

Division 17.80 Grading

Chapter 17.80	Scope and Administration
Chapter 17.81	Permits
Chapter 17.82	Existing Grading
Chapter 17.83	Permit Application
Chapter 17.84	Security
Chapter 17.85	Precautions
Chapter 17.86	Import, Export, Evacuations, and Fills
Chapter 17.87	Drainage and Terracing
Chapter 17.88	Grading Designation and Location
Chapter 17.89	Dust Prevention and Control
Chapter 17.90	National Pollutant Discharge Elimination Systems (NPDES) Compliance
Chapter 17.95	Standard Urban Stormwater Mitigation Plan Implementation

Chapter 17.80 Scope and Administration

SECTIONS:

- 17.80.010 Scope.
- 17.80.020 Grading Permit Administration
- 17.80.030 Responsibility of Permittee

17.80.010 **Scope.**

- A. This chapter sets forth rules and regulations for the control of excavation, grading and earthwork construction, including fills or embankments and the control of runoff from graded sites, including erosion sediments and construction related pollutants.
- B. These rules and regulations establish minimum standards and are not intended to prevent the use of alternative materials, methods or means of conforming to such standards, provided such alternative has been approved.
- C. The City Engineer shall approve such an alternate, provided he finds that the alternate is for the purpose intended, at least the equivalent of that prescribed in this Code in quality, strength, effectiveness, durability and safety.
- D. The City Engineer shall require that sufficient evidence or proof be submitted to substantiate any claims regarding the alternate.
- E. These rules and regulations establish the administrative procedures for issuance of permits, and provide for approval of plans and inspection of grading construction.

17.80.020 **Grading Permit Administration.**

- A. *Purpose.* In order to implement the General Plan, protect ridgelines, promote sensitive hillside development, and ensure appropriate and reasonable grading in accordance with sound engineering and design standards, the City hereby establishes grading plans and permits. The purpose of this section is to supplement the grading provisions of the Uniform Building Code.
- B. *Applicability.* A grading permit shall be obtained for any grading performed within the City, unless the type/quantity of grading is included in the exceptions identified in Section 17.81.010 (Permits).
- C. *Approvals and Extensions.* Any approval of a grading permit application or grading permit shall expire within six (6) calendar months from the date of approval or issuance, except where grading construction, in reliance on an approved permit, has commenced prior to its expiration.

If at any time during the grading construction significant progress towards completion is halted, as determined by the City Engineer for six (6) months or longer, the City Engineer may provide written notification to the permittee that expires the grading permit.

The expiration date of the grading permit may be extended by the City Engineer for an additional six (6) months, if such a request is received by the City Engineer within thirty (30) days prior to the permit's original expiration date. Only one (1) six (6) month extension to the expiration date of the grading permit may be granted by the City Engineer.

- D. *Permit Authorization.* 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 plans and specifications approved by the City Engineer and the work shall be done in accordance with any conditions imposed by the City Engineer and in accordance with the requirements of this section.
- E. *Work Commencing Before Permit Issuance.* Any person who commences any work for which a grading permit is required by this Code, before having obtained the necessary grading permits, shall be subject to an investigation fee, whether or not a permit is issued at that time, or subsequently. The investigation fee shall be equal to twice the amount of the permit fee. Payment of such fee shall not exempt any person from compliance with all other provisions of this code or from any other penalty prescribed by law.
- F. *Other Permits May Be Required.* Permits issued pursuant to this section shall not relieve the owner of responsibility for securing required permits for work to be done which is regulated by any other provision of this Code or by any other person, body, or agency.
- G. *Right of Entry—Indemnification.* As a condition of issuance of any grading permit, the owner of the site to be graded and the contractor, if any, shall grant to the City a right of entry on the site for the purposes of inspection and for purposes of correction of grading not performed in compliance with the terms and conditions of the permit. The owner and the contractor shall agree to indemnify the City for any claims or damages which may result from the City's entry onto the property including any corrective action taken pursuant to such right of entry. The right of entry and indemnification agreement shall be on a form approved by the City Attorney.
- H. *Liability.*
 - 1. Neither the issuance of a permit under the provisions of this chapter, nor the compliance with the provisions of this development code or with any conditions imposed by any City official under this section, shall relieve any person from any responsibility for damage to persons or property

otherwise imposed by law, nor impose any liability upon the City for damage to persons or property.

2. The City Engineer or any employee charged with the enforcement of this section, acting in good faith and without malice for the City in the discharge of their duties, shall not thereby render themselves liable personally and they are hereby relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or by reason of any act or omission in the discharge of their duties. Any suit brought against the City Engineer or employee, because of such act or omission performed by them in the enforcement of any provisions of this section, shall be defended by the legal department of the City until final termination of the proceedings.
- I. *Temporary Suspension of Permit.* The City Engineer shall have the authority to temporarily suspend all work on a grading project and suspend the permit if the City Engineer determines any one of the following:
1. That field conditions present an immediate hazard or danger to life or property;
 2. The permittee fails to or refuses to correct a deficiency or hazard;
 3. The work being done is contrary to the approved plans or conditions thereof;
 4. There is lack of supervision of the grading operation, lack of engineering control, soil engineering control is not being adequately provided;
 5. Any condition which in the City Engineer's opinion, presents a threat to the public safety or welfare immediately, or in the future which may cause unstable earth until the hazard or condition is removed to the satisfaction of the City Engineer; or
 6. There is a violation of the Santa Clarita Municipal Code.

Revocation of the grading permit shall follow the procedures set forth in Chapter 17.08 (Revocations and Revisions).

- J. *Time of Grading Operations.* Grading and equipment operations within three hundred (300) feet of a structure for human occupancy shall not be conducted between the hours of seven p.m. and seven a.m. on weekdays and six p.m. to eight a.m. on Saturday. Further, no work shall be performed on Sundays and the following public holidays: New Year's Day, Independence Day, Thanksgiving Day, Christmas Day, Memorial Day and Labor Day. The City Engineer may, however, permit grading or equipment operations before seven a.m. or after seven

p.m. on weekdays, and on Saturday, Sunday and holidays, if it is determined that such operations are not detrimental to the health, safety or welfare of the inhabitants of such a structure. Permitted hours of operations may be shortened by the City Engineer's finding of a previously unforeseen effect on the health, safety, or welfare of the surrounding community.

17.80.030 **Responsibility of Permittee.**

- A. *Compliance with Plans and Code.* The Permittee or his agent shall carry out the proposed work in accordance with the approved plans and specifications and in compliance with all the requirements of this Code.
- B. *Contents of Permit.* It shall be the responsibility of the Permittee to be knowledgeable of the conditions and/or restrictions as placed on the grading permit, as outlined in applicable sections of this code, as contained on the approved grading plans, and as noted in the approved Geotechnical Report(s). The Permittee shall also be responsible to maintain, in an obvious and accessible location on the site, a copy of the permit and grading plans bearing the approval of the City Engineer.
- C. *Coordinator.* The Permittee shall act as the coordinator between the Project Consultants, Contractor, and City Engineer. The Permittee shall present to the City Engineer the names of all Project Consultants prior to obtaining a grading permit. In the event of changed conditions, the Permittee shall be responsible for informing the City Engineer of such change and shall provide revised plans and reports for approval.
- D. *Inspections.* It shall be the responsibility of the Permittee to notify the City Engineer when the work is ready for inspection, as required by Section 17.89.010 (Grading Inspection). The notification shall be at least one working day in advance of the inspection.
- E. *Protection of Utilities.* The Permittee and the Owner of the property upon which the grading is being performed shall be responsible for the prevention of damage to any public utilities or services. This responsibility applies not only to within the limits of grading, but also along any routes of travel of equipment.
- F. *Protection of Adjacent Property.* The Permittee and the Owner of the property upon which the grading is being performed shall be responsible for the prevention of damage to adjacent property. Additionally, no person shall excavate on land sufficiently close to the property line, if doing so may endanger any adjoining public street, sidewalk, alley, or other public or private property, without taking adequate measures to support and protect such property from settling, cracking, or other damage that might result from the grading operation. Any person performing any grading that involves imported or exported materials shall take special precautions, as approved by the City Engineer, to prevent such materials

from being deposited on adjacent public way and/or drainage courses. Grading designs that serve to avoid disruption to adjacent property shall be utilized as governed by Section 17.51.020 (Hillside Development).

- G. *Stormwater Control Measures.* The Permittee and the Owner of the property upon which the grading is being performed shall put into effect and maintain all precautionary measures necessary to protect adjacent watercourses and public or private property from damage by erosion, flooding, and deposition of mud, debris, and construction-related pollutants, which originate from the site during grading and related construction activities.
- H. *Termination of Consultants.* The Permittee and the Owner of the property upon which the grading is being performed shall notify the City Engineer in writing, within forty-eight (48) hours, if any Project Consultant resigns or is terminated.
- I. *Ownership Change.* The Permittee and the Owner of the property upon which the grading is being performed shall notify the City Engineer in writing, within forty-eight (48) hours, if an ownership change occurs. The new Owner and the Permittee shall together apply for a grading permit in their names within forty-eight (48) hours of such a change. The grading permit may be terminated by the City Engineer for violation of this section of the Code.
- J. *Best Management Practices.* The Permittee and the Owner of the property upon which the grading is being performed shall maintain the site in such a manner as to minimize the impacts of stormwater and construction-related pollutants due to the grading and related construction activities on adjacent public and private property and drainage courses. The required best management practices shall include, but not be limited to, those identified in the following section:
 - 1. All equipment used for grading and related activities shall be stored, serviced, and refueled in a designated area specifically designed to prevent waste oils, fuels, solvents, and other pollutants from contaminating the soil or being conveyed by stormwater;
 - 2. All fuels, solvents, oil, and other foreign substances, and their containers, shall be stored in accordance with their listing and protected from the weather in such a manner as to prevent them from contaminating the soil or being conveyed by stormwater;
 - 3. A covered receptacle shall be available on-site for collection of trash and debris to be disposed of off-site. The site shall be maintained in such a manner as to prevent the deposition of trash and debris onto adjacent public and private property; and
 - 4. All vehicles or equipment shall be free of mud and debris before leaving the site, so as not to track or deposit such material onto the public way when accidental depositions occur.

K. *Project Site Maintenance.*

1. **Cleanup and Dust Control.** Throughout all phases of construction, including suspension of waste and until final certification, the Permittee shall keep the site free from rubbish and debris. The Permittee shall also abate dust nuisance by cleaning, sweeping, and sprinkling water, or other means as necessary. The use of water resulting in mud on public streets will not be permitted as a substitute for sweeping or other methods. Care shall be taken to prevent spillage on haul routes. Any such spillage shall be removed immediately and the area cleaned.
2. **Vermin Control.** At the time of official certification, the area graded under the permit shall be free of rodents, insects, vermin, and pests. Necessary extermination work shall be arranged and paid for by the Permittee. The Permittee shall be responsible for the elimination of offensive odors resulting from extermination operations.
3. **Sanitation.** The Permittee shall provide and maintain enclosed toilets for the use of employees engaged in the grading operation. These accommodations shall be maintained in a neat and sanitary condition. They shall also comply with all applicable laws, ordinances, and regulations pertaining to public health.

L. *Protection and Restoration of Existing Improvements.* The Permittee shall be responsible for the protection of public and private property adjacent to the site and shall exercise due caution to avoid damage to such property.

M. *Public Convenience and Safety.*

1. **Traffic and Access.** The Permittee's operations shall not cause an unnecessary inconvenience. The access rights of the public shall be considered and maintained at all times.
2. **Storage of Equipment and Materials in Public Streets.** All applicable right-of-way permits shall be obtained with Section 13.06 (General Requirements) of the Municipal Code for all equipment and materials in a public street or right-of-way. Construction equipment shall not be stored at the worksite for more than five (5) days after it is no longer needed.

Chapter 17.81 Permits

SECTIONS:

- 17.81.010 Permits.
- 17.81.020 Availability of Permit and Stormwater Pollution Prevention Plan at Site.
- 17.81.030 Unpermitted Grading.
- 17.81.060 Notification to Start Grading.

17.81.010 **Permits.**

- A. *Permits Required.* A person shall not perform any grading without first obtaining a grading permit to do so from the City Engineer. A grading permit does not include construction of retaining walls or other structures. A separate permit shall be obtained for each site and may cover both excavations and fills. Any Engineered Grading as described in this Code shall be performed by a contractor licensed to perform the work described hereon. Regular Grading of less than five thousand (5,000) cubic yards may require a licensed contractor if the City Engineer determines that special conditions or hazards exist.
- B. *Exceptions.* Exemption from the permit requirements of this section shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of the City. Approvals from other agencies may be required. A grading permit shall not be required for the following:
 - 1. An excavation that does not exceed fifty (50) cubic yards and complies with one of the following conditions as shown in Figure 17.81-1 (Permit Exception Details):
 - a. Excavation is less than two (2) feet in depth; or
 - b. Excavation does not create a cut slope greater than five (5) feet in height measured vertically upward from the cut surface to the surface of the natural grade and steeper than two (2) units horizontal to one (1) unit vertical (fifty percent (50%) slope).
 - 2. A fill not intended to support structures which does not obstruct a drainage course and which complies with one of the following condition as shown in Figure 17.81.1 (Permit Exception Details)s:
 - a. Fill is less than one (1) foot in depth and is placed on natural terrain with a slope flatter than five (5) units horizontal to one (1) unit vertical (fifty percent (50%) slope); or.

- b. Fill is less than three (3) feet in depth at its deepest point when measured vertically upward from natural grade to the surface of the fill, does not exceed fifty (50) cubic yards, and creates a fill slope no steeper than two (2) units horizontal to one (1) unit vertical (fifty percent (50%) slope); or.
- c. Fill is less than five (5) feet in depth at its deepest point when measured vertically upward from natural grade to the surface of the fill, does not exceed twenty (20) cubic yards, and creates a fill slope no steeper than two (2) units horizontal to one (1) unit vertical (fifty percent (50%) slope);

EXCAVATIONS		FILLS	
		- NOT INTENDED TO SUPPORT STRUCTURES - DO NOT OBSTRUCT A DRAINAGE COURSE	
AN EXCAVATION WHICH IS LESS THAN 2 FT IN DEPTH AND DOES NOT EXCEED 50CY		FILL PLACED ON NATURAL GRADE NOT STEEPER THAN 5:1 AND LESS THAN 1FT DEEP	
AN EXCAVATION WHICH CREATES A CUT SLOPE NOT GREATER THAN 5FT IN HEIGHT, NOT STEEPER THAN 2:1, AND DOES NOT EXCEED 50CY		FILL LESS THAN 3FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 50CY	
		FILL LESS THAN 5FT DEEP AT ITS DEEPEST POINT THAT DOES NOT EXCEED 20CY	

Figure 17.81-1
Permit Exception Details

- 3. An excavation below finish grade for basements and footings of a building, retaining wall, or other structure authorized by a valid building permit or trench excavations for the purpose of installing underground utilities. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than five (5) feet after the completion of the structure;
- 4. Grading within property dedicated or used for cemetery purposes where such grading is more than one hundred (100) feet from the property line and is not intended to support structures. No permit shall be required for the excavation or filling of graves at any location within such property;
- 5. Mining, quarrying, excavating, processing and stockpiling of rock, sand, gravel, aggregate, or clay, where controlled by other regulations;

provided, such operations do not affect the lateral support of, or increase the stresses in, or pressure upon, any adjacent or contiguous property;

6. With prior approval in writing by the City Engineer, grading in an isolated, self-contained area, provided there is no danger to the public and that such grading will not adversely affect adjoining properties;
7. Refuse disposal sites controlled by other regulations;
8. Excavations for wells, or trenches for utilities;
9. An excavation or fill in connection with the making of an earth fill dam, reservoir or levee when the quality of such work is regulated by other laws, statutes or ordinances;
10. An excavation, fill and/or measures approved by the Soil Conservation District or cooperative agency of the US Department of Agriculture;
11. An excavation or fill for a road or slope purposes and shown on plans that are approved by the City Engineer as being necessary for the support, construction or maintenance of a public road;
12. Exploratory excavations under the direction of a Geotechnical Engineer or Engineering Geologist. This shall not exempt grading of access roads or pads created for exploratory excavations. Exploratory excavations must not create a hazardous condition to adjacent properties or the public in accordance with this code. Exploratory excavations must be restored to existing conditions, unless otherwise approved by the City Engineer.; and
13. Grading for an oil and/or gas drilling site which is located in an existing oil field as designated by the State Division of Oil and Gas and is one thousand (1,000) feet from a public highway and five hundred (500) feet from the nearest residence. The proposed grading must not result in the deposition of silt and debris onto downstream property or storm drain facilities. Permits will not be issued for parcels of land with an average slope of ten percent (10%) or greater unless the proposed grading complies with the provisions of Section 17.51.020 (Hillside Development). (Permits for less than one hundred (100) cubic yards are exempt from this requirement.)

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner that violates the provisions of this Code or any other laws or ordinances of the City.

17.81.020 Availability of Permit and Stormwater Pollution Prevention Plan at Site.

No person shall perform any grading for which a permit is required under this chapter unless a copy of the grading permit and approved grading plan with a stormwater pollution prevention plan (SWPPP), as applicable, is in the possession of a responsible person and available at the site.

17.81.030 Unpermitted Grading.

A person shall not use, occupy, or maintain any site containing unpermitted grading. For the purposes of this code, unpermitted grading shall be defined as either of the following: (1) grading that was performed, at any point in time, without the required permit(s) having first been obtained from the City Engineer, pursuant to this code; or (2) grading for which a permit was obtained pursuant to this code, but which was not completed, pursuant to Section 17.89 (Grading Designation and Location), prior to the expiration of the permit, pursuant to Section 17.80.020(C) (Grading Permit Administration).

17.81.060 Notification to Start Grading.

Grading work cannot start until the City has been officially notified of the pregrading meeting at least seventy-two (72) hours in advance.

Chapter 17.82 Existing Grading

SECTIONS:

17.82.010 Application to Existing Grading.

17.82.010 **Application to Existing Grading.**

- A. *Hazardous Conditions.* Whenever the City Engineer determines that any existing excavation, embankment or fill on private property 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 said property, upon receipt of notice in writing from the City Engineer shall within the period specified therein repair, reconstruct or remove such excavation, embankment, or fill so as to eliminate the hazard, in conformance with the requirements of this Code.
- B. *Maintenance of Protective Devices and Rodent Control.* The owner of any property on which grading has been performed pursuant to a permit issued under the provisions of this code, or any other person or agent in control of such property, shall maintain in good condition and repair all drainage structures and other protective devices including dust prevention and control and burrowing rodent control when shown on the grading plans filed with the application for grading permit and approved as a condition precedent to the issuance of such permit.
- C. *Correlation With Other Sections.* The provisions of this section are independent of the provisions of the City Building Code relating to building and property rehabilitation. This section may be invoked even though the same facts have been the reason for a determination that there is substandard property subject to the provisions of the City Building Code.

Chapter 17.83 Permit Application

SECTIONS:

- 17.83.010 Grading Application and Permit Requirements.
- 17.83.020 Permit Limitations and Conditions.
- 17.83.030 Denial of Permit.

17.83.010 **Grading Application and Permit Requirements.**

A. *Application.* To obtain a grading permit, the applicant shall first file an application in writing on a form furnished for that purpose. Every such application shall:

1. Describe the land on which the proposed work is to be performed by lot, block, tract and by a street address or by similar description sufficient to readily identify and definitely locate the site;
2. State the name and address of: the owner of said land; the person who is to perform the work; and, the field engineer if such work is to be performed as engineered grading;
3. Be accompanied by plans, specifications and calculations as may be required by subsection (B) of this section;
4. State the volume of the material to be handled;
5. Be signed by the applicant or his authorized agent, who may be required to submit evidence of such authority; and
6. Give such other information as reasonably may be required by the City Engineer.

B. *Grading Designation.* Grading which is intended to support structures, or in excess of five thousand (5,000) cubic yards of material, or grading the City Engineer determines exhibits special conditions or unusual hazards, shall be designated as “Engineered Grading” and shall conform with subsection (D) of this Section, entitled “Engineered Grading Requirements.” All Engineered Grading shall be performed in accordance with an approved grading plan and specifications prepared by a Civil Engineer unless otherwise required by the City Engineer.

Grading other than “Engineered Grading” shall be designated “Regular Grading” and shall conform with subsection (C) of this Section, entitled “Regular Grading Requirements.”

C. *Regular Grading Requirements.* An application for a Regular Grading permit shall be accompanied by two (2) sets of plans with sufficient clarity to indicate the nature and extent of the work. The plans shall include the location of the work, the name of the owner, and the name of the person who prepared the plan. The plan shall also include the following information:

1. General vicinity of the proposed site;
2. Limits and depth of cut and fill;
3. Locations of any buildings or structures where work is to be performed and the location of any buildings or structures within fifteen (15) feet of the proposed grading;
4. Contours, flow areas, elevations, or slopes, which define existing and proposed drainage patterns;
5. Storm water provisions as required by this Code;
6. Location of all existing and proposed utilities, drainage facilities, and recorded public and private easements and restricted use areas; and
7. Location of all Special Flood Hazard Areas as designated and adopted by Municipal Code Section 10.06 (Floodplain Management).

D. *Engineered Grading Requirements.* An application for a permit for Engineered Grading shall be accompanied by two (2) sets of plans and specifications, and supporting data consisting of a Geotechnical Report and Engineering Geology Report.

Specifications shall contain information covering the construction and material requirements. Plans shall be drawn to scale upon paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shall show in detail that the proposed work will conform to the provisions of this code and all relevant laws, ordinances, rules, and regulations. The first sheet of the plan shall depict the location of the proposed work, the name and address of the owner, and the person who prepared the plans.

The plans shall include, or be accompanied, by the following information:

1. General vicinity of the proposed site;
2. Property limits and accurate contours of the existing ground and details of terrain and area drainage;
3. Each lot or parcel of land into which the site is proposed to be divided;

4. Limiting dimensions, elevations, or finish contours to be achieved by the grading, proposed drainage channels, and related construction;
5. All of the proposed uses of the site, and if the site is to be divided, the proposed use of each lot or parcel of land;
6. Location of any existing buildings or structures on the property where the work is to be performed, and the location of any buildings or structures on adjacent land which are within forty (40) feet of the property line or that may be affected by the proposed grading operations;
7. Recommendations in the Geotechnical Report and the Engineering Geology Report shall be incorporated into the grading plans or specifications. When approved by the City Engineer, specific recommendations contained in the Geotechnical Report and the Engineering Geology Report, that are applicable to the grading, may be included by reference;
8. The dates of the Geotechnical and Engineering Geology Reports together with the names, addresses and telephone numbers of the firms or individuals who prepared the reports;
9. Elevations, location, proposed pads, extent and slope of all proposed grading shown by contours, cross sections or other means and location of any rock disposal areas, buttress fills or other special features, if such are proposed to be included in the work;
10. A statement of the quantities of material to be excavated and/or filled. Earthwork quantities shall include quantities for geotechnical and geological remediation. In addition, a statement of the quantities of material to be imported or exported from the site;
11. A statement of the estimated starting and completion dates for work covered by the permit;
12. A statement signed by the owner acknowledging that a Field Engineer, Geotechnical Engineer and Engineering Geologist, when appropriate, will be employed to perform the services required by this code, when the City Engineer requires that such a professional persons be so employed. These acknowledgments shall be on a form furnished by the City Engineer;
13. Detailed plans of all drainage devices, walls, cribbing or other protective devices to be constructed in connection with, or as a part of, the proposed work, together with a map showing the drainage area and estimated runoff

of the area served by any drains. Suitable access shall be provided to permit proper cleaning and maintenance;

14. Plans, pad dimensions, maximum horizontal straight slope dimensions and slope heights must comply with Section 17.51.020 (Hillside Development), where applicable. All necessary Commission, Council or staff reviews pursuant to this chapter must be obtained prior to issuance of permit;
 15. A drainage plan for those portions of property to be utilized as a building site (building pad) including elevations of floors with respect to finish site grade and locations of proposed stoops, slabs and fences that may affect drainage;
 16. Storm water provisions required by this Code;
 17. Location and type of any private disposal sewage disposal system, including the location of the expansion area;
 18. Location of existing and proposed utilities, drainage facilities, and recorded public and private easements;
 19. Location of all Special Flood Hazard Areas as designated and adopted by Municipal Code Section 10.06 (Floodplain Management);
 20. The location of any oak trees or other protected trees or shrubs;
 21. A landscape and irrigation plan subject to approval by the Landscape Maintenance District, and/or Planning Division shall be incorporated into the plan for all slopes requiring landscaping; and
 22. Any additional plans, drawings or calculations deemed necessary by the City Engineer to show conformance of the proposed work with the requirements of this code or related ordinances.
- E. *Fees.* Grading permit and plan-checking fees shall be in accordance with the current fee schedule approved by the Council.
- F. *Geotechnical and Engineering Geology Reports.* The Geotechnical Report required by subsection (D) 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, including buttress fills, when necessary; and an opinion of the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geotechnical factors, including the stability of slopes. All reports shall conform with the requirements of the City Building Code and shall be subject to review by the City Engineer.

Supplemental reports and data may be required as the City Engineer may deem necessary. Recommendations included in the reports and approved by the City Engineer shall be incorporated into the grading plan or specifications.

The Engineering Geology Report required by subsection (D) 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 an opinion on the adequacy for the intended use of the sites to be developed by the proposed grading, as affected by geologic factors. The Engineering Geology Report shall include a geologic map and cross sections and utilize the most recent grading plan as a base. All reports shall conform with the requirements of the City Building Code and shall be subject to review by the City Engineer. Supplemental reports and data may be required as the City Engineer may deem necessary. Recommendations included in the reports and approved by the City Engineer shall be incorporated into the grading plan or specifications.

Exception: A Geotechnical or Engineering Geology Report is not required if the City Engineer determines that the nature of the work applied for is such that a report is not necessary.

- G. *Liquefaction Study.* For sites with a mapped maximum considered earthquake spectral response accelerations at short periods (Ss) greater than 0.5g as determined by the City Building Code, a study for liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans. A liquefaction study will be required when the proposed work is a “Project” as defined in California Public Resources Code Section 2693, and is located in an area designated as a “Seismic Hazard Zone,” as defined in Title 14 of the California Code of Regulations Section 3722 on Seismic Hazard Zone Maps issued by the State Geologist under Public Resources Code Section 2696.

Exception: A liquefaction study is not required if the City Engineer determines from established local data that the liquefaction potential at the grading location is low.

- H. *Pre-Plan Check Site Inspection.* When the City Engineer finds that a visual inspection of the site is necessary to establish drainage requirements for the protection of property, existing buildings or the proposed construction, a site inspection shall be made prior to plan check of grading plans. The fee for such inspection shall in accordance with the current fee schedule approved by Council.
- I. *Hydrology and Hydraulic Study.* A hydrology and hydraulic study may be required. If required, the study shall conform to the design requirements of the Los Angeles County Flood Control District and shall show all charts, formulas and data used for the preparation of the study. The report shall be prepared under the supervision of a licensed civil engineer whose seal shall be stamped on the title sheet of the report.

- J. Additional plan check fees may be assessed as outlined in the current fee schedule approved by the Council.

17.83.020 Permit Limitations and Conditions.

- A. *General Conditions.* 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. Grading plan approval shall only be valid for six (6) months from the date of approval.
- B. *Jurisdictions of Other Agencies.* Permits issued under the provision of this Code shall not relieve the owner of the responsibility for securing permits or licenses that may be required from other departments or divisions of the City and other government agencies.
- C. *Conditions of Approval.* In granting any permit under this code, the City Engineer 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. Improvement of any existing grading to bring it up to the standards of this Code;
 - 2. Requirements for fencing of excavations or fills which would otherwise be hazardous.
- D. *Modification of Approved Plans.* Any modifications of, or changes in, the approved grading plan must be approved by the City Engineer prior to implementation in the field. Modifications which affect basic tract design or land use must have the approval of the appropriate control agency.
- E. *Special Permits, Agricultural or Road Grading.* Where the grading proposed is solely for the purpose of preparing land for agricultural purposes or for the construction of a roadway to be used as access for maintaining the use of the land at the time of the permit, the City Engineer may issue a special permit therefore, and modify the requirements of this chapter when they finds:
 - 1. The site of the proposed work has an area of not less than ten (10) acres;
 - 2. The work will be reasonably safe for the intended use and will not result in a hazard to adjoining property or existing structures; and
 - 3. Adequate provision will be made for drainage and erosion control.

17.83.030 **Denial of Permit.**

- A. *Hazards.* The City Engineer shall not issue a grading permit in any case where he finds that the work, as proposed by the applicant, is likely to adversely affect the stability of adjoining property or result in the deposition of debris on any public way or interfere with any existing drainage course, or be in an area determined to be subject to geological hazard under the provisions of the City Building Code.

If it can be shown to the satisfaction of the City Engineer that the hazard can be essentially eliminated by the construction of retaining structures, buttress fills, drainage devices or by other means, the City Engineer may issue the permit with the condition that such work be performed.

- B. *Land Use.* The City Engineer shall not issue a grading permit for work on the site unless the proposed uses shown on the grading plan for the site will comply with the provisions of this Code.

Chapter 17.84 Security

SECTIONS:

17.84.010 Security.

17.84.010 **Security.**

- A. *Scope and Purpose.* The City Engineer may require the Permittee or Owner(s) of the property upon which the grading is proposed to occur to provide security as a condition of the issuance of a grading permit for any grading involving more than one thousand (1,000) cubic yards. Where unusual conditions or special hazards exist, the City Engineer may require security for grading involving less than one thousand (1,000) cubic yards. The purpose of the security shall be to guarantee the permittee's obligation to mitigate any hazardous conditions, including flood and geotechnical hazards, that may be created if the grading is not completed in accordance with the approved plans and specifications, and to complete any work that the City Engineer determines necessary to bring the property into compliance with this Code.

Security required by this Section may include incidental off-site grading on property contiguous with the site to be developed, provided written consent of the owner of such contiguous property is filed with the City Engineer.

The City Engineer may waive the requirements for a security for any of the following:

1. Grading being done in or for a governmental agency; or
 2. Grading necessary to remove a geological hazard, where such work is covered by an agreement and security posted pursuant to the provisions of this Code; or
 3. Grading on a site, not exceeding a slope of three (3) horizontal to one (1) vertical, provided such grading as determined by the City Engineer will not affect drainage from or to adjacent properties; or
 4. Filling of holes or depressions, provided such grading as determined by the City Engineer will not affect the drainage from or to adjacent properties.
- B. *Form of Security.* The security referred to in Section 17.24.010 (A) (Scope and Purpose) shall be in the following form:

1. A bond furnished by a corporate surety authorized to do business in this State;
2. Other forms of security may be approved with prior written approval of the City Engineer: and
3. The City Engineer may require that up to ten percent (10%) of any security be submitted in the form of a cash deposit. The cash deposit may be utilized by the City to ensure that adequate safeguards for the prevention of erosion, dust control and sedimentation are in place when needed.

C. *Amount of Security.* The amount of security shall be based upon the number of cubic yards of material in either excavation or fill, whichever is greater, plus the cost of all drainage or other protective devices, retaining walls or work necessary to eliminate geotechnical hazards. That portion of the security valuation based on the volume of material in either excavation or fill shall be computed as follows:

One hundred thousand (100,000) cubic yards or less	One dollar and fifty cents (\$1.50) per cubic yard
Over one hundred thousand (100,000) cubic yards	One dollar and fifty cents (\$1.50) per cubic yard for the first one hundred thousand (100,000) cubic yards plus seventy-five cents (\$0.75) per cubic yard for that portion in excess of one hundred thousand (100,000) cubic yards

When the rough grading has been completed in conformance with the requirements of this code, the City Engineer may at his discretion consent to a proportionate reduction of the security to an amount estimated to be adequate to ensure completion of the grading work, site development or planting remaining to be performed. The costs referred to in this section shall be as estimated by the City Engineer.

- D. *Conditions.* All security shall include the conditions that the principal shall:
1. Comply with all provisions of this Code, applicable laws and ordinances;
 2. Comply with all of the terms and conditions of the grading permit; and
 3. Complete all of the work authorized by the permit.
- E. *Term of Security.* The term of each security shall begin upon the filing thereof with the City Engineer and the security shall remain in effect until the work authorized by the grading permit is completed and approved by the City Engineer.

- F. *Default Procedures.* In the event any grading for which a permit has been issued is not completed in accordance with the approved plans and specifications for said work, or with all terms and conditions of the grading permit, the City Engineer may declare that a default has occurred. The City Engineer shall give notice thereof to the principal and security on the grading permit security, and may order the work required to complete the grading in conformance with the requirements of this Code be performed. The surety executing the security shall continue to be firmly bound under an obligation up to the full amount of the security, for the payment of all necessary costs and expenses that may be incurred by the City Engineer in causing any and all such required work to be done.
- G. *Right of Entry.* The City Engineer or the authorized representative of the surety company or financial institution shall have access to the premises described in the permit for the purpose of inspecting the work.

In the event of default in the performance of any term or condition of the permit, the surety or financial institution or the City Engineer or any person employed or engaged in the behalf of any of these parties, shall have the right to go upon the premises to perform the required work.

The owner or any other person who interferes with or obstructs the ingress to or egress from any such premises of any authorized representative of the surety or financial institution or of the City engaged in the correction or completion of the work for which a grading permit has been issued, after a default has occurred in the performance of the terms or conditions thereof, is guilty of a misdemeanor.

Notwithstanding the foregoing, a default under this section shall be deemed a nuisance pursuant to Title 23 (Neighborhood Preservation) subject to abetment of Title 23 (Neighborhood Preservation) of the Municipal Code. The City reserves the right to recover costs for such abetment as set forth in Title 23 (Neighborhood Preservation).

Chapter 17.85 Precautions

SECTIONS:

- 17.85.010 Safety Precautions.
- 17.85.020 Removal of Brush and Vegetation.

17.85.010 **Safety Precautions.**

If at any stage of the work the City Engineer determines by inspection that further grading as authorized is likely to endanger any public or private property or result in the deposition of debris on any public way or interfere with any existing drainage course, the City Engineer may order the work stopped by notice in writing served on any persons engaged in doing or causing such work to be done, and any such person shall forthwith stop such work. The City Engineer may authorized the work to proceed if they find adequate safety precautions can be taken or corrective measures incorporated in the work to avoid likelihood of such danger, deposition or interference.

If the grading work as done has created or resulted in a hazardous condition, the City Engineer shall give written notice requiring correction thereof as specified in this Code.

If the City Engineer finds any existing conditions not as stated in the grading permit or not as shown on the grading plan, they may order the work stopped until a revised grading plan has been submitted and approved which includes provisions for such existing conditions.

17.85.020 **Removal of Brush and Vegetation.**

- A. *Removal or Destruction of Natural Vegetation Prohibited—Exception.* No person shall remove or destroy or cause the removal or destruction of natural vegetation on sloping terrain within the City without first obtaining written approval from the City Engineer.
- B. *Exceptions to Chapter Applicability.* The provisions of this chapter shall not apply to, and written approval from the City Engineer is not required for, the following:
 - 1. The removal or destruction of vegetation within one hundred fifty (150) feet of a building or structure whose construction would require a permit under provisions of the building code;
 - 2. The removal or destruction of vegetation by public utilities on rights-of-way or property owned by such utility, or on land providing access to such rights-of-way or property;

3. The removal or destruction of vegetation on publicly owned rights-of-way for roads, highways, flood-control projects or other similar or related uses by authorized agents;
4. The removal or destruction by or for a public agency of vegetation from firebreaks used to control the spread of fire;
5. The removal or reduction of vegetation by the Fire Department, or by a person acting in compliance with a specific order of that department; and
6. Work performed under a grading permit issued under the provisions of the building code when the work includes precautionary measures to control erosion and flood hazards during the execution of such work.

C. *Approval to Perform Work—Fee Schedule.* At the time of submitting the written request for approval, the applicant shall pay to the City Engineer a fee based on the area of land to be cleared of vegetation as follows:

Area	Fee
Not exceeding 10 acres	\$10.00
More than 10 but not more than 50 acres	\$25.00
More than 50 but not more than 100 acres	\$50.00
More than 100 acres	\$50.00 plus \$2.50 for each 10 acres or fraction thereof over 100 acres

D. *Approval to Perform Work—Issuance Conditions.* The City Engineer shall issue a written approval for all or a portion of the proposed work when they are satisfied that the performance of such work will not result in a flood or erosion hazard to this or other properties, the required fee has been paid and the proposed work conforms with the requirements of other laws or ordinances. In granting any approval under this chapter, the City Engineer may attach such conditions reasonably necessary to prevent a flood or erosion hazard. These conditions may include, but shall not be limited to:

1. A limitation on the time of year when the removal or destruction of vegetation is performed;
2. A requirement that certain protective structures or devices be installed in or adjacent to drainage courses to control downstream transportation of silt or debris;

3. The method to be used in the removal or destruction of vegetation and the sequence of such operation; and
 4. A requirement that the area cleared be replanted with approved plants to provide protection against erosion damage.
- E. *Violation—Penalty.* Any person violating any of the provisions of this Chapter 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 chapter is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than five hundred dollars (\$500.00) or by imprisonment for not more than six (6) months, or by both such fine and imprisonment.
- F. *Severability—Elimination of Exceptions.*
1. If any portion of the ordinance codified in this Chapter or the application thereof to any person or circumstances is held invalid, the remainder of the ordinance and the application of such provision to other persons or circumstances shall not be affected thereby.
 2. Should any exception to the provisions of the ordinance codified in this chapter be held invalid, such exception shall be eliminated from the ordinance.

Chapter 17.86 Import, Export, Excavations and Fills

SECTIONS:

- 17.86.010 Import and Export of Earth Materials.
- 17.86.020 Excavations.
- 17.86.030 Fills.
- 17.86.040 Ridgeline Preservation and Hillside Development.
- 17.86.050 Slope Setbacks.
- 17.86.060 Slopes Subject to Hillside Development.

17.86.010 **Import and Export of Earth Materials.**

Grading shall be balanced on site whenever possible. Import and export of earth materials shall be subject to all of the following:

- A. The point or points of access to the public street or streets for export or import shall be shown on the grading plan and shall be located as approved by the City Engineer;
- B. The haul route for export or import shall be approved by the City Engineer prior to commencement of any export or import of material to or from the site;
- C. The last fifty (50) feet of the outhaul road immediately adjoining the street if downgrade to the street has a grade no steeper than three percent (3%);
- D. An unobstructed sight distance of not less than three hundred (300) feet in each direction up and down the public street. and
- E. Security for import or export may be required by the City Engineer.

17.86.020 **Excavations.**

- A. *Maximum Cut Slope.* Cuts shall not be steeper in slope than two (2) horizontal to one (1) vertical. The City Engineer may allow a slope greater than two to one (2:1) for special circumstances or site conditions. In this case the owner must furnish a geotechnical engineering or an engineering geology report, or both, conforming with the requirements of the City Building Code, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property. Substantiating calculations and supporting data may be required where the City Engineer determines that such information is necessary to verify the stability and safety of the proposed slope.

- B. *Slope Surface Protection.* All slopes must be stabilized against surface erosion. Stabilization may be accomplished through the application of erosion control blankets, soil stabilizers or other means as approved by the City Engineer.
- C. *Drainage.* Drainage, including drainage terraces and overflow protection, shall be provided as required by Chapter 17.88 (Drainage and Terracing).

17.86.030 **Fills.**

- A. *General.* Unless otherwise recommended in the geotechnical report, fills shall conform to provisions of this section.
- B. *Preparation of Ground.* Fill slopes shall not be constructed on natural slopes steeper than two (2) units horizontal to one (1) unit vertical (50 percent (50%) slope). The ground surface shall be prepared to receive fill by removing vegetation, topsoil, and other unsuitable materials (including any existing fill that does not meet the requirements of this code), and scarifying the ground to provide a bond with the fill material.

Subdrains shall be provided under all fills placed in natural drainage courses and in other locations where seepage is evident except where the Geotechnical Engineer or Engineering Geologist recommends otherwise. Such sub-drainage systems shall be of a material and design approved by the Geotechnical Engineer and acceptable to the City Engineer. The Geotechnical Engineer shall provide continuous inspection during the process of subdrain installation. The location of the subdrains shall be shown on a plan prepared by the Geotechnical Engineer. Excavations for the subdrains shall be inspected by the Engineering Geologist when such subdrains are included in the recommendations of the Engineering Geology Report.

- C. *Benching.* Where existing grade is at a slope steeper than five (5) units horizontal to one (1) unit vertical (20 percent (20%) slope) and the depth of the fill exceeds five (5) feet, benching shall be provided into sound bedrock or other competent material as determined by the Geotechnical Engineer. The ground preparation shall be in accordance with Figure 17.86-1 (Benching Details) or as determined by the Geotechnical Engineer. When fill is placed over a cut, a key shall be provided which is at least ten (10) feet in width and 2 feet in depth. The area beyond the toe of the fill shall be sloped for sheet overflow or a paved drain shall be constructed at thereon. The Geotechnical Engineer or Engineering Geologist, or both, shall inspect and approve the key as being suitable for the foundation and placement of fill material before any fill material is placed on the excavation.

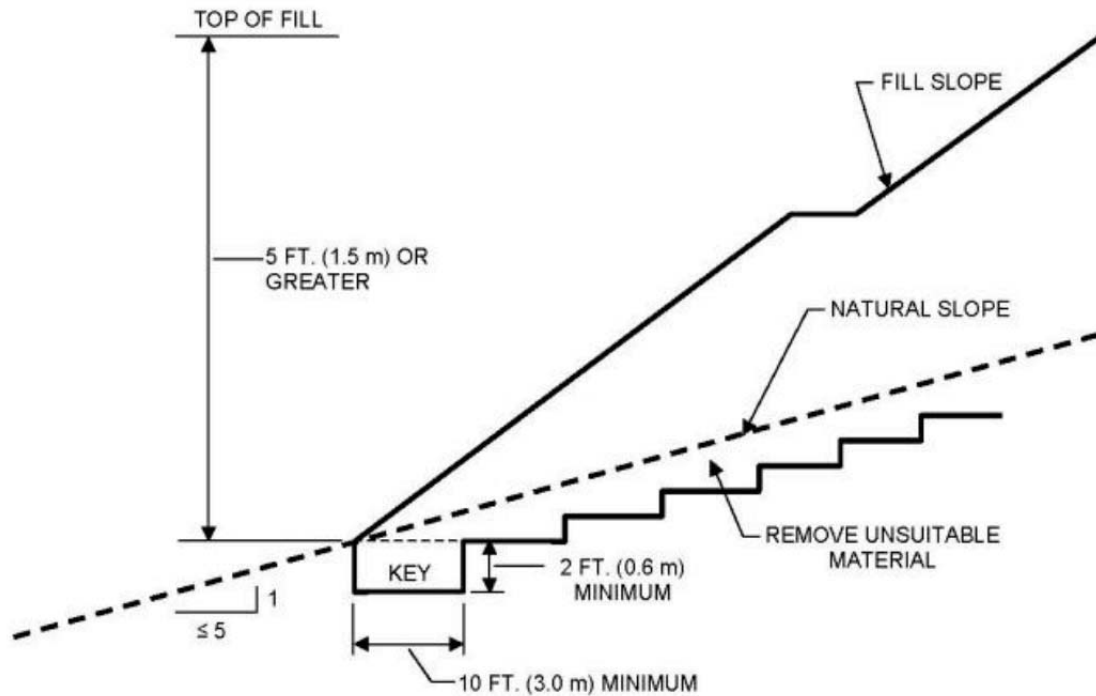


Figure 17.86-1
Benching Details

- D. *Fill Material.* Fill shall not include organic, frozen, or other deleterious materials. Except as permitted by the City Engineer, no rock or similar irreducible materials with a maximum dimension greater than twelve (12) inches in any dimension shall be included in fills.

Exception: The City Engineer may permit the placement of larger rock when the Geotechnical Engineer properly devises and recommends a method of placement and continuously inspects its placement and approves the fill stability. All of the following shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan;
2. Rock sizes greater than twelve (12) inches in maximum dimension shall be ten (10) feet or more below grade, as measured vertically;
3. Rocks shall be placed so as to assure the filling of voids with well-graded soil;
4. The reports submitted by the Geotechnical Engineer shall acknowledge the placement of the oversized material and whether the work was performed in accordance with the Engineer's recommendations and the approved plans; and

5. The locations of oversized rock dispersal areas shall be shown on the as-built plan.
- E. *Compaction.* All fill shall be compacted to a minimum compaction of ninety percent (90%) of maximum dry density as determined by ASTM D1557, Modified Proctor, in lifts not exceeding twelve (12) inches in depth, within forty (40) feet below finished grade and ninety-three percent (93%) of maximum dry density, deeper than forty (40) feet below finished grade, unless a lower relative compaction (not less than ninety percent (90%) of maximum dry density) is justified by the Geotechnical Engineer and approved by the City Engineer. Where ASTM D1557, Modified Proctor, is not applicable, a test acceptable to the City Engineer shall be used.

Fills used to elevate structures in compliance with Chapter 10.06 (Floodplain Management) of the Municipal Code shall be compacted to ninety-five percent (95%) of maximum dry density.

Field density shall be determined by a method acceptable to the City Engineer. However, not less than ten percent (10%) of the required density tests shall be obtained by the Sand Cone Method (ASTM D1556). The required ten percent (10%) by the Sand Cone Method shall be uniformly distributed throughout the depths and limits of the fill.

Fill slopes steeper than, or equal to, two (2) units horizontal to one (1) unit vertical (50 percent (50%) slope) shall be constructed by the placement of soil a sufficient distance beyond the proposed finish slope to allow compaction equipment to operate at the outer surface limits of the final slope surface. The excess fill is to be removed prior to completion or rough grading. Other construction procedures may be utilized when it is first shown to the satisfaction of the City Engineer that the angle of slope, construction method and other factors will accomplish the intent of this section.

- F. *Maximum Fill Slope.* The slope of fill surfaces shall be no steeper than is safe for the intended use. The City Engineer may allow a slope of steeper than two (2) units horizontal to one (1) unit vertical (50 percent (50%) slope) for special circumstances or site conditions. The steepness of fill slopes shall be determined by a Geotechnical Engineering Report conforming with the requirements of the City Building Code and containing a statement by the Geotechnical Engineer that the site has been investigated, with an opinion that a steeper fill slope will be stable and will not create a hazard to public or private property. Substantiating calculations and supporting data may be required where the City Engineer determines that such information is necessary to verify the stability and safety of the proposed slope. The City Engineer may require the fill slope to be constructed with a face flatter than two (2) units horizontal to one (1) unit vertical (50 percent

(50%) slope) if the City Engineer finds it necessary for stability and safety of the slope.

- G. *Slopes to Receive Fill.* Where fill is to be placed above the top of an existing slope steeper than three (3) units horizontal to one (1) unit vertical (33 percent (33%) slope), the toe of the fill shall be set back from the top edge of the existing slope a minimum distance of six (6) feet measured horizontally or such other distance as may be specifically recommended by a Geotechnical Engineer or Engineering Geologist and is approved by the City Engineer.
- H. *Inspection of Fill.* For Engineered Grading, the Geotechnical Engineer shall provide sufficient inspections during the preparation of the natural ground and the placement and compaction of the fill to ensure that the work is being performed in accordance with the conditions of plan approval and the appropriate requirements of this chapter. In addition to the above, the Geotechnical Engineer shall provide continuous inspection during the entire fill placement and compaction of fills that will exceed a vertical height or depth of thirty (30) feet or result in a slope surface steeper than two (2) units horizontal to one (1) unit vertical (50 percent (50%) slope).
- I. *Testing of Fills.* Sufficient tests of the fill soils shall be made to determine the density thereof and to verify compliance of the soil properties with the design requirements, including soil types and shear strengths in accordance with the standards established by the City Engineer. The results of such testing shall be included in the report required by this chapter.
- J. *Drainage.* Drainage, including drainage terraces and overflow protection, shall be provided as required by Chapter 17.87 (Drainage and Terracing).

17.86.040 Ridgeline Preservation and Hillside Development.

Grading where average slopes are greater than ten (10) percent and involving more than one hundred (100) cubic yards is subject to Section 17.51.020 (Hillside Development). For specific requirements involving view corridors, scenic vistas, ridgelines, grading on slopes exceeding fifty (50) percent, and maximum slope heights, refer to Section 17.38.070 (Ridgeline Preservation Overlay Zone) and Section 17.51.020 (Hillside Development).

17.86.050 Slope Setbacks.

- A. *General.* Cut and fill slopes shall be set back from property lines in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the property line and shall be as shown in Figure 17.86-2 (Setback Dimensions), unless substantiating data is submitted justifying reduced setbacks and reduced setbacks are recommended in a Geotechnical Engineering and Engineering Geology Report that has been approved by the City Engineer.

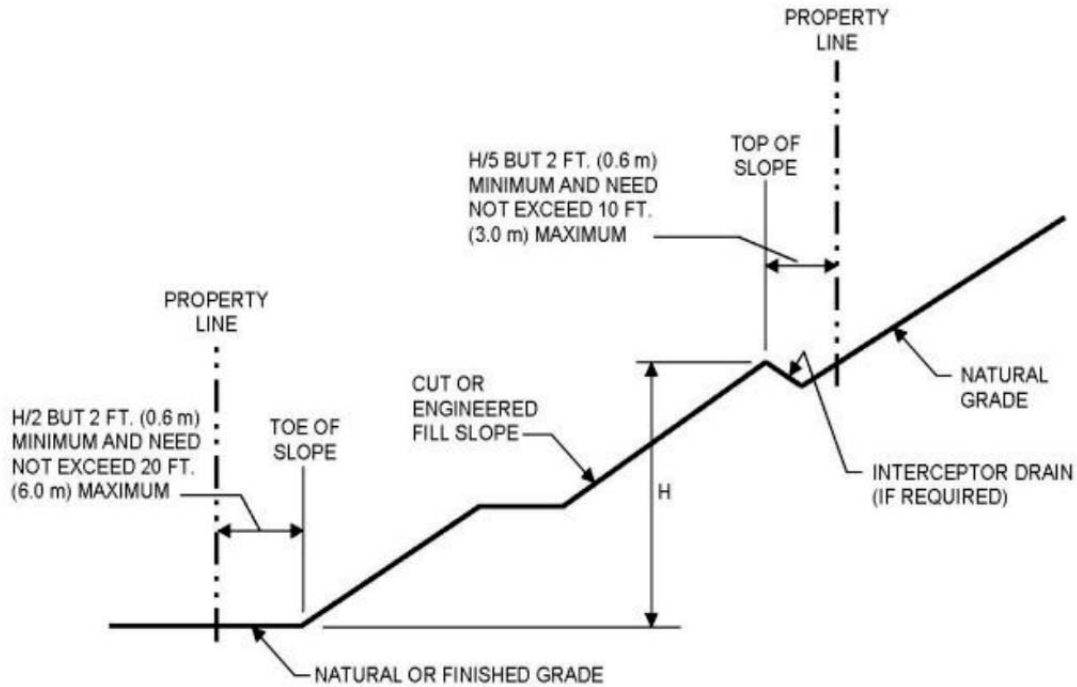


Figure 17.86-2
Setback Dimensions

- B. *Top of Cut Slope.* The setback at the top of a cut slope shall not be less than that shown in Figure 17.86-2 (Setback Dimensions), or less than is required to accommodate any required interceptor drains, whichever is greater. For graded slopes, the property line between adjacent lots shall be at the apex of the berm at the top of the slope. Property lines between adjacent lots shall not be located on a graded slope steeper than five (5) units horizontal to one (1) unit vertical (20 percent (20%) slope).
- C. *Toe of Fill Slope.* The setback from the toe of a fill slope shall not be less than that shown by Figure 17.86-2 (Setback Dimensions). Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, as approved by the City Engineer, shall be included. Such protection may include but shall not be limited to:
1. Setbacks greater than those required by Figure 17.86-2 (Setback Dimensions);
 2. Provision for retaining walls or similar construction;
 3. Erosion protection of the fill slopes; and/or
 4. Provisions for the control of surface waters.

- D. *Alternate Setbacks.* The City Engineer may approve alternate setbacks if he or she determines that no hazard to life or property will be created or increased. The City Engineer may require an investigation and recommendation by a qualified Engineer or Engineering Geologist to justify any proposed alternate setback.

17.86.060 **Slopes Subject to the Hillside Development.**

Grading where slopes are greater than ten percent (10%) and involving more than one hundred (100) cubic yards is subject to Section 17.51.020 (Hillside Development). For specific requirements for grading involving slopes greater than 2:1 adjacent to public rights-of-way and fill slopes exceeding one hundred (100) feet in horizontal length, refer to the Hillside Development Guidelines.

Chapter 17.87 Drainage and Terracing

SECTIONS:

- 17.87.010 Drainage and Terracing Provisions.
- 17.87.020 Slope Planting and Erosion Control.

17.87.010 **Drainage and Terracing Provisions.**

- A. *General.* Unless otherwise recommended by a Civil Engineer and approved by the City Engineer, drainage facilities and terracing shall be provided in accordance with the requirements of subsection B of this section for all cut and fill slopes three (3) units horizontal to one (1) unit vertical (33 percent (33%) slope) and steeper.

For slopes flatter than three (3) units horizontal to one (1) unit vertical (33 percent (33%) slope), but steeper than five (5) units horizontal to one (1) unit vertical (20 percent (20%) slope), a paved swale or ditch shall be installed at thirty (30) foot vertical intervals to control surface drainage and debris. Swales shall be sized based on contributory area and shall have adequate capacity to convey intercepted waters to the point of disposal as defined in subsection (D) of this section. Swales must be paved with reinforced concrete measuring not less than three (3) inches in thickness, reinforced with six-inch (6) by six-inch (6), No. 10 by No. 10 welded wire fabric or equivalent, as approved by the City Engineer. Swales must have a minimum flow line depth of one (1) foot and a minimum paved width of eighteen (18) inches. Swales shall have a minimum grade of not less than five percent (5%). There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that slope debris will remain in suspension on the reduced grade.

- B. *Drainage Terraces.* Drainage terraces at least eight (8) feet in width (measured horizontally from the outside edge) shall be established at not more than twenty-five (25) foot vertical intervals on all cut or fill slopes more than thirty (30) feet in height to control surface drainage and debris. When only one terrace is required, it shall be at mid-height. For cut or fill slopes greater than one hundred (100) feet and up to one hundred and twenty (120) feet in vertical height, one (1) terrace at approximately mid-height shall be twenty (20) feet in width. Terrace widths and spacing for cut and fill slopes greater than one hundred and twenty (120) feet in height shall be designed by the Civil Engineer and approved by the City Engineer. Suitable access shall be provided to permit proper cleaning and maintenance.

Drainage swales on terraces shall have a longitudinal grade of no less than five percent (5%) and no more than twelve percent (12%) and a minimum depth of one (1) foot at a flow line. There shall be no reduction in grade along the direction of flow unless the velocity of flow is such that the slope debris will remain in

suspension on the reduced grade. Drainage swales must be paved with concrete not less than three (3) inches thick reinforced with six inch (6) by six inch, (6) No. 10 by No. 10 welded wire fabric or equivalent reinforcing centered in the concrete slab or an approved equal paving. Drainage terraces exceeding eight (8) feet in width need only be so paved for a width of eight (8) feet provided such pavement provides a paved swale of at least one (1) foot in depth. Downdrains or drainage outlets shall be provided at approximately three hundred (300) foot intervals along the drainage terrace or at equivalent locations. Downdrains and drainage outlets shall be of approved materials and of adequate capacity to convey the intercepted waters to the point of disposal as defined in subsection (D) of this section.

Subgrade shall be approved in writing for line and grade by the Civil Engineer and approved in writing by the Geotechnical Engineer stating that the subgrade is firm and un-yielding and void of expansive materials prior to concrete placement.

- C. *Interceptor Drains and Overflow Protection.* Berms, interceptor drains, swales, or other devices shall be provided at the top of cut or fill slopes to prevent surface waters from overflowing onto the damaging face of the slope. Berms used for slope protection shall not be less than twelve (12) inches above the level of the pad and shall slope back at least four (4) feet from the top of the slope.

Interceptor drains shall be installed along the top of all graded slopes where the height of the cut is greater than five (5) feet in height, measured vertically, receiving drainage from a slope with a tributary width of greater than thirty (30) feet, measured horizontally. They shall have a minimum depth of one (1) foot and a minimum width of three (3) feet. The slope shall be approved by the City Engineer, but shall not measure less than two percent (2%). Interceptor drains shall be paved with a minimum of three (3) inches of concrete or other materials as approved by the City Engineer and reinforced as required for drainage terraces.

Gutters or other special drainage controls shall be provided where the proximity of runoff from buildings or other structures is such as to pose a potential hazard to slope integrity.

- D. *Disposal.* All drainage facilities shall be designed to carry surface waters to the nearest practical street, storm drain, or natural watercourse, or drainage way approved by the City Engineer or other appropriate governmental agency provided that the discharge of such waters at that location will not create or increase a hazard to life or property. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains and or other devices. Desilting basins, filter barriers or other methods, as approved by the City Engineer, shall be utilized to remove sediments from surface waters before such waters are allowed to enter streets, storm drains or natural watercourses. If the drainage device discharges onto natural ground, riprap or a similar energy dissipaters may be required.

Graded building sites (building pads) shall have a minimum slope of two percent (2%) toward a public street or drainage structure approved to receive stormwaters unless otherwise directed by the City Engineer. A lesser slope may be approved by the City Engineer for sites graded in relatively flat terrain, or where special drainage provisions are made, when the City Engineer finds such modification will not result in hazard to life or property. The grading shall provide for drainage around proposed buildings and their appurtenances.

- E. *Subsurface Drainage.* Cut and fill slopes shall be provided with subsurface drainage as necessary for stability as required by the Geotechnical Engineering Report. Any required subsurface drainage facilities will be passive in design and require no ongoing monitoring to ensure site stability.
- F. *Drainage Guidelines.* All drainage devices which collect from the slopes shall be screened by means of underground pipes, diagonal curvilinear drains, rock-lining, colored concrete or other approved materials to blend with the natural topography in character, color or design. Downdrains shall be noncentralized to avoid a repetitive pattern. Where feasible, underground drains shall be utilized. On hillside projects, all drainage devices shall be consistent with the City's Hillside Development Guidelines unless special circumstances are established to the satisfaction of the City Engineer.
- G. *Drainage Across Property Lines.* Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on-site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of non-erosive down drains or other devices.
- H. *Cross Lot Drainage Device Maintenance.* All cross lot drainage devices not eligible for transfer to Los Angeles County Flood District should be maintained by an entity such as a homeowners' association.

17.87.020 Slope Planting and Erosion Control.

- A. *Slopes.* The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall consist of jute netting, effective planting, erosion control blankets, soil stabilizers, or other means, as approved by the City Engineer. Erosion control for slopes shall be installed as soon as practicable and prior to calling for final inspection.

Exception: Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials, as approved by the Project Consultants, to the satisfaction of the City Engineer.

- B. *Other Devices.* Where necessary, check dams, cribbing, riprap, or other devices or methods shall be employed to control any erosion. Also, jute netting shall be immediately installed on any slopes having a vertical height of seven (7) feet or more and steeper than three to one (3:1) horizontal-to-vertical ratio (H:V) to minimize or control erosion problems.
- C. *Erosion Control (Slopes Subject to Section 17.51.020).* Erosion control for grading where average slopes are greater than ten percent (10%) and involving more than one hundred (100) cubic yards is subject to Section 17.51.020 (Hillside Development). For specific recommendations for phasing the project to promote prompt revegetation, leaving undeveloped pads longer than thirty (30) to ninety (90) days and clearing of brush or vegetation, refer to the Hillside Development Guidelines.
- D. *Planting (Areas Not Subject to the Section 17.51.020).* The surface of all cut slopes more than five (5) feet in height and fill slopes more than three (3) feet in height shall be protected against damage by erosion by planting with grass or ground cover plants. Slopes exceeding five (5) feet in vertical height shall also be planted with one gallon minimum sized shrubs, spaces at not to exceed ten (10) feet on centers; and fifteen (15) gallon minimum sized trees, spaced not to exceed twenty (20) feet on centers; or a combination of shrubs and trees at equivalent spacings, in addition to the grass or groundcover plants to the satisfaction of the Director. The plants selected and planting methods used shall be suitable for the soil and climatic conditions of the site.

Plant material shall be selected which will produce a coverage of permanent planting to effectively control erosion. Consideration shall be given to deep-rooted plant material needing limited watering, maintenance, high root to shoot ratio, wind susceptibility, and fire-retardant characteristics. All plant materials must be approved by the Director.

Planting may be modified for the site if specific recommendations are provided by both the Geotechnical Engineer and a Landscape Architect. Specific recommendations must consider soils and climatic conditions, irrigation requirements, planting methods, fire-retardant characteristics, water efficiency, maintenance needs, and other regulatory requirements. Recommendations must include a finding that the alternative planting will provide a permanent and effective method of erosion control. Modifications to planting must be approved by the Director prior to installation.

- E. *Irrigation.* Slopes required to be planted by subsection (D) of this section shall be provided with an approved system of irrigation that is designed to cover all portions of the slope. Irrigation system plans shall be submitted to and approved by the Director prior to installation. A functional test of the system may be required.

For slopes less than twenty (20) feet in vertical height, hose bibs to permit hand watering will be acceptable if such hose bibs are installed at conveniently accessible locations where a hose no longer than fifty (50) feet is necessary for irrigation.

Irrigation requirements may be modified for the site if specific recommendations are provided by both the Geotechnical Engineer and a Landscape Architect. Specific recommendations must consider soils and climatic conditions, irrigation requirements, planting types, planting methods, fire-retardant characteristics, water efficiency, maintenance needs, and other regulatory requirements. Recommendations must include a finding that the alternative irrigation method will sustain the proposed planting and provide a permanent and effective method of erosion control. Modifications for irrigation systems must be approved by the Director prior to installation.

- F. *Planting and Irrigation (Areas Subject to Section 17.51.020)*. Requirements for planting and irrigation in areas subject to Chapter 17.51.020 (Hillside Development) are governed by that ordinance. Recommendation for these areas are also included in the Hillside Development Guidelines.

Plant material shall be selected which will produce a coverage of permanent planting effectively controlling erosion. Consideration shall be given to deep-rooted plant material needing limited watering, to low maintenance during the lifetime of the project, to high root to shoot ratio (weight of above-ground parts versus root system), wind susceptibility and fire-retardant characteristics.

- G. *Plans and Specifications*. Planting and irrigation plans shall be submitted for slopes required to be planted and irrigated by subsections (D) and (E) of this section. Except as waived by the City Engineer for minor grading, the plans for slopes twenty (20) feet or more in vertical height shall be prepared and signed by a civil engineer or landscape architect. These plans must be approved by the City prior to issuance of the grading permit unless other provisions are made to the satisfaction of the City Engineer. The responsibility of maintenance of drainage terrace shall be clearly stated on the grading plan to the satisfaction of the City Engineer.
- H. *Rodent Control*. Fill slopes shall be protected from potential slope damage by a preventative program of rodent control.
- I. *Release of Security*. The planting and irrigation systems required by this section shall be installed as soon as practical after rough grading. Prior to final approval of grading and before the release of the grading security, the planting shall be well established and growing on the slopes and there shall be evidence of an effective rodent control program.

- J. Graded and/or landscaped areas within a landscape maintenance district are to be maintained in accordance with the original landscape plans and design concept per the originally approved subdivision or development plans. Any alteration of landscape plans or of areas within a landscape maintenance district must be approved by the Director of Administrative Services per the regular provisions of the grading code. Homeowner encroachments such as fences, block walls, structures, unauthorized plantings, alterations to the irrigation, grading or drainage are not allowed. Any approved alterations must be done by City-authorized crews through an approved City permit. Failure to comply with this section shall constitute a use of land contrary to the provisions of this title and shall be deemed a public nuisance under Title 23 of the Municipal Code.

Chapter 17.88 Grading Designation and Location

SECTIONS:

- 17.88.010 Inspection.
17.88.020 Appropriate Certifications.

17.88.010 **Inspection.**

- A. *General.* Grading Operations for which a permit is required shall be subject to inspection by the City Engineer. In addition, professional inspection of grading operations shall be performed by the Field Engineer, Geotechnical Engineer, and the Engineering Geologist retained to provide such services in accordance with this section for Engineered Grading and as required by the City Engineer for Regular Grading.
- B. *Special and Supplemental Inspections.* In addition to the called inspections in subsection G of this section, the City Engineer may make such other inspections, as may be deemed necessary, to determine that the work is being performed in conformance with the requirements of this code. The City Engineer may require investigations and reports by an approved soil testing agency, Geotechnical Engineer and/or Engineering Geologist, and Field Engineer. Inspection reports shall be provided when requested in writing by the City Engineer.

The City Engineer may require continuous inspection of drainage devices by the Field Engineer in accordance with this section when the City Engineer determines that the drainage devices are necessary for the protection of the structures in accordance with the City Building Code.

- C. *Field Engineer.* The Field Engineer shall provide professional inspection of those parts of the grading project within such Engineer's area of technical specialty, oversee and coordinate all field surveys, set grade stakes, and provide site inspections during grading operations to ensure the site is graded in accordance with the approved grading plan and the appropriate requirements of this code. During site grading, and at the completion of both rough and final grading, the Field Engineer shall submit statements and reports as required by subsections K and L of this section. If revised grading plans are required during the course of the work, they shall be prepared by a Civil Engineer and approved by the City Engineer.
- D. *Geotechnical Engineer.* The Geotechnical Engineer shall provide professional inspection of those parts of the grading project within such Engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The Geotechnical Engineer shall provide sufficient observation during the preparation of the natural ground and placement and

compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this code. If conditions differing from the approved Geotechnical Engineering and Engineering Geology Reports are encountered during grading, the Geotechnical Engineer shall provide revised recommendations to the permittee, the City Engineer, and the Field Engineer.

- E. *Engineering Geologist.* The Engineering Geologist shall provide professional inspection of those parts of the grading project within such Engineer's area of technical specialty, which shall include professional inspection of the bedrock excavation to determine if conditions encountered are in conformance with the approved report. If conditions differing from the approved Engineering Geology Report are encountered, the Engineering Geologist shall provide revised recommendations to the Geotechnical Engineer.
- F. *Permittee.* The Permittee shall be responsible for ensuring that the grading is performed in accordance with the approved plans and specifications and in conformance with the provisions of this code. The Permittee shall engage project consultants, if required under the provisions of this code, to provide professional inspections on a timely basis. The Permittee shall act as a coordinator between the Project Consultants, the Contractor, and the City Engineer. In the event of changed conditions, the Permittee shall be responsible for informing the City Engineer of such change and shall provide revised plans for approval.
- G. *Required Inspections.* The Permittee shall call for an inspection by the City Engineer at the following various stages of work and shall obtain written approval from the City Engineer prior to proceeding to the next stage of the work:
 - 1. *Pre-Grade.* Before any construction or grading activities occur at the site, the Permittee shall schedule a pre-grade inspection with the City Engineer. The Permittee shall ensure that all the Project Consultants are present at the pre-grade inspection;
 - 2. *Initial.* The Permittee shall schedule the initial inspection when the site has been cleared of vegetation and unapproved fill and it has been scarified, benched, or otherwise prepared for fill. No fill shall have been placed prior to this inspection;
 - 3. *Rough.* The Permittee shall schedule rough grade inspection when approximate final elevations have been established; drainage terraces, swales and other drainage devices necessary for the protection of the building sites from flooding have been installed; berms have been installed at the top of the slopes; and the statements required by subsection L of this Section have been received; and

4. Final. The Permittee shall schedule the final grading inspection when grading has been completed, all drainage devices necessary to drain the building pad have been installed, slope planting has been established, irrigation systems have been installed, and the as-built plans and required statements and reports have been submitted.
- H. *Notification of Noncompliance.* If, in the course of fulfilling their respective duties under this chapter, the Field Engineer, Geotechnical Engineer, or the Engineering Geologist determines that the work is not being done in conformance with this chapter or with the approved grading plans, or in accordance with good accepted practices, the Field Engineer, Geotechnical Engineer, or the Engineering Geologist shall immediately notify, in writing, the discrepancies and the recommended corrective measures to the Permittee and the City Engineer.
- I. *Transfer of Responsibility.* If the Field Engineer, the Geotechnical Engineer, or the Engineering Geologist of Record is changed at any time after the required grading plans have been approved by the City Engineer, the Permittee shall immediately provide written notice of such change to the City Engineer. The City Engineer may stop the grading from commencing or continuing until the Permittee has identified a replacement Project Consultant and the replacement Project Consultant has agreed in writing to assume responsibility for those parts of the grading project that are within the replacement Project Consultant's area of technical competence.
- J. *Non-inspected Grading.* No person shall own, use, occupy, or maintain any non-inspected graded property. For the purposes of this code, non-inspected grading shall be defined as any grading for which a grading permit was first obtained, but which has progressed beyond any point requiring inspection and approval by the City Engineer without such inspection and approval having been obtained.
- K. *Routine Field Inspections and Reports.* Unless otherwise directed by the City Engineer, the Field Engineer shall prepare routine inspection reports and shall file these reports with the City Engineer for all Engineered Grading Projects as follows:
1. Bi-weekly during all times when grading of 400 cubic yards or more per week is occurring on the site;
 2. Monthly, at all other times; and
 3. At any time when requested in writing by the City Engineer.

Such reports shall certify to the City Engineer that the Field Engineer has inspected the grading site and related activities and has found them in compliance with the approved grading plans and specifications, the City Building Code, all grading permit conditions, and all other applicable ordinances and requirements.

L. *Completion of Work.* Upon completion of the rough grading work and at the final completion of the work, the following reports, drawings, and supplements thereto are required for engineered grading or when professional inspection is otherwise required by the City Engineer:

1. An “As-Built” grading plan shall be prepared by the Field Engineer, who is retained to provide such services, that shows all plan revisions as approved by the City Engineer. This as-built grading plan shall include original ground surface elevations, as-built ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and the outlets of subsurface drains. As-built locations, elevations, and details of subsurface drains shall be shown as reported by the Geotechnical Engineer.

The As-built grading plan shall be accompanied by a certification by the Field Engineer that to the best of his or her knowledge, the work within the Field Engineer’s area of responsibility was done in accordance with the final approved grading plan;

2. A report shall be prepared by the Geotechnical Engineer retained to provide such services, including locations and elevations of field density tests, summary of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved Geotechnical Investigation Report. The report shall include a certification by the Geotechnical Engineer that, to the best of his or her knowledge, the work within the Geotechnical Engineer’s area of responsibility is in accordance with the approved Geotechnical Engineering Report and applicable provisions of this code. The report shall contain a finding regarding the safety of the completed grading and any proposed structures against hazard from landslide, settlement, or slippage;
3. A report shall be prepared by the Engineering Geologist retained to provide such services, including a final description of the geology of the site and any new information disclosed during the grading and the effect of such new information, if any, on the recommendations incorporated in the approved grading plan. The report shall include a certification by the Engineering Geologist that, to the best of his or her knowledge, the work within the Engineering Geologist’s area of responsibility is in accordance with the approved Engineering Geology Report and applicable provisions of this code. The report shall contain a finding regarding the safety of the completed grading and any proposed structures against hazard from landslide, settlement, or slippage. The report shall contain a final as-built geologic map and cross-sections depicting all the information collected prior to and during grading;

4. When planting and irrigation is required by Section 17.87.020 (Slope Planting and Erosion Control), at completion of Final Grading, and prior to final approval of the grading by the City Engineer, the Landscape Architect or Field Engineer shall submit a statement that the slope planting has been established and the irrigation system has been installed in conformance with the approved plans; and
 5. The Grading Contractor shall certify in writing that the grading conforms to said as-built plan and the approved specifications.
- M. *Notification of Completion.* The Permittee shall notify the City Engineer when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices and all erosion-control measures, have been completed in accordance with the final approved grading plan and that all required reports have been submitted and approved.
- N. *Change of Ownership.* Unless otherwise required by the City Engineer, when a grading permit has been issued on a site and the Owner sells the property prior to final grading approval, the new owner shall be required to obtain a new grading permit.
- O. *Violation.* It is a violation of this code for any person to verify to the satisfactory completion of work as required by this chapter if such work is subsequently found by the City Engineer to have been in substantial noncompliance with the approved design or code requirement at the time of verification.

17.88.020 Appropriate Certifications.

Any project subject to Section 17.51.020 (Hillside Development) and involving less than five thousand (5,000) cubic yards of earth may also require the reports, statements, or certifications set forth by this code.

Chapter 17.89 Dust Prevention and Control

SECTIONS:

- 17.89.010 Dust Prevention and Control Provisions.
- 17.89.020 Dust Prevention and Control Plan.
- 17.89.030 Inadequate Dust Prevention and Control Measures.
- 17.89.040 Compliance with NPDES Stormwater Regulations.

17.89.010 **Dust Prevention and Control Provisions.**

To protect the health, safety and general welfare, all construction sites must make all reasonable efforts to prevent or control blowing dust and debris. Property owners shall be responsible for maintaining their property in such a manner that dust and other wind-borne debris transported to adjacent properties are kept to reasonable minimal levels. In the case of site grading and other construction operations, it will also be the responsibility of the permittee to make all reasonable efforts to control blowing dust and debris onto adjacent properties. When grading operations involve the hauling of dirt from one site to another, it is also the permittee's responsibility to maintain the public streets in a clean condition and limit any spillage which would generate dust or other blowing debris.

17.89.020 **Dust Prevention and Control Plan.**

- A. *Required.* A dust prevention and control plan shall be submitted in conjunction with a grading plan or other plan involving the movement of dirt. The City Engineer may also require the submittal of a dust prevention and control plan for other development deemed necessary.
- B. *Plan.* The plan shall demonstrate that the discharge of dust from the construction site will not occur or can be controlled to an acceptable level depending on the particular site conditions and circumstances. The plan shall address site conditions during construction operations, after normal working hours and during various phases of construction. The plan shall include the name and the twenty-four (24) hour phone number of a responsible party in case of emergency. If the importing or exporting of dirt is necessary as demonstrated by the cut and fill quantities on the grading plan, the plan shall also include the procedures necessary to keep the public streets and private properties along the haul route free of dirt, dust and other debris. When an entire project is to be graded and the subsequent construction on the site is to be completed in phases, the portion of the site not under construction shall be treated with dust preventive substance or plant materials and an irrigation system. All phased projects shall submit a plan demonstrating that dust will not be generated from future phase areas.
- C. *Plan Review.* The City Engineer shall be responsible for the review and approval of the dust prevention and control plan. This plan shall be incorporated into the

grading plan and constructive notice shall be placed on the grading plan to notify the owner and contractors of the need to comply with the dust prevention and control plan.

- D. *Dust Control Compliance Statement.* A dust control compliance statement form must be completed and signed by the property owner.

17.89.030 Inadequate Dust Prevention and Control Measures.

- A. *Site Investigation.* If an investigation of the project site indicates that dust prevention and control measures are inadequate, the City Engineer or his authorized representative may limit or halt all activities on the site until adequate dust prevention and control measures are achieved. The City Engineer may charge the property owner and/or contractor for reasonable costs related to providing the necessary site inspections to determine the adequacy of the dust control plan.
- B. *Notice of Inadequate Prevention and Control Measures.* If it is determined that a property is in violation of Section 17.89.010 (Dust Prevention and Control Provisions), the property owner and/or contractor will have two (2) hours to bring the site into compliance. If after two (2) hours, the site is not brought into compliance or an extension of time has not been granted by the City Engineer, the Building Official may, at any time thereafter, determine the site to be substandard property and give written notice of said violation. As substandard property, the site will be subject to all the provisions Building Code and Municipal Code as adopted by the City. Thereupon, the City Engineer may enter the property for the purposes of installing, by City forces or by other means, adequate dust prevention and control measures (the cost of which shall be borne by the property owner), or the City Engineer may cause the owner of the site to be prosecuted as a violator of this code, or the City Engineer may take both actions.
- C. *Responsibility for Adequate Dust Prevention and Control.* The approval of a dust prevention and control plan does not relieve the owner or contractors of the responsibility to implement whatever additional measures may be required to properly prevent and control dust as outlined in Section 17.89.010 (Dust Prevention and Control Provisions) herein.

17.89.040 Compliance with NPDES Stormwater Regulations.

The dust prevention and control plan and any additional measures that may be necessary for the adequate prevention and control of dust shall not be in violation of the NPDES stormwater regulations as adopted by the City.

Chapter 17.90

National Pollutant Discharge Elimination System (NPDES) Compliance

SECTIONS:

- 17.90.010 General.
- 17.90.020 Storm Water Pollution Prevention Plan (SWPPP).
- 17.90.030 Wet Weather Erosion Control Plans (WWECP).
- 17.90.040 Storm Water Pollution Prevention Plan, Effect of Non-compliance.
- 17.90.050 Non-compliance Penalties.

17.90.010 **General.**

All grading plans and permits and the owner of any property on which such grading is performed shall comply with the provisions of this section for NPDES compliance.

All best management practices shall be installed before grading begins or as instructed in writing by the City Engineer for unpermitted grading as defined by Section 17.81.030 (Unpermitted Grading). As grading progresses, all best management practices shall be updated as necessary to prevent erosion and to control construction related pollutants from discharging from the site. All best management practices shall be maintained in good working order to the satisfaction of the City Engineer and all permanent drainage and erosion control systems, if required, are in place. Failure to comply with this section is subject to “Noncompliance Penalties” pursuant to Section 17.95.050 (Non-Compliance Penalties). Payment of a penalty shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work.

17.90.020 **Storm Water Pollution Prevention Plan (SWPPP).**

The City Engineer may require a SWPPP. The SWPPP shall contain details of best management practices, including desilting basins or other temporary drainage or control measures, or both, as may be necessary to control construction-related pollutants which originate from the site as a result of construction-related activities. When the City Engineer requires a SWPPP, no grading permit shall be issued until the SWPPP has been submitted to, and approved by, the City Engineer.

For unpermitted grading, as defined by Section 17.81.030 (Unpermitted Grading), upon written request a SWPPP in compliance with the provisions of this Section and Section 10.04.070 (Construction Activities Stormwater Measures) for NPDES compliance shall be submitted to the City Engineer. Failure to comply with this Section is subject to “Non-compliance Penalties” pursuant to Section 17.90.050 (Non-Compliance Penalties). Payment of a penalty shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work.

17.90.030 Wet Weather Erosion Control Plans (WWECP).

When a grading permit is issued and the City Engineer determines that the grading will not be completed prior to November 1, the owner of the site upon which the grading is being performed shall, on or before October 1, file or cause to be filed a WWECP with the City Engineer. The WWECP shall include specific best management practices to minimize the transport of sediment and protect public or private property from the effects of erosion, flooding, or the deposition of mud, debris, or construction-related pollutants. The best management practices shown on the WWECP shall be installed on, or before, October 15. The plans shall be revised annually or as required by the City Engineer to reflect the current site conditions.

The WWECP shall be accompanied by an application for plan check services and plan check fees in an amount to be determined by the City Engineer, up to, but not exceeding, ten percent (10%) of the original grading plan check fee. The fee shall be in accordance with the City's current fee schedule established by the Council.

Failure to comply with this section is subject to "Non-compliance Penalties" pursuant to Section 17.95.050 (Non-Compliance Penalties). Payment of a penalty shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work.

17.90.040 Storm Water Pollution Prevention Plan, Effect of Non-compliance.

Should the owner fail to submit the SWPPP or WWECP, or fails to install the best management practices, it shall be deemed that a default has occurred under the conditions of the grading permit security. The City Engineer may thereafter enter the property for the purpose of installing, by City forces or by other means, the drainage, erosion control, and other devices shown on the approved plans, or if there are no approved plans, as the City Engineer may deem necessary to protect adjoining property from the effects of erosion, flooding, or the deposition of mud, debris, or construction-related pollutants.

The City Engineer may cause the owner of the site to be prosecuted as a violator of this code, or he or she may take both actions. The City Engineer shall have the authority to collect the penalties imposed on the Permittee according to Section 17.95.050(Non-Compliance Penalties). upon determining that the requirements of this section have not been complied with. Payment of a penalty shall not relieve any persons from fully complying with the requirements of this Code in the execution of the work.

17.90.050 Non-compliance Penalties.

If a SWPPP or WWECP is not submitted as prescribed in Sections 17.95.020 (Storm Water Pollution Prevention Plan (SWPPP)) and 17.90.030 (Wet Weather Erosion Control Plans (WWECP)) the following penalties will apply:

Grading Permit Volume	Penalty
One (1) — ten thousand (10,000) cubic yards	Fifty dollars (\$50) per day
Ten thousand and one (10,001) — one hundred thousand (100,000) cubic yards	Two hundred and fifty dollars (\$250) per day
More than one hundred thousand (100,000) cubic yards	Five hundred (\$500) per day

If the best management practices for Storm Water Pollution Prevention and Wet Weather Erosion Control, as approved by the City Engineer, are not installed as prescribed in Section 17.95.010 (General) the following penalties will apply:

Grading Permit Volume	Penalty
One (1) — ten thousand (10,000) cubic yards	One hundred dollars (\$100) per day
Ten thousand and one (10,001) — one hundred thousand (100,000) cubic yards	Two hundred and fifty (\$250) per day
More than one hundred thousand (100,000) cubic yards	Five hundred (\$500) per day

- A. *Costs and Penalties.* The penalties imposed by this section, if not paid within thirty (30) days from the date of the notice, shall become a special assessment against the property.
- B. *Notice of Violation.*
1. **General.** The City Engineer may record a Notice of Violation with the Los Angeles County Recorder's Office when a property is in violation of Section 17.90.010 (General). Recordation of such notice shall be subject to the provisions of subsections (B)(2) and (3) of this section. The remedy provided by this section is cumulative to any other enforcement action permitted by this Code.
 2. **Recordation.** If (1) the City Engineer determines that any property is in violation of this section; and if (2) the City Engineer gives written notice as specified below of said violation; and if (3) within 30 days of said notice, the property is not brought into compliance with this code, the City Engineer may, at their sole discretion, at any time thereafter, record with the County Recorder's Office a notice that the property is in violation of this Code.
 3. **Contents of Notice.** The written notice given pursuant to this section shall indicate:
 - a. The nature of the violation(s);

- b. Acknowledgement that if the violation is not remedied to the satisfaction of the City Engineer within thirty (30) days, the City Engineer may, at any time thereafter, record with the County Recorder's Office a notice that the property is in violation of this code. The notice shall be posted on the property and shall be mailed to the Owner of the property as indicated on the last equalized Los Angeles County assessment roll. The mailed notice may be registered, certified, or first class mail. The thirty (30) day period for achieving compliance with this code shall run from the date the property is posted or from the date of the mailing of the notice, whichever is later.

- c. Rescission. Any person who desires to have recorded a notice rescinding the Notice of Violation may present evidence of compliance and payment of penalty fees and costs to the City Engineer. The costs incurred by the City Engineer in the investigation of such violations and the processing of the notice and notification of concerned parties shall be determined by the City Engineer. If the City Engineer determines that such fees have been paid and such costs have been recovered by the City, or that such fees and costs have been placed on the tax rolls as a special assessment, pursuant to Section 25845 of the Government Code, the City Engineer shall record a notice rescinding the prior Notice of Violation.)

Chapter 17.95 STANDARD URBAN STORMWATER MITIGATION PLAN IMPLEMENTATION

SECTIONS:

- 17.95.010 Limits of Chapter.
- 17.95.020 Scope of Chapter.
- 17.95.030 Definitions.
- 17.95.040 Rate of Discharge.
- 17.95.050 Subdivision Design.
- 17.95.060 Best Management Practices (BMPs).
- 17.95.070 Control of Erosion of Slopes and Channels.
- 17.95.080 Signage of Storm Drains.
- 17.95.090 Outdoor Storage of Materials.
- 17.95.100 Outdoor Trash Storage Areas.
- 17.95.110 Maintenance of Best Management Practices.
- 17.95.120 Design Standards for Best Management Practices.
- 17.95.130 Loading Docks.
- 17.95.140 Repair and Maintenance Bays.
- 17.95.150 Wash Areas.
- 17.95.160 Restaurants.
- 17.95.170 Retail Gasoline Outlets.
- 17.95.180 Parking Lots.
- 17.95.190 Violations.
- 17.95.200 Inspections.
- 17.95.210 Fees.
- 17.95.220 Waiver.

17.95.010 Limits of Chapter.

Nothing in this chapter shall be interpreted to:

- A. Infringe any right or power guaranteed by the California Constitution, including any vested property right; or
- B. Require any action inconsistent with any applicable and lawfully adopted general plan, specific plan, plan amendment, or building code that conforms to the laws of California and the requirements of this chapter; or
- C. Restrict otherwise lawful land use except as authorized by the laws of California, subject to the limitations of this chapter.

17.95.020 **Scope of Chapter.**

This chapter shall take effect on February 15, 2001, and shall apply only to approval of discretionary (within the meaning of the California Environmental Quality Act, Public Resources Code Section 21000 et seq.) new development or redevelopment projects (as those terms are defined this chapter):

- A. Single-family residences on graded hillside sites;
- B. Industrial/commercial developments that disturb one acre or more of surface area;
- C. Automotive repair shops (SIC codes 5013, 5014, 5541, 7532-7534, 7536-7539);
- D. Retail gasoline outlets;
- E. Restaurants (SIC code 5812);
- F. Home subdivisions of ten (10) or more dwelling units;
- G. Parking lots five thousand (5,000) feet or more or with twenty-five (25) or more parking spaces and potentially exposed to stormwater runoff, as defined in this chapter.

17.95.030 **Definitions.**

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this chapter, unless clearly inapplicable. Words and phrases not ascribed a meaning by this chapter shall have the meanings ascribed by the “Standard Urban Stormwater Mitigation Plan for Los Angeles County and Cities in Los Angeles County” approved by the Executive Officer of the California Regional Water Quality Control Board for the Los Angeles Region, on March 8, 2000, as modified by the State Water Resources Control Board in Order WQ 2000-11, if defined therein, and if not, by the regulations implementing the National Pollutant Discharge Elimination System, Clean Water Act Section 402, and Division 7 of the California Water Code, as they may be amended from time to time, if defined therein, and if not, to the definitions in an applicable permit issued by the California Regional Water Quality Control Board—Los Angeles, as such permits may be amended from time to time.

“Automotive repair shop” means a facility that is categorized in any one of the following Standard Industrial Classification (SIC) codes: 5013, 5014, 5541, 7532-7534 or 7536-7539.

“Best management practice” or “BMP” means any schedule of activities, prohibition of practices, maintenance procedure, program, technology, process, siting criteria, operational methods of measures, or other management practices or engineered systems, which when implemented prevent, control, remove, or reduce pollution.

“Commercial development” means any development on private land that is not residential or a site of an industrial activity, as defined in 40 C.F.R. Section 122.26(b)(14). “Commercial development” includes, but is not limited to, hospitals, laboratories and other medical facilities, educational institutions, recreational facilities, plant nurseries, multi-apartment buildings, car wash facilities, mini-malls and other business complexes, shopping malls, hotels, office buildings, public warehouses and other light industrial complexes not within the scope of 40 C.F.R. Section 122.26(b)(14).

“Directly connected impervious area” (“DCIA”) means a land area made impermeable to water from which runoff may enter a storm drainage system without first flowing across a permeable land area.

“Greater than nine (9) unit home subdivision” means any subdivision where at least ten (10) single-family or multifamily dwelling units are to be developed.

“Hillside” means a parcel in an area with known erosive soil conditions, where the development will require grading on any natural slope which is twenty-five (25) percent or greater.

“Industrial/commercial developments that disturb one acre or more of surface area” means any development on private land that is not residential that disturbs one acre or more of surface area, including, but not limited to, parking areas (see “Commercial development”).

“New development” means the subdivision of land, or the construction of structures or other impervious surfaces, or both.

“Parking lot” means an area or facility for the temporary parking or storage of motor vehicles used personally or for business or commerce, which contains five thousand (5,000) square feet or more, or twenty-five (25) or more parking spaces, and which is exposed to stormwater.

“Redevelopment” means, on an already developed site, the creation or addition of at least five thousand (5,000) square feet of impervious surfaces. Redevelopment includes, but is not limited to: the expansion of a building footprint or addition or replacement of a structure; structural development including an increase in gross floor area and/or exterior construction or remodeling; replacement of impervious surface that is not part of a routine maintenance activity; and land-disturbing activities related with structural or impervious surfaces. Where redevelopment results in an increase of less than fifty (50) percent of the impervious surfaces of a previously existing development, and the existing development was not subject to these SUSMPs, the design standards apply only to the addition, and not to the entire development.

“Restaurant” means a stand-alone facility where prepared food and drinks are sold for consumption, including stationary lunch counters and refreshments stands selling prepared food and drinks for immediate consumption. (See SIC Code 5812). “Restaurant” does not include co-located stalls or food counters in general purpose establishments such as markets and grocery stores.

“Retail gasoline outlet” means any facility where gasoline and lubricating oils are sold.

“Source control BMP” means any schedules of activities, prohibitions of practices, maintenance procedures, managerial practices or operational practices that aim to prevent stormwater pollution by reducing the potential for contamination at the source of pollution.

“Storm event” means a rainfall event that produces more than 0.1 inch of precipitation separated from the previous storm event by at least seventy-two (72) hours of dry weather.

“Structural control BMP” means any structural facility designed and constructed to mitigate the adverse impacts of urban runoff pollution (e.g., a canopy, structural enclosure). This category may include both treatment control BMPs and source control BMPs.

“Treatment” means the use of physical, chemical, or biological processes to remove pollutants. Such processes include, but are not limited to, filtration, gravity settling, media absorption, biodegradation, biological uptake, chemical oxidation and UV radiation.

“Treatment control BMP” means any engineered system designed to remove pollutants by simple gravity setting of particulate pollutants, filtration, biological uptake, media adsorption or any other physical, biological, or chemical process.

17.95.040 **Rate of Discharge.**

No new development shall increase the peak rate of discharge of stormwater from the developed site if this increase would make downstream erosion more probable.

17.95.050 **Subdivision Design.**

Unless inconsistent with vested rights, the site design for all subdivisions subject to this chapter, to the maximum extent practicable, shall:

- A. Concentrate or cluster new development on portions of the site while leaving the remaining land in a natural undisturbed condition;
- B. Limit clearing and grading of native vegetation to the minimum extent practicable, consistent with the construction of lots, and to allow access and provide fire protection;
- C. Preserve riparian areas and wetlands.

17.95.060 **Best Management Practices (BMPs).**

- A. On the date the ordinance codified in this chapter takes effect, those best management practices which are listed in Tables 1 and 2 of the “Standard Urban Stormwater Mitigation Plan for Los Angeles County and Cities in Los Angeles County” approved by the Executive Officer of the California Regional Water Quality Control Board for the Los Angeles Region, on March 8, 2000, as modified by the State Water Resources Control Board in Order WQ 2000-11, shall be deemed to be incorporated by reference and adopted by this City and shall remain in effect until the Council shall adopt by resolution a guidebook prepared or recommended by the City Engineer, categorizing development and best management practices for each category.

- B. The City Engineer may from time to time revise the guidebook, and the Council may adopt these revisions by resolution.
- C. No best management practice other than a structural or treatment control best management practice shall be used in any development regulated under this chapter, unless the guidebook recommends that practice.
- D. No structural or treatment control best management practice may be used in any development regulated under this chapter unless the guidebook recommends that practice.

17.95.070 Control of Erosion of Slopes and Channels.

Best management practices used on slopes or channels in new development or redevelopment subject to this chapter shall:

- A. Convey runoff from tops of slopes;
- B. Eliminate or reduce flow to natural drainage systems, and for flows which cannot be eliminated, utilize natural drainage systems, rather than artificial drainage systems, to the maximum extent practicable;
- C. Stabilize soil at permanent channel crossings;
- D. Vegetate slopes with native or drought-tolerant species known to control erosion;
and
- E. Dissipate concentrated flows before they enter unlined channels

17.95.080 Signage of Storm Drains.

In the project area of new development or redevelopment subject to this chapter, a notice that dumping in storm drains and catch basins is illegal shall be:

- A. Stenciled in paint or other permanent means at all storm drain inlets and catch basins within the project area;
- B. Posted at all known public accesses to natural or artificial drainage channels within the project area; and
- C. Maintained to preserve the sign.

17.95.090 Outdoor Storage of Materials.

- A. All materials stored outdoors in new development or redevelopment subject to this chapter which, if exposed to stormwater, may reasonably be expected to add pollutants to it, shall be thoroughly isolated from contact:
 - 1. With stormwater, by enclosure in a structure; or
 - 2. With stormwater, by a surrounding curb or other containment structure.
- B. The storage area must be completely covered:
 - 1. By impermeable paving; and
 - 2. Any structure by an overhead covering that adequately diverts precipitation away from the ground between the material and the surrounding containment structure.

17.95.100 Outdoor Trash Storage Areas.

Except where they serve only single-family residences, solid waste containers in new development or redevelopment subject to this chapter shall be stored in areas that:

- A. Are isolated from contact with stormwater originating outside the storage area; and
- B. Are surrounded with a barrier sufficient to prevent all trash from being transported out of the storage area, except during collection.

17.95.110 Maintenance of Best Management Practices.

- A. Every person applying to the City for discretionary approval of any new development or redevelopment subject to this chapter, as part of that application, in a signed writing, shall agree to maintain any structural or treatment control best management practice to be implemented in that development through means such as a covenant running with the land (such as covenants, conditions and restriction, commonly known as CC&Rs), CEQA mitigation measures, conditional use permit or other legal agreement (collectively “agreement”).
- B. The agreement described in subsection (A) of this section shall remain in force until ownership of the developed property has been entirely transferred, and upon transfer, shall be binding on the new owner(s).

17.95.120 **Design Standards for Best Management Practices.**

Except as this chapter may specifically exempt, every structural or treatment control best management practice implemented pursuant to this chapter in new development or redevelopment subject to this chapter, for the area contributing to that practice:

- A. Shall be adequate to protect from flooding those parts of the contributing area adjacent to drainage channels, according to design criteria the City Engineer may establish;
- B. Shall be adequate:
 - 1. For the volume of stormwater that, as determined by the formula recommended in “ASCE Manual of Practice No. 87 (1998),” may be collected from the contributing area during a twenty-four (24) hour period in which the total stormwater runoff exceeds eighty-five (85) percent of all runoff volumes that have been measured for twenty-four (24) hour periods for that same area; or
 - 2. To treat, by the method recommended in “California Stormwater Best Management Practices Handbook—Industrial/Commercial (1993),” and as determined there, eighty (80) percent or more volume treatment of the annual volume of stormwater runoff from the contributing area; or
 - 3. For the volume of stormwater runoff from the contributing area produced by a storm event of 0.75 inches.
- C. Subsection (B) of this section shall not apply to any land area of less than five thousand (5,000) square feet being developed or redeveloped for use by any restaurant, or any retail gasoline outlet.
- D. Where redevelopment results in an increase of less than fifty (50) percent of the impervious surfaces of a previously existing development, and the existing development was not subject to these SUSMPs, the design standards apply only to the addition, and not to the entire development. (Ord. 03-6 § 1, 3/11/03)

17.95.130 **Loading Docks.**

In any industrial/commercial development that disturbs one acre or more of surface area or in any automotive repair shop, the design of any outdoor loading dock area in new development or redevelopment subject to this chapter shall:

- A. Use an overhead covering that prevents the entry of stormwater; or
- B. Prevent the entry of stormwater by diverting it away; and

- C. Not conduct stormwater from any truck well directly into a storm drain system.

17.95.140 Repair and Maintenance Bays.

In any industrial/commercial development that disturbs one acre or more of surface area or in any automotive repair shop, in new development or redevelopment subject to this chapter the design of any repair or maintenance bay shall:

- A. Prevent the entry of stormwater by diverting it away or by locating such bays indoors; and
- B. Use a drainage system that collects all water from washing and from leaks or spills and stores it in a sump for disposal; and
- C. Does not conduct stormwater from the bay directly to a storm drain system.

17.95.150 Wash Areas.

The design of any wash area for motor vehicles or equipment in new development or redevelopment subject to this chapter shall use:

- A. An adequate overhead covering; and
- B. A device that clarifies or otherwise pretreats all wash water; and
- C. A drain conducting all treated wash water to a sanitary sewer.

17.95.160 Restaurants.

The design of any restaurant subject to this chapter shall include an area for the washing or cleaning of equipment, which:

- A. If indoors, shall:
 - 1. Be self-contained;
 - 2. Use a grease trap; and
 - 3. Use a drain conducting all wastewater to a sanitary sewer; and
- B. If outdoors, shall:
 - 1. Use an overhead covering adequate to prevent contact with stormwater;
 - 2. Be covered with impermeable paving;

3. Be surrounded by a curb or other containment; and
4. Use a drain conducting all wastewater to a sanitary sewer

17.95.170 Retail Gasoline Outlets.

All fuel dispensing areas in any retail gasoline outlet subject to this chapter shall:

- A. Be covered by a structure that:
 1. Extends outward at least as far as the grade break at all points, and
 2. Diverts all stormwater away from the fueling area;
- B. Be paved with a material, other than asphaltic concrete, that is impermeable to water and has a smooth surface with a slope of not less than two (2) percent but not more than four (4) percent;
- C. Be separated from the rest of the site by a grade break that, to the maximum extent practical, prevents stormwater from entering the fueling area;
- D. Extend outward at least six and one-half (6.5) feet from the outermost corner of any fuel dispenser, or a distance one foot greater than the combined length of the dispensing hose and nozzle, whichever distance is less.

17.95.180 Parking Lots.

To the maximum extent practical, all parking lots subject to this chapter shall minimize off-site transport of pollutants by using the following design criteria and BMPs:

- A. Minimizing impervious land coverage;
- B. Providing for effective treatment or infiltration of stormwater before it is discharged into storm drains; and
- C. Use of operational and maintenance measures to remove heavy metals, oil and grease and polycyclic aromatic hydrocarbons.

17.95.190 Violations.

- A. Violation of any provision of this chapter shall be both a misdemeanor and a public nuisance.
- B. The remedies specified in this chapter shall not exclude any other legal remedy that may be available to the city.

17.95.200 **Inspections.**

- A. The City Engineer and such officers as the City Engineer may designate shall enforce the provisions of this chapter.
- B. As necessary, these officers may, at a reasonable time and in a manner authorized by the laws of California, enter and make inspections on any property regulated under this chapter.

17.95.210 **Fees.**

The Council may establish and fix the amount of fees for services provided under this chapter, as authorized under Sections 66016 and 66018 of the California Government Code.

17.95.220 **Waiver.**

- A. Any person required under this chapter to implement a structural or treatment control best management practice may petition to the Council to waive that requirement as impractical, provided the petitioner has in good faith considered and rejected as not feasible all such practices available.
- B. The Council may waive a structural or treatment control best management practice as impractical if:
 - 1. Inadequate space for treatment exists on a redevelopment project; or
 - 2. Soil conditions strongly disfavor the use of infiltration; or
 - 3. The natural land surface where the BMP would be located lies:
 - a. Above a known unconfined aquifer, or
 - b. Less than ten (10) feet above an existing or potential source of drinking water.
- C. Any petition for waiver not falling within the foregoing categories shall be forwarded to the Regional Board for consideration.