

Grading Permit Information

When is a grading permit 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.

How Do I obtain a Grading Permit?

Grading permit applications are available at City Hall from the Engineering Division or for download on the web site.

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.

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)

What are the limitations and conditions of a grading permit?

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 protective devices 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) 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, the surety company or the duly authorized representative of either 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.
9. 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. That period between October 15th and March 15th is determined to be the period in which rainfall normally occurs in the city. During this period no grading work in excess of two hundred fifty cubic yards shall be authorized to start in any single grading site under a permit where the city engineer determines that such work will endanger the public health, safety or welfare. Grading work could be approved if the plan includes adequate erosion control to be installed as approved by the city engineer.

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 commencement of the rainy season, the city engineer may order the installation of temporary erosion control devices to protect any property adjacent to such project.

2. Previously authorized grading work which extends into the rainy season shall be protected by incorporating temporary erosion control devices.
3. Plans for erosion control devices shall be submitted to the city engineer and design approval obtained no later than September 1st of the coming rainy season. The design of desilting basins which discharge into city streets or natural watercourses shall be subject to the approval of the city engineer.
4. All persons performing any grading operations during that period designated as 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 October 1st 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.

5. 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 properties.

6. All constructed desilting basins which are a part of the grading plan shall be maintained by the applicant.

7. 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)

How much does a grading permit cost? When are grading bonds required?

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 Bonds.

1. Requirements. A permit will not be issued for excavation or fill of more than five hundred cubic yards in "hillside" areas and one thousand cubic yards or more in other areas until the permittee shall post with the public works department, a 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. Application of Bond to Adjacent Property. Where grading is required on property adjacent to the grading site under permit, to complete a project satisfactorily, the applicant shall include such work into the bond required as part of the grading permit.

4. 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.

5. 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.

6. 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).

7. 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)

Who issues the grading permit?

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.

C. 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.

D. 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.

E. 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.

F. 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)