
3. That in the face of ever-increasing pressures of modernization and urbanization, city landmarks and other areas of historical and cultural interest are threatened with demolition;
4. That pursuant to the provisions of the National Historic Preservation Act of 1966, as amended, the city joins with private concerns, the state of California, and the United States Congress to develop preservation programs and activities to give maximum encouragement to agencies and individuals undertaking preservation of the city's unique architectural, historical, aesthetic and cultural heritage.

B. Therefore, the purpose of this chapter is to promote the public health, safety and general welfare and:

1. To safeguard the city's unique cultural heritage as embodied and reflected in the city's architectural history and patterns of cultural development;
2. To encourage and facilitate public knowledge, understanding and appreciation of the city's historic past and unique sense of place;

3. To foster civic and neighborhood pride and a sense of identity based on the recognition and use of cultural resources;
4. To promote the enjoyment, celebration and use of cultural resources appropriate for the education and recreation of the people of the city;
5. To preserve diverse architectural styles, patterns of development, and design preferences reflecting phases of the city's history and to encourage complementary contemporary design and construction and inspire a more livable urban environment;
6. To enhance property values and to increase economic and financial benefits to the city and its inhabitants through the exploration of creative financial incentives for preservation;
7. To protect and enhance the city's attraction to tourists and visitors thereby stimulating business and industry;
8. To identify as early as possible and resolve conflicts between the preservation of cultural resources and alternative land uses;
9. To integrate the preservation of cultural resources into public and private land use management and development processes;
10. To conserve valuable material and energy resources by ongoing use and maintenance of the existing built environment;
11. To stabilize neighborhoods through the preservation of cultural resources;
12. To promote public awareness of the benefits of preservation;
13. To increase the economic benefits of preservation of cultural resources to the city and its inhabitants; and
14. To encourage public participation in identifying and preserving historical and architectural resources thereby increasing community pride in the city's cultural heritage.

15.16.030 Applicability.

This chapter shall apply to all historic resources within the city.

15.16.040 Definitions.

For the purpose of this chapter, the following definitions shall apply:

Adaptive reuse means conversion of underutilized structures into more productive uses.

Alteration means any change or modification, through public or private action, to the character-defining or significant physical features of properties affected by this chapter. Such changes to or modification of structure, architectural details or visual characteristics, grading, surface paving, the addition of new structures, removal of

natural features, disturbance of archeological sites or areas and the placement or removal of any significant objects such as signs, plaques, light fixtures, street furniture, walls, fences, steps or accessories affecting the significant visual or historical qualities of the property.

Certificate of appropriateness means a certificate issued by the historic resources commission approving such plans, specifications, statements of work and any other information which are reasonably required by the commission to make a decision on any proposed alteration, restoration, rehabilitation, construction, removal, relocation or demolition, in whole or in part, of or to a designated resource, resource site, or to a building or structure.

Certificate of economic hardship means a certificate authorizing work described in the accompanying certificate of appropriateness granted by the commission because of extreme financial privation or adversity and in accordance with the procedures and findings of this chapter.

Commission means historic resources commission.

Demolition means any act or process that destroys in part or in whole an individual historic resource.

Design guidelines means the principles contained in a document which illustrate appropriate and inappropriate methods of rehabilitation and construction. The purpose of using design guidelines is to aid design and decision-making with regard to retaining the integrity of scale, design intent, materials, feeling, patterns of development and historical character of a cultural resource.

Designated historic resource means any improvement or natural feature that has special historical, cultural, aesthetic or architectural character, interest or value as part of the development, heritage or history of the city, the state, or the nation and that has been nominated and designated pursuant to this chapter or nominated to the National Register of Historic Places. The designation shall specify the significant exterior and interior architectural elements and natural features which are expressly found by the commission to meet one or more of the criteria in Section 15.16.070.

Designated site means a parcel or part thereof on which a historic resource is or has been situated, and any abutting parcel or part thereof constituting part of the premises on which the cultural resource is situated, and which has been designated a cultural resource pursuant to this chapter.

Director means the development services director.

Economic hardship means all reasonable use of or return from a designated historic resource will be denied to a property owner. In the case of a proposed demolition, the historic resources commission must make a finding that the designated historic resource cannot be remodeled or rehabilitated in a manner, which would allow a reasonable use of or return from such resource or property to a property owner.

Historic resource means improvements, buildings, structures, signs, features, sites, scenic areas, views and vistas, places, areas or other objects of scientific, aesthetic, educational, cultural, architectural or historical significance to the citizens of the city and the state of California, or the nation which may be eligible for designation or designated and determined to be appropriate for historic preservation by the historic preservation commission, or by the city council on appeal, pursuant to the provisions of this chapter.

Improvement means any building, structure, place, fence, gate, wall, parking facility, work of art or other object constituting a physical feature of real property, or any part of such feature.

Minor exterior alterations means changes to the exterior of a property that do not substantially modify the appearance of a structure. Examples include change in the exterior surface, window replacement, door replacement, new roof covering that does not change design and pitch of a roof, and foundation work. Application of exterior paint does not meet the definition of minor exterior alterations.

Natural feature means any geographical or geological site or feature subject to the provisions of this chapter.

Object means a material thing of functional, aesthetic, cultural, symbolic or scientific value.

Ordinary maintenance and repair means any work, for which a building permit is not required by law, where the purpose and effect of such work is to correct any deterioration of or damage to a structure or any part thereof and to restore the same to its condition prior to the occurrence of such deterioration or damage.

Potential historic resource means an improvement or natural feature which may be nominated for consideration by the commission and may be designated under the condition that either: (1) more research becomes available regarding its eligibility; or (2) the resource is restored to its original condition; or (3) the resource is one of the few remaining examples in the city of its type.

Preservation means the protection, conservation, enhancement, perpetuation, rehabilitation, restoration, repair, reconstruction or other action taken to repair, conserve or prevent the deterioration or destruction or removal of a cultural resource or property in a historic district or a list adopted by the city council.

Secretary of the Interior Standards for Rehabilitation means the guidelines prepared by the National Park Service for Rehabilitation of Historic Buildings and the Standards for Historic Preservation Projects prepared by the National Park Service with Guidelines for Applying the Standards.

Significant feature means the natural or manmade elements embodying style or type of historic resource, design or general arrangement and components of an improvement, including, but not limited to, the kind, color and texture of the building materials and the type and style of all windows, doors, lights, signs and other fixtures appurtenant to such improvement.

Work means alteration, restoration, rehabilitation, remodeling, addition, change of use, demolition, or relocation.

15.16.050 Historic resources commission.

A. *Composition.* The historic resources commission shall be comprised of five members appointed by the mayor, subject to the approval of the city council. One member shall be a member in good standing of the Hollister Downtown Association; one member shall be a member in good standing of the San Benito County Historical Society; one member shall be a person knowledgeable about

historic preservation with a background in architecture, engineering, and construction; two members who are a resident or property owner of a historical district in the city.

B. *Term.* The term of office of each member shall be for four years commencing July 1st of each year and until the appointment and qualification of a successor, except for the initial terms of office as provided herein when the terms of office for commissioners shall be staggered. Any vacancy in the membership of the commission shall be filled for the unexpired term by appointment by the mayor, subject to the approval of the city council.

   1. *Initial Terms.* In order to promote continuity of the commission, the terms of the first five commissioners shall be staggered. Two of the first five commissioners shall have a term of two years and three of the first five commissioners shall have a term of four years, by the casting of lots at the commission's first meeting.

C. *Schedule of Meetings.* The commission shall meet at least quarterly.

15.16.060 Powers and duties of commission.

The commission shall have the following powers and duties:

A. Adopt procedural rules for the conduct of its business in accordance with the provisions of this chapter;

B. Establish criteria and conduct or cause to be conducted a comprehensive survey in conformance with federal and state survey standards and guidelines of historic resources within the boundaries of the city. Publicize and periodically update the survey results;

C. Recommend in accordance with the criteria set forth in Section 15.16.070 the designation of historic resources including individual properties, landmark sites and historic districts;

D. Maintain a local register of historic resources consistent with the National Register of Historic Places criteria including individual properties, landmark sites, landmarks, and historic districts within the city including all information required for each designation;

E. Review and comment upon the conduct of land use, housing and redevelopment, municipal improvement and other types of planning and programs undertaken by any agency of the city, the county or state, as they relate to the survey results and historic resources of the community;

F. Recommend to the city council standards and guidelines to be used by the commission in reviewing applications for permits to construct, change, alter, modify, remodel, remove or significantly affect any historic resource;

G. Investigate and make recommendations to the city council on the use of various federal, state, local or private funding sources and mechanisms available to promote historic resource preservation in the city;

H. Approve or disapprove, in whole or in part, or approve with conditions, applications for permits pursuant to Sections 15.16.090, 15.16.100, 15.16.120 and 15.16.160;

I. Review all applications for permits, environmental assessments, environmental impact reports, environmental impact statements and other similar documents as set forth in this chapter, pertaining to designated and potential historic resources, or related neighboring property within public view. The development services department shall forward all such documents to the commission for review and comment, prior to review and approval by the planning commission, city council or other city body;

J. Review the actions and proposed actions and advice environmental review processes of all city departments and public agencies concerning the effects of their actions, programs, capital improvements or activities on designated and potential historic resources;

K. Consider whether denial of certificates of appropriateness (permits) affecting historic resources results in economic hardship to the property owner according to the procedures outlined in Section 15.16.160;

L. Recommend hiring staff, retaining consultants and conducting studies as the commission deems desirable or necessary, by the city council;

M. Cooperate with local, county, state and federal governments in the pursuit of the objective of historic resource preservation;

N. Assume whatever responsibilities and duties may be assigned to it by the state under the Certified Local Government Provisions of the National Historic Preservation Act of 1966 as amended;

O. Keep minutes and records of all meetings and proceedings including voting records, attendance, resolutions, findings, determinations and decisions. All such material shall be public records;

P. Provide opportunity for direct public participation in all responsibilities deleted to the certified local government including the survey and National Register nomination processes. Commission meetings shall be open to the public with published agenda and minutes in accordance with the California Open Meeting Act. The published agenda shall be mailed in advance of meetings to individuals and citizen organizations interested in the commission's activities;

Q. Render advice and guidance, upon the request of the property owner or occupant, on the restoration, alteration, decoration, landscaping or maintenance of any historic resource including landmarks and landmark sites;

R. Encourage and render advice and guidance to property owners or occupants on procedures for inclusion of a historic resource on the National Register of Historic Places;

S. Participate in, promote and conduct public information, educational and interpretive programs pertaining to historic resource preservation;

T. Confer recognition upon the owners of landmarks or property or structures by means of certificates, plaques or markers, and from time to time make recommendation to council for commendations to owners of historic resources who have rehabilitated their property in an exemplary manner; and

U. Undertake any other action or activity necessary or appropriate to the implementation of its powers or duties to fulfill the objectives of this chapter.

15.16.070 Historic resource designation criteria.

For the purposes of this chapter, an improvement, natural feature or site may be designated a historic resource by the historic resources commission pursuant to Section 15.16.080 if it meets the criteria for listing on the National Register of Historic Places, State Register, or one or more of the following:

A. It exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, architectural or natural history;

B. It is identified with persons or events significant in local, state or national history;

C. It embodies distinctive characteristics of a style, type, period or method of construction or is a valuable example of the use of indigenous materials or craftsmanship;

D. It is representative of the work of a notable builder, designer or architect;

E. It contributes to the significance of a historic area, being a geographically definable area possessing a concentration of historic or scenic properties or thematically related grouping of properties which contribute to each other and are unified aesthetically by plan or physical development;

F. It has a unique location or singular physical characteristic or is a view or vista representing an established and familiar visual feature of a neighborhood, community or the city;

G. It embodies elements of architectural design, detail, materials or craftsmanship that represent a significant structural or architectural achievement or innovation;

H. It is similar to other distinctive properties, sites, areas or objects based on a historic, cultural or architectural motif;

I. It reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes or distinctive examples of park or community planning;

J. It is one of the few remaining examples in the city, region, state or nation possessing distinguishing characteristics of an architectural or historical type of specimen.

15.16.071 Historic district designation criteria.

A. *Criteria.* A historic district is a geographically definable area possessing a concentration, linkage or continuity, constituting more than 50 percent of the total, of historic properties or thematically related grouping of properties which contribute to each other and are unified aesthetically by plan or physical development which has been designated an historic district by the city council upon the recommendation of the commission pursuant to the provisions of this chapter. A geographic area may be designated as an historic district if it:

1. Exemplifies or reflects special elements of the city's cultural, social, economic, political, aesthetic, engineering, architectural, or natural history;
2. Is identified with persons or events significant in local, state or national history;
3. Embodies distinctive characteristics of a style, type, period, or method of construction, or is a valuable example of the use of indigenous materials or craftsmanship;
4. Represents the work of notable builders, designers, or architects;
5. Has a unique location or is a view or vista representing an established and familiar visual feature of a neighborhood community or of the city;
6. Embodies a collection of elements of architectural design, detail, materials, or craftsmanship that represent a significant structural or architectural achievement or innovation;
7. Reflects significant geographical patterns, including those associated with different eras of settlement and growth, particular transportation modes, or distinctive examples of park or community planning; or
8. Conveys a sense of historic and architectural cohesiveness through its design, setting, materials, workmanship, or association.

B. *Initiation.* The nomination, repeal or modification of an historic district designation may be initiated by the commission, city council, or by petition of any of the record property owners in the proposed district, or by any person, organization, or entity. Application shall be made on such forms and accompanied by such data and information as may be required so as to assure the fullest practical presentation of the facts for proper consideration of the request.

C. *Notice of Hearing.* Upon the filing of a complete application, the matter shall be set for public hearing before the commission not more than 60 days from the date of filing of the complete application. Notice of the date, time, place and purpose of the hearing before the commission shall be given by first class mail no less than 30 days prior to the date of the public hearing, using the name and address of such owners as shown on the latest equalized assessment rolls, and shall be advertised at least once in a newspaper of general circulation in the city not less than ten days prior to the date of such hearing. Failure to send any notice by mail to any property owner or nonreceipt of any notice mailed pursuant to this chapter shall not invalidate any proceedings in connection with the proposed designation.

D. *Hearing.* A public hearing shall be conducted before the commission at the time and place so fixed and noticed. The commission may continue such hearing to such time and place certain when such action is deemed necessary or desirable. The commission may establish rules for the conduct of the public hearings.

E. *Designation.* The city council upon the recommendation of the commission may designate an historic district, in whole or in part, based on the criteria set forth in this chapter, and the facts presented in connection with the application. The city council shall designate a historic district by a numbered resolution which shall include the facts and findings on which the designation is based. The application must receive affirmative votes of a majority of the council members then present and voting.

F. *Notice of Designation.* Notice of the designation of an historic district shall be transmitted to all departments of the city, and the county assessor and recorder. Each city department shall incorporate the notice of historic designation into its records so that future decisions or permissions regarding or affecting any property within the district will be made with the knowledge of the historic district designation and in accordance with the procedures set forth in this chapter. The city clerk shall record the resolution in the office of the San Benito County recorder.

G. *Repeal.* A historic district designation may be repealed by the city council in the same manner provided by this chapter for the designation of a district if the majority of the resources no longer meet the designation criteria found to apply due to the subsequent discovery of substantial information on the significance of the resource or destruction of the resource by a catastrophic event.

15.16.080 Historic resource designation procedures.

The commission shall establish historic resources in the following manner:

A. Only the property owner(s) may request the designation of an improvement as a historic resource by submitting an application for such designation to the commission. The nomination application shall contain sufficient documentation and information indicating how the nominated resource meets the criteria for designation in this chapter. Notification of the nomination shall be sent to the property owner(s) and occupant(s) of the property within 30 days of the receipt of the nomination.

B. The director shall make a preliminary determination based on the documentation required as to whether the nomination application is appropriate for consideration. If the director determines that the application merits consideration, a public hearing shall be scheduled.

C. Notice of the decision to schedule the hearing shall be given by mail to the applicant.

D. No building, alteration, demolition or removal permits for any improvement, building or structure relative to a nominated historic resource shall be issued while a nomination application is pending.

E. In the case of a proposed historic resource site, notice of the date, place, time and purpose of the hearing shall be given by first class mail to the applicants, owners and occupants of the improvement at least 30 days prior to the date of the public hearing, using the name and address of such owners as shown on

the latest equalized assessment rolls, and shall be advertised at least once in a newspaper of general circulation.

F. At the conclusion of the public hearing, but in no event more than 30 days from the date set for the initial public hearing for the designation of a proposed historic resource, the commission shall recommend approval in whole or in part, or disapproval in whole or in part, of the application in writing. The commission's recommendation shall include findings of fact relating to the criteria for designation in Section 15.16.070 that constitute the basis for its decision and shall transmit its recommendation to the city council, the property owner and the applicant.

G. The city council, within 60 days of receipt of the recommendations from the commission, shall, approve the application in whole or in part, or shall, by motion, disapprove it in its entirety.

H. The failure of any person or entity to receive notice given pursuant to this chapter shall not constitute grounds for any court to invalidate the actions of the city for which the notice was given.

I. The commission shall not recommend that a resource be removed from the city's list of designated cultural resources unless it is discovered that the information relied on by the commission and the city council in making the original designation was erroneous or false, or that circumstances wholly beyond the owner's control have rendered the resource ineligible for designation based on the criteria listed in Section 15.16.070 and it would be infeasible to restore the resource.

J. Designations must be recorded with the recorder of San Benito County at the expense of property owner.

15.16.090 Certificate of appropriateness (permits) required—Application.

A. All permits for work for designated historic resources shall require a certificate of appropriateness issued by the commission or by the commission staff.

B. All permits for work on a designated historic resource shall follow the procedures listed below in processing applications for obtaining certificates of appropriateness and approval of work covered by this chapter.

C. No permits for work on a nominated historic resource shall be awarded until eligibility for designation has been determined or the designation process has been initiated in accordance with this section and a certificate of appropriateness, if applicable, has been secured.

D. Except for minor exterior alterations, all applications for certificates of appropriateness shall be submitted to the commission for approval. The building and development services departments shall report any application for a permit to work on a designated historic resource to the commission and its staff. The applicant is encouraged to confer with commission staff prior to submitting an application.

E. Applications for certificates of appropriateness for minor exterior alterations shall be reviewed and approved by the commission staff, using the same application forms and procedures required for applications for certificates of appropriateness issued by the commission.

F. Applications for certificates of appropriateness shall be filed with city's development services department for processing. Applications shall include plans and specifications showing the proposed exterior appearance and texture of materials and the proposed architectural design of the exterior of the structure. The application shall also show the relationship of the proposed work to the surrounding environs. The application shall be accompanied by any other information required for an informed determination relating to the proposed work according to the standards of review in this chapter

G. If no building or other permit is required to pursue work on a designated historic resource, whoever is responsible for the work, whether it is the tenant, resident or property owner, shall apply for a certificate of appropriateness to the commission staff directly.

15.16.100 Evaluation of application.

A. In evaluating applications for certificates of appropriateness, the commission, or the city council upon appeal, shall consider the existing and proposed architectural style, design, arrangement, texture, materials and any other factors with regard to the original distinguishing architectural characteristics of the designated resource. Using the Secretary of the Interior's Standards for Historic Preservation Projects as a guide, the commission, or city council upon appeal, shall approve the issuance of a certificate of appropriateness for any proposed work if, and only if, it makes the following findings:

   1. With regard to a designated resource, the proposed work will neither adversely affect the significant architectural features of the designated resource nor adversely affect the character of historical, architectural or aesthetic interest or value of the designated resource and its site;

   2. In the case of construction of a new improvement, addition, building or structure upon a designated historic resource site, the use and exterior of such improvements will not adversely affect and will be compatible with the use and exterior of existing designated historic resources, improvements, buildings, natural features and structures on said site.

B. The commission shall establish guidelines for determining which types of applications for certificates of appropriateness should be set for public hearing. If a public hearing is held, it shall be scheduled not more than 60 days from the date of application. Notice of the hearing shall be given by sending written notice to all property owners within 300 feet of the property for which application has been made. Pursuant to Government Code Section 65090 notices shall be mailed no less than ten days prior to the hearing. Failure to send any notice by mail to any property owner where the address of such owner is not a matter of public record shall not invalidate any proceedings in connection with an application for a

certificate of appropriateness. The failure of any person or entity to receive notice given pursuant to this chapter shall not constitute grounds for any court to invalidate the actions of the city for which the notice was given.

C. Public testimony shall be taken on any application for a certificate of appropriateness for commission consideration.

D. If the commission fails to consider an application for a certificate of appropriateness within 90 days of the date of submission of the application, the director of planning shall issue the certificate of appropriateness. If an appeal to the city council is filed within ten days from the date of a commission decision on an application, no certificate of appropriateness shall be issued until the outcome of the appeal is determined by the city council.

E. The commission may incorporate in any certificate of appropriateness such condition or conditions, if any, as the commission may find necessary or desirable to effect the purposes of this chapter which conditions shall be covenants running with the land.

F. When the commission has approved a plan for the preservation of a cultural resource which sets forth particular development standards, an application to the commission to do work consistent with the approved plan development standards shall be approved by the staff person designated by the commission.

15.16.110 Inspection—Stop work order—Commencement of work and renewal.

A. After the permit has been issued, the planning director or designee shall, from time to time, inspect the work approved by the commission in order to assure compliance. If the work is not being performed in accordance with the certificate of appropriateness, a stop work order shall be issued and all work shall cease.

B. A certificate of appropriateness shall become void unless construction is commenced within 18 months of the date of issuance. Certificates of appropriateness may be renewed for an additional 18-month period by applying to the commission staff. If the project is not completed within 36 months, a new certificate of appropriateness shall be required to complete work.

15.16.120 Change of use for designated historic resource.

For any designated historic resource, the commission may give a certificate of appropriateness on approval of the planning commission for a change of use of a property provided the following findings can be made:

A. The change of use is required for an adaptive reuse of the resource and is compatible with the neighborhood in which it is located;

B. The adaptive reuse of the resource will result in substantial restoration of the significant architectural features, facade or structure of the resource in conformance with the Secretary of the Interior's Standards for Preservation Projects;

C. The change of use will not impair the architectural, aesthetic, historical or natural integrity of the resource;

D. In residential districts the change of use will occupy only the original square footage of the resource or any portion thereof. In the case of a single structure, if the structure contains more than five residential units, one unit must be retained in whole as a residential unit;

E. The applicant has made reasonable efforts to secure the façade or other features of the resource in perpetuity;

F. The change of use complies with the requirements of the Zoning Code Title 17.

15.16.130 State Historic Building Code.

The California State Historic Building Code (SHBC) provides alternative building regulations for the rehabilitation, preservation, restoration, or relocation of structures designated as historic resources. The SHBC shall be used for any designated historic resource in the city's building permit procedure in conjunction with other applicable building codes.

15.16.140 Preservation easements.

Preservation easements on the facades of buildings designated as a historic resource may be acquired by the city or nonprofit group through purchase, donation or condemnation pursuant to California Civil Code Section 815.

15.16.160 Certificate of economic hardship.

A. Application of a certificate of economic hardship shall be made on a form approved by the commission. The commission shall schedule a public hearing concerning any application for a certificate of economic hardship and provide notice in the same manner as in Section 15.16.080. Any person may testify at the hearing concerning economic hardship in the same manner as provided in Section 15.16.080.

B. The commission shall review all the evidence and information required of an applicant for a certificate of economic hardship and, following a public hearing as set forth herein, make a determination within 45 days of receipt of the application whether the denial of a certificate of appropriateness has deprived, or will deprive, the owner of the property of all reasonable use of, or economic return on, the property. Written notice of the determination shall be provided in the same manner as required by Section 15.16.080.

C. If the applicant presents the facts and clear evidence demonstrating to the commission that failure to approve the application or a certificate of appropriateness will cause an immediate extreme hardship because of conditions

peculiar to the particular structure or other feature involved, and the damage to the owner of the property is unreasonable in comparison to the benefit conferred to the community, the commission may approve or conditionally approve such certificate even though it does not meet the standards set forth herein. The commission shall hold a public hearing in order to determine whether a certificate of appropriateness will be approved or denied. A certificate of economic hardship shall be accompanied by a written demonstration, based on the following findings:

1. Denial of the application will diminish the value of the subject property so as to leave substantially no value;
2. Sale or rental of the property is impractical, when compared to the cost of holding such property for uses permitted in this zone;
3. A change of occupancy code analysis has determined that use of the property for lawful purposes is prohibited or impractical;
4. Rental at a reasonable rate of return is not feasible;
5. Denial of the certificate of appropriateness would damage the owner of the property unreasonably in comparison to the benefit conferred on the community;
6. Damage to or deterioration of the property was not caused by the failure of the applicant or the owner to provide ordinary maintenance and repair of the property; and
7. All means involving city-sponsored incentives, such as transfer of development rights, tax abatements, financial assistance, building code modifications, changes in the zoning ordinance, loans, grants and reimbursements, have been explored to relieve possible economic disincentives.

D. The commission shall be authorized to request that the applicant furnish material evidence supporting the applicant's request for a certificate of economic hardship or shall furnish evidence or testimony to complete the application for certificate of economic hardship including any or all of the following:

1. Cost estimates of the proposed construction, alteration, demolition or removal, and estimate of the additional cost(s) that would be incurred to comply with the recommendations of the commission for issuance of a certificate of appropriateness;
2. A report from a licensed engineer or architect with experience in rehabilitation as to the structural soundness of any structures on the property and their suitability for rehabilitation;
3. Estimated market value of the property in its current condition; estimated market value after completion of the proposed construction, alteration, demolition or removal after any changes recommended by the commission; and, in the case of a proposed demolition, after renovation of the existing property for continued use;
4. In the case of a proposed demolition, an estimate from an architect, developer, real estate consultant, appraiser or other real estate professional experienced in rehabilitation as to the economic feasibility of rehabilitation or reuse of the

existing structure on the property and its market value for continued use after rehabilitation;

5. For income-producing properties, information on annual gross income, operating and maintenance expenses, depreciation deductions and annual cash flow after debt service, current property value appraisals, assessed property valuations, real estate taxes and any other information considered necessary by the commission to determine whether substantial evidence of economic hardship exists;
6. Remaining balance on any mortgage or other financing secured by the property and annual debt service, if any, for the previous two years;
7. All appraisals obtained within the previous two years by the owner or applicant in connection with the purchase, financing or ownership of the property;
8. Amount paid for the property, the date of purchase and the party from whom purchased, including a description of the relationship, if any, between the owner of record or applicant and the person from whom the property was purchased, and any terms of financing between the seller and buyer and any listing of the property for sale or rent, price asked and offers received, if any, within the previous two years;
9. Real estate taxes for the previous two years;
10. Form of ownership or operation of the property, whether sole proprietorship, for-profit or nonprofit corporation, limited partnership, joint venture or other;
11. Any other information necessary by the commission to a determination as to whether the property does yield or may yield a reasonable return to the owners.

E. In considering an application for a certificate of economic hardship, the commission must make a finding that without approval of the proposed demolition, alteration, remodeling, removal or construction, all reasonable use of or return from a designated landmark or property will be denied a property owner. In this context, personal, family or financial difficulties, loss of prospective profits and neighboring violations are not justifiable hardships. In the case of proposed demolition, the commission must make a finding that the designated landmark cannot be remodeled or rehabilitated in a manner which would allow a reasonable use of or return from the property to the property owner.

F. In the case of a finding of economic hardship, this finding shall be accompanied by a plan developed by the city or applicant to relieve economic hardship. This plan may include, but is not limited to, property tax relief, loans or grants from the city or other private sources, acquisition by fee purchase or eminent domain, use of the State Historical Building Code, redevelopment fees for historic preservation, changes in applicable zoning regulations, transfer of unused development rights or relaxation of the provisions of this chapter sufficient to allow reasonable beneficial use or return from the property. The commission and the city shall have a period not to exceed 120 days to make recommendations and develop and adopt a plan in order to relieve economic hardship and to allow the applicant a reasonable use of, and economic return from, the property or otherwise preserve the subject property.

G. If, by the end of this 120-day period, the commission has found that without approval of the proposed work, the property cannot be put to a use with reasonable economic return, then the commission shall issue a certificate of economic hardship approving the proposed work. If the commission finds otherwise, it shall deny the application for certificate of economic hardship and notify the applicant by mail of the denial.

H. If approval of a certificate of economic hardship will result in the demolition of a nominated or designated historic resource, the applicant shall be required to provide documentation of the resource proposed for demolition to the standards of Historic American Building Survey. Such documentation may include photographs, floor plans, measured drawings, archeological survey, or other documentation required by the commission.

15.16.170 Appeals.

A. Any action by the commission may be appealed by any interested party to the city council including but not limited to the following:

   1. The commission's decision not to hold a public hearing on an application for designation of a historic resource or historic district;

   2. A determination made after a public hearing not to designate a proposed historic resource or historic district;

   3. The commission's decision to grant or to not grant a certificate of appropriateness or certificate of economic hardship.

B. Any interested party may appeal by filing a notice of appeal with the city council not later than ten days after the commission's written decision has been filed with the city clerk. Said notice shall be accompanied by a fee in an amount to be determined by the city council. The city council shall schedule a public hearing to be held no later than 30 days after the notice of appeal is filed, and shall render its decision within 30 days of said hearing date.

15.16.180 Duty to keep in good repair.

The owner, occupant or other person in actual charge of a historic resource or a historic improvement, building or structure shall keep in good repair all of the exterior portions of such improvement, building or structure, all of the interior portions thereof when subject to control as specified in the designated ordinance or permit, and all interior portions thereof whose maintenance is necessary to prevent deterioration and decay of any exterior architectural feature.

It shall be the duty of the development services department to enforce this section.

15.16.190 Ordinary maintenance and repair.

Nothing in this chapter shall be construed to prevent the ordinary maintenance or repair of any exterior architectural feature in or on any property covered by this chapter that does not involve a change in design, material or external appearance thereof, nor does this chapter prevent the construction, reconstruction, alteration, restoration, demolition or removal of any such architectural feature when the building director certifies to the commission that such action is required for the public safety due to an unsafe or dangerous condition which cannot be rectified through the use of the California State Historic Building Code and when such architectural feature can be replaced according to the Secretary of the Interior's Standards.

15.16.200 Enforcement and penalties.

A. Any person who violates a requirement of this chapter or fails to obey an order issued by the commission or to comply with a condition of approval of any certificate or permit issued under this chapter shall be guilty of an infraction. The violating party shall be judged to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued or permitted by such person, firm, or corporation, and shall be punishable as provided herein.

B. Any person who constructs, alters, removes or demolishes a historic resource in violation of this chapter shall be required to restore the building, object, site or structure to its appearance or setting prior to the violation. Any action to enforce this provision may be brought by the city or any other interested party. This civil remedy shall be in addition to, and not in lieu of, any criminal prosecution and penalty or other remedy provided by law.

C. Any construction, alteration, removal, or demolition of a historic resource in violation of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance. The city attorney shall, upon order of the city council, immediately commence action or proceedings for the abatement and removal and enjoinment thereof in the manner provided by law and shall take such other steps and shall apply to such court as may have jurisdiction to grant such relief as will abate and remove such violation and restrain and enjoin any person, firm, or corporation from using any structure in which said violation of this chapter exists.

D. The remedies provided herein shall be cumulative and not exclusive.

CHAPTER 15.20 FLOOD DAMAGE PREVENTION REGULATIONS

ARTICLE I. STATUTORY AUTHORIZATION, FINDINGS OF FACT, PURPOSE AND METHODS

15.20.010 Statutory authorization and findings of fact.

A. The Legislature of the state of California has in Government Code Sections 65302, 65560 and 65800 conferred upon local government units authority to adopt

regulations designed to promote the public health, safety and general welfare of its citizenry.

B. The flood hazard areas of city 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.

C. These flood losses are caused by the cumulative effect of obstructions in areas of special flood hazards which increase flood heights and velocities, and when inadequately anchored, damage uses in other areas. Uses that are inadequately floodproofed, elevated or otherwise protected from flood damage also contribute to the flood loss.

15.20.020 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 provisions designed:

A. To protect human life and health;

B. To minimize expenditure of public money for costly flood control projects;

C. To minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;

D. To minimize prolonged business interruptions;

E. 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;

F. 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;

G. To insure that potential buyers are notified that property is in an area of special flood hazard; and

H. To insure that those who occupy the areas of special flood hazard assume responsibility for their actions.

15.20.030 Methods provided for reducing flood losses.

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

A. 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 flood heights or velocities;

B. Requiring that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;

C. Controlling the alternation of natural floodplains, stream channels, and natural protective barriers, which help accommodate or channel floodwaters;

D. Controlling fill, grading, dredging and other development which may increase flood damage; and

E. Preventing or regulating the construction of flood barriers which will unnaturally divert floodwaters or which may increase flood hazards in other areas.

ARTICLE II. DEFINITIONS

15.20.040 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.

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 the point of highest elevation on an alluvial fan, which on undisturbed fans is generally the point where the major stream that formed the fan emerges from the mountain front.

Appeal means a request for a review of the floodplain administrator's interpretation of any provision of this chapter or a request for a variance.

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."

Backfill means the placement of fill material within a specified depression, hole or excavation pit below the surrounding adjacent ground level as a means of improving floodwater conveyance or to restore the land to the natural contours existing prior to excavation.

Base flood means the flood having a one percent chance of being equaled or exceeded in any given year (also called the "100-year flood").

Basement means any area of the building having its floor subgrade (below ground level) on all sides.

Building. See "structure."

Critical feature means an integral and readily identifiable part of a flood protection system, without which the flood protection provided by the entire system would be compromised.

Curvilinear line means the border on either a flood hazard boundary map or Flood Insurance Rate Map that delineates the special flood, mudslide (i.e., mudflow) and/or flood-related erosion hazard areas and consists of a curved or contour line that follows the topography.

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

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

Existing manufactured home park or subdivision means a manufactured home park or subdivision for which the construction of facilities for servicing the lots on which the manufactured homes are to be affixed (including, at a minimum, the installation of utilities, the construction of streets, and either final site grading or the pouring of concrete pads) is completed before the effective date of the floodplain management regulations adopted by a community.

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).

Fill is the placement of fill material at a specified location to bring the ground surface up to a desired elevation.

Fill material can be natural sand, dirt, soil or rock. For the purposes of floodplain management, fill material may include concrete, cement, soil cement, brick or similar material as approved on a case-by-case basis.

Flood elevation determination means a determination by the administrator of the water surface elevations of the base flood, that is, the flood level that has a one percent or greater chance of occurrence in any given year.

Flood elevation study means an examination, evaluation and determination of flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of mudslide (i.e., mudflow) and/ or flood-related erosion hazards.

Flood, flooding, or floodwater means (1) a general and temporary condition of partial or complete inundation of normally dry land areas from (a) the overflow of inland or tidal waters, (b) the unusual and rapid accumulation or runoff of surface waters from any source, and/or (c) mudslides (i.e., mudflows) which are proximately caused by flooding as defined in subsection (1)(b) of this definition and are akin to a river of liquid and flowing mud on the surfaces of normally dry land areas, as when earth is carried by a current of water and deposited along the path of the current; and (2) the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels 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 flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in subsection (1)(a) of this definition.

Flood hazard boundary map means the official map on which the Federal Emergency Management Agency or Federal Insurance Administration has delineated the areas of flood hazards.

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

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

Floodplain or *flood-prone* area means any land area susceptible to being inundated by water from any source (see definition of "flooding").

Floodplain administrator is the individual appointed 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, including but not limited to emergency preparedness plans, flood control works and floodplain management regulations.

Floodplain management regulations means zoning ordinances, subdivision regulations, building codes, health regulations, special purpose ordinances (such as floodplain management regulations).

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.

Flood protection system means those physical structural works for which funds have been authorized, appropriated, and expended and which have been constructed specifically to modify flooding in order to reduce the extent of the area within a community subject to a special flood hazard and the extent of the depths of associated flooding. Such a system typically includes hurricane tidal barriers, dams, reservoirs, levees or dikes. These specialized flood-modifying works are those constructed in conformance with sound engineering standards.

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

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

Floodway fringe means the areas of a floodplain on either side of the designated floodway where encroachment may be permitted.

Fraud and victimization as related to Article VI, "Variance Procedure," of this chapter means that the variance granted must not cause fraud on or victimization of the public. In examining this requirement, the variance board will consider the fact that every newly constructed building adds to government responsibilities and remains a

part of the community for 50 to 100 years. Buildings that are permitted to be constructed below the base flood elevation are subject during all those years to increased risk of damage from floods, while future owners of the property and the community as a whole are subject to all the costs, inconvenience, danger and suffering that those increased flood damages bring. In addition, future owners may purchase the property, unaware that it is subject to potential flood damage, and can be insured only at very high flood insurance rates.

Freeboard means a factor of safety usually expressed in feet above a flood level for purposes of floodplain management. Freeboard tends to compensate for the many unknown factors that could contribute to flood heights greater than the height calculated for a selected size flood and floodway conditions, such as wave action, bridge openings, and the hydrological effect of urbanization of the watershed.

Hardship, as related to Article VI, "Variance Procedure," of this chapter means the hardship that would result from a failure to grant the requested variance. The variance board 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 exceptional hardships. All of these problems can be resolved through other means, without granting a variance. This is so even if the alternative means are more expensive or complicated than building with a variance, or if they require the property owner to put the parcel to a different use than originally intended, or to build elsewhere.

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-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:

  (a) By an approved state program as determined by the Secretary of the Interior or

  (b) Directly by the Secretary of the Interior in states with approved programs.

Landfill means a permitted location for the disposal, placement or dumping of garbage, trash, debris, junk or waste material.

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

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

Lowest floor means the lowest floor of an enclosed area (including basement). An unfinished or flood-resistant enclosure, 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, that such enclosure is not built so as to render the structure in violation of the applicable nonelevation design requirements of this chapter.

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.

Map means the Flood Hazard Boundary Map (FHBM) or the Flood Insurance Rate Map (FIRM) for a community issued by the Flood Insurance Administration, Federal Emergency Management Agency.

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

Minimum necessary related to Article VI, "Variance Procedure," of this chapter means the minimum necessary to afford. relief to the applicant of a variance with a minimum deviation from the requirements of this chapter. In the case of variances to an elevation requirement, this means the variance board need not grant permission for the applicant to build at grade, for example, or even to whatever elevation the applicant proposes, but only that level that the board believes will both provide relief and preserve the integrity of the local ordinance.

New construction, for floodplain management purposes, means structures for which the start of construction commenced on or after the effective date of a floodplain management regulation adopted by a community 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 the effective date of floodplain management regulations adopted by a community.

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-year flood or *100-year flood* means a flood which has a one percent annual probability of being equaled or exceeded. It is identical to the "base flood," which will be the term used throughout this chapter.

Principal structure means a structure used for the principal use of the property as distinguished from an accessory use.

Public safety and nuisances as related to Article VI, "Variance Procedure," of this chapter means the granting of a variance must not result in additional threats to public safety or create nuisances. This chapter is intended to help protect the health, safety, well-being and property of the local citizens. This is a long-range community effort made up of a combination of approaches such as adequate drainage systems, warning and evacuation plans, and keeping new property above the flood levels. These long-term goals can only be met if exceptions to the requirements of this chapter are kept to a bare minimum.

Recreational vehicle means a vehicle which is:

(1) Built on a single chassis;

(2) Four hundred 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 a designated height.

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 having special flood and shown on an FHBM or FIRM as Zone A, AO, A1-A30, AE, A99 or AH.

Start of construction includes substantial improvement and other proposed new development and means the date the building permit was issued, provided the actual start of construction, repair, reconstruction, rehabilitation, addition, placement, or other improvement was within 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 manufactured home on a foundation. Permanent construction does not include land preparation, such as clearing, grading and filling; nor does it include the installation of streets and/or walkways; nor does it include excavation for a basement, footings, piers, or foundations or the erection of temporary forms; nor does it include the installation on the property of accessory buildings, such as garages or sheds not occupied as dwelling units or not part of the main structure. For a substantial improvement the actual start of construction means the

first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

Structure means a walled and roofed building, including a gas or liquid storage tank, that is principally above ground, as well as 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 50 percent of the market value of the structure before the damage occurred.

Substantial improvement means any reconstruction, rehabilitation, addition, or other proposed new development of a structure, the cost of which equals or exceeds 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.

Water surface elevation means the height, in relation to the National Geodetic Vertical Datum (NGVD) of 1929, (or other datum, where specified) of floods of various magnitudes and frequencies in the 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.

ARTICLE III. GENERAL PROVISIONS

15.20.050 Lands to which this chapter applies.

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

15.20.060 Basis for establishing the areas of special flood hazard.

The areas of special flood hazard identified by the Federal Insurance Administration (FIA) of the Federal Emergency Management Agency (FEMA) in the Flood Insurance Study dated September 27, 1991, and the Flood Insurance Rate Map (FIRM) dated September 27, 1991, and all subsequent amendments and/or revisions, are adopted by reference and declared to be a part of this chapter. This Flood Insurance Study 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 and Flood Insurance Rate Maps (FIRMs) are on file

at City Planning Department, 420 Hill Street, Hollister, California as well as the Office of the City Clerk, 375 Fifth Street, Hollister, California.

15.20.070 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.

15.20.080 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.

15.20.090 Warning and disclaimer of liability.

The degree of flood protection required by this chapter is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by manmade or natural causes. This chapter does not imply that land outside the areas of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This chapter shall not create liability on the part of city, any officer or employee thereof, or the Federal Insurance Administration, Federal Emergency Management Agency, for any flood damages that result from reliance on this chapter or any administrative decision lawfully made thereunder.

ARTICLE IV. ADMINISTRATION

15.20.100 Establishment of development permit.

A development permit shall be obtained before any construction or other development begins within any area of special flood hazard established in Section 15.20.060. Application for a development permit shall be made on forms furnished by the floodplain administrator and may include, but not be limited to: plans in duplicate drawn to scale showing the nature, location, dimensions, and elevation 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:

A. Proposed elevation in relation to mean sea level, of the lowest floor (including basement) of all structures. In zone AO, elevation of highest adjacent grade and proposed elevation of lowest floor of all structures;

B. Proposed elevation in relation to mean sea level to which any structure will be floodproofed;

C. All appropriate certifications listed in Section 15.20.120(D); and

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

15.20.110 Designation of the floodplain administrator.

The planning director is appointed to administer and implement this chapter by granting or denying development permits in accord with its provisions.

15.20.120 Duties and responsibilities of the floodplain administrator.

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

A. Permit review:

1. Review all development permits to determine that the permit requirements of this chapter have been satisfied,

2. All other required state and federal permits have been obtained,

3. The site is reasonably safe from flooding, and

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. For purposes of this chapter, "adversely affects" means that the cumulative effect of the proposed development when combined with all other existing and anticipated development will increase the water surface elevation of the base flood more than one foot at any point;

B. Use of other base flood data: when base flood elevation data has not been provided in accordance with Section 15.20.060, 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 of this chapter. Any such information shall be submitted to the city council for adoption;

C. Whenever a watercourse is to be altered or relocated:

1. Notify adjacent communities and the California Department of Water Resources prior to such alternation or relocation of a watercourse, and submit evidence of such notification to the Federal Insurance Administration, Federal Emergency Management Agency,

2. Require that the flood-carrying capacity of the altered or relocated portion of said watercourse is maintained;

D. Obtain and maintain for public inspection and make available as needed:

1. The certification required by Section 15.20.130(C)(1) (floor elevations),

2. The certification required by Section 15.20.130(C)(2) (elevations in areas of shallow flooding),

3. The certification required by Section 15.20.130(C)(3) (elevation or floodproofing of nonresidential structures),
4. The certification required by Section 15.20.130(C)(4)(a) or (b) (wet floodproofing standard),
5. The certification of elevation required by Section 15.20.180(B) (subdivision standards),
6. The certification required by Section 15.20.180(A) (floodway encroachments);

E. 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 Article VI of this chapter;

F. Take action to remedy violations of this chapter as specified in Section 15.20.220.

ARTICLE V. PROVISIONS FOR FLOOD HAZARD REDUCTION

15.20.130 Standards of construction.

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

A. *Anchoring.*

1. All new construction, substantial improvements, and other proposed new development 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.
2. All manufactured homes shall meet the anchoring standards of Section 15.20.160.

B. *Construction Materials and Methods.*

1. All new construction, substantial improvement and other proposed new development shall be constructed with materials and utility equipment resistant to flood damage.
2. All new construction, substantial improvement and other proposed new development shall be constructed using methods and practices that minimize flood damage.
3. All new construction, substantial improvement and other proposed new development shall be constructed 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.
4. All new construction, substantial improvement and other proposed new development shall require within zones AH or AO that adequate drainage

paths around structures on slopes guide floodwaters around and away from proposed structures.

C. *Elevation and Floodproofing.*

1. New construction, substantial improvement and other proposed new development shall have the lowest floor, including basement, elevated to or above the base flood elevation. Nonresidential structures may meet the standards in subsection (C)(3) of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

2. New construction, substantial improvement, and other proposed new development in zone AO shall have the lowest floor, including basement, elevated above the highest adjacent grade at least as high as the depth number specified in feet on the FIRM, or at least two feet if no depth number is specified. Nonresidential structures may meet the standards in subsection (C)(3) of this section. Upon the completion of the structure the elevation of the lowest floor including basement shall be certified by a registered professional engineer or surveyor, or verified by the community building inspector to be properly elevated. Such certification or verification shall be provided to the floodplain administrator.

3. Nonresidential construction shall either be elevated to conform with subsection (C)(1) or (2) of this section or together with attendant utility and sanitary facilities:

a. Be floodproofed so that below the base flood level 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 professional engineer or architect that the standards of this subsection are satisfied. Such certifications shall be provided to the floodplain administrator.

4. For all new construction, substantial improvement and other proposed new development, fully enclosed areas below the lowest floor that are usable solely for parking of vehicles, building access or storage in an area other than a basement 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 either be certified by a registered professional engineer or architect or meet or exceed the following minimum criteria:

a. Either a minimum of two openings having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding shall be provided; the bottom of all openings shall be no higher than one foot above grade (openings may be equipped with

screens, louvers, valves or other coverings or devices provided that they permit the automatic entry and exit of floodwater); or

b. Be certified to comply with a local floodproofing standard approved by the Federal Insurance Administration, Federal Emergency Management Agency.

5. Manufactured homes shall also meet the standards in Section 15.20.160.

15.20.140 Standards for utilities.

A. All new and replacement water supply and sanitary sewage systems shall be designed to minimize or eliminate infiltration of floodwaters into the system and discharge from systems into floodwaters.

B. On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

C. Other utilities are addressed at Sections 15.20.130(B) and 15.20.150(D).

15.20.150 Standards for subdivisions.

A. All preliminary subdivision proposals shall identify the flood hazard area and the elevation of the base flood.

B. All final subdivision plans will provide the elevation of proposed structure(s) and pad(s). If the site is filled above the base flood elevation, the final pad elevation shall be certified by a registered professional engineer or surveyor and provided to the floodplain administrator.

C. All subdivision proposals shall be consistent with the need to minimize flood damage.

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

E. All subdivisions shall provide adequate drainage to reduce exposure to flood hazards.

15.20.160 Standards for manufactured homes.

A. All manufactured homes that are placed or substantially improved within a special flood hazard area on the community's Flood Insurance Rate Map (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 (4) in an existing manufactured home park or subdivision on which a manufactured home has incurred substantial damage as the result of a flood shall 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 anchored to an adequately anchored foundation system to resist floatation collapse and lateral movement.

B. All manufactured homes to be placed or substantially improved on sites in an existing manufactured home park or subdivision on the community's Flood

Insurance Rate Map that are not subject to the provisions of subsection A of this section will be elevated so that either:

1. The lowest floor of the manufactured home is at or above the base flood elevation; or
2. The manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and be securely anchored to an adequately anchored foundation system to resist floatation, collapse, and lateral movement.

15.20.170 Standards for recreational vehicles.

All recreational vehicles placed on sites within a floodplain shown on the community's Flood Insurance Rate Map will either:

A. Be on the site for fewer than 180 consecutive days;

B. Be fully licensed and ready for highway use; or

C. Meet the permit requirements of Article IV of this chapter and the elevation and anchoring requirements for manufactured homes in Section 15.20.160.

15.20.180 Floodways.

Located within areas of special flood hazard established in Section 15.20.060 are areas designated as floodways. Since the floodway is an extremely hazardous area due to the velocity of floodwaters which carry debris, potential projectiles, and erosion potential, the following provisions apply:

A. Prohibit encroachments, including fill, new construction, substantial improvement, and other new development unless certification by a registered professional engineer or architect is provided demonstrating that encroachments shall not result in any increase in flood levels during the occurrence of the base flood discharge;

B. If subsection A of this section is satisfied, all new construction, substantial improvement and other proposed new development shall comply with all other applicable flood hazard reduction provisions of this article.

ARTICLE VI. VARIANCE PROCEDURE

15.20.190 Nature of variances.

The variance criteria set forth in this article of this chapter are based on the general principle of zoning law that variances pertain to a piece of property and are not personal in nature. Though these standards vary from jurisdiction to jurisdiction, in general, a properly issued variance is 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. Therefore, the variance guidelines provided in this article 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.

15.20.200 Appeal board.

A. Any person aggrieved by any decision of the floodplain administrator may, within 15 days after the date of such decision, appeal such decision to the planning commission of the city who shall hear and decide all appeals and requests for variances from the requirements of this chapter.

B. The planning commission 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.

C. In passing upon such applications, the planning commission shall consider all technical evaluations, all relevant factors, 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 of 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 existing individual owner and future owners of the property;
   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 floodplain management program for 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 floodwaters 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 system, and streets and bridges.

D. 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 $25.00 for $100.00 of insurance coverage and (2) such construction below the base flood level increases risks to life and property. A copy of the notice shall be recorded by the floodplain board in the office of the San Benito County recorder and shall be recorded in a manner so that it appears in the chain of title of the affected parcel of land.

E. 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 Insurance Administration, Federal Emergency Management Agency.

15.20.210 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 Article II of this chapter) upon a determination that the proposed repair or rehabilitation will not preclude the structure's continued designation as a 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 designated 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 (as defined in Article II of this chapter) considering the flood hazard, to afford relief.

E. Variances shall only be issued upon (1) a showing of good and sufficient cause; (2) a determination that failure to grant the variance would result in exceptional hardship (as defined in Article II of this chapter) 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, extraordinary public expense, create nuisances (as defined in Article II of this chapter), cause fraud or victimization (as defined in Article II of this chapter) of the public, or conflict with existing local laws or ordinances.

F. Variances may be issued for new construction, substantial improvement and other proposed new development provided that the provisions of subsections A through E 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 create no additional threats to public safety.

G. Upon consideration of the factors of Section 15.20.200(C) 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.

ARTICLE VII. VIOLATION—PENALTY

15.20.220 Violation—Penalty.

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

CHAPTER 15.22 WATER EFFICIENT LANDSCAPE[1]

15.22.010 Purpose.

A. The city council affirms the findings of the state legislature as follows:

1. That the waters of the state are of limited supply and are subject to ever increasing demands;
2. That the continuation of California's economic prosperity is dependent on the availability of adequate supplies of water for future uses;
3. That it is the policy of the state to promote the conservation and efficient use of water and to prevent the waste of this valuable resource;
4. That landscapes are essential to the quality of life in California by providing areas for active and passive recreation and as an enhancement to the environment by cleaning air and water, preventing erosion, offering fire protection, and replacing ecosystems lost to development; and
5. That landscape design, installation, maintenance and management shall be water efficient; and
6. That Section 2 of Article X of the California Constitution specifies that the right to use water is limited to the amount reasonably required for the beneficial use to be served and the right does not and shall not extend to waste or unreasonable method of use.

B. The city council affirms that consistent with the findings of the state legislature, the purpose of this chapter is to:

1. Promote the values and benefits of landscapes while recognizing the need to invest water and other resources as efficiently as possible;
2. Establish a structure for planning, designing, installing, maintaining and managing water efficient landscapes in new construction and rehabilitated projects;
3. Establish provisions for water management practices and water waste prevention for existing landscapes;

[1]Note(s)—Government Code Sections 65591.2, 65591.5, 65592, 65594, 65595, 65599 and 66696.5.

4. Use water efficiently without waste by setting a maximum applied water allowance as an upper limit for water use and reduce water use to the lowest practical amount;
5. Promote the benefits of consistent landscape ordinances with neighboring local and regional agencies;
6. Encourage the use of economic incentives that promote the efficient use of water, such as implementing a tiered-rate structure; and
7. Encourage cooperation between the city of Hollister, the Sunnyslope water district, and other local agencies to enforce the provisions of this chapter.

15.22.020 Applicability.

A. After January 1, 2010, this chapter shall apply to all of the following landscape projects:
   1. New construction and rehabilitated landscapes for public agency projects and private development projects with a landscape area equal to or greater than 2,500 square feet;
   2. New construction and rehabilitated landscapes which are developer-installed in single-family and multifamily projects with a landscape area equal to or greater than 2,500 square feet;
   3. New construction landscapes, which are homeowner-provided and/or homeowner-hired in single-family and multifamily residential projects with a total project landscape area equal to or greater than 5,000 square feet;
   4. Existing landscapes limited to Sections 15.22.220, Provisions for existing landscapes, 15.22.230, Irrigation audit, irrigation survey, irrigation water use analysis, and 15.22.240, Water waste prevention;
   5. Cemeteries. Recognizing the special landscape management needs of cemeteries, new and rehabilitated cemeteries are limited to Sections 15.22.080, Water efficient landscape worksheet, 15.22.150, Landscape and irrigation maintenance schedule, 15.22.230, Irrigation audit, irrigation survey, and irrigation water use analysis; and existing cemeteries are limited to Sections 15.22.220, Provisions for existing landscapes, 15.22.230, Irrigation audit, irrigation survey, irrigation water use analysis, and 15.22.240, Water waste prevention.

B. This chapter does not apply to:
   1. Registered local, state or federal historical sites;
   2. Ecological restoration projects that do not require a permanent irrigation system;
   3. Mined-land reclamation projects that do not require a permanent irrigation system; or
   4. Plant collections, as part of botanical gardens and arboretums open to the public.

Note(s)—Authority Cited: Section 65595, Government Code. Reference: Section 65596, Government Code.

15.22.030 Definitions.

The terms used in this ordinance have the meaning set forth below:

Applied water means the portion of water supplied by the irrigation system to the landscape.

Automatic irrigation controller means an automatic timing device used to remotely control valves that operate an irrigation system. Automatic irrigation controllers schedule irrigation events using either evapotranspiration (weather-based) or soil moisture data.

Backflow prevention device means a safety device used to prevent pollution or contamination of the water supply due to the reverse flow of water from the irrigation system.

Certificate of completion means the document required under Section 15.22.130, Certificate of completion.

Certified irrigation designer means a person certified to design irrigation systems by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's WaterSense irrigation designer certification program and Irrigation Association's Certified Irrigation Designer program.

Certified landscape irrigation auditor means a person certified to perform landscape irrigation audits by an accredited academic institution, a professional trade organization or other program such as the US Environmental Protection Agency's Water Sense irrigation auditor certification program and Irrigation Association's Certified Landscape Irrigation Auditor program.

Check valve or *anti-drain valve* means a valve located under a sprinkler head, or other location in the irrigation system, to hold water in the system to prevent drainage from sprinkler heads when the sprinkler is off.

Common interest developments means community apartment projects, condominium projects, planned developments, and stock cooperatives per Civil Code Section 1351.

Conversion factor (0.62) means the number that converts acre-inches per acre per year to gallons per square foot per year.

Drip irrigation means any non-spray low volume irrigation system utilizing emission devices with a flow rate measured in gallons per hour. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Ecological restoration project means a project where the site is intentionally altered to establish a defined, indigenous, historic ecosystem.

Effective precipitation or *usable rainfall (Eppt)* means the portion of total precipitation, which becomes available for plant growth.

Emitter means a drip irrigation emission device that delivers water slowly from the system to the soil.

Established landscape means the point at which plants in the landscape have developed significant root growth into the soil. Typically, most plants are established after one or two years of growth.

Establishment period of the plants means the first year after installing the plant in the landscape or the first two years if irrigation will be terminated after establishment. Typically, most plants are established after one or two years of growth.

Estimated total water use (ETWU) means the total water used for the landscape as described in Section 15.22.080, Water efficient landscape worksheet.

ET adjustment factor (ETAF) means a factor of 0.7, that, when applied to reference evapotranspiration, adjusts for plant factors and irrigation efficiency, two major influences upon the amount of water that needs to be applied to the landscape. A combined plant mix with a site-wide average of 0.5 is the basis of the plant factor portion of this calculation. For purposes of the ETAF, the average irrigation efficiency is 0.71. Therefore, the ET adjustment factor is (0.7)=(0.5/0.71). ETAF for a special landscape area shall not exceed 1.0. ETAF for existing non-rehabilitated landscapes is 0.8.

Evapotranspiration rate (ETo) means the quantity of water evaporated from adjacent soil and other surfaces and transpired by plants during a specified time.

Flow rate means the rate at which water flows through pipes, valves and emission devices, measured in gallons per minute, gallons per hour, or cubic feet per second.

Hardscapes means any durable material (pervious and nonpervious).

Homeowner-provided landscaping means any landscaping either installed by a private individual for a single-family residence or installed by a licensed contractor hired by a homeowner. A homeowner, for purposes of this chapter, is a person who occupies the dwelling he or she owns. This excludes speculative homes, which are not owner-occupied dwellings.

Hydrozone means a portion of the landscaped area having plants with similar water needs. A hydrozone may be irrigated or non-irrigated.

Infiltration rate means the rate of water entry into the soil expressed as a depth of water per unit of time (e.g., inches per hour).

Invasive plant species means species of plants not historically found in California that spread outside cultivated areas and can damage environmental or economic resources. Invasive species may be regulated by county agricultural agencies as noxious species. "Noxious weeds" means any weed designated by the Weed Control Regulations in the Weed Control Act and identified on a regional district noxious weed control list. Lists of invasive plants are maintained at the California Invasive Plant Inventory and USDA invasive and noxious weeds database.

Irrigation audit means an in-depth evaluation of the performance of an irrigation system conducted by a certified landscape irrigation auditor. An irrigation audit includes, but is not limited to: inspection, system tune-up, system test with distribution uniformity or emission uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule.

Irrigation efficiency (IE) means the measurement of the amount of water beneficially used divided by the amount of water applied. Irrigation efficiency is derived from

measurements and estimates of irrigation system characteristics and management practices. The minimum average irrigation efficiency for purposes of this ordinance is 0.71. Greater irrigation efficiency can be expected from well designed and maintained systems.

Irrigation survey means an evaluation of an irrigation system that is less detailed than an irrigation audit. An irrigation survey includes, but is not limited to: inspection, system test, and written recommendations to improve performance of the irrigation system.

Irrigation water use analysis means an analysis of water use data based on meter readings and billing data.

Landscape architect means a person who holds a license to practice landscape architecture in the state of California Business and Professions Code, Section 5615.

Landscape area means all the planting areas, turf areas, and water features in a landscape design plan subject to the maximum applied water allowance calculation. The landscape area does not include footprints of buildings or structures, sidewalks, driveways, parking lots, decks, patios, gravel or stone walks, other pervious or nonpervious hardscapes, and other non-irrigated areas designated for non-development (e.g., open spaces and existing native vegetation).

Landscape contractor means a person licensed by the state of California to construct, maintain, repair, install, or subcontract the development of landscape systems.

Landscape application package means the documents required under Section 15.22.070.

Landscape project means the total area of landscape in a project as defined in "landscape area" for the purposes of this chapter, meeting requirements under Section 15.22.020, Applicability.

Lateral line means the water delivery pipeline that supplies water to the emitters or sprinklers from the valve.

Local water purveyor means any entity, including a public agency such as the Sunnyslope County water district, the city of Hollister or private water company that provides retail water service.

Low volume irrigation means the application of irrigation water at low pressure through a system of tubing or lateral lines and low-volume emitters such as drip, drip lines, and bubblers. Low volume irrigation systems are specifically designed to apply small volumes of water slowly at or near the root zone of plants.

Main line means the pressurized pipeline that delivers water from the water source to the valve or outlet.

Maximum applied water allowance (MAWA) means the upper limit of annual applied water for the established landscaped area as specified in Section 15.22.080. It is based upon the area's reference evapotranspiration, the ET adjustment factor, and the size of the landscape area. The estimated total water use shall not exceed the maximum applied water allowance. Special landscape areas, including recreation areas, areas permanently and solely dedicated to edible plants such as orchards and

vegetable gardens, and areas irrigated with recycled water are subject to the MAWA with an ETAF not to exceed 1.0.

Microclimate means the climate of a small, specific area that may contrast with the climate of the overall landscape area due to factors such as wind, sun exposure, plant density, or proximity to reflective surfaces.

Mined-land reclamation projects means any surface mining operation with a reclamation plan approved in accordance with the Surface Mining and Reclamation Act of 1975.

Mulch means any organic material such as leaves, bark, straw, compost, or inorganic mineral materials such as rocks, gravel, and decomposed granite left loose and applied to the soil surface for the beneficial purposes of reducing evaporation, suppressing weeds, moderating soil temperature, and preventing soil erosion.

New construction, for the purposes of this chapter, means a new building with a landscape or other new landscape, such as a park, playground, or greenbelt without an associated building.

Operating pressure means the pressure at which the parts of an irrigation system are designed by the manufacturer to operate.

Overhead sprinkler irrigation systems mean systems that deliver water through the air (e.g., spray heads and rotors).

Overspray means the irrigation water, which is delivered beyond the target area.

Permit means an authorizing document issued by local agencies for new construction or rehabilitated landscapes.

Pervious means any surface or material that allows the passage of water through the material and into the underlying soil.

Plant factor or *plant water use factor*, when multiplied by ETo, estimates the amount of water needed by plants. For purposes of this chapter, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6, and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this ordinance are derived from the Department of Water Resources 2000 publication "Water Use Classification of Landscape Species."

Precipitation rate means the rate of application of water measured in inches per hour.

Project applicant means the individual or entity submitting a landscape application package required under Section 15.22.070, Elements of the landscape application package, to request a permit, plan check, or design review from the city of Hollister. A project applicant may be the property owner or designee.

Public agency means any city, county or special purpose district, state board or department, educational institution or other state agency which is created pursuant to statute.

Rain sensor or *rain sensing shutoff device* means a component which automatically suspends an irrigation event when it rains.

Record drawing or *as-builts* means a set of reproducible drawings which show significant changes in the work made during construction and which are usually based on drawings marked up in the field and other data furnished by the contractor.

Recreational area means areas dedicated to active play such as parks, sports fields, and golf courses where turf provides a playing surface.

Recycled water,reclaimed water or *treated sewage effluent water* means treated or recycled wastewater of a quality suitable for non-potable uses such as landscape irrigation and water features. This water is not intended for human consumption.

Reference evapotranspiration or *ETo* means a standard measurement of environmental parameters that affect the water use of plants. ETo is expressed in inches per day, month, or year as represented in Table 15.22-1 of Section 15.22.080, Water efficient landscape worksheet, and is an estimate of the evapotranspiration of a large field of four- to seven-inch tall, cool-season grass that is well watered. Reference evapotranspiration is used as the basis of determining the maximum applied water allowance so that regional differences in climate can be accommodated.

Rehabilitated landscape means any re-landscaping project that requires a permit, plan check, or design review, meets the requirements of Section 15.22.020, Applicability, and the modified landscape area is equal to or greater than 2,500 square feet, is 50 percent of the total landscape area, and the modifications are completed within one year.

Runoff means water which is not absorbed by the soil or landscape to which it is applied and flows from the landscape area. For example, runoff may result from water that is applied at too great a rate (application rate exceeds infiltration rate) or when there is a slope.

Soil moisture sensing device or *soil moisture sensor* means a device that measures the amount of water in the soil. The device may also suspend or initiate an irrigation event.

Soil texture means the classification of soil based on its percentage of sand, silt, and clay.

Special landscape area (SLA) means an area of the landscape dedicated solely to edible plants, areas irrigated with recycled water, water features using recycled water and areas dedicated to active play such as parks, sports fields, golf courses, and where turf provides a playing surface.

Sprinkler head means a device which delivers water through a nozzle.

Static water pressure means the pipeline or municipal water supply pressure when water is not flowing.

Station means an area served by one valve or by a set of valves that operate simultaneously.

Swing joint means an irrigation component that provides a flexible, leak-free connection between the emission device and lateral pipeline to allow movement in any direction and to prevent equipment damage.

Turf means a ground cover surface of mowed grass. Annual bluegrass, Kentucky bluegrass, Perennial ryegrass, Red fescue, and Tall fescue are cool-season grasses.

Bermudagrass, Kikuyugrass, Seashore Paspalum, St. Augustinegrass, Zoysiagrass, and Buffalo grass are warm-season grasses.

Valve means a device used to control the flow of water in the irrigation system.

Water conserving plant species means a plant species identified as having a low plant factor.

Water feature means a design element where open water performs an aesthetic or recreational function. Water features include ponds, lakes, waterfalls, fountains, artificial streams, spas, and swimming pools (where water is artificially supplied). The surface area of water features is included in the high water use hydrozone of the landscape area. Constructed wetlands used for on-site wastewater treatment or stormwater best management practices that are not irrigated and used solely for water treatment or stormwater retention are not water features and, therefore, are not subject to the water budget calculation.

Watering window means the time of day irrigation is allowed.

WUCOLS means the Water Use Classification of Landscape Species published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000.

15.22.040 Provisions for implementation of new construction or rehabilitated landscapes.

The city of Hollister may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this chapter. It is the intention of the city of Hollister to collaborate with water purveyors to define each entity's specific responsibilities relating to this chapter.

15.22.050 Compliance with landscape application package.

A. Prior to new construction or rehabilitation of landscapes subject to this chapter, the city of Hollister shall:
    1. Provide the project applicant with the requirements of this chapter and procedures for permits, plan checks, or design reviews;
    2. Review the landscape application package submitted by the project applicant;
    3. Approve or deny the landscape application package;
    4. Issue a permit or approve the plan check or design review for the project applicant;
    5. Upon approval of the landscape application package, submit a copy of the water efficient landscape worksheet to the local water purveyor; and
    6. Pay appropriate fees as established by city council.

B. Prior to new construction or rehabilitation of landscapes subject to this chapter, the project applicant shall submit a water efficient landscape plan to the city of Hollister.

C. Upon approval of the water efficient landscape plan by the city of Hollister or the city's designee, the project applicant shall:

1. Receive a permit for the approved water efficient landscape plan and record the date of the permit in the certificate of completion;
2. Submit a copy of the approved water efficient landscape plan along with the record drawings, and any other information to the property owner or designee;
3. Submit a copy of the water efficient landscape worksheet to the city of Hollister and the water purveyor; and
4. File certificate of completion with the city of Hollister.

15.22.060 Penalties.

Any person violating any of the provisions of this chapter shall be guilty of an infraction.

15.22.070 Elements of the water efficient landscape plan application package.

A. The water efficient landscape plan application package shall include the following six elements:
    1. Project information.
        a. Date,
        b. Project applicant,
        c. Project address (if available, parcel and/or lot number(s)),
        d. Total landscape area (square feet),
        e. Project type (e.g., new, rehabilitated, public, private, cemetery, homeowner-installed),
        f. Water supply type (e.g., potable, recycled, well) and identify the local retail water purveyor if the applicant is not served by a private well,
        g. Checklist of all documents in landscape application package,
        h. Project contacts to include contact information for the project applicant and property owner,
        i. Applicant signature and date with statement, "I agree to comply with the requirements of the water efficient landscape ordinance and submit a complete Landscape Application Package.";
    2. Water efficient landscape worksheet.
        a. Hydrozone information table,
        b. Water budget calculations.
            i. Maximum applied water allowance (MAWA),
            ii. Estimated total water use (ETWU);
    3. Soil management report;
    4. Landscape design plan;
    5. Irrigation design plan; and

6. Grading design plan.

15.22.080 Water efficient landscape worksheet.

A. A project applicant shall complete the water efficient landscape worksheet, which contains two sections on a form that will be provided by the city of Hollister. At a minimum, the water efficient landscape worksheet shall include the following contents:

1. A hydrozone information table for the landscape project; and
2. A water budget calculation for the landscape project. For the calculation of the maximum applied water allowance and estimated total water use, a project applicant shall use the annual evapotranspiration (ETo) values from the reference evapotranspiration in Table 15.22-1 as shown.

Table 15.22-1 Reference Evapotranspiration (ETo) Table*

County and City	Jan.	Feb.	Mar.	Apr.	May	June	July	Aug.	Sept.	Oct.	Nov.	Dec.	Annual ETo
Hollister	1.5	1.8	3.1	4.3	5.5	5.7	6.4	5.9	5.0	3.5	1.7	1.1	45.1

* The values in this table were derived from:

1. California Irrigation Management Information System (CIMIS);
2. Reference Evapotranspiration Zones Map, UC Department of Land, Air and Water Resources and California Department of Water Resources 1999; and
3. Reference Evapotranspiration for California, University of California, Department of Agriculture and Natural Resources (1987) Bulletin 1922.
4. Determining Daily Reference Evapotranspiration, Cooperative Extension UC Division of Agriculture and Natural Resources (1987), Publication Leaflet 21426.

B. Water budget calculations shall adhere to the following requirements:

1. The plant factor used shall be from Water Use Classification of Landscape Species (WULCOLS) published by the University of California Cooperative Extension, the Department of Water Resources and the Bureau of Reclamation, 2000. The plant factor ranges from 0 to 0.3 for low water use plants, from 0.4 to 0.6 for moderate water use plants, and from 0.7 to 1.0 for high water use plants.
2. All water features shall be included in the high water use hydrozone and temporarily irrigated areas shall be included in the low water use hydrozone.
3. All special landscape areas shall be identified and their water use calculated as described below.

   The evapotranspiration adjustment factor (ETAF) for special landscape areas (SLA) shall not exceed 1.0.

4. The maximum applied water allowance (MAWA) shall be calculated using the following equation for applications with special landscape areas (SLA):

   MAWA = (ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)]

   a. *Example calculations.* The example calculations below are hypothetical to demonstrate proper use of the equations and do not represent an existing or planned landscape project. The annual evapotranspiration (ETo) values used in these calculations are from the reference evapotranspiration rate of 45.1 for the Hollister area in Table 15.22-1, for planning purposes only. For actual irrigation scheduling, automatic irrigation controllers are required to use current reference evapotranspiration data, such as from the California Irrigation Management Information System (CIMIS), other equivalent data, or soil moisture sensor data.

      Example 1: A 50,000 square foot commercial landscape project with no special landscape area:

      Maximum Applied Water Allowance (MAWA) in Hollister with an irrigated landscape area of 50,000 square feet without any special landscape area (SLA= 0, no edible plants, recreational areas, or use of recycled water). To calculate MAWA, the annual reference evapotranspiration value for Hollister is 45.1 inches as listed in the reference evapotranspiration Table 15-22-1.

      MAWA = (ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)]
      MAWA = Maximum applied water allowance (gallons per year)
      ETo = Reference evapotranspiration (inches per year)
      0.62 = Conversion factor (to gallons)
      0.7 = ET adjustment factor (ETAF)
      LA = Landscape area including SLA (square feet)
      0.3 = Additional water allowance for SLA
      SLA = Special landscape area (square feet)

      MAWA = (45.1 inches) (0.62) [(0.7 x 50,000 square feet) + (0.3 x 0)] = 978,600 gallons per year
      = 27.96 x [35,000 + 0] gallons per year
      = 27.96 x 35,000 gallons per year
      MAWA = 978,600 gallons per year

      To convert from gallons per year to hundred-cubic-feet per year:
      978,600/748 = 1,308 hundred-cubic-feet per year (100 cubic feet = 748 gallons)

Example 2. In this next hypothetical example, the landscape project in Hollister, CA has the same ETo value of 45.1 inches and a total landscape area of 50,000 square feet. Within the 50,000 square foot project, there is now a 2,000 square foot area planted with edible plants. This 2,000 square foot area is considered to be a special landscape area.

MAWA = (ETo) (0.62) [(0.7 x LA) + (0.3 x SLA)]
MAWA = (45.1 inches) (0.62) [(0.7 x 50,000 square feet) + (0.3 x 2,000 square feet)]
= 27.96 x [35,000 + 600] gallons per year

= 27.96 x 35,600 gallons per year
= 995,376 gallons per year or 1,331 hundred-cubic-feet per year

5. Estimated Total Water Use (ETWU). The estimated total water use shall be calculated using the equation below. The sum of the estimated total water use calculated for all hydrozones shall not exceed the maximum applied water allowance (MAWA).

   ETWU = (Eto)(0.62)[(PF x HA/IE) + SLA]

   Where:
   ETWU = Estimated total water use per year (gallons)
   ETo = Reference evapotranspiration (inches per year)
   PF = Plant factor from WUCOLS ([1])
   HA = Hydrozone area [high, medium, and low water use areas] (square feet)
   SLA = Special landscape area (square feet)
   0.62 = Conversion factor
   IE = Irrigation efficiency (minimum 0.71)

   1 A plant factor or plant water use factor is a factor, when multiplied by the reference evapotranspiration rate ETo, estimates that amount of water needed by plants. For purposes of this chapter, the plant factor range for low water use plants is 0 to 0.3, the plant factor range for moderate water use plants is 0.4 to 0.6 and the plant factor range for high water use plants is 0.7 to 1.0. Plant factors cited in this chapter are derived from the Department of Water Resources 2000 publication "Water Use Classification for Landscape Species."

Example 1. ETWU Calculation. Landscape area is 50,000 square feet; plant water use type, plant factor, and hydrozone area are shown in the table below. The ETo value is 45.1 inches per year. There are no special landscape areas (recreational area, area permanently and solely dedicated to edible plants, and area irrigated with recycled water) in this example.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	10,000	7,000
3	Medium	0.5	16,000	8,000
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	24,000
* Plant Factor from WUCOLS				

ETWU = (45.1)(0.62)[(24,700/0.71) + 0]

= 27.96 x [(34,789 + 0)] gallons per year
= 27.96 x 34,789 gallons per year
ETWU = 972,700 gallons per year

Compare ETWU with MAWA: For this example MAWA = (45.1) (0.62) [(0.7 x 50,000) + (0.3 x 0)] = 978,600 gallons per year. The ETWU (972,700 gallons per year) is less than MAWA (978,600 gallons per year). In this example, the water budget complies with the MAWA.

Example 2. ETWU Calculation. Total landscape area is fifty thousand (50,000) square feet, two thousand (2,000) square feet of which is planted with edible plants. The edible plant area is considered a special landscape area (SLA). The reference evapotranspiration value is 51.1 inches per year. The plant type, plant factor, and hydrozone area are shown in the table below.

Hydrozone	Plant Water Use Type(s)	Plant Factor (PF)*	Hydrozone Area (HA) (square feet)	PF x HA (square feet)
1	High	0.8	7,000	5,600
2	High	0.7	9,000	6,300
3	Medium	0.5	15,000	7,500
4	Low	0.3	7,000	2,100
5	Low	0.2	10,000	2,000
			Sum	23,500
6	SLA	1.0	2,000	2,000
* Plant Factor from WUCOLS				

ETWU = (45.1)(0.62)[(23,500/0.71) + 2,000]

=(27.96)(32,394 + 2,000)
=27.96 x 34,394 gallons per year
ETWU = 961,656 gallons per year

Compare ETWU with MAWA. For this example:

MAWA = (45.1) (0.62) [(0.7 x 50,000) + (0.3 x 2,000)]
= 27.96 x [35,000 + 600]
= 27.96 x 35,600
= 995,376 gallons per year

The ETWU (961,656 gallons per year) is less than MAWA (995,376 gallons per year). For this example, the water budget complies with the MAWA.

15.22.090 Soil management report.

In order to reduce runoff and encourage healthy plant growth, the project applicant, or designee shall provide a soil management report, as follows:

A. Submit soil samples to a laboratory for analysis and recommendations.

1. Soil sampling shall be conducted in accordance with laboratory protocol, including protocols regarding adequate sampling depth for the intended plants.

2. The soil analysis shall include:

a. Soil texture;

b. Infiltration rate determined by laboratory test or soil texture infiltration rate table;

c. PH;

d. Total soluble salts;

e. Sodium;

f. Percent organic matter; and

g. Recommendations.

B. The project applicant, or designee, shall comply with one of the following:

1. If significant mass grading is not planned, the soil analysis report shall be submitted to the city of Hollister as part of the landscape application package.

2. If significant mass grading is planned, the soil analysis report shall be submitted to the city of Hollister as part of the certificate of completion.

3. The soil analysis report shall be made available, in a timely manner, to the professionals preparing the landscape design plans and irrigation design plans to make any necessary adjustments to the design plans.

4. The project applicant, or designee, shall submit documentation verifying implementation of soil analysis report recommendations to the city of Hollister with certificate of completion.

15.22.100 Landscape design plan.

For the efficient use of water, a landscape shall be carefully designed and planned for the intended function of the project. A landscape design plan meeting the following design criteria shall be submitted as part of the landscape application package.

A. *Plant Material.*

1. Any plant may be selected for the landscape, providing the estimated total water use (ETWU) in the landscape area does not exceed the maximum applied water allowance (MAWA). To ensure the efficient use of water, the following shall be considered:

a. Protection and preservation of native species and natural vegetation;

b. Selection of water-conserving plant and turf species;

c. Selection of plants based on disease and pest resistance;

d. Selection of street trees based on applicable local tree ordinances or tree shading guidelines; and

e. Selection of plants from local and regional landscape program plant lists.

2. Each hydrozone shall have plant materials with similar water use, with the exception of hydrozones with plants of mixed water use, as specified in Section 15.22.110(A)(2)(d), Irrigation design.

3. Plants shall be selected and planted appropriately based upon their adaptability to the climatic, geologic, and topographical conditions of the project site. To encourage the efficient use of water, the following shall be considered:
    a. Use the Sunset Western Climate Zone System, which takes into account temperature, humidity, elevation, terrain, latitude, and varying degrees of continental and marine influence on local climate;
    b. Recognize the horticultural attributes of plants (i.e., mature plant size, invasive surface roots) to minimize damage to property or infrastructure (e.g., buildings, sidewalks, power lines); and
    c. Consider the solar orientation for plant placement to maximize summer shade and winter solar gain.
4. Turf is not allowed on slopes greater than 25 percent where the toe of the slope is adjacent to an impermeable hardscape and where 25 percent means one foot of vertical elevation change for every four feet of horizontal length (rise divided by run x 100 = slope percent).
5. The use of invasive and/or noxious plant species is strongly discouraged.
6. The architectural guidelines of a common interest development, which include community apartment projects, condominiums, planned developments, and stock cooperatives, shall not prohibit or include conditions that have the effect of prohibiting the use of low water-use plants as a group.

B. *Water Features.*
1. Recirculating water systems shall be used for water features.
2. Where available, recycled water shall be used as a source for decorative water features.
3. Surface area of a water feature shall be included in the high water use hydrozone area of the water budget calculation.
4. Pool and spa covers are required.

C. *Mulch and Amendments.*
1. A minimum two-inch layer of mulch shall be applied on all exposed soil surfaces of planting areas except in turf areas, creeping or rooting groundcovers, or direct seeding applications where mulch is contraindicated.
2. Stabilizing mulching products shall be used on slopes.
3. The mulching portion of the seed/mulch slurry in hydroseeded applications shall meet the mulching requirement.
4. Soil amendments shall be incorporated according to recommendations of the soil report and what is appropriate for the plants selected (see Section 15.22.090, Soil management report).

D. *Landscape Design Plan Contents.* The plan shall include the following information:

1. Delineate and label each hydrozone by number, letter, or other method;
2. Identify each hydrozone as low, moderate, high water, or mixed water use. Temporarily irrigated areas of the landscape shall be included in the low water use hydrozone for the water budget calculation;
3. Identify special landscape areas.
    a. Recreational areas,
    b. Areas permanently and solely dedicated to edible plants,
    c. Areas irrigated with recycled water;
4. Identify type of mulch and application depth;
5. Identify soil amendments, type, and quantity;
6. Identify type and surface area of water features;
7. Identify hardscapes (pervious and nonpervious);
8. Identify location and installation details of any applicable stormwater best management practices that encourage on-site retention and infiltration of stormwater. Stormwater best management practices are required in the landscape design plan and examples include, but are not limited to:
    a. Infiltration beds, swales, and basins that allow water to collect and soak into the ground,
    b. Constructed wetlands and retention ponds that retain water, handle excess flow, and filter pollutants, and
    c. Pervious or porous surfaces (e.g., permeable pavers or blocks, pervious or porous concrete, etc.) that minimize runoff;
9. Identify any applicable rain harvesting or catchment technologies (e.g., rain gardens, cisterns, etc.);
10. Contain the following statement: "I have complied with the criteria of the ordinance and applied them for the efficient use of water in the landscape design plan"; and
11. Bear the signature of a licensed landscape architect, licensed landscape contractor, or any other person authorized to design a landscape. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3, 5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agriculture Code.)

15.22.110 Irrigation design plan.

A. For the efficient use of water, an irrigation system shall meet all the requirements listed in this section and the manufacturers' recommendations. The irrigation system and its related components shall be planned and designed to allow for proper installation, management, and maintenance. An irrigation design plan meeting the following design criteria shall be submitted as part of the landscape application package.

1. *System.*

    a. Dedicated landscape water meters are highly recommended but not required on landscape areas smaller than 5,000 square feet to facilitate water management.

    b. Automatic irrigation controllers utilizing either evapotranspiration or soil moisture sensor data shall be required for irrigation scheduling in all irrigation systems.

    c. The irrigation system shall be designed to ensure that the dynamic pressure at each emission device is within the manufacturer's pressure range for optimal performance.

        i. If the static pressure is above or below the required dynamic pressure of the irrigation system, pressure-regulating devices such as inline pressure regulators, booster pumps, or other devices shall be installed to meet the required dynamic pressure of the irrigation system.

        ii. Static water pressure, dynamic or operating pressure, and flow reading of the water supply shall be measured at the point of connection. These pressure and flow measurements shall be conducted at the design stage. If the measurements are not available at the design stage, the measurements shall be conducted at installation.

    d. Sensors (rain, freeze, wind, etc.), either integral or auxiliary, that suspend or alter irrigation operation during unfavorable weather conditions shall be required on all irrigation systems, as appropriate for local climatic conditions. Irrigation shall be avoided during windy or freezing weather or during rain.

    e. Manual shut-off valves (such as a gate valve, ball valve, or butterfly valve) are required, as close as possible to the point of connection of the water supply, to minimize water loss in case of an emergency (such as a main line break) or routine repair.

    f. Backflow prevention devices shall be required to protect the water supply from contamination by the irrigation system for landscaping at commercial, industrial, public, institutional and for common areas at residential development. A project applicant shall refer to the city of Hollister engineering department for backflow prevention requirements.

    g. High flow sensors that detect and report high flow conditions created by system damage or malfunction are required.

    h. The irrigation system shall be designed to prevent runoff, low head drainage, overspray, or other similar conditions where irrigation water flows onto non-targeted areas, such as adjacent property, non-irrigated areas, hardscapes, roadways, or structures.

    i. Relevant information from the soil management plan, such as soil type and infiltration rate, shall be utilized when designing irrigation systems.

j. The design of the irrigation system shall conform to the hydrozones of the landscape design plan.

k. The irrigation system shall be designed and installed to meet, at a minimum, the irrigation efficiency criteria as described in Section 15.22.080, Water efficient landscape worksheet, regarding the maximum applied water allowance.

l. The project applicant shall inquire for information from their local water purveyor about peak water operating demands (on the water supply system) or water restrictions that may impact the effectiveness of the irrigation system.

m. In mulched planting areas, the use of low volume irrigation is required to maximize water infiltration into the root zone.

n. Sprinkler heads and other emission devices shall have matched precipitation rates, unless otherwise directed by the manufacturer's recommendations.

o. Sprinkler spacing shall be designed to achieve the highest possible distribution uniformity using the manufacturer's recommendations and minimize overspray.

p. Swing joints or other riser-protection components are required on all risers subject to damage that are adjacent to high traffic areas.

q. Check valves or anti-drain valves are required for all irrigation systems.

r. Narrow or irregularly shaped areas, including turf, less than eight feet in width in any direction shall be irrigated with subsurface irrigation or low volume irrigation system.

s. Overhead irrigation shall not be permitted within 24 inches of any non-permeable surface. Allowable irrigation within the setback from non-permeable surfaces may include drip, drip line, or other low flow non-spray technology. The setback area may be planted or unplanted. The surfacing of the setback may be mulch, gravel, or other porous material. These restrictions may be modified if:

    i. The landscape area is adjacent to permeable surfacing and no runoff occurs; or

    ii. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping; or

    iii. The irrigation designer specifies an alternative design or technology, as part of the landscape application package and clearly demonstrates strict adherence to irrigation system design criteria in subsection (A)(1)(h). Prevention of overspray and runoff shall be confirmed during the irrigation audit.

t. Slopes greater than 25 percent shall not be irrigated with an irrigation system with a precipitation rate exceeding 0.75 inches per hour. This restriction may be modified if the landscape designer specifies an alternative design or technology, as part of the water efficient landscape

application package, and clearly demonstrates no runoff or erosion will occur. Prevention of runoff and erosion shall be confirmed during the irrigation audit.

2. *Hydrozone.*

   a. Each valve shall irrigate a hydrozone with similar site, slope, sun exposure, soil conditions, and plant materials with similar water use.

   b. Sprinkler heads and other emission devices shall be selected based on what is appropriate for the plant type within that hydrozone.

   c. Where feasible, trees shall be placed on separate valves from shrubs, groundcovers, and turf.

   d. Individual hydrozones that mix plants of moderate and low water use, or moderate and high water use, may be allowed if:

      i. Plant factor calculation is based on the proportions of the respective plant water uses and their plant factor; or

      ii. The plant factor of the higher water using plant is used for calculations.

   e. Individual hydrozones that mix high and low water use plants shall not be permitted.

   f. On the landscape design plan and irrigation design plan, hydrozone areas shall be designated by number, letter, or other designation and correlated to a hydrozone information table provided by the city of Hollister. On the irrigation design plan, designate the areas irrigated by each valve and assign a number to each valve. Use this valve number in the hydrozone information table provided by the city of Hollister. This table can also assist with the irrigation audit and programming the controller.

B. The irrigation design plan shall contain:

1. Location and size of separate water meters for landscape;

2. Location, type and size of all components of the irrigation system, including controllers, main and lateral lines, valves, sprinkler heads, moisture sensing devices, rain switches, quick couplers, pressure regulators, and backflow prevention devices;

3. Static water pressure at the point of connection to the public water supply;

4. Flow rate (gallons per minute), application rate (inches per hour), and design operating pressure (pressure per square inch) for each station;

5. Recycled water irrigation systems as specified in Section 15.22.180, Recycled water;

6. The following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the irrigation design plan"; and

7. The signature of a licensed landscape architect, certified irrigation designer, licensed landscape contractor, or any other person authorized to design an irrigation system. (See Sections 5500.1, 5615, 5641, 5641.1, 5641.2, 5641.3,

5641.4, 5641.5, 5641.6, 6701, 7027.5 of the Business and Professions Code, Section 832.27 of Title 16 of the California Code of Regulations, and Section 6721 of the Food and Agricultural Code.)

15.22.120 Grading design plan.

A. For the efficient use of water, grading of a project site shall be designed to minimize soil erosion, runoff, and water waste. A grading plan shall be submitted as part of the landscape application package. A comprehensive grading plan prepared by a civil engineer for other local agency permits satisfies this requirement.

1. The project applicant shall submit a landscape grading plan that indicates finished configurations and elevations of the landscape area including:
    a. Height of graded slopes;
    b. Drainage patterns;
    c. Pad elevations;
    d. Finish grade; and
    e. Storm water retention improvements, if applicable.
2. To prevent excessive erosion and runoff, project applicants shall consider:
    a. Grade so that all irrigation and normal rainfall remains within property lines and does not drain on to non-permeable hardscapes;
    b. Avoid disruption of natural drainage patterns and undisturbed soil; and
    c. Avoid soil compaction in landscape areas.
3. The grading design plan shall contain the following statement: "I have complied with the criteria of the ordinance and applied them accordingly for the efficient use of water in the grading design plan" and will bear the signature of a licensed professional as authorized by law.

15.22.130 Certificate of completion.

A. The certificate of completion shall be prepared on a form provided by the city of Hollister and shall include the following six elements:

1. Project information sheet that contains:
    a. Date,
    b. Project name,
    c. Project applicant name, telephone, and mailing address,
    d. Project address and location; and permit number,
    e. Property owner name, telephone, and mailing address;
2. Certification by either the signer of the landscape design plan, the signer of the irrigation design plan, or the licensed landscape contractor that the landscape project has been installed per the approved landscape application package.

Where there have been significant changes made in the field during construction, these "as-built" or record drawings shall be included with the certification;

3. Irrigation scheduling parameters used to set the controller (see Section 15.22.140, Irrigation scheduling);
4. Landscape and irrigation maintenance schedule (see Section 15.22.150, Landscape and irrigation maintenance schedule);
5. Irrigation audit report (see Section 15.22.160, Irrigation audit, irrigation survey, and irrigation water use analysis); and
6. Soil analysis report, if not submitted with a landscape application package and documentation verifying implementation of soil report recommendations (see Section 15.22.090, Soil management report).

B. The project applicant shall:

1. Submit the signed certificate of completion to the city of Hollister for review;
2. Ensure that copies of the approved certificate of completion are submitted to the city of Hollister, the water purveyor, and property owner or designee.

C. The city of Hollister shall:

1. Receive the signed certificate of completion from the project applicant;
2. Approve or deny the certificate of completion. If the certificate of completion is denied, the city of Hollister shall provide information to the project applicant regarding reapplication, appeal, or other assistance.

15.22.140 Irrigation scheduling.

A. For the efficient use of water, all irrigation schedules shall be developed, managed, and evaluated to utilize the minimum amount of water required to maintain plant health. Irrigation schedules shall meet the following criteria:

1. Irrigation scheduling shall be regulated by automatic irrigation controllers.
2. Overhead irrigation shall be scheduled between 8:00 p.m. and 10:00 a.m. unless weather conditions prevent it. If allowable hours of irrigation differ from the city of Hollister or Sunnyslope water district, the stricter of the two shall apply. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.
3. For implementation of the irrigation schedule, particular attention shall be paid to irrigation run times, emission device, flow rate, and current reference evapotranspiration, so that applied water meets the estimated total water use. Total annual applied water shall be less than or equal to maximum applied water allowance (MAWA). Actual irrigation schedules shall be regulated by automatic irrigation controllers using current reference evapotranspiration data (e.g., CIMIS) or soil moisture sensor data.
4. Parameters used to set the automatic controller shall be developed and submitted for each of the following:

a. The plant establishment period;

b. The established landscape; and

c. Temporarily irrigated areas.

5. Each irrigation schedule shall consider for each station all of the following that apply:

a. Irrigation interval (days between irrigation);

b. Irrigation run times (hours or minutes per irrigation event to avoid runoff);

c. Number of cycle starts required for each irrigation event to avoid runoff;

d. Amount of applied water scheduled to be applied on a monthly basis;

e. Application rate setting;

f. Root depth setting;

g. Plant type setting;

h. Soil type;

i. Slope factor setting;

j. Shade factor setting; and

k. Irrigation uniformity or efficiency setting.

15.22.150 Landscape and irrigation maintenance schedule.

A. Landscapes shall be maintained to ensure water use efficiency. A regular maintenance schedule shall be submitted with the certificate of completion.

B. A regular maintenance schedule shall include, but not be limited to, routine inspection; adjustment and repair of the irrigation system and its components; aerating and detaching turf areas; replenishing mulch; fertilizing; pruning; weeding in all landscape areas, and removing and obstruction to emission devices. Operation of the irrigation system outside the normal watering window is allowed for auditing and system maintenance.

C. Repair of all irrigation equipment shall be done with the originally installed components or their equivalents.

D. A project applicant shall consider the implementation of sustainable or environmentally friendly practices for overall landscape maintenance.

15.22.160 Irrigation audit, irrigation survey, and irrigation water use analysis.

A. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

B. For new construction and rehabilitated landscape projects installed after January 1, 2010, as described in Section 15.22.020, Applicability:

1. The project applicant shall submit an irrigation audit report with the certificate of completion to the city of Hollister that may include, but is not limited to: inspection, system tune-up, system test with distribution uniformity, reporting overspray or runoff that causes overland flow, and preparation of an irrigation schedule;
2. The city of Hollister and its designee shall administer programs that may include, but not be limited to, irrigation water use analysis, irrigation audits, and irrigation surveys for compliance with the maximum applied water allowance.

15.22.170 Irrigation efficiency.

For the purpose of determining maximum applied water allowance, average irrigation efficiency is assumed to be 0.71. Irrigation systems shall be designed, maintained, and managed to meet or exceed an average landscape irrigation efficiency of 0.71.

15.22.180 Recycled water.

A. The installation of recycled water irrigation systems shall allow for the current and future use of recycled water, unless a written exemption has been granted as described in subsection B of this section.

B. Irrigation systems and decorative water features shall use recycled water unless a written exemption has been granted by the city of Hollister or Sunnyslope water district stating that recycled water meeting all public health codes and standards is not available and will not be available for the foreseeable future.

C. All recycled water irrigation systems shall be designed and operated in accordance with all applicable local and state laws.

D. Landscapes using recycled water are considered special landscape areas. The ET adjustment factor for special landscape areas shall not exceed 1.0.

15.22.190 Stormwater management.

A. Stormwater management practices minimize runoff and increase infiltration, which recharges groundwater and improves water quality. Implementing stormwater best management practices into the landscape and grading design plans to minimize runoff and to increase on-site retention and infiltration is required.

B. Project applicants shall refer to the city of Hollister or regional water quality control board for information on any applicable stormwater ordinances and stormwater management plans.

C. Rain gardens, cisterns, and other landscape features and practices that increase rainwater capture and create opportunities for infiltration and/or on-site storage are required.

15.22.200 Public education.

A. *Publications.* Education is a critical component to promote the efficient use of water in landscapes. The use of appropriate principles of design, installation, management and maintenance that save water shall be considered in the community.

   1. The city of Hollister and its designee(s) shall provide information to owners of new, single-family residential homes regarding the design, installation, management, and maintenance of water efficient landscapes.

B. *Model Homes.* All model homes that are landscaped shall use signs and written information to demonstrate the principles of water efficient landscapes described in this chapter.

   1. Signs shall be used to identify the model as an example of a water efficient landscape featuring elements such as hydrozones, irrigation equipment, and others that contribute to the overall water efficient theme.

   2. Information shall be provided about designing, installing, managing, and maintaining water efficient landscapes.

15.22.210 Environmental review.

The city of Hollister shall comply with the California Environmental Quality Act (CEQA), as appropriate.

15.22.220 Provisions for existing landscapes.

The city of Hollister may designate another agency, such as a water purveyor, to implement some or all of the requirements contained in this chapter. Local agencies may collaborate with water purveyors to define each entity's specific responsibilities relating to this chapter.

15.22.230 Irrigation audit, irrigation survey, and irrigation water use analysis.

A. This section shall apply to all existing landscapes that were installed before January 1, 2010 which are over one acre in size.

   1. For any landscape referenced by this subsection that has a water meter, the city of Hollister and its designee shall administer programs that may include, but not be limited to, irrigation water use analyses, irrigation surveys, and

irrigation audits to evaluate water use and provide recommendations as necessary to reduce landscape water use to a level that does not exceed the maximum applied water allowance for existing landscapes. The maximum applied water allowance for existing landscapes shall be calculated as: MAWA = (0.8) (ETo)(LA)(0.62).

2. For all landscape referenced by this subsection, that does not have a meter, the city of Hollister shall administer programs that may include, but not be limited to, irrigation surveys and irrigation audits to evaluate water use and provide recommendations as necessary in order to prevent water waste.

B. All landscape irrigation audits shall be conducted by a certified landscape irrigation auditor.

15.22.240 Water waste prevention.

A. The city of Hollister shall prevent water waste resulting from inefficient landscape irrigation by prohibiting runoff from leaving the target landscape due to low head drainage, overspray, or other similar conditions where water flows onto adjacent property, non-irrigated areas, walks, roadways, parking lots, or structures. Penalties for violation of these prohibitions shall be established locally.

B. Restrictions regarding overspray and runoff may be modified if:

1. The landscape area is adjacent to permeable surfacing and no runoff occurs; or

2. The adjacent non-permeable surfaces are designed and constructed to drain entirely to landscaping.

15.22.250 Effective precipitation.

A local agency may consider effective precipitation (25 percent of annual precipitation) in tracking water use and may use the following equation to calculate maximum applied water allowance (MAWA):

MAWA= (ETo - Eppt) (0.62) [(0.7 x LA) + (0.3 x SLA)].

CHAPTER 15.24 GRADING AND STORMWATER BEST MANAGEMENT PRACTICES CONTROL

ARTICLE I. GENERAL PROVISIONS

15.24.010 Title.

This chapter shall be known as the "Grading and Stormwater Best Management Practices Control Ordinance."

15.24.020 Purpose.

The purpose of this chapter is to provide safe grading operations, to safeguard life, limb, and property, and to preserve and enhance the natural environment, including, but not limited to, water quality, by the regulation of clearing and grading, and the regulation of design, construction, and installation of improvements, on private property and property owned by public agencies located within the boundaries of the city of Hollister.

15.24.030 Scope.

This chapter sets forth rules and regulations to control land disturbances, land cuts and fills, soil storage, and erosion and sedimentation resulting from clearing and grading activities. This chapter establishes procedures for issuance, administration and enforcement of a grading permit.

15.24.040 Definitions.

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

Applicant means any person, corporation, partnership, association of any type, or any other legal entity submitting an application to the city engineer for a permit pursuant to this chapter.

As-graded means the vertical elevations and cross sections of the ground surface conditions upon completion of grading.

Bedrock means in-place solid rock.

Bench means a relatively level step excavated into earth material on which fill is to be placed.

Best management practices (BMPs) mean and include, but not limited to, schedules of activities, prohibitions of practices, maintenance procedures, and other management practices to prevent, eliminate, or reduce the pollution of waters of the U.S., waters of the state, and local waterways. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff spillage or leaks, sludge or waste disposal, or drainage from raw material storage, or other requirements as determined by the city engineer.

BMP manual means a compilation of best management practices approved by the city engineer to provide general guidance for selecting and implementing BMPs to reduce pollutants in runoff from construction sites, newly developed areas and

redeveloped areas, municipal facilities, and industrial facilities and selected commercial businesses to waters of the U.S., waters of the state, and local waterways.

Borrow means earth material acquired from an off-site location for use in grading on a site.

City engineer means the person responsible for the administrative and operational control of grading activities and for the construction and installation of improvements activities in the city of Hollister and duly authorized designees.

Civil engineer means an engineer experienced and knowledgeable in civil engineering and certified as a professional engineer by the state of California to practice civil engineering.

Civil engineering means the application of the knowledge of the forces of nature, principals of mechanics, and the properties of materials to the evaluation, design, and construction of civil works for the beneficial uses of mankind.

Compaction means the densification of a fill by mechanical means.

Construction stormwater BMP control plan (CSCP) means a set of BMPs or equivalent measures on a particular site during the period in which pre-construction and construction-related land disturbances, fills, and soil storage occur, and before final improvements are completed.

Development means the process of adding improvements to a parcel of land.

Downdrain means a conduit used to safely transport a concentration from one elevation to another along the face of a cut or fill slope without causing slope erosion.

Drainageway means a natural or manmade channel, which collects and intermittently or continuously conveys stormwater runoff.

Earth material means any rock, natural soil, or fill, or combination thereof.

Engineering geologist means a geologist experienced and knowledgeable in engineering geology and certified by the state of California to practice engineering geology.

Engineering geology means the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.

Erosion means the wearing away of the land surface by wind or water. Erosion occurs naturally from weather or runoff but can be intensified by land-clearing practices related to farming, new development, redevelopment, road building, or timber cutting.

Grade means the vertical location of the ground surface.

A. *Existing Grade.* The ground elevation prior to grading.

B. *Rough Grade.* The elevation of the ground that approximately conforms to the approved grading.

C. *Finished Grade.* The final ground elevation of the site, which conforms to the approved plan.

Grading means any land disturbance or cut or fill, or combination thereof.

A. *Engineered Grading.* All grading in excess of 5,000 cubic yards performed in accordance with the approved grading plan prepared by a civil engineer.

B. *Regular Grading.* All grading involving 5,000 cubic yards or less.

Grading permit (or permit) means an approval issued by the city engineer under this chapter for land disturbance, cutting or filling of a slope or any combination thereof.

Grading plan (or improvement plans) means a drawing or representation of a construction site showing existing and proposed topography, environmental controls, demolition, and improvements to land.

Improvements mean activities such as grading, or subdivision improvements installed and constructed in subdivisions, or the addition of drainage, access, roads, underground utilities, street improvements, water system improvements, sanitary sewer improvements, storm drainage facilities, landscaping, recreational facilities, or structures to a parcel of land.

Interceptor drain means a swale, ditch, or channel, which runs parallel to the top of a cut or fill slope and used to divert stormwater runoff in an effort to minimize slope erosion over the face of the cut or fill slope.

Key means a designed compacted fill placed in a trench excavated in earth material beneath the base of a proposed fill slope.

Land disturbance/land-disturbing activities mean any moving or removing by manual or mechanical means of the soil mantle or top six inches of soil, whichever is shallower, including but not limited to grading.

Land fill means any human activity depositing soil or other earth materials.

Letter of acceptance means a document prepared and issued by city engineer evidencing completion of permitted work in compliance with the requirements of a permit.

Low impact development (LID) means a method of land development that seeks to maintain the natural hydrologic character of a site by working with the natural landscape and hydrology to minimize increased peak flow rate, volume, and pollution levels in stormwater runoff through source control and by retaining more water on site where it falls, rather than using traditional methods of transporting water directly from the site through storm drain pipes into local waterways.

Local waterways mean waters or waterways under the jurisdiction of the city of Hollister or the county of San Benito.

Permittee means the applicant in whose name a valid grading permit is duly issued pursuant to this chapter and his or her agents, employees, and others, acting under his or her direction or acting under the authority of the permit.

Post-construction stormwater control plan (SWCP) means a set of stormwater post-construction best management practices or equivalent measures on a particular site after all other planned final structures and permanent improvements have been erected or installed.

Sediment means earth material deposited by water or wind.

Site means any lot or parcel of land where grading is performed or permitted.

Slope means an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

Soil means naturally occurring, superficial deposits of dirt overlying bedrock.

Soils engineer means a professional geotechnical or civil engineer experienced and knowledgeable in the practice of soils engineering, and licensed by the state of California for practice in that field.

Soils engineering means the application of the principles of soils mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

Waters of the state means all waters and waterways under the jurisdiction of the state of California.

Waters of the U.S. means all waters and waterways under the jurisdiction of the federal government of the United States.

Wet season means the period from October 15 to April 15.

15.24.050 Hazards.

Whenever the city engineer determines that any excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use, or stability of a public way or drainage channel, the owner of the property upon which the excavation, embankment or fill is located, or other person or agency in control of said property, upon receipt of notice in writing from the city engineer, shall within the period specified therein repair or eliminate such excavation, embankment or fill so as to eliminate the hazard and be in compliance with the requirements of this chapter.

15.24.060 Other laws.

Issuance of a grading permit under this chapter does not exempt a permittee from obtaining other required permits or complying with the requirements and conditions of such permits. Issuance of a grading permit does not limit the right of any person to maintain, at any time, any appropriate action, at law or in equity, for relief or damages against the permittee arising from the permitted activity.

ARTICLE II. PERMIT APPLICATION PROCEDURES

15.24.100 Scope.

Except as provided herein, no person may grade, fill, excavate, store, or dispose of soil or earth materials or perform any other land-disturbing or land-filling activity without first obtaining a grading permit as set forth in this chapter.

15.24.110 General exemptions.

All land-disturbing or land-filling activities or soil storage shall be undertaken in a manner designed to minimize surface runoff, erosion, and sedimentation and to safeguard life, limb, property, and the public welfare. A person performing such activities need not apply for a permit pursuant to this chapter, if all of the following criteria are met:

A. The site upon which land area is disturbed or filled is 10,000 square feet or less;

B. Natural and finished slopes are less than ten percent;

C. Volume of soil or earth materials stored is 50 cubic yards or less;

D. Rainwater runoff is diverted, either during or after construction, from an area smaller than 5,000 square feet;

E. An impervious surface, if any, of less than 2,500 square feet is created;

F. No drainage way is blocked or has its storm water carrying capacities or characteristics modified;

G. The activity does not take place within 100 feet by horizontal measurement from the top of the bank of a watercourse, the mean high watermark (line of vegetation) of a body of water or within the wetlands associated with a watercourse or water body;

H. The grading operation does not direct concentrated storm flow onto property not owned by applicant, including public right-of-way.

15.24.115 Specific exemptions.

The following activities are exempt from the grading permit requirements:

A. An excavation below finished grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five feet after the completion of the structure;

B. Cemetery graves;

C. Authorized solid waste facilities operating pursuant to state law;

D. Excavations for wells or tunnels;

E. Mining, quarrying, excavating, processing, or stockpiling of rock, sand, gravel, aggregate, or clay where the use has been provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property;

F. Exploratory excavations under the direction of soils engineers or engineering geologists;

G. Routine agricultural crop management practices;

H. Emergencies posing an immediate danger to life or property, or substantial flood or fire hazards;

I. Project activities of the federal or state government or any public agency.

15.24.120 Application.

The application for a permit must include all of the following items unless the city engineer determines that the proposed grading activity does not require one or more of these items:

A. Completed application on the form approved by the city engineer;

B. Site map and grading plan, as specified in this chapter;

C. Construction stormwater control plan (CSCP), as specified in this chapter;

D. Post-construction stormwater control plan (SWCP), as specified in this chapter;

E. Soils engineering report, as specified in this chapter;

F. Engineering geology report, as specified in this chapter;

G. Work schedule identifying the start date, end date, and major milestones for the work;

H. Application fees;

I. Performance bond and labor and materials bond, or other acceptable security;

J. Any supplementary material required by the city engineer.

15.24.130 Site map and grading plan (grading plan).

A. LID principles shall be considered and incorporated as part of site planning and design as appropriately feasible. The primary goal of LID is to mimic the natural hydrologic character of a site by working with the natural landscape and hydrology to minimize increased peak flow rate, volume, and pollution levels in stormwater runoff through source control and by retaining more water on site where it falls, rather than using traditional methods of transporting water directly from the site through storm drain pipes into any waterway. Developments shall comply with the California Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032, or subsequent amendment thereto, as applicable.

B. Specifications for the site map and the grading plan shall contain information regarding construction and material requirements. In addition, the site map and grading plan shall contain the following information:

1. Existing and proposed topography of the site taken at two-foot intervals with spot elevations sufficiently detailed to define the topography over the entire site. Ninety percent of the contours shall be plotted within one contour interval of the true location. Grades shall be shown extending a minimum of 100 feet off-site, or sufficient to show on-site and off-site drainage;

2. Location of existing public agency and private utilities and the location of all other city or public owned facilities adjacent to, or within the subject property's boundaries;

3. Site's property lines shown in true location with respect to the plan's topographic information;
4. Location and graphic representation of all existing and proposed natural and manmade drainage facilities;
5. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with or as a part of the proposed work, together with a map showing the drainage area and the estimated runoff of the area served by any drain;
6. Location and graphic representation of proposed excavations and fills, of on-site storage of soil and other earth material, and of on-site disposal, and the design and location of all proposed improvements;
7. Location of proposed final surface runoff, erosion, and sediment control measures;
8. Quantity of soil or earth materials in tons and cubic yards to be excavated, filled, stored, or otherwise utilized on-site;
9. Proposed sequence and schedule of excavation, filling, and other land-disturbing and filling activities, and soil or earth material storage and disposal, and installation and construction of all proposed improvements;
10. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners, which are within15 feet of the property or which may be affected by the proposed grading operations;
11. Locations of the CSCP and SWCP BMP measures.

15.24.131 CSCP.

The minimum standard for the appropriate selection of interim BMPs shall be in accordance with the BMP manual, or as approved by the city engineer. All of the following information shall be provided with respect to conditions existing on the site during land-disturbing or grading activities or soil storage:

A. The CSCP shall provide a graphic representation and brief description of all BMP control measures to be implemented.

B. The CSCP shall include, but not be limited to, design, specifications, and a maintenance schedule for BMP control measures for erosion control, sediment control, wind erosion and dust control, tracking control, non-stormwater management control, and waste management control.

C. Maximum surface runoff from the site shall be calculated using the method approved by the city engineer and maintained in the city of Hollister engineering department standard specifications, or any other method approved by the city engineer.

D. The CSCP shall provide a graphic representation and brief description of the vegetative measures to be used, including, but not limited to, types of seeds and fertilizer and their application rates, the type, location and extent of pre-

existing and undisturbed vegetation types, and a schedule for maintenance and upkeep.

E. The location of all the measures listed by the applicant under this section shall be depicted on the grading plan, or on a separate plan at the discretion of the city engineer.

F. An estimate of the cost of implementing and maintaining all CSCP BMP control measures must be submitted on a form acceptable to the city engineer.

G. The applicant may propose the use of any BMP control measures in the CSCP plan provided such techniques are proven to be as or more effective than the equivalent best management practices contained in the BMP manual. All proposed BMP control measures must be reviewed and approved by the city engineer prior to implementation.

15.24.132 SWCP.

The minimum standard for the appropriate selection of SWCP BMPs shall be in accordance with the BMP manual, and shall comply with the California Central Coast Regional Water Quality Control Board Resolution No. R3-2013-0032, or subsequent amendment thereto, as applicable, or as approved by the city engineer. All of the following information shall be provided with respect to conditions existing on the site after final structures and improvements have been completed and when an interim BMP plan has not addressed the final structures and improvements:

A. Maximum runoff from the site shall be calculated using the method approved by the city engineer and maintained in the city of Hollister engineering department standard specifications, or any other method approved by the city engineer.

B. The SWCP final plan shall also contain the following information:

1. A description of and specifications for sediment retention devices;

2. A description of and specifications for surface runoff and erosion control devices;

3. A description of vegetative measures;

4. A graphic representation of the location of all items required by this section.

C. An estimate of the costs of implementing all SWCP control measures must be submitted in a form acceptable to the city engineer.

D. The applicant may propose the use of any erosion and sediment control techniques in the final plan provided such techniques are proven to be as or more effective than the equivalent best management practices contained in the BMP manual.

15.24.140 Soils engineering report.

A soils engineering report shall be based on adequate and necessary test borings, and shall contain all the following information:

A. Data regarding the nature, distribution, strength, and erodibility of existing soils;

B. Data regarding the nature, distribution, strength, and erodibility of soil to be placed on the site, if any;

C. Opinions and recommendations for grading procedures;

D. Opinions and recommended designs for interim soil stabilization devices and measures and for permanent soil stabilization after construction is complete;

E. Design criteria for corrective measures when necessary;

F. Opinions and recommendations covering adequacy of sites to be developed by the proposed grading.

Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans or specifications.

15.24.141 Engineering geology report.

An engineering geology report, when required by this chapter, shall be based on adequate and necessary test borings and shall contain an adequate description of the geology of the site, opinions and recommendations regarding the effect of geologic conditions on the proposed development, and opinions and recommendations covering the adequacy of sites to be developed by the proposed grading. Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans or specifications.

15.24.150 Work schedule.

The applicant must submit a work schedule showing the following information:

A. Proposed grading schedule identifying the start date, end date, and major milestones for the work;

B. Proposed conditions of the site on each July 15th, August 15th, September 15th, October 1st, and October 15th during which the permit is in effect.

C. Proposed schedule for installation of all interim BMP control measures including, but not limited to, the stage of completion of erosion and sediment control devices and vegetative measures on each of the dates set forth in the proposed schedule;

D. Schedule for construction of final improvements, if any;

E. Schedule for installation and maintenance of all permanent BMP control devices where required.

15.24.160 Security.

A. *Amount of Security.* The applicant shall provide security for the performance of the work described and delineated on the approved grading plans, CSCP, and SWCP in an amount determined by the city engineer but not less than 100 percent of the approved estimated cost of performing said work prior to issuance of a permit.

The applicant shall provide security for the purpose of security payment to the contractor, the contractor's subcontractor and to persons renting equipment or furnishing labor or materials for the work describe and delineated on the approved grading plans, CSCP, and SWCP in an amount determined by the city engineer but not less than 100 percent of the approved estimated cost of performing said work prior to the issuance of a permit.

The permittee shall provide security to warranty the maintenance and upkeep of the final grading and permanent improvements, described and delineated in the final grading plans, CSCP, and SWCP against defective workmanship and materials in an amount to be determined by the city engineer, but not less than 25 percent of the estimated cost of performing said work submitted by the permittee and approved by the city engineer.

B. Persons performing work under a permit issued in accordance with this chapter shall furnish a bond/bonds or cash deposit or instrument of credit executed by the permittee or his or her agent, or both, as principle in accordance with the provisions contained herein.

Bond(s) or bonds shall be issued by one or more corporate sureties authorized to transact the business of insurance by the California Insurance Commissioner. The form of the bond or bonds shall be subject to the approval of the city attorney. The bonds shall be in favor of the city and shall be conditioned upon the completion, free of liens, of the work authorized by the permit.

In lieu of a bond, the permittee may post a cash deposit, either with the city or a responsible escrow agent or trust company, of money, negotiable bonds of the kind approved for securing deposits of public moneys, or other instrument of credit from one or more financial institutions subject to regulation by the state or federal government, and approved by the city attorney, wherein said financial institution pledges funds are on deposit and conditioned for payment as described above.

C. *Performance Bond and Notice of Default.* The bond/bonds shall be also be conditioned that, upon notice of a finding by the city engineer that a default has occurred in the performance of any term or condition of work authorized by a permit, the bond/bonds are payable to the city for any costs incurred by the city or its agent in completing the required work or performing work necessary to leave the site in a nonhazardous condition or required to protect or repair adjacent in the event the principle or surety fails to complete work. The bond/bonds shall be further conditioned upon the payment to the city or its agents in completing the work

required to protect or repair adjacent public or private properties from damage from work performed under the permit.

Whenever the city engineer makes such a finding, he or she shall give written notice of such default to the principal and surety of the bond. Such notice shall state the work remaining to be done, the estimated cost of completion and the time estimated by the city engineer to be necessary for the completion of the work. After the receipt of such notice, the principal or the surety must, within the time specified, either complete the work satisfactorily or deposit with the city an amount equal to the city engineer's estimate of the completion cost plus an additional sum equal to 25 percent of such cost.

D. *Private Contract Performance Bond Principal or Surety Liability*. In the event that the principal or surety fails to complete such work within the time specified in the notice, or fails to deposit the estimated cost plus 25 percent with the city, the city engineer may cause the required work to be completed. The principal and the surety shall be liable for the cost of completing such work.

E. *Private Contract Performance Bond Liability of City for Performance of Certain Work.* If the principal or surety deposits the estimated cost plus 25 percent as set forth in the notice, the city engineer shall cause the required work to be completed. The unexpended money shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost. The principal and surety shall hold the city blameless from any liability in connection with the work so performed by the city or contractor employed by the city. The city shall not be liable in connection with such work other than for the expenditure of said money.

15.24.165 Fees.

Fees are to be paid pursuant to a schedule of fees adopted, and amended from time to time, by separate resolution of the city of Hollister city council.

15.24.170 Permit review and approval.

The city engineer shall review all documents submitted pursuant to this chapter and, if necessary, request additional data, clarification of submitted data or correction of defective submissions prior to making a decision on the approval of the permit.

15.24.171 Notice.

The city engineer shall notify applicant of his or her decision on the permit after the final review of initial submission and all required corrected submissions.

15.24.172 Permit duration.

Permits issued under this chapter shall be valid for the period during which the proposed land-disturbing or grading activities and soil storage takes place or is scheduled to take place, whichever is shorter. Permittee shall commence permitted activities within 60 days of the scheduled commencement date for grading or the permittee shall resubmit all required application forms, maps, plans, schedules, and security to the city engineer except where an item to be resubmitted is waived by the city engineer. The city engineer may require additional fees if additional staff time is required.

15.24.173 Permit denial.

The applicant may request a hearing before the city council within five working days of notification of a permit denial. The hearing shall be held at the next regular city council meeting following the date of the request for a hearing, pursuant to state law notice requirements.

15.24.174 Assignment of permit.

A permit issued pursuant to this article may be assigned, provided all of the following requirements are met. The city engineer shall provide the proposed assignee with written notice of the approval or denial, with the basis for the denial, of the proposed assignment.

A. The permittee provides written notice to the city engineer of the proposed assignment no less than 30 days before the proposed assignment;

B. The proposed assignee provides the following items to the city engineer when the notice of the proposed assignment is given to the city engineer:

    1. Provides application information required by this chapter,

    2. Agrees in writing to all the conditions and duties imposed by the permit,

    3. Agrees in writing to assume responsibility for all work performed prior to the assignment,

    4. Provides security required by this chapter,

    5. Pays all required fees, and

    6. Provides an acknowledgement by the design civil engineer, soils engineer, and engineering geologist authorizing the use of their engineering design plans, specifications, reports, and documents for the project.

15.24.180 No improvements planned.

Where an applicant does not plan to construct permanent improvements on the site, or plans to leave portions of the site graded but unimproved, the applicant must:

A. Meet all the requirements of this chapter except that an interim plan designed to control runoff and erosion on the site for the period of time during which the site, or portions thereof, remain unimproved must be submitted in lieu of a final plan; and

B. Submit executed contract(s) obligating the applicant to perform maintenance and upkeep of the graded but unimproved portions of the site and to provide that all work be warranted against defective workmanship and materials for a warranty period of one year after completion of the grading.

ARTICLE III. GRADING REQUIREMENTS

15.24.200 Grading requirements.

A. *Engineered Grading.* For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the soils engineering and engineering geology reports into the grading plan. He or she also shall be responsible for the monitoring and certification of the grading within his or her area of technical specialty. This responsibility shall include, but not be limited to, monitoring and certification as to the establishment of line, grade, and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the city engineer. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans upon completion of the work. The grading contractor shall submit in a form prescribed by the city engineer a statement of compliance to said as-graded plans.

During grading all necessary reports, compaction data, and soils engineering and engineering geology recommendations shall be submitted to the civil engineer and the city engineer by the soils engineer and the engineering geologist. The soils engineer's area of responsibility shall include, but need not be limited to, the monitoring and approval concerning the preparation of ground to receive fills, or withstand cuts, testing for required compaction, stability of all finish slopes, and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but need not be limited to, monitoring and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters and the need for subdrains or other ground water drainage devices. He or she shall report his or her findings to the soils engineer and the civil engineer for engineering analysis.

The city engineer shall inspect the project at any time necessary to determine that adequate control is being exercised by the professional consultants.

B. *Regular Grading.* The city engineer may require monitoring and testing by a soils engineer. The soils engineer's responsibility shall include, but need not be limited to, approval concerning the monitoring of cleared areas and benches to receive fill, the compaction of fills, and the excavation of hillsides into native material. When the city engineer has cause to believe that geologic factors may be involved, the grading operation will be required to conform to engineered grading requirements.

C. *Nonconformity with Plans.* If, in the course of fulfilling their responsibility under this chapter, the civil engineer, the soils engineer, or the engineering geologist, finds that the work is not being done in conformance with this chapter or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the city engineer (see Section 14.12.020).

D. *Change of Professionals.* If the civil engineer, the soils engineers, the engineering geologist or the testing agency of record is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

15.24.210 Wet season work.

A. For the commencement of land disturbing or grading activities during the wet season the permittee shall demonstrate to the satisfaction of the city engineer that land disturbance is relatively minor and that all BMP measures can be controlled. The city engineer may grant permission under this section on the basis of weather forecast, experience, and other pertinent factors, which indicate the activities may commence or continue without compromise of BMP control measures.

B. For continuation of land-disturbing or grading activities, other than installation, maintenance, or repair of measures in the interim or final plans, during the wet season, permittee must apply for and receive, every five working days, special permission from the city engineer to proceed.

C. Permittee's failure to obtain permission for wet season activity shall result in the imposition of suspension or revocation, action against the security, or criminal penalties or any combination thereof.

15.24.220 Cuts.

A. *General.* Unless otherwise recommended in the approved soils engineering and/or engineering geology report, cuts shall conform to the provisions of this section.

B. *Slope.* The slope of cut surfaces shall be no steeper than is safe for the intended use. Cut slopes shall be no steeper than two horizontal to one vertical unless approved by city engineer.

C. *Drainage and Terracing.* Drainage and terracing shall be provided as required by this chapter.

15.24.230 Fills.

A. *General.* Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section. In the case of a project being of such minor nature that a soils report is not required, the city engineer may waive these provisions.

B. *Fill Location.* Fill slopes shall not be constructed on natural slopes steeper than two horizontal to one vertical.

C. *Preparation of Ground.* The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil, and other unsuitable materials, scarifying to provide a bond with a new fill, and, where slopes are steeper than five to one and the height is greater than five feet, by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than five to one shall be at least ten feet wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. Where fill is to be placed over a cut, the bench under the toe of fill shall be at least ten feet wide but the cut must be made before placing fill and approved by the soils engineer and engineering geologist as suitable foundation for fill. Unsuitable soil is soil, which in the opinion of the civil engineer is not competent to support other soil or fill, to support structures or to satisfactorily perform the other functions for which the soil is intended.

D. *Fill Material.* Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the city engineer, no rock or similar irreducible material with a maximum dimension greater than 12 inches shall be buried or placed in fills.

Exception: The city engineer may permit placement of rock larger than 12 inches when the civil engineer properly devises a method of placement, continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;
2. Rock sizes greater than 12 inches in maximum dimension shall be ten feet or more below grade, measured vertically; and
3. Rocks shall be placed so as to assure filling of all voids.

E. *Compaction.* All fills shall be compacted to a minimum of 90 percent of maximum density. All fills shall be compacted in accordance with the most current version of the California Building Code Chapter 18 adopted by the city, or equivalent as approved by the city engineer.

F. *Slope.* The slope of fill shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than two horizontal to one vertical.

G. *Drainage and Terracing.* Drainage and terracing shall be provided as required by this chapter.

15.24.240 Other considerations.

In addition to the engineering requirements contained herein, all grading must also be in conformance with certain lot design criteria contained within the Zoning Ordinance. Such considerations include, but are not limited to, pad elevation differentials and future building pad locations relative to top/bottom of slope or engineered retaining walls.

15.24.250 Drainage and terracing.

A. *General.* Unless otherwise recommended in the approved soils engineering report, drainage facilities and terracing shall conform to the provision of this section.

B. *Terrace.* Terraces at least six feet in width shall be established at not more than 30-foot vertical intervals on all cut or fill slopes to control surface drainage and debris, except that where only one terrace is required it shall be at mid-height.

For cut or fill slopes greater than 60 feet and up to 120 feet in vertical height, one terrace at approximately mid-height shall be 12 feet in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer and approved by the city engineer. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of five percent and must be paved with reinforced concrete not less than three inches in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of one foot and a minimum paved width of five feet.

Any section of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet without discharging into an approved public or private water system.

C. *Subsurface Drainage.* Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

D. *Disposal.* All drainage facilities shall be designed to carry waters to the nearest practicable drainageway approved by the city engineer or other appropriate public agency as a safe place to deposit such waters. Ground erosion in the area of discharge shall be prevented by installation of non-erosive downdrains or other devices.

E. *Interceptor Drains.* Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes towards the cut and has a drainage path greater than 40 feet measured horizontally from the top of all cut slopes. Interceptor drains shall be paved with a minimum of three inches of reinforced concrete or gunite with a minimum depth of 12 inches and a minimum paved width of 30 inches measured horizontally across the drain. The city engineer shall approve the slope of drain.

ARTICLE IV. IMPLEMENTATION AND ENFORCEMENT

15.24.300 Issuance of permits.

The city engineer shall issue a permit upon approval of a grading plan, interim plan, and where required, final plan, soils engineering report, and engineering geology report, and the deposit of appropriate security, and payment of fees. The permit shall be issued subject to the following conditions:

A. The permittee shall maintain a copy of the permit, approved plans and reports required by this chapter on the work site and available for public inspection during all working hours.

B. The permittee shall at all times be in conformity with the approved grading plan and the interim and final BMP plans.

15.24.310 Implementation of permits—Permittee's duties.

A. The permittee shall provide written notice to the city engineer as specified herein:

1. Seventy-two hours before the beginning of the permitted activity;
2. Within 72 hours of the completion of rough grading;
3. Within 72 hours of the completion of finished grading;
4. Seventy-two hours before the installation of all BMP control measures and the completion of planting requirements;
5. Within 72 hours of the readiness of the site for final inspection, including, but not limited to, finished grading, installation of drainage devices and final BMP control measures.

B. If any of the following events occur, the permittee shall provide written notice to the city engineer the next business day with recommendations for any corrective action necessary:

1. There are delays in obtaining materials, machinery, services or staff necessary to implement the grading, interim, or final plans as scheduled;
2. There are any delays in land-disturbing or filling activities or soil storage;
3. The work is not being done in conformance with the approved grading, interim, or final plans;
4. There are any departures from the approved grading plan that may affect implementation of the interim or final plans as scheduled;
5. There are any delays in the implementation of the interim or final plans;
6. There are any other departures from implementation of the interim or final plans.

15.24.315 Implementation of permits.

The city engineer shall review all reports submitted by permittee. The city engineer may require permittee to modify the grading plan, interim, or final plans, and maintenance methods and schedules. The city engineer shall notify the permittee in writing of any required modifications and shall specify a reasonable period of time within which permittee must comply with the modifications. All modifications are subject to city engineer's approval. The city staff may inspect the site at any time at the discretion of the city.

15.24.320 Completion of work—Final reports.

Upon completion of the permitted grading activity, the following reports shall be filed with the city engineer:

A. A written statement by the civil engineer that all grading and drainage facilities have been completed in conformance with the permit and this chapter;

B. An as-built plan of the completed work prepared by a civil engineer;

C. A final as-built soil engineer's report which shall include a written statement that inspections and tests were made during the grading and that in his or her opinion all embankments and excavations comply with the provisions of this chapter and the permit and are acceptable for their intended use. Soil bearing capacity (except where the city engineer determines such is inapplicable), summaries of field and laboratory tests and locations of tests if not previously submitted, and the limits of compacted fill on an as-built plan shall be included in the report. The report shall include reference to the presence of any expansive soils or other soil problems, which if not corrected, would lead to structural defects in buildings constructed on the site. If such report discloses the presence of such expansive soils or such other soil problems, it shall include recommended corrective action designed to prevent structural damage to each building proposed for construction upon the site. The final as-built report shall also contain a seepage statement or study as appropriate.

D. A final as-built engineering geology report by an engineering geologist based on the as-built plan including specific approval of the grading as affected by geological factors. Where required by the city engineer, the report shall include a revised geologic map and cross-sections and recommendations regarding building restrictions or foundation setbacks.

15.24.330 Post-grading procedures.

Upon completion of work described and delineated on the approved grading and BMP control plans, and prior to the city engineer issuing a letter of acceptance, the permittee shall enter into an agreement with the city obligating the permittee to perform maintenance and upkeep of the work included in the permit and to be warranted against

defective workmanship and materials for a warranty period of one year from the date the city engineer issues said letter of acceptance. A separate bond or other security must be submitted before a letter of acceptance for the permitted work will be issued.

The permittee shall provide security for said maintenance and upkeep of work and warranty. During the one-year warranty period the permittee shall perform all required routine maintenance and upkeep of the work included on the final grading and BMP control plans, and perform repairs or replacement of any and all defective workmanship and materials in a manner satisfactory to the city engineer, after notice to do so from the city engineer, and within the time specified in the notice. If the permittee fails to comply with the notice of default the city engineer may take action against the security.

15.24.340 City engineer—Powers and duties generally.

The city engineer shall cause grading being done without a permit to be stopped until a permit has been obtained. He or she may require that such work done without a permit be removed or corrected at the expense of the responsible person. Where grading work involves an embankment improperly constructed or constructed without adequate testing, he or she shall cause such embankment to be reconstructed or, in lieu thereof, shall cause a notice documenting the existence of improper grading to be recorded in the office of the county recorder. He or she shall have work done in connection with a grading permit to ensure compliance with the provisions of this chapter and shall release the bond 35 days after such work is properly completed and a letter of acceptance has been issued by the city engineer.

15.24.350 Fees to be doubled in certain cases—Effect of imposition.

In the event that grading work is commenced without a grading permit the city engineer shall cause such work to be stopped until a permit is obtained. The permit fee in such instance shall then be double that which would normally be required. The payment of such double fee shall not relieve any person from fully complying with the requirements of this chapter in the performance of the work. Such double fee shall not be construed to be a penalty, but shall be construed as an added fee required to defray the expense of enforcement of the provisions of this chapter in such cases. The imposition of payment of such double fee shall not prevent the imposition of any penalty prescribed or imposed by this chapter.

15.24.360 Abatement of dangerous conditions.

Where the city engineer determines that grading has created a danger to public or private property, or has resulted in the deposition of debris on any public way, or interferes with any existing drainage course, the city engineer shall serve written notice on the property owner describing the condition and requiring that the property owner abate the dangerous condition within ten days after the notice is received; provided that if the dangerous condition creates an imminent danger, the city engineer may require

the property owner to take steps for the immediate abatement of the dangerous condition. If the property owner fails to so abate the condition as directed, the city engineer may do so, in which event the property owner shall be liable for all costs of such abatement, including, but not limited to, reasonable attorney fees. The expenses of abatement shall be a lien against the property on which it is maintained and a personal obligation against the property owner.

15.24.370 Suspension or revocation of permit.

A. The city engineer shall suspend the permit and issue a stop work order, and permittee shall cease all work identified on the stop work order, except work necessary to remedy the cause of the suspension, upon notification of such suspension when:

   1. The city engineer determines that the permit was issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation of the city of Hollister;

   2. Permittee fails to submit reports as required by this chapter;

   3. Inspection by the city engineer reveals that the work or the work site does not comply with this chapter or the grading plan, interim, or final plan as approved or as modified, or does not comply with an order to modify.

B. The city engineer shall revoke the permit and issue a stop work order, and permittee shall cease work if permittee fails or refuses to cease work after suspension of the permit and receipt of a stop work order and notification thereof.

C. The city engineer shall reinstate a suspended permit upon permittee's correction of the cause of the suspension.

D. A revoked permit cannot be reinstated, and permittee must apply for a new permit.

15.24.380 Penalties for violations.

A. *Infraction.* Any person, corporation, partnership, association of any type, or other legal entity, acting as principal agent, employee, or otherwise, who fails to comply with the provisions of this ordinance shall be guilty of an infraction for each separate offense and upon conviction thereof shall be punished as set forth in Government Code Section 36900, as it now exists or may hereafter be amended. The violating party shall be judged to be guilty of a separate offense for each and every day during any portion of which any violation of this chapter is committed, continued, or permitted by such person, firm or corporation, and shall be punishable as provided herein.

B. *Public Nuisance.* A violation of any of the provisions of this chapter shall be and the same is hereby declared to be unlawful and a public nuisance, and may be abated by the city in any manner permitted by law, including but not limited to, injunctive relief.

C. *Civil Penalties.* A violation of any of the provisions of this chapter may result in the assessment of civil penalties of up to $1,000.00 during each day that the violation is committed, continued, allowed, or maintained.

15.24.385 Remedies cumulative.

The remedies provided in this article shall be cumulative and not exclusive.

15.24.390 Action against the security.

The city engineer may take action against the bond or deposit if a determination is made that specific conditions listed in the permit were not met, or if the permittee abandons the site prior to completing the grading, erosion control or drainage requirements, or if the city engineer determines that action by the city is necessary to prevent excessive erosion from occurring on site. The city engineer shall use funds from the appropriate security to finance remedial work undertaken by the city or a private contractor under contract to the city, and to reimburse the city for all direct costs incurred in the process of the remedial work.

15.24.395 Release of security.

Bonds, cash deposits, or instruments of credit shall be released 35 days after the permit is finalized and a letter of acceptance is issued by the city engineer, or, for warranty work, upon 35 days after the end of the maintenance period pursuant to this chapter.

Securities held against the warranty for the maintenance and upkeep of the work required by the final grading BMP control plans as provided in this chapter shall be released to the permittee within 35 days after the end of the one-year warranty period if no action against such security is filed prior to that date, and the permittee is in compliance with all terms and conditions of the agreement required by this chapter.

SECTION 2. SEVERABILITY. If any part of this Ordinance is held invalid for any reason by a court of competent jurisdiction, such decision shall not affect the validity of the remaining portion of this Ordinance, and the City Council hereby declares that it would have passed the remainder of the Ordinance if such invalid portion thereof had been deleted.

SECTION 3. EFFECTIVE DATE. This ordinance shall take effect and be in force thirty (30) days from and after its final passage.

SECTION 4. PUBLICATION. Within fifteen (15) days after passage, the City Clerk shall cause this ordinance to be published in a newspaper of general circulation.

INTRODUCED at a regular City Council meeting on September 2, 2025, and **ADOPTED** as an ordinance of the City of Hollister at a regular City Council meeting on September 15, 2025, by the following vote:

AYES:
NOES:
ABSTAINED:
ABSENT:

_____
Roxanne Stephens, Mayor

ATTEST:

_____
Jennifer Woodworth, MMC, City Clerk

APPROVED AS TO FORM:
Lozano Smith Attorneys at Law

_____
Mary Lerner, City Attorney

I, JENNIFER WOODWORTH, MMC, City Clerk of the City of Hollister, do hereby certify that the attached Ordinance No. 1263 is an original ordinance, or true and correct copy of a City ordinance, duly adopted by the Council of the City of Hollister at a regular meeting of said Council held on September 15, 2025, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Hollister on September 15, 2025.

_____
Jennifer Woodworth, MMC
City Clerk of the City of Hollister