CITY OF OCEANSIDE

GRADING REGULATIONS

MANUAL

ORDINANCE NO. 81-20
ADOPTED BY CITY COUNCIL
April 22, 1981

ORDINANCE NO. 82-43
ADOPTED BY CITY COUNCIL
September 8, 1982

ORDINANCE NO. 92-15
ADOPTED BY CITY COUNCIL
May 27, 1992

ATTACHMENT
EROSION CONTROL
NPDES PERMIT REQUIREMENTS

Public Works Department
Engineering Division
300 North Coast Highway
Oceanside, CA 92054

ORDINANCE NO. 81-20

AN ORDINANCE OF THE CITY OF OCEANSIDE AMENDING ORDINANCE NO. 81-16 ESTABLISHING GRADING REGULATIONS WITHIN THE CITY OF OCEANSIDE

BE IT ORDAINED by the City Council of the City of Oceanside that Ordinance No. 81-16 is hereby amended in its entirety to read as follows:

Ordinance No. 73-46 regulating excavating, grading and embankment of land within the City of Oceanside is hereby repealed and the following is enacted in place thereof.

Article I.	General
Article II.	Permits Required
Article III.	Hazards
Article IV.	Definitions
Article V.	Grading Permit Requirements
Article VI.	Fees
Article VII.	Bonds
Article VIII.	Cuts
Article IX.	Fills
Article X.	Setbacks
Article XI.	Drainage and Terracing
Article XII.	Retaining Walls
Article XIII.	Expansive Soils
Article XIV.	Asphalt Paving
Article XV.	Erosion Control
Article XVI.	Grading Inspection
Article XVII.	Completion of Work
Article XVIII.	Penalty for Violation
Article XIX.	Conflict/Constitutionality
Article XX.	Codification
Article XXI.	Publication
Article XXII.	Effective Date

ARTICLE I - GENERAL

SECTION 100. NAME OF ORDINANCE.

This ordinance shall be known as the "Grading Ordinance".

SECTION 101. PURPOSE OF ORDINANCE.

The purpose of the Grading Ordinance is to establish an official set of standards regulating the design and construction of building sites and the development of property by grading; to regulate the alteration of the ground surface to protect and preserve the public health, safety, and general welfare; to minimize differential settlement and the slipping or sliding of earth; to protect adjacent properties from damage caused by blockage or diversion of natural run-off waters; to require engineering analysis of expansive soil conditions, erosion control and drainage; and facilities to provide a basis for the design of footings and floor slabs for structures proposed to be erected on parcels of land whose natural topography has been altered as described herein; to establish the administrative procedure for issuance of permits; and to provide for approval of plans and inspection of grading construction.

SECTION 102. SCOPE.

This Code sets forth rules and regulations to control excavation, grading, and earthwork construction, including fills and embankments, and establishes administrative requirements for issuance of permits and approval of plans and inspection of grading construction, in accordance with the requirements for grading and excavation as contained in Chapter 70 of the Uniform Building Code, 1979 Edition, with deletions, modifications, or amendments to meet local conditions.

SECTION 101.1. INTENT. Add Section 101.1 from ORDINANCE 92-15.

SECTION 103. POWERS AND DUTIES OF THE CITY ENGINEER.

The provisions of Section 202 of the Uniform Building Code shall apply to grading construction work. The term "Building Official" in the U.B.C. shall mean the "City Engineer" in this Ordinance.

ARTICLE II - PERMITS REQUIRED

SECTION 201. GRADING PERMITS.

No person shall conduct any grading, clearing, brushing, or grubbing on natural or existing grade that is preparatory to grading, without first having obtained a grading permit from the City Engineer.

Exceptions to this requirement are:

(a) An excavation below finished grade for basements and footings of a building, mobile home, retaining wall, or other structure authorized by a valid building permit or construction permit. This shall not exempt any fill made with the material from such excavation nor exempt any excavation having an unsupported height greater than five (5) feet after the completion of such structure, or an unsupported excavation with vertical banks more than two (2) feet high. This shall not prohibit a minimum fee grading permit or soil or geologic report from being required for foundation design and inspection purposes when, in the opinion of the City Engineer, stability considerations warrant such inspection.

(b) Cemetery graves.

(c) Refuse disposal sites controlled by other regulations.

(d) Earthwork construction regulated by the Federal, State, County, or City governments, or by an local agency as defined by Government Code Sections 53090 through 53095 (special districts). Pipeline

or conduit excavation and backfill conducted by local agencies or public utilities. Earthwork construction performed by railway companies. This exemption, however, shall apply only when the earthwork construction takes place on the property, or dedicated rights-of-way or easements of the above agencies.

(e) Excavation and backfill for installation of underground utilities by public utilities or companies operating under the authority of a franchise or public property encroachment permit.

(f) Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate, or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressures upon any adjacent or contiguous property, or alter the orientation of natural water courses which may result in adverse changes on adjoining property.

(g) Exploratory excavations under the direction of soil engineers, archaeologists or paleontologists, engineering geologists, provided all excavations are properly backfilled or otherwise restored. All

such excavations and trenches are subject to the applicable sections of Title 8 of the State Orders, Division of Industrial Safety.

(h) An excavation which does not exceed fifty (50) cubic yards on any one site and which [a] is less than two (2) feet in vertical depth, or [b] which does not create a cut slope greater than five (5) feet in vertical height and steeper than one and one-half horizontal to one vertical (1.5:1).

(i) A fill less than one (1) foot in depth, placed on natural grade with a slope flatter than five horizontal to one vertical (5:1), which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.

(j) A fill less than three (3) feet in depth, not intended to support structures or mobile homes, which does not exceed fifty (50) cubic yards on any one lot and does not obstruct a drainage course.

(k) Clearing, brushing, and minor grading for agricultural purposes provided such operations do not affect the lateral support or increase the

stresses in or pressures on any contiguous property, or alter the orientation of natural water courses which may result in adverse changes on nearby or adjoining property or result in dumping of organic or hazardous waste not regulated by law. This grading includes, but is not limited to, contour grading to provide for orchard planting, minor leveling not exceeding three (3) vertical feet of either excavation or fill for row crops, installation of irrigation systems, and stockpiling of fertilizer or other amendments.

SECTION 202. GRADING PERMIT, PAVING.

No person shall construct pavement surfacing in excess of six thousand (6,000) square feet, on natural or existing grade for the purpose of a private road or commercial, industrial, or multi-residential parking lot or travelway without a valid grading permit unless waived by the City Engineer or a separate improvement plan for such paving is approved and signed by the City Engineer or his designated representative. Resurfacing or maintenance of paved surfaces shall be exempt from this requirement.

SECTION 301. HAZARDOUS CONDITIONS.

(a) Section 301 (a) is amended from ORDINANCE 95-12.

(a) Hazardous conditions exist when the state of any natural ground, natural slopes, excavation, fill or drainage device, all of which exist on private property, is a menace to life or limb, or a danger to public safety, or endangers or affects the safety, usability, or stability of adjacent property, structures, or public facilities.

(b) The City Engineer may examine or cause to be examined every condition reported as hazardous as set forth in subsection (a) of this section.

(c) If the owner, or agent in control fails to comply with any demand for corrective work or repairs, a hearing shall be held before the City Engineer or his designee as Hearing Officer to determine the correctness of the finding of hazardous condition and issue an order for corrective action if necessary.

(d) The City Engineer's determination and order for corrective action may be appealed to the City Council by the owner, agent in control, or permittee under permit issued pursuant to this code.

(e) The owner shall, following the finality of the determination and order of the Hearing Officer, or if appealed, the determination and order of the City Council, commence the corrective action ordered or preparation of reports and such work or submissions shall be completed within the specified time.

(f) The notice of hazardous condition, hearing, appeal, and procedures, therefore, shall be in accordance with procedures to be established by the City Engineer.

(g), (h), (i), (j) Add Sections from ORDINANCE 95-12.

SECTION 302, 303. Add Sections from ORDINANCE 95-12.

ARTICLE IV - DEFINITIONS

SECTION 401. DEFINITIONS.

APPROVAL shall mean a written engineering or geological opinion by the responsible engineer, geologist of record, or responsible principal of the engineering company, whichever is applicable, concerning the satisfactory progress and completion of the work unless it specifically refers to the City Engineer.

APPROVED PLANS shall mean the current grading plans which bear the stamp of approval of the City Engineer.

APPROVED TESTING AGENCY shall mean a facility whose testing operations are controlled and monitored by a registered civil engineer and which is equipped to perform and certify the tests required by this ordinance and is approved by the City Engineer.

AS-GRADED shall mean the surface configuration upon completion of grading.

BEDROCK shall mean in-place solid rock.

BENCH shall mean a relatively level step excavated into earth material on which fill is to be placed.

BORROW shall mean earth material acquired from an off-site location for use in grading on a site.

CIVIL ENGINEER shall mean a professional engineer registered in the State of California to practice in the field of civil engineering.

CIVIL ENGINEERING shall mean the application of the knowledge of the forces of nature, principles of mechanics, and the properties of materials to the evaluation, design, and construction of civil works for the beneficial uses of mankind.

CLEARING, BRUSHING, AND GRUBBING shall mean the removal of vegetation (grass, brush, trees, and similar plant types) by mechanical means.

COMPACTION shall mean the densification of a fill by mechanical means.

EARTH MATERIAL shall mean any rock, natural soil, or fill, and/or any combination thereof.

ENGINEERING GEOLOGIST shall mean a geologist certified in the State of California to practice engineering geology.

ENGINEERING GEOLOGY shall mean the application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil work.

EROSION shall mean the wearing away of the ground surface as a result of the movement of wind, water, and/or ice.

EROSION CONTROL SYSTEM shall mean a combination of desilting facilities, and erosion protection, including effective planting and the maintenance thereof, to protect adjacent private property, watercourses, public facilities, and receiving waters from the deposition of sediment or dust.

EXCAVATION shall mean the mechanical removal of earth material.

FAULT shall mean a fracture in the earth's crust along which movement has occurred. A FAULT is considered active if movement has occurred within the last ± 11,000 years (Holocene geologic time).

FILL shall mean a deposit of earth material placed by artificial means.

GEOTECHNICAL REPORT shall mean a report which contains all appropriate soil engineering, geologic, hydrologic, and seismic information, evaluation, recommendations, and findings.

GRADE shall mean the vertical elevation of the ground surface.

NATURAL GRADE shall mean the ground surface unaltered by articifial means.

EXISTING GRADE shall mean the ground surface prior to grading.

ROUGH GRADE shall mean the stage at which the grade approximately conforms to the approved plan.

FINISH GRADE shall mean the final grade of the site which conforms to the approved plan.

GRADING is any excavation or filling or combination thereof.

GRADING CONTRACTOR shall mean a contractor licensed and regulated by the State of California who specializes in grading work or is otherwise licensed to do grading work.

GRADING PERMIT shall mean an official document or certificate issued by the City Engineer authorizing grading activity as specified by approved plans and specifications.

HILLSIDE SITE shall mean a site with a natural slope of 20 percent (20%) or more; or total relief of 50 feet or more; or which may be adversely affected by conditions on adjacent properties; or entails grading which may adversely affect drainage and/or stability conditions within or outside the site.

KEY shall mean a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

KEYWAY shall mean an excavated trench into competent earth material beneath the toe of a proposed fill slope.

LANDSLIDE shall mean the downward and outward movement of soil, rock, or fill or a combination thereof.

MASSIVE LANDSLIDE shall mean a landslide too large to be stabilized by retaining methods or normal control methods.

OWNER shall mean any person, agency, firm, or corporation having a legal or equitable interst in a given real property.

PRECISE GRADING PERMIT shall mean a permit that is issued on the basis of approved plans which show the precise structure location, finish elevations, and all on-site improvements.

PRELIMINARY GRADING PERMIT shall mean a permit that is issued on the basis of approved plans which need not show a structure location but must show interim building pad drainage to the degree required by the City Engineer.

REFERENCES. Unless indicated otherwise, or as reasonably appears from the context, references in this code to the civil engineer, the soil engineer, the geologist, and the engineering geologist refer to the professional person(s) preparing, signing, or approving the project plans and specifications which comprise the approved grading plan,

and which professional person appears of record pursuant to section 501(a), or his successor appearing pursuant to section 1605.

RETAINING WALL shall mean a wall designed to resist the lateral displacement of soil or other materials.

SITE shall mean any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

SLOPE shall mean an inclined ground surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

SLOPE STABILITY

GROSS STABILITY shall mean the factor of safety against failure of slope material below a surface approximately 3 to 4 feet deep measured from and perpendicular to the slope face.

SURFICIAL STABILITY shall mean the factor of safety against failure of the outer 3 to 4 feet of slope material measured from and perpendicular to the slope face.

SOIL shall mean naturally occurring surficial deposits overlying bedrock.

SOIL ENGINEER shall mean a civil engineer duly registered in the State of California whose field of expertise is soil mechanics.

SOIL ENGINEERING shall mean the application of the principles of soil mechanics in the investigation, evaluation, and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.

SPECIAL INSPECTOR shall mean an inspector approved by the City Engineer to perform inspection of asphalt concrete placement and related construction work or other grading related work approved by the City Engineer.

SULFATE (SO_4) shall mean a chemical compound occurring in soil or water, which in concentration has a corrosive effect on ordinary portland cement concrete and some metals.

TERRACE shall mean a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

UNIFORM BUILDING CODE (U.B.C.) shall mean the 1979 Edition of the U.B.C. published by the International Conference of Building Officials.

ARTICLE V - GRADING PERMIT REQUIREMENTS

SECTION 501. APPLICATION FOR PERMIT.

SECTION 501. Add amended Section from ORDINANCE 95-12.

~~The~~ application for a Grading Permit ~~shall be made on a form as provided by the City Engineer.~~ Permits required under the ~~Zoning Ordinance~~ must be obtained before a ~~Grading~~ Permit will be issued.

SECTION 502. RESPONSIBILITY OF LAND OWNERS.

SECTION 502. Add amended Section from ORDINANCE 95-12.

~~It~~ shall be unlawful for the land owner (or owner of record, possessor, or person in control thereof), to stockpile, deposit, or allow the placement, construction, or deposition of embankment material on any real property in excess of fifty (50) cubic yards without first obtaining a grading permit, hereinafter described, and without the subsequent processing of said embankment material until a relative compaction of ninety (90%) percent of maximum density compaction has been achieved, ~~unless part of an approved Grading Plan.~~

SECTION 503. TYPES OF GRADING PERMITS.

(a) Either a Preliminary Grading Permit or a Precise Grading Permit may be issued for grading work upon completion of a proper application and approval by the City Engineer.

(b) Building permits may be issued for a site graded under a valid precise grading permit upon completion and approval of rough grade inspection as specified in Section 1601(a)[4] of this code. Building permits for construction of model homes may be issued for those sites only prior to completion of rough grading for the remainder of the site, provided that rough grading is completed for those sites.

(c) Building permits shall not be issued for a site graded under a preliminary grading permit until a new precise grading permit has been issued and the provisions of (b) above have been satisfied.

SECTION 504. GRADING PERMIT APPLICATION

A grading permit application shall consist of the following items and forms completed and signed by the applicant or his representative unless otherwise specified by the City Engineer.

1. Application form
2. Three sets of grading plans
3. Notice of application completion form
4. Categorical exemption checklist form
5. Two copies of a preliminary soil report - See Sec. 506(b), 512, and 513(a)
6. Two copies of a preliminary geology report - See Sec. 506(b), 512, and 513(b) and (c).
7. Three sets of erosion control plans for applications submitted between August 1 and April 1
8. Payment of grading plan check fee

The City Engineer will inspect the site as necessary and determine whether additional reports or other data are required prior to issuance of the grading permit. He shall notify the applicant of his determination.

SECTION 505. GRADING PLAN CLEARANCES

The City Engineer shall notify the applicant that written clearance is required for the project prior to issuance of a grading permit from other Departments and Divisions within the City of Oceanside, and may be required from other agencies.

The owner of the property shall be responsible for obtaining clearance from any outside agency that may also control the grading operation.

Upon notification by the City Engineer, the applicant shall be responsible for submitting copies of the grading plans and information required by those division or agencies and obtaining the required clearance or permits.

SECTION 506. DATA TO ACCOMPANY APPLICATION.

(a) A Grading Plan, approved and signed by a Registered Civil Engineer, the Soil Engineer, and the Engineering Geologist shall accompany each application for a Grading Permit, unless waived by the City Engineer:

A general set of plans, in triplicate on sheets measuring 24 inches by 36 inches, showing the original and designed finish contours, spot elevations of building pads and public improvements, slope ratios, proposed drainage facilities, protective fencing, retaining walls, and any structures or buildings on adjacent properties within fifteen (15) feet of the common property lines.

Smaller sheets may be approved under certain circumstances by the City Engineer.

(b) Unless waived by the City Engineer, each application for a grading permit shall be accompanied by supporting data consisting of a soils engineering report, an engineering geology report, a landscape and irrigation plan, and the grading plans and specifications. All such plans shall be drawn to engineering scales as approved by the City Engineer. The title sheet of the general plans shall show the names, addresses, and phone numbers of the site owner, the civil engineer responsible for the plan's preparation, the project soil engineer and geologist, including registration numbers, and a locality sketch of the proposed site. The Landscape and Irrigation Plan shall be prepared by a practicing landscape architect. The plans shall indicate the areas, type, and method of slope planting to be done, and irrigation systems with types of controls.

(c) A statement of quantities shall be furnished, giving the estimated cubic yards of excavation, embankment, and the shrinkage or swell factor.

Also, types of ditches and down-drains, the lineal feet and sizes of the various types of pipe, the amount of rock to be used for rip rap or slope protection, a list of the structures such as headwalls and energy dissipators, the lineal feet of fencing, and any pertinent information useful in determining the extent of the proposed work.

(d) The Grading Plans shall show scaled sections of all stabilization fills, buttress fills, keyways, and benching for fill placement.

(e) Plans and specifications for earthwork projects of five thousand (5000) cubic yards or more, and/or subdivisions and hillside commercial, industrial, multi-residential projects shall be prepared and signed by a civil engineer, unless otherwise approved by the City Engineer. This requirement may be extended to any project when, in the opinion of the City Engineer, critical drainage or geologic factors may be involved and there is need for civil engineering design and control.

SECTION 507. LANDSCAPE AND IRRIGATION PLAN.

The Landscape and Irrigation Plan required by this section shall include landscaping, erosion control, and irrigation facilities, and shall be prepared by a landscape architect or qualified landscape company when approved by the Planning Department.

(a) The construction of a single family home on an individual lot with no graded slopes does not require the submission of a landscape plan unless specific landscape requirements were made as a condition for approval. Single family units must still conform to any applicable sections of the City Code and Ordinances pertaining to landscaping prior to occupancy. Generally, the requirements are limited to slope and parkway plantings. The landscaper should refer to Zoning and Subdivision Ordinance excerpts for any additional requirements which may apply.

(b) Landscape plans shall be required for, but not limited to the following development:

- Commercial
- Grading permits

- o Grading slopes
- o Industrial
- o Parking Lots
- o Planned residential developments
- o Remodeling which requires a permit
- o Subdivisions

(c) The plan shall conform to good, accepted standard procedures and requirements with special consideration for soil conditions encountered within the project area. The plan shall include detailed specifications for the preparation of the existing soils or for the application of topsoil to the slopes to encourage vigorous growth. The landscape architect shall be responsible for all inspections to insure conformance with the plans. Prior to final acceptance by the City, the landscape architect shall approve in writing to the City Engineer that the contractor's work is in conformance with the Landscape plans and that all individual plants show vigorous established growth typical of their species. Irrigation systems shall be pressure tested prior to backfilling and after completion, and shall show evidence of proper functioning prior to acceptance by the City. Such systems shall not be accepted by the

City until plant growth is established and maintenance responsibilities have been accepted by the appropriate party.

SECTION 508. GRADING PLAN CHECK

Information on Plans and Specifications:

Plans submitted for plan check shall be drawn to scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and shown in detail that they will conform to the provisions of this grading ordinance and all relevant laws, ordinances, rules, and regulations. The first sheet of each set of plans shall give the location of the work and the name and address and telephone number of the owner, the person by whom they were prepared, the project soil engineer, engineering geologist, and when required, the project paleontologist and archaeologist. A plan of workable size at a reduced scale may be required when the grading plans exceed two (2) sheets in number. Plan dimensions shall conform to Section 506(a).

SECTION 509. PRELIMINARY GRADING PERMIT.

The plans shall include but not be limited to the following information:

(a) Vicinity map of the site.

(b) Property limits clearly labeled or otherwise identified and accurate contours of existing ground and details of terrain and area drainage a minimum of fifteen (15) feet beyond property limits (spot elevations may be used on flatland sites).

(c) Prominent existing or natural terrain features.

(d) Limiting dimensions, elevations of finish contours to be achieved by the grading, proposed drainage devices, and related construction.

(e) Details (plan and section) of all surface and subsurface drainage devices, walls, cribbing, dams, and other protective devices to be constructed with, or as a part of the proposed work, together with a map showing the drainage area and estimated runoff from the area served by any drains.

(f) 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 land of adjacent owners which are within fifteen (15) feet of the property, or which may be affected by the proposed grading operations.

(g) If the grading project includes the movement of earth material to or from the site in an amount considered substantial by the City Engineer, the permittee shall submit the haul route for review and approval by the Engineering Department. He may suggest alternate routes or special requirements in consideration of the possible impact on the adjacent community environment or effect on the public right-of-way itself, which the City Engineer shall prescribe as a condition of the grading permit. The haul route shall be approved prior to issuance of a grading permit. The haul route or the following note shall be shown on the grading plan: "This plan is not an approved grading plan without an attached haul route plan approved by the City Engineer." There shall be no additional fee for the plan check.

(h) Additional plans, drawings, calculations, environmental impact information, or other reports required by the City Engineer.

SECTION 510. PRECISE GRADING PERMIT.

The plans shall include, in addition to the above items, the footprint or allowable building area of all proposed structures (including appurtenances), setback distances between structures and top and toe of slopes, detailed finish grade and finish floor elevations, flow lines for lot drainage, details for building footing and sideyard swale relationship (including extra height of footing), and all proposed PCC flatwork and/or PCC/ACC driveways.

SECTION 511. GRADING PLAN CORRECTION SHEET.

A grading plan standards and correction sheet is available from the Engineering Department which identifies items typically required on grading plans depending on site conditions.

SECTION 512. GEOTECHNICAL REPORTS.

A soil engineering and engineering geology report shall be required for grading projects unless otherwise waived by the City Engineer. The reports shall include information useful to the site and any additional information required by the City Engineer. Recommendations included in the reports and approved by the City Engineer shall be incorporated in the grading plans or specifications.

NOTE: The Building Director may require a soil report per Section 2095 of the U.B.C.

SECTION 513. GEOTECHNICAL REPORT STANDARDS.

Two copies of each geotechnical report required in this section shall be submitted as part of the application for grading permit. Each report shall contain all information applicable to the project and shall be prepared in accordance with generally accepted geotechnical engineering practice.

Recommendations contained in the approved reports shall be incorporated into the grading plans and specifications and shall become conditions of the grading permit.

a. Preliminary Soil Report:

Soil engineering reports shall be required for all subdivision, commercial/industrial, multi-residential and similar developments involving structures and/or earthwork for which a grading permit is required. Soil reports shall also be required for grading or building permits on single lot projects when specified by the City Engineer.

The preliminary (initial) soil engineering report shall include information and data regarding the nature, distribution, and the physical and chemical properties of existing soils; conclusions as to adequacy of the site for the proposed grading; recommendations for general and corrective grading procedures; foundation and pavement design criteria; and shall provide other recommendations, as necessary, commensurate with the project grading and development.

b. Preliminary Engineering Geology Report:

Engineering geologic reports shall be required for all developments on hillside sites where geologic conditions are considered to have a substantial effect on existing and/or future site stability. This requirement may be extended to other sites suspected of being adversely affected by faulting.

The preliminary (initial) engineering geology report shall include a comprehensive description of the site topography and geology including, where necessary, a geologic map; an opinion as to the adequacy of the proposed development from an engineering geologic standpoint; an opinion as to the extent that known or reasonably should be known instability on adjacent properties may adversely affect the project; a description of the field investigation and findings; conclusions regarding the effect of geologic conditions on the proposed development; and specific recommendations for plan modification, corrective grading and/or special techniques and systems to facilitate a safe and stable development, and shall provide other recommendations as necessary, commensurate with the project grading and development. The preliminary engineering geology report may be combined with the soil engineering report.

c. Seismicity Report:

A seismicity report shall be required as a condition for issuance of a grading permit and/or Building Permit for all subdivisions (tracts); and all sites for critical structures (fire stations, nursing homes, etc.) and major structures, as determined by the City Engineer. Additionally,

sites containing earthquake-sensitive earth materials and/or sites that are located on or near potentially active or active faults shall also require a seismicity report, as determined by the City Engineer.

The report shall be prepared by an engineering geologist, geophysicist, or a civil engineer with expertise in earthquake technology and its application to buildings and other civil engineering works. The scope of the report shall be commensurate with the proposed development and shall reflect the state of the art. The seismic report may be combined with the soil and engineering geology reports.

SECTION 514. IMPORT AND EXPORT OF EARTH MATERIAL.

Where an excess of five thousand (5,000) cubic yards of earth per site project is moved on public roadways from or to the site of an earth grading operation, all the following requirements shall apply:

a. Either water or dust palliative or both must be applied for the alleviation or prevention of

excessive dust resulting from the loading or transportation of earth from or to the project site on public roadways. The permittee shall be responsible for maintaining public rights-of-way used for transporting materials in a condition free of dust, earth, or debris attributed to the grading operations.

b. Loading and transportation of earth from or to the site must be accomplished within the limitations established in Section 515 of the grading ordinance.

c. Access roads to the premises shall be only at points designated on the approved grading plan.

d. The last fifty (50) feet of the access road, as it approaches the intersection with the public roadway, shall have a grade not to exceed three (3) percent. There must be a three hundred (300) foot clear, unobstructed sight distance to the intersection from both the public roadway and the access road. If the three (3) percent grade or three hundred (300) foot sight distance cannot be obtained, flagmen shall be posted.

e. A stop sign conforming to the requirements of the California Vehicle Code shall be posted at the entrance of the access road to the public roadway.

f. Advance warning signs and traffic control and safety devices shall be posted on the public roadway in the vicinity of the access intersection as required by the current State Department of Transportation "Manual of Traffic Control - Warning Signs, Lights and Devices for use in Performance of Work Upon Highways." The size, shape, color, number, spacing, and other details of all such signs and devices shall conform to the standards contained therein and in the current State Department of Transportation "Traffic Manual." The advance warning signs and/or other devices shall be covered or removed when the access intersection is not in use.

SECTION 515. TIME OF GRADING OPERATIONS.

Grading and equipment operations within one-half (1/2) mile of a structure for human occupancy shall not be conducted between the hours of 6:00 p.m. and 7:00 a.m. on weekdays, nor on weekends and Federal holidays without approval of the City Engineer. The City

Engineer may, however, permit grading or equipment operations during specific hours after 6:00 p.m. or before 7:00 a.m. on weekdays or on weekends and Federal holidays if he determines 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.

SECTION 516. RESPONSIBILITY OF PERMITTEE.

It shall be the resonsibility of the permittee to be knowledgeable of the conditions and/or restrictions of the grading permit as outlined in applicable sections of this code, and as contained on the approved grading plans and 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 grading plans bearing the stamp of approval by the City Engineer.

SECTION 517. HAUL ROUTES.

Where excavation or embankment material is imported or exported from one grading site to another over public streets, whether or not either site is otherwise subject to grading permit requirements, the City Engineer may specify the route to be used in transporting the materials upon public streets.

Deviation from this designated haul route shall constitute a violation of the conditions of the permit issued under this ordinance. When the City Engineer does specify a route, he shall do so in writing on the permit document, and shall immediately notify the Traffic Division of the Oceanside Police Department that said haul route has been specified.

The City Engineer may further specify load limits where, in his opinion, the standard load capacity of vehicles used in such hauling would cause excessive damage to streets on the designated route. Any grading or hauling contractor moving earth materials in violation of this ordinance shall be financially responsible for any damage to the public streets done by the hauling vehicles, and shall pay to the City of Oceanside the cost, as determined by the City Engineer, of repairing such damage.

At least 24 hours before hauling is to commence, the applicant shall also be required to notify the Traffic Divison of the Oceanside Police Department and the City Engineer. The Police Department may require traffic control devices to be provided by the applicant where reasonably necessary to protect the health, safety, and general welfare.

The permit may specify other conditions which may be shown necessary where the use of public streets is concerned in order to minimize a disruption in normal traffic activities and public inconvenience.

SECTION 518. DEBRIS ON PUBLIC STREETS.

Vehicle Code Section 23112(b) forbids the placing, dumping, or depositing of dirt and rocks on the public streets or any portion of the public right-of-way. All vehicles engaged in hauling materials under the permit provisions of this ordinance shall refrain from depositing dirt or debris on the public streets by any means, including but not limited to, spillage from the bed of a truck or other vehicle and debris collected on the wheels of the haul vehicle. The City Engineer may require a cash deposit to insure the clean-up of public streets.

SECTION 519. CLEAN-UP.

The permittee conducting any earth-moving operation under this ordinance which requires vehicles to haul earth materials on any public street shall be responsible for the complete removal of such materials from the street; of earth, mud, or other material, if spilled, dumped, or deposited on a public street. If the permittee fails to remove completely such spillage, and it is necessary for the City to cause such removal to be made, the permittee and/or the property owner shall be liable to pay the City the full cost of such removal work. A cash deposit may be required to insure the clean-up of public streets.

SECTION 520. DUST CONTROL.

The contractor/permittee conducting any earth-moving operation under this ordinance shall be responsible for controlling dust at all times.

SECTION 521. PROTECTION OF ADJOINING PROPERTY.

Each adjacent owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of

the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

(a) Any owner of land or his lessee intending to permit or to make an excavation greater than ten (10) feet in depth within fifty (50) feet of his property lines shall give reasonable notice to the owner or owners of land abutting the property lines affected by such excavation, stating the depth for which such excavation is intended to be made and when the excavation will begin.

(b) In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken so that the soil of adjoining property will not cave in or settle without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

(c) If at any time it appears that the excavation is to be of a greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least 10 days, if he so desires, in which to take measures to protect the same from any damage, or in which to extend the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.

(d) If the excavation is intended to be or is deeper than twelve (12) feet below existing grade and if on the land of the coterminous owner there is any building or other structure the wall or foundation of which goes to twelve (12) feet below existing grade or deeper, then the owner of the land on which the excavation is being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner thereof, from any damage by reason of the excavation, and shall be liable to the owner of such property for any such damage, excepting only for minor settlement cracks in buildings or other structures.

SECTION 522. ISSUANCE, EXPIRATION, AND RENEWAL.

(a) Every permit issued shall be valid for a period of two years from the date of issuance.

(b) Every permit issued shall expire by limitation and become null and void if the work authorized by such permit is not commenced within one hundred eighty (180) days from the date of such permit or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of one hundred eighty (180) days.

(c) The time limitations and provisions of Section 303 of the Uniform Building Code are applicable to grading permits, except as stated in [1] and [2] below:

[1] A permit issued hereunder shall expire upon a change of ownership if the grading work thereon, for which said permit was issued has not been completed, and a new permit shall be required for the completion of the work. If the time limitations of (a) and (b) of this section are not applicable, and if no changes

have been made to the plans and specifications last submitted to the City Engineer, no charge shall be made for the issuance of the new permit under such circumstances. If, however, changes have been made to the plans and specifications last submitted to the City Engineer, fees based on the valuation of the additional work, additional yardage and necessary plan checking shall be charged to the permit applicant.

[2] The City Engineer may extend the one hundred eighty (180) day expiration time limit on permits not to exceed two (2) successive periods of one hundred eighty (180) days each, upon written request by the applicant showing that circumstances beyond the control of the applicant have prevented action from being taken.

(d) The City Engineer may require that grading operations and project designs be modified if delays occur which incur weather-related problems not considered at the time the permit was issued.

(e) If the permittee presents satisfactory reasons for failure to begin or complete the work within the periods specified in (a) and (b) of this section, the City Engineer, upon receiving a written request, may grant an extension of time reasonably necessary or as specified in (c)[2] of this section or for one additional year without additional fees, provided that:

[1] No changes have been made in the original plans and specifications for such work.

[2] Suspension or abandonment has not exceeded one year.

[3] A re-endorsement of the compliance of the plans with the applicable regulations by the Engineering Department shall be obtained.

Such request for extensions must be submitted no later than the sixtieth (60th) day following the date on which said permit would otherwise expire.

(f) If the permittee is unable to complete the work by the end of a three (3) year period (initial two years plus one year extension) or fails to request an extension within the time provided in (e) above, the City Engineer, upon written request and justification may renew the grading permit for a fee of one-half the amount required for the original permit for such work, provided no changes have been made in the original plans and specifications for such work.

SECTION 523. DENIAL OF PERMIT.

The City Engineer shall not issue a permit in any case where he finds that the work as proposed by the applicant is liable to constitute a hazard to property or result in the deposition of debris on any public way or interfere with any existing drainage course. 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.

If, in the opinion of the City Engineer, the land area for which grading is proposed is subject to geological or flood hazard to the extent that no reasonable amount of corrective work can eliminate or sufficiently reduce the hazard to human life or property, the Grading Permit and the Building Permits for habitable structures shall be denied.

The City Engineer may require plans and specifications to be modified in order to mitigate anticipated adverse environmental effects of proposed grading projects. He may, under circumstances where the significant adverse environmental effects of a proposed grading project cannot be mitigated in accordance with the requirements of CEQA, deny the issuance of a grading permit.

The City Engineer may require plans and specifications to be modified in order to make them consistent with the City of Oceanside General Plan, Specific Plans, Zoning Code, or other rules, regulations, or conditions applicable to the project. He may deny the grading permit if the proposed project cannot be designed in accordance with these rules, regulations, or conditions.

ARTICLE VI - FEES

SECTION 601. PLAN-CHECKING FEES.

Before accepting a set of plans and specifications for checking, the City Engineer shall collect a plan-checking fee. Separate permits and fees shall apply to retaining walls or major drainage structures, as indicated elsewhere in the City Ordinance. There shall be no separate charge for standard terrace drains and similar facilities. The amount of plan-checking fee for grading plans shall be as set forth by Council Resolution.

The plan-checking fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between such fee paid for the original permit and the fee shown for the entire project.

SECTION 602. REVIEW OF GEOTECHNICAL REPORTS FEE.

Before accepting a geotechnical report for review, the City Engineer shall collect a report review fee. A separate fee will be charged for each individual report submitted for review. The amount of the report review fee shall be as set forth by Council Resolution.

SECTION 603. GRADING PERMIT FEES.

A fee for each grading permit shall be paid to the City Engineer as set forth by Resolution of the City Council.

The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

ARTICLE VII - BONDS

SECTION 701. BONDS.

SECTION 701. Add amended Section from ORDINANCE 95-12.

~~The City Engineer shall require bonds or other approved security in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions. One bond shall be posted to cover all grading and drainage items; a separate bond shall be posted for the slope planting, landscaping, and irrigation items.~~

ARTICLE VIII - CUTS

SECTION 801. CUTS.

Cut slopes shall be no steeper than two horizontal to one vertical (2:1). In special circumstances where no evidence of previous instability exists and, when recommended in the soil engineering report and approved by the City Engineer, slopes may be constructed steeper than 2:1. In no case shall slopes steeper than 2:1 be approved if 2:1 or flatter slopes are required as a condition of prior approval of any project without appropriate revision of said condition by the approving body.

Slope stability analyses shall accompany soil engineering reports for all slopes steeper than 2:1 and for all slopes exceeding forty (40) feet in height, regardless of the slope ratio. The soil engineer shall consider both gross and surficial stability of the slope and provide a written statement approving the slope stability.

ARTICLE IX - FILLS

SECTION 901. FILLS.

(a) Fill Location

Fill slopes shall not be constructed on natural slopes steeper than two (2) horizontal to one (1) vertical (2:1), or where the fill slope toes out within twelve (12) feet horizontally of the top of existing cut slopes adjacent to the permit area boundary, unless evidence is submitted by the soil engineer and/or engineering geologist which indicates adequate stability and the proposed slope is approved by the City Engineer.

(b) Preparation of Ground

The ground surface shall be prepared to receive fill by removing vegetation; noncomplying fill; topsoil and other unsuitable materials; and by scarifying to provide a bond with the new fill. Where existing slopes exceed five (5) feet in height and/or are steeper than five horizontal to one vertical (i.e., 5:1), the ground shall be prepared by benching into sound bedrock or other

competent material, as determined by the soil engineer and approved by the City Engineer. The lowermost bench beneath the toe of a fill slope shall be a minimum ten (10) feet in width. The ground surface below the toe of fill shall be prepared for sheet flow runoff, or a paved drain shall be provided.

Where fill is to be placed over a cut slope, the bench under the toe of the fill shall be at least fifteen (15) feet wide and shall meet the approval of the soil engineer and/or engineering geologist as a suitable foundation for fill.

Unsuitable soil is soil which is not dense, firm, or unyielding; is highly fractured; or has a high organic content; and in the opinion of the City Engineer, civil engineer, soils engineer, or engineering geologist is not competent to support other soil or fill, to support structures, or to satisfactorily perform the other functions for which the soil is intended.

(c) Fill Material

Detrimental amounts of organic material shall not be permitted in fills. Except as outlined below, no rock or similar irreducible material with a maximum dimension greater than twelve (12) inches shall be buried or placed in fills.

The City Engineer may permit placement of larger rock when the soils engineer properly devises a method of placement, continuously inspects placement, and approves the fill stability and competency. The following conditions shall also apply:

[1] Prior to issuance of the grading permit, potential rock disposal area(s) shall be delineated on the grading plan.

[2] Rock sizes greater than eighteen (18) inches in maximum dimension shall be six (6) feet or more below grade, measured vertically and/or ten (10) feet measured horizontally from slope faces.

[3] Rocks greater than twelve (12) inches shall be placed so as to be completely surrounded by soils; no nesting of rocks will be permitted.

(d) Compaction

All fills shall be compacted to a minimum of ninety (90) percent of maximum density as determined by ASTM D1557-78 [five layer test]. Field density tests shall be performed in accordance with ASTM D1556-78, or equivalent, as approved by the City Engineer. At least twenty-five (25) percent of the total tests shall be by ASTM D1556-78 to verify the accuracy of the equivalent method. All such tests shall be reasonably uniformly distributed within the fill or fill slope surface (see section e, paragraph 4) so that representative results are obtained.

Locations of field density tests shall be determined by the soil engineer or approved testing agency, but shall be sufficient in both horizontal and vertical placement to provide representative testing of all fill placed.