

ORDINANCE NO. 994 N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES AMENDING TITLE 20 OF THE MUNICIPAL CODE REGARDING GRADING FOR STORM WATER CONTROL

WHEREAS, the City of El Paso de Robles (City) owns and maintains a storm drain system that discharges to the Salinas River; and

WHEREAS, pursuant to the Federal Water Pollution Control Act, the implementing regulations for the National Pollutant Discharge Elimination System (NPDES), and the California Porter-Cologne Water Quality Control Act, the City is required to obtain coverage under the Permit for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems; and

WHEREAS, the State Water Resources Control Board (State Board) initially adopted a permit on April 30, 2003, and renewed it on February 5, 2013 through Order No. 2013-0001-DWQ, NPDES Permit No. CAS000004 (General Permit); and

WHEREAS, the General Permit requires the City to review and revise relevant ordinances and other regulatory mechanisms to obtain adequate legal authority to effectively prohibit non-storm water discharges into the storm drain system, to implement controls to reduce the discharge of pollutants from the storm drain system to the maximum extent practicable, and to meet the other requirements of the General Permit; and

WHEREAS, the City adopted the Storm Water Control Ordinance on July 2, 2013, adding Chapter 14.20 – Storm Water Control to the Paso Robles Municipal Code and, in order to implement the Storm Water Control Ordinance, it is necessary to amend Title 20 to establish the authority to regulate construction related storm water runoff; and

WHEREAS, reissuance of the General Permit and the City's adoption of the Storm Water Control Ordinance mandates the City to amend Title 20 to establish authority to review plans and inspect erosion and sediment control devices; and

WHEREAS, Title 20, as amended pursuant to Exhibit "A," provides the City with the legal authority to permit and inspect the placement of erosion and sediment control devices in accordance with best management practices outlined by State Board guidelines.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Recitals. The recitals set forth above are true and correct and are incorporated as though fully set forth herein.

SECTION 2. Purpose. The purpose of this Ordinance is to amend Title 20 of the Paso Robles Municipal Code consistent with the General Permit and the Storm Water Control Ordinance.

SECTION 3. Authority. The City Council enacts this Ordinance under the authority granted to cities by Article XI, Section 7 of the California Constitution.

SECTION 4. Amendment. Title 20 is hereby amended to read in full as shown in Exhibit "A" and is hereby incorporated by reference.

SECTION 5. Severability. Should any provision of this Ordinance, or its application to any person or circumstance, be determined by a court of competent jurisdiction to be unlawful, unenforceable or otherwise void, that determination shall have no effect on any other provision of this Ordinance or the application of this Ordinance to any other person or circumstance and, to that end, the provisions hereof are severable.

SECTION 6. CEQA. The adoption of this Ordinance is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to Title 14, California Code of Regulations Section 15308, as categorical exemption 8 of the CEQA regulations. Class 8 exemptions are actions taken by regulatory agencies for protection of the environment.

SECTION 7. Effective Date and Notice. This Ordinance shall take effect thirty (30) days after its adoption and, within fifteen (15) days after its passage, shall be published at least once in a newspaper of general circulation published and circulated within the City.

INTRODUCED AND FIRST READ at a Regular Meeting of the City Council of the City of El Paso de Robles, California, on the 16th day of July, 2013, and thereafter ADOPTED at a regular meeting of said City Council held on the 20th day of August, 2013, by the following vote, to wit:

AYES: Strong, Steinbeck, Martin, Hamon, Picanco
NOES:
ABSENT:
ABSTAIN:

ATTEST:


Caryn Jackson, Deputy City Clerk


Duane Picanco, Mayor

Exhibit "A"

AMENDED TITLE 20

Title 20
GRADING

Sections:

- Chapter 20.04 - GENERAL PROVISIONS
- Chapter 20.08 - DEFINITIONS
- Chapter 20.12 - PERMIT REQUIREMENTS
- Chapter 20.16 - GRADING REQUIREMENTS
- Chapter 20.20 - CONTROL OF DRAINAGE, EROSION AND DUST CONTROL
- Chapter 20.24 - VIOLATIONS AND APPEALS

Chapter 20.04 - GENERAL PROVISIONS

20.04.010 - Purpose.

20.04.020 - Scope.

20.04.030 - Exceptions for emergencies.

20.04.040 - Permits required.

20.04.050 - Liability.

20.04.060 - Denial of permit.

20.04.070 - Hazardous soil and earth conditions.

20.04.080 - Archaeological, paleontological, and historical sites.

20.04.010 - Purpose.

- A. The purpose of the provisions of this title is to protect and provide for the health, safety, and general welfare of the public by establishing minimum requirements for the regulation of grading.
- B. The intent of these grading provisions is to regulate the planning, design, and development of graded areas within the city preserving the natural terrain by retention of topographic features; such as creeks, flood ways, slopes, ridge lines, rock outcroppings, vistas, and oak forest areas. These provisions are also intended to minimize storm water run-off and accelerated soil erosion and sedimentation problems created by the disturbance of the natural terrain. (Ord. 702 N.S. (part), 1995)

20.04.020 - Scope.

This chapter sets forth regulations for the control of excavation, grading, fills, and embankment construction; establishes the administrative procedure for issuance of permits; provides for approval of plans; and requires the inspection and approval of the work. Pertinent sections of Chapter 70 of the Uniform Building Code (UBC) is incorporated into this title, except where the city ordinance would dictate a more restrictive requirement, in which case the city's ordinance would apply. (Ord. 702 N.S. (part), 1995)

20.04.030 - Exceptions for emergencies.

The provisions of this chapter shall not apply to any grading operation which is conducted during a period of emergency or disaster and which is directly connected with or related to the relief of conditions caused by such emergency, as defined by the city engineer. (Ord. 702 N.S. (part), 1995)

20.04.040 Permits required.

No person shall perform any grading, or shall import or export any earth materials to or from any grading site, without first having obtained a permit from the city engineer. No person shall construct hard pavement surfacing in excess of two hundred square feet, on natural or existing grade for the purpose of a private road or commercial, industrial or multi-residential parking lot or travelway without a valid grading permit.

Exceptions:

- A. Resurfacing or maintenance of paved surfaces;
- B. Grave sites within a cemetery;

- C. Excavation for public utility installation or repair, with a trench width of twenty-four inches or less and controlled by a city encroachment permit or other permit issued by the city;
- D. Refuse disposal within a public sanitary landfill site controlled by other regulations;
- E. An excavation or fill conducted by the city for emergency work as deemed necessary by the city engineer;
- F. Exploratory borings and excavations under the direction of soils engineers or engineering geologists; provided, that the site is restored to its original condition;
- G. A fill not intended to support structures which does not exceed fifty cubic yards; provided that:
 - 1. An excavation which is less than two feet in depth, or which does not create a cut slope greater than five feet in height and steeper than two horizontal to one vertical,
 - 2. A fill which is less than one foot in depth and placed on natural terrain with a slope flatter than five horizontal to one vertical and not intended to support a structure,
 - 3. The grading does not obstruct or divert a drainage course,
 - 4. The disturbed area due to grading operations is less than three thousand square feet;
- H. Farming and agricultural grading operations on parcels which are zoned and used primarily for agriculture under the control of the United States Department of Agriculture Soil Conservation Service.
- I. Grading which does not violate the provisions of the Hillside Ordinance sedimentation. (Ord. 702 N.S. (part), 1995)

20.04.050 - Liability.

- A. Neither the issuance of a permit under the provisions of this title, nor the compliance with the provisions hereof or with any conditions imposed in the permit issued hereunder, shall relieve any person from responsibility for damage to other persons or property, nor impose any liability upon the city for damage to other persons or property.
- B. Liability Insurance. If, in the opinion of the city engineer, the nature of a specific grading project is such that it might create a hazard to human life or endanger adjoining or adjacent property or any public property, the city engineer may, before issuing the permit, require that the applicant file a certificate showing that the applicant is insured against claims for damages for personal injury and property damage, including damage to city property, which may arise from or out of the performance of the work, whether such performance be by himself, his subcontractor or any person directly or indirectly employed by him. The amount of such insurance shall be prescribed by the city engineer in accordance with the nature of the risks involved. Such insurance shall include protection against liability arising from completed operations and shall have the city as a co-insured. (Ord. 702 N.S. (part), 1995)

20.04.060 - Denial of permit.

No grading permit shall be issued nor shall an application for grading permit for the creation of building sites be approved, unless specifically authorized by the city council, if the city engineer makes any of the following findings:

- A. Potential Hazard. The grading proposed by the applicant will be hazardous by reason of flood, geological hazard or unstable soils, or is liable to endanger any other property or result in the deposition of material or debris on any public way or property or drainage course or otherwise create a public nuisance;
- B. Not Consistent with City Plans and Policies. The design of the proposed sites is not consistent with applicable adopted city general and specific plans, zoning ordinance, policies, property development standards, design criteria or specifications, or is contrary to the purpose and intent of this chapter.
- C. An Erosion and Sediment Control Plan has not been submitted to and approved by the city in writing. (Ord. 702 N.S. (part), 1995)

20.04.070 - Hazardous soil and earth conditions.

If at any stage of the work, the city engineer determines by observation that further grading as authorized is likely to become a menace to life or limb, endangers public or private property or affects the safety, usability or stability of a public way, the owner or of anyone else in legal control of the property concerned shall, upon receipt of written notice thereof from the city engineer, correct such condition in accordance with the provisions of this title and the requirements and conditions set forth in such notice to eliminate the undesirable condition. The owner, or other person in control of such property shall immediately commence the work required by such notice and shall complete same within a maximum time of sixty days from the date of such notice unless a shorter period of time for completion has been specified in the notice, in which case the owner or other person shall comply within such time as specified. (Ord. 702 N.S. (part), 1995)

20.04.080 - Archaeological, paleontological, and historical sites.

A. Known Sites. Permits to perform grading at or near known archaeological, paleontological, or similar sites of historical significance may be conditioned in such a manner as to:

1. Ensure the preservation of the site;
2. Minimize adverse impacts on the site;
3. Allow reasonable time for qualified professionals to perform archaeological investigations at the site;
or
4. Preserve for posterity, in such other manner as may be necessary or appropriate in the public interest, the significant aspects of the cultural or historical site involved.

B. Unknown Sites.

1. In an area designated as being archaeologically sensitive, the grading permit shall be conditioned to require that a reconnaissance survey be conducted by a professional qualified to determine that an area is a potentially sensitive archaeological site. If required by the director of community development, such a qualified professional shall monitor the grubbing and grading process and shall be empowered to place a stop-order on grading if it becomes evident that a significant archaeological, paleontological, or historical site is present.
2. Where a grading permit has been issued with respect to an area not known at the time of issuance to be in an archaeologically sensitive area, and where it is subsequently learned, either by a representative of the city or by any person doing grading pursuant to a grading permit, that an archaeological, paleontological, or historical site may exist within the area to be graded or being graded, all grading shall cease, and the city will proceed to determine if such grading work is consistent with applicable regulations, including but not limited to Appendix K of the guidelines for implementing the California Environmental Quality Act (CEQA). (Ord. 702 N.S. (part), 1995)

Chapter 20.08 - DEFINITIONS

20.08.010 - Generally

For the purpose of this title, certain terms used herein are defined as found in this chapter. For the purpose of this chapter, the following definitions shall apply. (Ord. 702 N.S. (part), 1995)

20.08.020 - Average cross slope.

“Average cross slope” means the ratio, expressed as a percentage, of the vertical difference in elevation to the horizontal distance between two points on the perimeter of the area, with the line connecting the two points being essentially perpendicular to the contours between the two points. Different points of any area may have different average cross slopes. (Ord. 702 N.S. (part), 1995)

20.08.030 - Bedrock.

“Bedrock” means the relatively solid, undisturbed rock in-place either at the ground surface or beneath surficial deposits of gravel, sand, or soil. (Ord. 702 N.S. (part), 1995)

20.08.040 - Bench.

“Bench” means a relatively level step excavated into earth material on which fill is to be placed. (Ord. 702 N.S. (part), 1995)

20.08.050 - Bond.

“Bond” means a form of security posted to guarantee the performance of an obligation, and shall consist of a corporate surety bond, cash, or an instrument of credit as that phrase is defined in Section 11612 of the Business and Professions Code of the State of California and as approved by the city attorney. (Ord. 702 N.S. (part), 1995)

20.08.060 - Borrow.

“Borrow” means earth material acquired from an off-site location for use in grading on a site. (Ord. 702 N.S. (part), 1995)

20.08.070 - Building pad.

“Building pad” means the aggregate portion or portions of a lot having a uniform grade of less than ten percent as a result of grading which is intended for a building or appurtenant uses. (Ord. 702 N.S. (part), 1995)

20.08.080 - Certification.

“Certification” means a written engineering or geological report and statement in accordance with applicable principles and accepted geotechnical and soils engineering practices and in substantial conformance to the approved grading design. (Ord. 702 N.S. (part), 1995)

20.08.090 - City engineer.

“City engineer” means that person charged with the responsibility of coordinating all phases of engineering for the city government. He or she shall be the custodian of and responsible for all maps, final soils reports, plans, profiles, field notes and other records and memoranda belonging to the city and pertaining to his or her office and work thereof. It shall also be his or her responsibility to enforce all state regulations, ordinances, policies, standards, etc., pertaining to his or her office and work and to delegate authority and responsibilities to subordinates under his or her jurisdiction. (Ord. 702 N.S. (part), 1995)

20.08.100 - Civil engineer.

“Civil engineer” means a professional engineer in the branch of civil engineering holding a valid certificate of registration issued by the state of California. (Ord. 702 N.S. (part), 1995)

20.08.110 - Compaction.

“Compaction” means the densification of fill by mechanical means in accordance with Uniform Building Code latest edition. (Ord. 702 N.S. (part), 1995)

20.08.120 - Continuous.

“Continuous” means periodically during the day. (Ord. 702 N.S. (part), 1995)

20.08.130 - Deleterious material.

“Deleterious material” means all substances of an organic nature such as trees, brush, lumber, tires, paper, asphalt; also plastics, tin cans, barrels, metal drums, broken concrete, bottles, ashes, junk metal, and other types of trash. (Ord. 702 N.S. (part), 1995)

20.08.140 - Developer.

“Developer” means any person who is the owner or has controlling interest of any land within the city who proposes to develop the land in a manner which requires the issuance of a grading permit. (Ord. 702 N.S. (part), 1995)

20.08.150 - Director of community development.

“Director of community development” means that person charged with the responsibility of directing all phases of the planning and building and the enforcement of all state statutes and city laws pertaining to his or her office, or his or her duly authorized representative. (Ord. 702 N.S. (part), 1995)

20.08.160 - Director of public works.

“Director of public works” means that person charged with the responsibility of coordinating all phases of administration determining policy and procedures and directing the work of subordinates within the various divisions encompassed within the department of public works. (Ord. 702 N.S. (part), 1995)

20.08.170 - Diversion.

“Diversion” or “diver” means a change in the direction of the flow of surface, stream, or storm waters. (Ord. 702 N.S. (part), 1995)

20.08.180 - Drainage course.

“Drainage course” means a well defined natural or man-made channel which conveys storm run-off either year-round or intermittently. (Ord. 702 N.S. (part), 1995)

20.08.190 - Earth material.

“Earth material” means any rock, natural soil and/or any combination thereof. (Ord. 702 N.S. (part), 1995)

20.08.200 - Engineered grading.

“Engineered grading” means any grading conducted pursuant to a plan prepared by an engineer registered or licensed by the state of California. (Ord. 702 N.S. (part), 1995)

20.08.210 - Engineering geologist.

“Engineering geologist” means a person holding a valid registration as an engineering geologist and certified in the specialty of engineering geology issued by the state of California under provisions of the Geologist Act of the Business and Professions Code. (Ord. 702 N.S. (part), 1995)

20.08.220 - Erosion.

“Erosion” means the wearing away of the ground surfaces as a result of the movement of wind or water. (Ord. 702 N.S. (part), 1995)

20.08.230 - Erosion protection.

“Erosion protection” means any type of plant and organic material and/or natural or manmade erosion materials used to stabilize soils. (Ord. 702 N.S. (part), 1995)

20.08.240 - Excavation.

“Excavation” means the mechanical removal of earth, sand, gravel, rock or any other similar or related material and shall include the resultant excavation site condition. (Ord. 702 N.S. (part), 1995)

20.08.250 - Existing grade.

“Existing grade” means the natural state of the property prior to grading or stockpiling. (Ord. 702 N.S. (part), 1995)

20.08.260 - Expansive soil.

“Expansive soil” means that soil defined as expansive in accordance with the Uniform Building Code (UBC) latest edition. (Ord. 702 N.S. (part), 1995)

20.08.270 - Fill.

“Fill” means a deposit of earth, sand, gravel, rock or any other similar or related material transported to a place other than the place from which it was excavated, and shall include the resultant fill site condition. (Ord. 702 N.S. (part), 1995)

20.08.280 - Finished grade.

“Finished grade” means the final grade or elevation of the site, which conforms to the approved plan (with a tolerance of plus or minus 0.1 feet). (Ord. 702 N.S. (part), 1995)

20.08.290 - Grade.

“Grade” means the vertical location of the ground surface. (Ord. 702 N.S. (part), 1995)

20.08.300 - Grading.

“Grading” means an excavation or fill, or any combination thereof, and shall include the site condition resulting from any excavation and/or fill. (Ord. 702 N.S. (part), 1995)

20.08.310 - Grading permit.

“Grading permit” means a permit required by this title for all proposed excavations and/or fills or combination thereof. (Ord. 702 N.S. (part), 1995)

20.08.320 - Grading plan.

“Grading plan” means a plan or map showing the property boundaries, existing and proposed contours and proposed final grades, retaining walls, drainage facilities and all other features, structures and designs pertinent to the proposed grading. (Ord. 702 N.S. (part), 1995)

20.08.330 - Hillside areas.

“Hillside areas” means those portions of the city identified as hillside areas within the city Municipal Code Title 21, entitled Zoning. (Ord. 702 N.S. (part), 1995)

20.08.340 - Key.

“Key” means a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope. (Ord. 702 N.S. (part), 1995)

20.08.350 - Landscape architect.

“Landscape architect” means a landscape architect licensed as such under the laws of the state of California. (Ord. 702 N.S. (part), 1995)

20.08.360 - Natural grade.

“Natural grade” means the vertical location of the ground surface prior to any excavation or fill or stockpiling. (Ord. 702 N.S. (part), 1995)

20.08.370 - Natural watercourse.

“Natural watercourse” means a ravine, swale, depression, cleft, etc., naturally occurring over and upon the land, which receives drainage from the adjoining land areas and conducts it away from its source. (Ord. 702 N.S. (part), 1995)

20.08.380 - Normal inspection hours.

“Normal inspection hours” for services provided pursuant to or in connection with the provisions of this title means from seven-thirty a.m. to three p.m., Monday through Friday, except holidays. “Holidays” shall be defined as those week days (exclusive of Saturdays) shown as nonworking days on the working day calendar of the city. (Ord. 702 N.S. (part), 1995)

20.08.390 - Rainy Season

“Rainy season” means the period between September 1st and April 30th in which most rainfall occurs within the city.

20.08.400 - Rough grade.

“Rough grade” means the stage at which the grade approximately conforms to the approved plan (with a tolerance of plus or minus 0.5 feet). (Ord. 702 N.S. (part), 1995)

20.08.410 - Site.

“Site” means any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted. (Ord. 702 N.S. (part), 1995)

20.08.420 - Slope.

“Slope” means an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance. (Ord. 702 N.S. (part), 1995)

20.08.430 - Soil.

“Soil” means all earth material of whatever origin, which overlies bedrock. (Ord. 702 N.S. (part), 1995)

20.08.440 - Soils engineer.

“Soils engineer” means an engineer experienced and knowledgeable in the practice of soils engineering and its application; who investigates and reports on the stability of existing or proposed slopes, controls the

installation and compaction of fills, recommends soil bearing values and provides design criteria and calculations for special earth structures such as buttress fills and retaining walls. (Ord. 702 N.S. (part), 1995)

20.08.450 - Soil testing agency.

“Soil testing agency” means an agency which has technically qualified personnel and adequate facilities for the making of accurate inspections and soil tests in accordance with approved engineering practice as determined by the city engineer. (Ord. 702 N.S. (part), 1995)

20.08.460 - Subdrain.

“Subdrain” means any type of perforated or permeable drainage pipe or facility installed to intercept and carry off water originating from springs and water seeps so as to lower the ground water level in the vicinity of the drain. (Ord. 702 N.S. (part), 1995)

20.08.470 - Surface water drainage.

“Surface water drainage” means drainage from the surface of the land area which would naturally occur, or which will occur after the final grading pursuant to this title. (Ord. 702 N.S. (part), 1995)

20.08.480 - Temporary stockpiles.

“Temporary stockpiles” means soils stockpiled upon a land area for future site development or for temporary storage for a maximum period of six months unless otherwise approved by the city engineer. (Ord. 702 N.S. (part), 1995)

20.08.490 - Terrace.

“Terrace” means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes. (Ord. 702 N.S. (part), 1995)

Chapter 20.12 - PERMIT REQUIREMENTS

20.12.010 - Permit requirements.

20.12.020 - Permit limitations and conditions.

20.12.030 - Fees and bonds.

20.12.040 - Permit issuance.

20.12.050 - Responsibility of permittee.

20.12.060 - Inspections and supervision.

20.12.070 - Temporary storage of stockpiles.

20.12.010 - Permit requirements.

Except as otherwise exempted in Section 20.04.040 of this title, no person shall do any grading without first obtaining a grading permit from the Building Division.

- A. Application. To obtain a grading permit the applicant shall first file an application therefore in writing on a form furnished for that purpose by the city. Each such application shall:
1. Identify and describe the work to be covered by the permit for which application is made;
 2. Describe the land on which the proposed work is to be done, by lot, block, tract, and house and street address, or similar description that will readily identify and definitely locate the proposed building or work;
 3. Indicate the estimated volume quantities, in cubic yards, of grading work proposed;
 4. Be accompanied by plans as required in subsection (B) of this section;
 5. Be signed by the property owner, or his authorized agent, who is required to submit evidence to indicate such authority;
 6. Provide a schedule with the starting date, estimated number of working days and date of completion;

7. Give such other information as reasonably may be required by the public works director.

B. Plans.

1. Each application for a grading permit shall be accompanied by three sets of plans and as specified herein, a soil engineering report and/or engineering geology report. The grading plan shall be prepared with a “wet signature” and sealed by a civil engineer or architect if a building is involved.
2. A soils engineering report shall be required with all applications unless otherwise approved by the city engineer. In areas of moderate, high and very high landslide risks, and in areas of high liquefaction potential and subsidence potential as noted in the general plan, additional soils engineering reports may be required. If a previous soils engineering report has been prepared, the city engineer may waive the required report.
3. A geology report may be required in areas of moderate, high landslide risks, and in areas of high liquefaction potential and subsidence potential as noted in the general plan, (a) if the topography of the site is modified or (b) if the slope of the entire site (not just proposed building pads) is greater than five percent.
4. The engineering geological report shall include an adequate description of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed development.
5. A site-specific Erosion and Sediment Control Plan shall be developed per Section III (2.1) Erosion and Sediment Control Plan of the Public Works, Engineering Division. A Storm Water Pollution Prevention Plan (SWPPP) developed pursuant to the State Construction General Permit may be substituted for the ESCP where a SWPPP is developed. The SWPPP must be reviewed by the city to determine if it meets the ESCP requirements.

C. Information on Plans. Plans shall be drawn to scale upon substantial paper or Mylar and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this title and all relevant laws, ordinances, rules and regulations. The first sheet of each set of plans shall give the location of the work and the name and address of the owner and the person for whom they were prepared.

The plans shall include the following information:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of existing and proposed ground and details of terrain and area drainage. Contour intervals and scale shall be as approved by the city engineer;
3. Description of existing ground cover including the location and dimensions of all Oak trees on the site which are three inches in diameter or larger at the trunk, measured at four and one-half feet above ground level. Trees shall be accurately located by a survey and the drip line of all oak trees shall be accurately shown;
4. Cross sections of the existing and finished contours indicating a typical section and a section depicting the most severe grades proposed. All cut and fill-slopes shall be illustrated and slope ratios noted;
5. Limiting dimensions, elevations or finished contours to be achieved by the grading, existing and proposed drainage channels and related construction;
6. Detailed plans and calculations as may be required by the city engineer of all surface and subsurface drainage devices, existing or 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 drains;
7. 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 within fifteen feet of the property which may be affected by the proposed grading operations;

8. Elevations, location of the top and toe of all cuts and fills and all “daylight” lines, extent and slope of all proposed grading shown by contours, cross sections or other means and location of any rock disposal proposed to be included in the work;
 9. A statement signed by the owner acknowledging that a civil engineer, soils engineer and/or engineering geologist will be employed to give technical supervision or make inspections and testing of the work, whenever approval of the plans and issuance of the permit are to be based on the condition that such professional persons be so employed;
 10. A drainage plan including elevations of floors with respect to finished site grade and locations of proposed stoops, slabs and fences that may affect drainage;
 11. For plans involving the removal of excess material, rocks or rubble, the applicant shall submit a signed statement indicating where, if within the city limits, it is intended to dispose of the material;
 12. Specifications, when required, shall contain information covering construction and material requirements.
- D. Soils Engineering Report. The soils engineering report required by subsection (B) of this section shall include data regarding the nature, distribution and strength of existing soils, conclusions and recommendations for grading procedures and design criteria for corrective measures when necessary, and opinions and recommendations covering adequacy of sites to be developed by the proposed grading, including the stability of slopes and erosion control measures.
- Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans or specifications.
- E. Engineering Geology Report. The engineering geology report required by subsection (B) of this section shall include an adequate description of the geology of the site, conclusions 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 and as it relates to adjacent or contiguous property.
- Recommendations included in the report and approved by the city engineer shall be incorporated in the grading plans or specifications. (Ord. 702 N.S. (part), 1995)

20.12.020 - Permit limitations and conditions.

- A. General. The issuance of a grading permit shall constitute an authorization to do only that work which is described or illustrated on the application for the permit or on the grading plans and specifications approved by the city engineer.
- B. Responsibility of Permittee. The permittee and his agents shall carry out the proposed grading in accordance with approved plans and specifications, the conditions of the permit and with the requirements of this title and all other applicable laws. The permittee and his agents shall maintain all required erosion and sediment control measures and temporary drainage during the progress of the grading work, dust control and methods of hauling. The permittee or his agents shall be responsible for maintenance of the site until such time as a notice of completion has been issued by the city engineer. The permittee, his agents and each or all of them shall become subject to the penalties set forth herein in the event of failure to comply with this title and other applicable laws of the city. No approval shall exonerate the permittee or his agents from the responsibility of complying with the provisions and intent of this title.
- C. Jurisdiction of Other Agencies. Permits issued under the requirements of this title shall not relieve the owner of responsibility for securing required permits for work to be accomplished which is regulated by any other code, department or division of the other governing agencies.

- D. Hillside Plan Review Required. A hillside plan shall be submitted for approval for all property located in any "hillside area" as defined by city Code, prior to the issuance of a grading permit. The plan must have community development approval prior to submittal for plan check. All plans in hillside areas are to be prepared by a licensed civil engineer.
- E. Grading in Advance of Final Plan Approvals. Grading will not be approved on a site prior to entitlement approval by the city. Final plan approval shall mean:
1. A final tentative parcel or tentative tract map, use permit, development review committee project approval or similar authorization has been granted; and
 2. Related street and utility grades have been established; and
 3. During the rainy season all erosion and sediment control measures have been installed and inspected by the City; and
 4. A cash deposit or cash bond is deposited to guarantee restoration of the site to a natural condition as required by the city engineer should the project not proceed to completion.
- F. Regulation of Access or Haul Routes. The city engineer may impose conditions to the permit with respect to access or haul routes to and from grading sites, the hours of work, methods of controlling dust, and safety precautions involving pedestrian or vehicular traffic as he or she shall determine are required in the interests of the public health, safety, and welfare.
- G. Conformance With Zoning Regulations Required. No permit shall be issued for any grading, export, or import of earth materials to or from any grading site except in compliance with the zoning and land use regulations of the city.
- H. Time Limitations.
1. The permittee shall fully perform and complete all of the work contemplated to be accomplished pursuant to the grading permit within the time limit specified in the permit. If no time limit is specified, the permit shall expire six months from the date of issuance.
 2. If the permittee is unable to complete the work within the specified time, he may, prior to the expiration of the permit, submit a written request for an extension of time in which to complete the work. If, in the opinion of the city engineer, sufficient justification is shown, the time specified on the permit may be extended for a period of not more than one hundred eighty days, but no such extension shall release any surety upon the bond.
- I. Entry Upon Premises.
1. The city engineer, Director of public works, or their duly authorized representative shall have access to the premises described in the permit for the purpose of inspecting the progress of the work.
 2. In the event of default in the performance of any term or condition of the permit, the surety or any person employed or engaged on behalf of the surety shall have the right to go upon the premises to complete the required work.
 3. It is unlawful for the owner or any other person to interfere with the ingress or egress from such premises of any authorized representative or agent of any surety company or the city engaged in the work ordered by the city engineer.
- J. Consent of Adjacent Property Owners. Whenever any excavation or fill requires entry onto adjacent property for any reason, the permit applicant shall obtain the written consent of the adjacent property owner or their authorized representative, and shall file a copy of the consent with the city engineer before a permit for such grading work may be issued.
- K. Restrictions During the Rainy Season.
1. All persons performing any grading operations during the rainy season shall put into effect all safety precautions which are necessary in accordance with good engineering practices. All loose dirt shall be removed from the grading site, and adequate anti-erosion or drainage devices, debris basins, or other safety devices to protect the life, limb, health, and welfare of private and public property or others from damage of any kind shall be installed. All temporary erosion control devices, including desilting basins, shall be installed no later than prior to the first rain of each year and shall be maintained throughout the rainy season. The removal of temporary erosion control devices during different

phases of construction shall have the prior- approval of the city engineer. The design of desilting basins which discharge into city streets or natural watercourses shall be subject to the approval of the city engineer.

2. All constructed desilting basins which are a part of the grading plan shall be maintained by the applicant.
3. Any costs incurred by the city for emergency repair or cleanup work shall be reimbursed, in a timely manner, by the applicant.

L. Conditions of Approval. In granting any permit under this title, the city engineer or his authorized representative may attach such conditions as may be reasonably necessary to prevent creation of a nuisance or hazard to public or private property. Such conditions may include, but shall not be limited to:

1. Designations of the hours of operation or the period of the year during which the work under the grading permit may be performed;
2. Restrictions as to the size and type of equipment; in no event shall any equipment use the public streets unless it is in full compliance with the state Vehicle Code;
3. Designation of routes upon which materials may be transported, and other regulations pertaining to the use of public streets, such as traffic control and temporary no-parking signs;
4. The manner of disposing of excavated material;
5. Secured Loads. All loads shall be properly trimmed and watered, or otherwise secured so as to prevent spillage from the equipment;
6. Destinations of Routes. The city engineer may designate the routes of ingress and egress for a grading site when it is determined that such is necessary in the interest of public health, safety and welfare;
7. Requirements as to the Laying of Dust. Permittee shall be required to prevent noises and other such situations which are or might be offensive or injurious to the neighborhood, the general public or any portion thereof;
8. Designation of maximum or minimum slopes to be used if the same vary from those prescribed in this chapter;
9. Regulations as to the degree of compaction of fill material;
10. Requirements as to improvements of private driveways and roads for drainage purposes;
11. Requirements for safe and adequate drainage of the site;
12. A requirement that approval of the city engineer be secured before any work which has been commenced may be continued;
13. No blasting plan shall be employed or used in any grading work unless such devices have been specifically approved by the city engineer, the fire marshal and the city council;
14. The permittee shall provide sufficient supervisory control as determined by the city engineer during the grading operation to insure compliance with approved plans and with the Municipal Code. When found necessary by the city engineer, the permittee shall employ a qualified geologist and a soils engineer to assist in supervising and inspecting and testing of the grading operation;
15. No person shall conduct any grading, excavation or filling, including the export or import of earth material, between the hours of seven p.m. and seven a.m. on any day nor on Sunday at any time, except in emergencies. Any deviations during the summer months may be allowed on a limited basis upon written request to the city engineer for consideration. Work on Saturdays may be approved by the city engineer upon written request, twenty-four hours in advance;
16. No person shall excavate or fill so as to cause falling rocks, soil or debris in any form to fall, slide or flow onto adjoining or adjacent properties;
17. Improvements to enhance the appearance of the final project by blending the project into the adjacent terrain;
18. Improvement of any existing grading to bring it up to the standards of this Code;
19. Requirements for fencing of excavations or fills which would otherwise be hazardous.

M. Modification of Approved Plans. Any modifications of or changes in the approved grading plans must be approved by the city engineer. Modifications which affect basic tract design or land use must also have the approval of the appropriate official or body which has jurisdiction over such tract design or land use. (Ord. 702 N.S. (part), 1995)

20.12.030 - Fees and bonds.

- A. Plan Checking Fees. The fee shall be based on the actual staff time utilized to check the plan. Before accepting a set of plans for checking, the city engineer shall collect an estimated plan checking fee. Applicant shall enter into a city plan check and inspection agreement in a form acceptable to the city attorney. Applicant shall be sent progress billings as the checking process proceeds and will get a refund or be required to pay additional fees as appropriate.
- B. Grading Permit Fees. A fee for administration and inspection of the work authorized by each grading permit shall be paid to the public works department as set forth by council resolution. Such fees shall be collected at the time of issuance of the grading permit.
- C. Grading Restoration Bonds.
1. Requirements. The City Engineer may require in “sensitive hillside” areas, a restoration bond for the benefit of the city. The bond shall be executed by the owner and a corporate surety authorized to do business in this state as surety in an amount sufficient to cover the cost of the project, including corrective work necessary to remove and eliminate geological hazards. All bonds shall be executed on forms which can be obtained from the public works department.
 2. Cash Bond. In lieu of a surety bond, the applicant may file a cash bond upon the same terms and conditions and in an amount equal to that which would be required in the surety bond. The deposit submitted with the cash bond may be in the form of cash or negotiable United States securities.
 3. Conditions of the Bond. Every bond shall be conditioned that the permittee shall:
 - a. Comply with all of the provisions of this chapter and all other applicable laws and ordinances;
 - b. Comply with all of the terms and conditions of the permit for excavation and fill to the satisfaction of the city engineer.
 4. Period and Termination of Bond. The term of each bond shall begin upon the date of filing with and shall remain in effect until the completion of the work to the satisfaction of the city engineer. Such completion shall be evidenced by the city’s acceptance of the work and notifying the permittee in writing. In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the city engineer may order the work to be completed as required by the permit and to the satisfaction of his office. The surety executing such bond or such deposit, shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the city in causing any and all of such required work to be accomplished and that said surety or the depositor assents to any lawful extensions of time within which to construct and complete such work. In the case of a cash deposit, said deposit, or any unused portion shall be refunded to the permittee. The city engineer may release or exonerate the bond under appropriate conditions upon completion of the work and when the work/construction is to the satisfaction of the city engineer when the public health and welfare is not jeopardized.
 5. Amount of Bond. The amount of the bond shall be based upon the estimated cost plus twenty-five percent, as determined by the number of cubic yards of material in either excavation or fill, whichever is the greater amount, and shall include the cost of all drainage, landscaping or other protective devices as may lawfully be required. Also, the city engineer may, at his or her discretion, require that bonds be posted to recover the full costs of any damage to or cleaning of the public right-of-way which may occur because of the peculiar nature or large scope of the project (i.e., transportation of fill or heavy equipment on local streets not designed to accommodate said traffic).

6. Maintenance Bond. In addition to any other bond required by this chapter, or as a part of the grading bond, the property owner if required shall file with the city a maintenance bond securing the maintenance of the grading and any required slope landscaping in good condition for a period of one year unless a longer period is required from the date of approval by the city. Upon recommendation by the city engineer, the city may release the maintenance bond; provided that it appears that all landscaping or replacement plants or materials are established and in good condition and that any erosion has been corrected. (Ord. 702 N.S. (part), 1995)

20.12.040 - Permit issuance.

- A. Environmental Review. The city engineer or designee shall review each grading permit application to determine whether environmental assessment is required to comply with CEQA. If the city engineer determines that it is appropriate to seek an independent environmental assessment, the city engineer shall refer the grading permit application to the community development director for environmental assessment pursuant to CEQA.
- B. Issuance.
 1. When the city engineer is satisfied with the work described in an application for permit and the plans filed therewith conform to the requirements of this chapter and other pertinent laws and ordinances, and that the fee has been paid, a grading permit shall be issued to the applicant.
 2. When the city engineer issues the permit, he or she shall endorse in writing or stamp on both sets of plans specifications "APPROVED." Such approved plans shall not be changed, modified, or altered without authorization from the city engineer, and all work shall be done in accordance with the approved plans.
 3. The city engineer may require that the grading operations and project designs be modified if delays occur which incur weather generated problems not considered at the time the permit was issued.
 4. Retention of Plans. One set of approved plans and computations shall be retained by the city engineer and one set of approved plans shall be returned to the applicant. The applicant's set shall be kept in a conspicuous place on the subject site during all grading operations.
- C. Validity.
 1. The issuance or granting of a permit or approval of plans and specifications shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this chapter. No permit presuming to give authority to violate or cancel the provisions of this chapter shall be valid, except insofar as the work or use which it authorizes is lawful.
 2. The issuance of a permit based upon plans and specifications shall not prevent the city engineer from thereafter requiring the correction of errors in the plans and specifications or from preventing grading operations being carried on thereunder when in violation of this chapter or any other ordinance of the city.
- D. Expiration. Every permit issued by the city engineer under the provisions of this chapter shall expire by limitation and become null and void, if the grading or work authorized by such permit is not commenced within sixty days from the date of such permit, or if the grading or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred twenty days. Before such work can be recommenced, a new permit shall be first obtained, and the fee therefor shall be one-half the amount required for a new permit for such work; provided, no changes have been made or will be made in the original plans for such work and provided, further, that such suspension or abandonment has not exceeded one year.
- E. Suspension or Revocation. The public works director may, in writing, suspend or revoke a permit issued under provisions of this chapter whenever the permit is issued in error or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this chapter. (Ord. 702 N.S. (part), 1995)

20.12.050 - Responsibility of permittee.

- A. Compliance with Plans and Code. The permittee, his agent, contractor or employee shall carry out the proposed work in accordance with the approved plans and in compliance with all the requirements of this title.
- B. Inspections. In performing regular grading, it shall be the responsibility of the permittee to notify the city engineer at least one working day in advance so that the inspections can be scheduled.
- C. Protection of Utilities. During the grading operations, the permittee shall be responsible for the prevention of damage to any public utilities or services.
- D. Protection of Adjacent Property. The permittee is responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley or other public or private property without supporting and protecting such property from settling, cracking, or other damage which might result.
- E. Erosion and Sediment Control. The permittee shall install and maintain all erosion and sediment control measures necessary to protect adjacent water courses and public or private property from damage by erosion, flooding, and deposition of mud or debris originating from the site.
- F. Termination of Consultants. The permittee shall notify the city engineer within forty-eight hours of any changes to the project civil and/or soils engineers. (Ord. 702 N.S. (part), 1995)

20.12.060 - Inspections and supervision.

- A. General Requirements.
 - 1. General. All grading operations for which a permit is required shall be subject to inspection by the city engineer. A record of all inspections shall be maintained in the city engineer's office. A copy of an approved grading permit shall be available on the subject site during all grading operations.
 - 2. Supervision. The permittee shall provide sufficient supervisory control during the grading operation to insure compliance with approved plans and with this title. When required by the city engineer, the permittee shall avail himself of geological and soils engineering services to implement the supervisory control of the permittee's registered civil engineer. The geologist and soils engineer shall be properly qualified to perform such services within the city.
 - 3. Safety Precautions During Grading. If, at any stage of work on an excavation or fill, the city engineer determines by inspection that further work as authorized by an existing permit is likely to endanger any property to public way, the city engineer may require that plans for such work be amended to include adequate safety precautions as a condition to allow the work to continue. The city engineer may require corrective action as deemed necessary. Safety precautions may include, but shall not be limited to, specifying a flatter exposed slope or construction of additional drainage facilities, berms, terracing, compaction, cribbing, retaining walls or buttress fills, slough walls, desisting basins, check dams, benching, wire mesh and guniting, rock fences, revetments or diversion walls.
- B. Inspection of Excavation and Fills.
 - 1. All construction or work for which a permit is required shall be subject to inspections by authorized employees of the city, and certain types of work to be determined by the city engineer shall have either continuous or constant inspection and supervision by a registered civil engineer, soils engineer and engineering geologist as a condition of issuance of the grading permit. Prior to issuing a grading certificate notice of completion, a final inspection shall be made of all construction or work for which a permit has been issued.
 - 2. Exposure of Work. Whenever any work on which inspections are required as specified in this section, is covered or concealed by additional work without having first been inspected, the city engineer may require, by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail expense to the city.
 - 3. Notice. The permittee or his agent shall notify the city engineer at least twenty-four hours in advance of the time when the grading operation is ready for each of the following inspections:

4. During the rainy season the initial inspection shall be to inspect erosion and sediment control measures prior to work beginning on site.;
 - a. When all land disturbances have been stabilized and all erosion and sediment control measures have been removed.
5. Final Reports. Upon completion of the work, the city engineer may require the following reports and information:
 - a. Report from a registered civil engineer certifying that all grading, lot drainage, and drainage facilities have been completed in conformance with the approved plans and this title;
 - b. A soils engineering report including but not limited to certification of soil bearing capacity summaries of field and laboratory tests, locations of tests, and showing limits of compacted fill on an “as-graded” plan;
 - c. An engineering geology report by a qualified engineering geologist based on the final contour map including specific approval of the grading as geological factors. Where necessary, a revised geological map and cross-sections and any recommendations necessary shall be included.
6. Engineered Grading Requirements.
 - a. For engineered grading it shall be the responsibility of the engineer who prepares the approved grading plan to incorporate all recommendations from the soil engineering and engineering geology reports into the grading plan. He shall also be responsible for the professional inspection and certification of the grading within this area of technical specialty. The responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage of the development area. The engineer shall also be responsible for the preparation of revised plans and the submission of as-graded plans upon completion of the work and before calling for final inspection.
 - b. During grading all necessary reports, compaction data and soils engineering and engineering geology recommendations shall be submitted to the engineer and city engineer by the soils engineer and the engineering geologist.
 - c. The soils engineer’s area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.
 - d. The engineering geologist’s area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut or fill slopes with respect to geologists matters, and the need for subdrains or other ground water drainage devices. He shall report his finding to the soils engineer and the engineer for engineering analysis.
 - e. The city engineer shall observe the project at the various stages of work requiring certification and at more frequent intervals if necessary to determine that adequate control is being exercised by the professional consultants.
7. Regular Grading Requirements.
 - a. The city engineer may require inspection and testing by an approved testing agency at the expense of the applicant.
 - b. The testing agency’s responsibility shall include, but need not be limited to, certification concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills
 - c. 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.
 - d. Prior to calling for final inspection on the graded site, as-graded plans of the completed work shall be submitted to the city engineer.
8. Notification of Noncompliance.

If, in the course of fulfilling their responsibilities under this chapter, the engineer, the soils engineer, the engineering geologist or the testing agency 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. Recommendations for corrective measures, if necessary, shall be submitted.

9. Transfer of Responsibility for Certification.

If the engineer, the soils engineer, the engineering geologist or the testing agency of record are 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 certification upon completion of the work. (Ord. 702 N.S. (part), 1995)

20.12.070 - Temporary storage of stockpiles.

- A. No temporary stockpile of earth will be allowed except pursuant to a grading permit issued after the city engineer has found that such storage fill would not constitute a hazard to life or property, or become a public nuisance or health menace.
- B. Stockpiles of earthen materials are subject erosion and sediment control requirements.
- C. Temporary stockpiles approved by the issuance of a grading permit shall be removed from the site within a period of time not to exceed six months from the date of issuance of the permit, unless otherwise approved by the city engineer or unless the fill is graded and compacted under the authority granted by a subsequent or amended grading permit. A bond may be required to insure the removal or elimination of such fill upon the expiration of time set forth in the permit. Such stockpiles shall be placed so as to not interfere with any drainage ways or access routes.
- D. The stockpile location shall not create a nuisance from blowing dust, and shall be contour-graded if in a highly visible area. (Ord. 702 N.S. (part), 1995)

Chapter 20.16 - GRADING REQUIREMENTS

20.16.010 - General grading requirements.

20.16.020 - Preservation of vegetation and topsoil.

20.16.030 - Contoured grading.

20.16.040 - Excavations.

20.16.050 - Fills.

20.16.010 - General grading requirements.

- A. Availability of Permit at Site. No person shall perform any grading for which a permit is required under this title unless a copy of the grading permit is in the possession of a responsible person and available at the site.
- B. Nuisance or Hazardous Conditions. Whenever the director of public works determines that a severe nuisance condition has been created from blowing dust, sloughed or spilled dirt, uncontrolled drainage and siltation, or that any excavation, embankment or fill has become a hazard to life and limb, or endangers structures, 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 agent in control of the property, upon receipt of notice in writing from the director of public works shall within the period specified therein repair, reconstruct or remove such excavation, embankment, or fill so as to eliminate the nuisance or hazard. If necessary, all site work shall be halted as directed until the corrective work has been satisfactorily completed.
- C. Supervision. The permittee shall provide sufficient supervisory control during the grading operations to insure compliance with the approved plans and with the provisions of this chapter. The permittee shall

avail himself of geologic and/or soils engineering services to implement the supervisory control of the permittee's registered civil engineer. The engineering geologist and/or soils engineer shall be properly qualified to perform such services within the city. Periodic reports as required by the city engineer shall be submitted by the soils engineer and/or engineering geologist.

- D. Safety Precautions During Grading. If, at any stage of work on an excavation or fill, the city engineer determines by inspection that further work as authorized by an existing permit is likely to endanger any property or public way, the city engineer may require the plans for such affected area be amended to include adequate safety precautions as a condition to allow the work to continue. The city engineer may cause the work on the affected area to be halted and may require that plans be amended to include adequate safety precautions as a condition to allow the work to continue.
- E. Supervised Grading.
1. Where necessary, the city engineer shall require the permittee to employ:
 - a. A registered civil engineer to observe construction to determine substantial conformance to the approved plans;
 - b. A soils engineer to provide either constant or continuous soils inspections and testing; or
 - c. An engineering geologist to provide either constant or continuous geological inspections as needed on job.
 2. The employment of such persons shall not be deemed to render unnecessary inspections described in this chapter except that on any work requiring the continuous observation and inspection of a registered civil engineer, the inspections required by this section may be delegated to the registered civil engineer by the city engineer.
 3. If the registered civil engineer, soils engineer, or engineering geologist, fulfilling his responsibility pursuant to the provisions of this section, finds that work is not being done in conformance with the provisions of this title or the plans and specifications approved by the city engineer, the registered civil engineer, soils engineer, or engineering geologist shall immediately notify the person in charge of the grading work, and if the nonconformity is not corrected, the city engineer shall be notified in writing of the nonconformity and of the corrective measures to be taken.
 4. If for any reason, the services of any of the professional persons are terminated during the progress of the grading work, such professional person and the permittee shall immediately notify the city engineer in writing. Such termination may result in temporary delays in the grading operations until satisfactory arrangements are made to assure the city engineer that competent professional supervision is provided. When the services of any of the professionals of record are terminated, the professional whose services have been terminated shall submit to the city engineer certification of work performed under his supervision, along with deficiencies to be corrected. The new professional shall submit to the city engineer a letter of certification that the previous professional's design, reports, and recommendations have been reviewed, that the conditions city engineer required as conditions of the grading permit will be complied with during the course of the work, and that he shall review the detailed grading plans and thus assume his responsibility as set forth in this chapter for all future grading on the project.
 5. The certification shall state that the job was constructed as indicated by the "as-built" plan, that the soils engineer and engineering geologist's reports and certifications have been submitted, that they have provided their services in accordance with good practices, and that all drainage provisions and safety features have been incorporated in the grading of the site.

F. Hillside Grading.

1. The rules and regulations set forth in this subsection shall apply to all hillside area grading in the city which shall be considered supervised grading.
2. The permittee shall employ a registered civil engineer to prepare the design of grading plans for all hillside grading. The design civil engineer shall prepare his design in accordance with good planning practices and applicable codes and to the restrictions imposed as determined by detailed studies of the site and materials to be graded. Such studies shall be performed by a soils engineer, and if required, an engineering geologist approved by the city engineer and shall be submitted prior to the issuance of permits. The civil engineer shall furnish sufficient observation during construction to obtain compliance with the plans as approved.
3. The permittee shall employ a soils engineer whose duties shall be to work closely with the civil engineer, to examine surface and subsurface conditions and to submit reports thereon. Such reports, in conjunction with the provisions of this chapter, shall form the basis for the design of the grading project. Such reports shall be based upon a detailed topographic base map of the area to be graded and shall include specific conclusions and recommendations for avoidance or correction of all known existing or anticipated geologic hazards and adverse soil conditions on or affecting the site or contiguous property.
4. The soils engineer, in addition to his pre-grading exploratory work, shall provide inspections during the placement of all compacted fill in accordance with the requirements of this chapter, the approved plans and good engineering practices. In addition, he shall follow the progress of the job sufficiently close to determine that the recommendations of his pre-grading report are followed. If conditions which require the modification of plans are encountered during grading, he shall submit a report of his findings and recommendations for a change of plans to the permittee and the civil engineer, the engineering geologist, and the city engineer. (Ord. 702 N.S. (part), 1995)

20.16.020 - Preservation of vegetation and topsoil.

- A. Vegetation. Areas not directly involved in grading operations shall remain undisturbed in order to preserve the natural vegetation and to reduce the potential for dust or erosion. Oak trees are a protected species within the city, and all work in the vicinity of any Oak trees shall be done in accordance with Chapter 10.01, Oak Tree Preservation.
- B. Topsoil. Within the areas to be graded, the topsoil shall be stripped and stockpiled for later use at the sites. Upon completion of the rough grading, the topsoil shall be spread as directed over the slopes to promote the establishment of reseeded or landscaping. (Ord. 702 N.S. (part), 1995)

20.16.030 - Contoured grading.

In the interest of preserving and blending with the natural land forms, the final graded slopes shall be rounded and contoured so as to avoid abrupt grade-breaks and sharp edges where desirable and as directed. Long linear slopes are to be avoided. (Ord. 702 N.S. (part), 1995)

20.16.040 - Excavations.

- A. Height. Cut slopes shall not exceed a vertical height of twenty-five feet unless approved by the planning commission. If a cut slope is permitted above such height, a horizontal bench with a minimum width of six feet shall be required to be installed at each fifteen feet of vertical height. Additional grading restrictions may be required in accordance to the zoning regulations of the city's Municipal Code.
- B. Slope. Excavations shall not be made with a cut face steeper in slope than is safe and shall be no steeper than two horizontal to one vertical.

Exception. The city may permit the excavation to be made with a cut face in slope one and one-half horizontal to one vertical if the applicant shows through subsurface exploration, by both a soils engineer and an engineering geologist, to the satisfaction of the city engineer, that the material making the slope of the excavation and the underlying material is capable of permanent stability on a steeper slope.

- C. Unstable Material. If the material of the slope is of such composition and character as to be unstable, considering all types of anticipated loading and moisture conditions, the engineering geologist and soils engineer shall, by testing and analysis, provide specific criteria for the stabilization of such material by the reduction of the slope angle, by buttressing, or by a combination of these or other means.
- D. Bedding Planes. No slope shall be cut steeper than the bedding planes or adverse components of dips. Where the excavation exposes strata above the top of the cut which will permit the entry of water along bedding planes, such area shall be sealed with a compacted soil blanket of low permeability having a minimum thickness of two feet. The soil for such blanket shall be relatively impervious and shall be tested and approved by the soils engineer.
- E. Cut Slope Limits. Tops of cut slopes shall not be made nearer than two feet plus one-fifth of the height of the cut to the project boundary but need not exceed a horizontal distance of ten feet. Cut slopes shall not be divided horizontally by property lines, and cut slopes occurring on a side or rear lot line shall be made a part of the downhill lot. If the city engineer determines that such requirement is unnecessary because of special conditions, he may make adjustments as a condition of the grading permit.
- F. Intervening Terraces. Terraces on cut slopes, shall have a minimum width of six feet, shall be extensively landscaped in accordance with an approved landscaping plan, and shall be spaced at intervals of fifteen feet measured vertically. Where only one terrace is utilized, it shall be placed at approximate mid-height. Where soil conditions warrant, additional intervening terraces may be required.
- G. Temporary Excavations and Shoring. Excavations shall not remove the lateral support from a public way or from an existing structure. For the purposes of this section, the lateral support shall be considered to have been removed when any of the following conditions exist:
 - 1. The excavation exposes any adverse geological formations which would affect the lateral support of a public way or of an adjacent structure;
 - 2. The excavation extends below a plane extending downward at an angle of forty-five degrees from the edge of the public way.

Exception. Normal footing excavations not exceeding two feet in depth shall not be construed as removing lateral support.
 - 3. The excavation extends below a plane extending downward at an angle of forty-five degrees from the bottom of a footing of an existing structure. (Ord. 702 N.S. (part), 1995)

20.16.050 - Fills.

- A. Height. No finished fill slope shall exceed a vertical height of twenty-five feet unless approved by the planning commission. Additional grading restrictions may be required in accordance to the zoning regulations of the city's Municipal Code.
- B. Slope. The slope of fill surfaces shall be no steeper than is safe. No fill shall be made which creates any exposed surface steeper in slope than two horizontal to one vertical.
- C. Unstable Material. The city engineer may require that the fill be constructed with an exposed surface flatter than two horizontal to one vertical if, under the particular conditions, such flatter surface is necessary for stability or safety.
- D. Fill Slope Limits. Tops of fill slopes shall not be made nearer to a project boundary line than two feet plus one-half of the height of the fill, but need not exceed a horizontal distance of twenty feet. Fill slopes shall not be divided horizontally by property lines, and fill slopes occurring on a side or rear lot line shall be made a part of the downhill lot. If the city engineer determines such requirement is unnecessary because of special conditions, he or she may make adjustments as a condition of the grading permit.

E. Intervening Terraces.

1. Terraces shall have a minimum width of six feet, shall be extensively landscaped in accordance with an approved landscaping plan, and shall be spaced at vertical intervals of fifteen feet; where only one terrace is utilized it shall be placed at approximately mid-height. Where soil conditions warrant, additional intervening terraces may be required.
2. Suitable access shall be provided to permit proper cleaning and maintenance. Exception. The city engineer may waive the requirements for terraces where a soils engineering or engineering geology report indicates the requirements are not necessary to carry out the purpose and intent of this chapter.

F. Compaction. All fills shall be placed, compacted, inspected, and tested in accordance with the provisions of this subsection. If the strict enforcement of the provisions of this subsection is determined by the city engineer to be unnecessary because of the proposed or probable use of the land, he or she may waive the requirements. The requirements of this subsection shall not be waived when structures are to be supported by the fill, or if the fills are being placed in areas to be designated as hillside, or where they are necessary as a safety measure to aid in preventing the saturation, settling, slipping, or erosion of the fill.

1. The natural ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, top soil, and/or porous, compressible soil. Where natural slopes are five horizontal to one vertical or steeper, the height of the fill is twenty feet or greater, benching into sound bedrock or other competent material, by placing at least ten-foot wide keys and benches, shall be required. Fill slopes which toe on natural slopes shall be provided with adequate drainage.
2. No deleterious material shall be permitted in fills. Except as otherwise permitted by the city engineer, no rock or similar irreducible material with a maximum dimension greater than six inches shall be buried or placed in fills.

Upon recommendations made by a soils engineer and approved by the city engineer prior to the grading of any project, rock with dimensions from twelve inches to thirty-six inches may be placed in compacted fill. Such oversized rocks shall not be in the upper ten feet of compacted fill or nearer than twenty feet to the surface of any fill slope. Such rock areas shall be shown on record drawing plans and certified by the soils engineer to be compacted or placed so as not to create a structural support problem.

3. The fill shall be spread in a series of layers, each not exceeding six inches in thickness, and shall be compacted by an approved method after each layer is spread.
4. The moisture content of the fill material shall be controlled at the time of spreading and compacting to obtain the required relative compaction and avoid excessive pore pressure as the fill increases in depth.
5. All fills shall be compacted to a minimum of ninety percent of the maximum density as determined by A.S.T.M. D 1557-66T, Method A or C, modified to three layers. If the required degree of relative compaction cannot be attained on sloped surfaces, the slope shall be cut back until the compacted inner core is exposed.

The field density shall be measured in accordance with the procedure specified in A.S.T.M. D 1556-58T, or later revision, using the optional base plate and making a suitable adjustment for volumes of rocks in the test hole or other approved testing methods giving equivalent test results.

6. A field density test, as set forth in subsection (F)(5) of this subsection, shall be taken for each two feet of fill, or portion thereof, measured vertically from the lowest point of the area to be filled, or for each one thousand cubic yards of fill placed. In addition, in the case of subdivisions, at least one field density test shall be taken on each lot which receives fill.
7. All fills regulated by the provisions of this chapter shall be tested for relative compaction by the soils engineer. A certificate of compliance with the terms of this section and the grading permit, setting forth densities, relative compaction, the expansive soil report, allowable bearing value, and other soil characteristics, shall be prepared and signed by the soils engineer. Such report shall be

- submitted to, and be approved by, the city engineer before any final approval of the fill is given and before any foundation construction begins.
8. Fills in non-hillside areas which do not exceed twelve inches in depth need not be compacted, but such fills shall not change the existing drainage pattern of the area.
 9. Subdrains. In hillside areas, subdrains shall be constructed under all fills placed in natural watercourses as required by the soils engineer. Typically, subdrains shall be placed along the watercourse flow line and along the flow line of any branches tributary thereto. Additional subdrains may be installed to collect all active or potential springs or seeps which will be covered by the fill. Subdrains when required shall be installed after the watercourse has been excavated to unyielding natural soil in preparation for receiving the fill.
 - a. The actual design and location of subdrains shall be based on the recommendations of the soils engineer and engineering geologist and subject to the approval of the city engineer.
- G. Fills Toeing Out on Natural Slope. Fills toeing out on natural slopes which are steeper than two horizontal to one vertical shall not be permitted.
- H. Combined Cut and Fill Slopes.
1. Where a combined cut and fill slope exceeds twenty-five feet in height, a drainage bench shall be placed at the top of the cut slope. The effect of surcharge of the fill upon the underlying soil shall be considered by the soils engineer and engineering geologist, and specific recommendations shall be made relative to the setback between the cut and fill.
 2. Fill placed on or above the top of an existing or proposed cut or natural slope steeper than three horizontal to one vertical shall be set back from the top of the slope a minimum distance of six feet.
- I. Existing Fills. All existing man-made fills on any and all sites shall be properly evaluated, and if deficiencies exist, recommendations and design criteria for corrective measures shall be included within the soils engineering report.
- J. Progress Reports.
1. Periodic soils reports by a soils engineer certifying the compaction or acceptability of all fills may be required. Such reports shall include, but need not be limited to, the inspection of cleared areas and benches prepared to receive fill and the removal of all soil and unsuitable materials, the bearing capacity of the fill to support structures, the placement and compaction of fill materials, and the inspection of buttress fills, subdrains, and similar devices. The frequency of such reports shall be at the discretion of the city engineer and shall be a condition of the grading permit.
 2. The city engineer may require sufficient inspections by an engineering geologist to insure that all geologic conditions have been adequately considered. Where geologic conditions warrant, the city engineer may require periodic geologic reports. Such inspections and reports may be required to include, but need not be limited to, the inspection of cut slopes, canyons during clearing, operations for groundwater and earth material conditions, benches or keys prior to the placement of fill, and possible underground water spring locations.
- K. Measure of Settlement. On fills of forty feet or more, if recommended by the soils engineer, the city engineer may require the determination of the settlement characteristics of such fills to establish that any movements have substantially ceased. (Ord. 702 N.S. (part), 1995)

Chapter 20.20 - CONTROL OF DRAINAGE, EROSION, SEDIMENT AND DUST

20.20.010 - Erosion and Sediment Control Plan

20.20.020 - Drainage control.

20.20.030 - Irrigation and landscaping of slopes.

20.20.040 - Dust control.

20.20.010 - Erosion and Sediment Control Plan

- A. A site-specific Erosion and Sediment Control Plan (ESCP) shall be required to be prepared and submitted with every application for a grading or building permit.
 - 1. The ESCP shall be developed per Section III(2.1) Erosion and Sediment Control Plan of the Public Works, Engineering Division.
 - 2. The ESCP and any subsequent revisions shall be approved in writing by the City Engineer or Director of Public Works prior to permit issuance.
 - 3. A Storm Water Pollution Prevention Plan (SWPPP) developed pursuant to the State Construction General Permit may be substituted for the ESCP where a SWPPP is developed. The SWPPP must be reviewed by the city to determine if it meets the ESCP requirements.
- B. The period between September 1st and April 30th is determined to be the period in which most rainfall occurs within the city. Whenever it appears that any grading project previously commenced pursuant to a permit issued by the city engineer will not be completed prior to the rainy season, erosion and sediment control measures shall be installed per the ESCP.
- C. All erosion control devices, including the desilting basins, shall be installed not later than August 15th of each year.
- D. Should the owner fail to install erosion and sediment control measures required by the dates specified therein, it shall be deemed that a default has occurred under the conditions of the grading permit bond. Thereupon the city engineer may enter the property for the purpose of installing, by city forces or by other means, the drainage and erosion control devices shown on the approved plans, or as he may deem necessary to protect adjoining property from storm damage, or the city engineer may cause the owner of the site to be prosecuted as a violator of this chapter, or he may take both actions or pursue any other legal remedies.

20.20.020 - Drainage control.

- A. Seasonal Limits.
 - 1. No fill material shall be placed, spread or rolled at such time or times that weather conditions are considered unfavorable by the city engineer. When the work is interrupted by heavy rain, fill operations shall not be resumed until field tests by the soils engineer indicate that the moisture content and density of the fill materials meet the requirements of this chapter.
 - 2. The design and construction of desilting basins which discharge drainage onto city streets or natural watercourses shall be under the control of the engineering division.
 - 3. Grading work shall be limited or ceased if the city engineer finds that its continuance will constitute a hazard to person or property during the period September 1st through April 30th.

20.20.030 - Irrigation and landscaping of slopes.

A. Irrigation.

1. Plans for irrigation systems in public rights-of-way shall be submitted to and approved by the department of public works prior to installation.
2. Adequate backflow protection shall be installed in each sprinkler system as required by the plumbing code and city engineer.
3. A functional test of the irrigation system shall be performed by the installer for all irrigation systems prior to approval.

B. Landscaping.

1. General.

- a. When the city has required the installation of landscaping for erosion control or for aesthetics, the permittee, or his authorized representatives, shall be responsible for installing all landscaping in accordance with an approved landscaping planting plan, for a irrigation system, and for maintaining all cut and fill slopes.
- b. Deviations from the requirements of this section may be permitted in exceptional circumstances or where unavoidable hardship would result from a strict application of these requirements when a waiver has first been obtained from the planning commission. A separate bond or cash deposit shall be posted with the city engineer to guarantee such landscaping, irrigation system, and the maintenance thereof, and such bond or cash deposit, or portions thereof, shall not be released until the landscaping has been established for at least ninety days after planting and permanent responsibility for the landscape maintenance has been established.

2. Landscaping Plan. A landscaping planting plan within the public right-of-way shall be prepared and submitted for approval by the director of public works and the director of community development. A soils test may be required to determine the plant materials which are suitable for the slopes, and the plant materials utilized on the slopes shall be compatible with the soils report. There shall be a variety of ground covers, trees, and shrubs incorporated into the landscaping plan. Other plant materials may be substituted for the "approved planting schedule" if submitted and recommended by a registered landscape architect and approved by the director of public works.

3. Plants. All plants required by this section shall be selected from a list approved by the director of public works.

4. Planting. The slopes shall be prepared for planting by one of the following methods:

- a. The slope surface may be prepared for planting by casting top soil over the slope surface. The top soil layer shall not exceed three inches in depth.
- b. The slope surface may be scarified to a depth not to exceed three inches.
- c. Loose material not to exceed three inches in depth may be left on the slope.
- d. The grass, ground cover, shrubs, and tree plant materials shall be certified for the local climatic conditions and soil types.
- e. The plant variety, size, and spacing shall be as shown on the approved plans.
- f. Any dead or dying plants shall be promptly replaced upon request and as directed during the guarantee period.
- g. The landscaping installation, including irrigation, shall be guaranteed for a period of one year from the date of final inspection. (Ord. 702 N.S. (part), 1995)

20.20.040 - Dust control.

- A. Seasonal Conditions. The late afternoon summer winds may cause excessive dust blowing during grading operations. In the event that dust cannot be controlled and becomes a nuisance, the city engineer may order the work to be halted for the day.

- B. Dust Control. All graded surfaces and materials shall be wetted, treated or contained in such a manner as to prevent dust from leaving the site.
- C. Completion of Grading. The graded site shall be thoroughly wetted in order to form a crust over the exposed dirt surfaces. Further applications or other methods acceptable to the city engineer may be necessary if the site is disturbed. (Ord. 702 N.S. (part), 1995)

Chapter 20.24 - VIOLATIONS AND APPEALS

20.24.010 - Violations.

20.24.020 - Appeals.

20.24.010 - Violations.

- A. Compliance. No person shall fail, refuse or neglect to comply with the following provisions:
 - 1. All orders issued by the city engineer pursuant to the provisions of this title;
 - 2. All conditions imposed on grading permits pursuant to the provisions of this title;
 - 3. All rules and regulations of the city engineer with respect to grading which were in effect at the time the grading permit was issued.
- B. Misdemeanor. Any person, firm, or corporation violating any of the provisions of this title shall be deemed guilty of a misdemeanor and each such person shall be deemed guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this title is committed, continued, or permitted, and upon conviction of any such violation, the person shall be punishable by a fine of not more than six hundred dollars, or by imprisonment for not more than six months, or by both such fine and imprisonment.
- C. Letters of Noncompliance. Whenever any construction or work is being done contrary to the provisions of this title or any other law, the city engineer or his duly authorized representative may issue a letter of noncompliance. The letter of noncompliance shall be issued to the developer, the civil engineer, and the contractor immediately on that portion of the work on which the noncompliance has occurred. If the portion of the work on which the noncompliance has occurred is not remedied, a stop work order shall be issued; or if the portion of the work on which the noncompliance has occurred is corrected, a letter shall be issued stating that the noncompliance has been rectified, and such letter shall be distributed to the developer, the civil engineer, and the contractor. The issuance of a letter of noncompliance shall not be a prerequisite for the issuance of a stop work order by the city engineer or his authorized representative.
- D. Work Orders. Whenever any construction or work is being done contrary to the provisions of any law or ordinance, or public or private property is endangered, the city engineer may issue a written notice to the responsible party to stop work on that portion of the work on which the violation or of the danger and no work shall be done on that portion until the violation has been rectified and approval obtained from the city engineer or until, as a condition of continuance of the work, special precautions to eliminate the hazards have been approved and imposed by the city engineer and performed by the permittee. (Ord. 702 N.S. (part), 1995)

20.24.020 - Appeals.

- A. Any person, firm or corporation aggrieved by a decision of the city engineer, community development director, development review committee, or planning commission, may appeal to the city council in writing within fifteen days after such decision. A hearing shall be held upon the appeal at a regular council meeting. The council shall make its findings and conclusions after the filing of said appeal to the next regularly scheduled council meeting.
- B. In considering an appeal the council will consider the precise proposal, its conformity or deviation with the intent of this title and the general criteria prescribed herein and any technical, environmental, or

design evaluations, related to the site and area involved, as may be provided by staff or appellant, as well as the reasons why the appellant considers the decision inappropriate.

- C. The city council shall have discretion to grant or deny the appeal, or modify the previous decision. The action of the city council will be final. (Ord. 702 N.S. (part), 1995)