

ORDINANCE NO. 798

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF ROHNERT PARK AMENDING CHAPTER 15.50, EXCAVATIONS, GRADING AND FILLS, OF TITLE 15, BUILDING AND CONSTRUCTION, OF THE ROHNERT PARK MUNICIPAL CODE

The City Council of the City of Rohnert Park (City) does ordain as follows:

SECTION 1. Chapter 15.50 Excavations, Grading and Fills of the Rohnert Park Municipal Code Title 15 Building and Construction is amended in full to read as follows:

“Chapter 15.50

EXCAVATIONS, GRADING AND FILLS

Sections:

- 15.50.010 Purpose, scope and authority.
- 15.50.020 Definitions.
- 15.50.030 Permits required.
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- 15.50.050 Application – Contents.
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- 15.50.080 Permit duration and expiration.
- 15.50.090 Excavating, grading and filling – Regulations.
- 15.50.100 Inspection.
- 15.50.110 Completion of work.
- 15.50.120 Enforcement – Stop work order and revocation of permit.
- 15.50.130 Violation and penalties.
- 15.50.140 Appeal procedures.

15.50.010 Purpose, Scope and Authority

- A. Purpose. It is in the public interest, and it is necessary for the promotion and protection of the public safety, convenience, comfort, prosperity, general welfare and the protection of the city’s natural resources, to establish minimum requirements for grading on public or private property in order to preserve and enhance the natural beauty of the land, streams and creek banks and; reduce or eliminate the hazards of earth slides, mud flows, rock falls, undue settlement, erosion, siltation and flooding.
- B. Scope. This section sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedures for issuance of permits; and provides for approval of plans and inspection of grading activities. Any grading activity, whether or not a permit is required, is subject to erosion and sediment control regulations as provided for in Chapter 15.52.
- C. Flood Hazards. The provisions of this chapter shall not apply to grading, excavation and earthwork construction, including fills and embankments, in floodways within flood

hazard areas or in flood hazard areas where design flood elevations are specified but floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood.

- D. Authority. The City Engineer, or his/her designee, has authority for administering and carrying out the provisions in this chapter.

15.50.020 Definitions

For purposes of this chapter, the following terms shall be defined as follows:

- A. “As-graded” means the actual surface conditions present on completion of grading.
- B. “Bench” means a relatively level step excavated into earth material on which fill is to be placed, or within a cut or fill slope.
- C. “Borrow” means earth material acquired from an off-site location for use in grading on a site.
- D. “Certification” means a written engineering or geologist opinion concerning the progress and completion of the work.
- E. “Compaction” is the densification of earth material by mechanical means.
- F. “Contour rounding” means the rounding of cut and fill slopes in the horizontal plane to blend with existing contours or to provide horizontal variation, to eliminate the artificial appearance of slopes.
- G. “Cut”. See Excavation
- H. “Down Drain” is a device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility
- I. “Drip line” means a line extending around a tree directly underneath the outermost branches of the tree.
- J. “Earth material” is any rock, natural soil or fill and/or any combination thereof.
- K. “Engineering geologist” means a professional engineering geologist registered by the state to practice in the field of engineering geology.
- L. “Erosion” means the wearing away of the ground surface as a result of the movement of wind, water, and/or ice.
- M. “Excavation” means the removal of earth material by artificial means. Excavation is also referred to as a "cut."
- N. “Fill” means a deposit of earth material placed by artificial means.

- O. “Grade” means the vertical location of the ground surface. “Existing grade” is the grade prior to grading; “rough grade” is the stage at which the grade approximately conforms to the approved plan.
- P. “Grade, Finished”. The grade of the site at the conclusion of all grading efforts and which conforms to the approved plan.
- Q. “Grading” means any excavating or filling or combination thereof.
- R. “Grading Inspector” shall mean the City representative that is conducting the inspection of the on-site grading activities, as designated by the City Engineer.
- S. “Key” means the designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.
- T. “Large-scale projects” means a grading project that affects 50 acres or more or 200 lots or more.
- U. “Permittee” is the person who is issued the permit. The permittee may also be the applicant but under all circumstances must either be the owner or an authorized representative of the owner of the property where the grading is being done.
- V. “Sensitive Area” refers to the limits of impervious area that will be located less than 200 feet away from a natural water quality resource including a wetland, stream, pond, spring or river.
- W. “Slope”. An inclined surface, the inclination of which is expressed as a ration of horizontal distance to vertical distance.
- X. “Geotechnical engineer” means a civil engineer experienced and knowledgeable in the practice of soil engineering, or geotechnical engineering.
- Y. “Terrace” means a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
- Z. “Variable slope” means the variation in steepness of a cut or fill slope in a combination of the horizontal and vertical planes of the slope.

15.50.030 Permits required

- A. The exceptions outlined in this section shall not apply to grading within or immediately adjacent to natural drainage channels or courses.
- B. 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 code or any other laws or ordinances of this jurisdiction.
- C. No person shall do any grading without first having obtained a grading permit from the City Engineer except for the following:

1. An excavation for basements and footings of a building, swimming pool, or other structures authorized by a valid building permit. This subsection shall not exempt from permit requirements any excavation having an unsupported height greater than five feet after the completion of such structure;
2. The construction of retaining walls or other structures. This subsection shall not exempt from permit requirements any excavation having an unsupported height greater than five feet after the completion of such structure;
3. Cemetery graves;
4. Refuse disposal sites controlled by other regulations;
5. Excavations for wells or underground storage tanks no greater than 10,000 gallons in size when work is being done under the authority of a valid County well permit or City Building Permit;
6. Excavation for utilities when performed by a public utility;
7. Stockpiling of dirt, rock, sand, gravel, aggregate or clay of 50 cubic yards or less for a period of ten (10) days or less.
8. Exploratory excavations of 50 cubic yards or less under the direction of a geotechnical engineer or engineering geologist.
9. An excavation of 50 cubic yards or less which is less than two feet in depth, at any one given point, or; does not create a cut slope greater than four feet in height and steeper than two horizontal to one vertical and is not part of a phased grading operation.
10. A fill of 50 cubic yards or less which is less than two feet in depth and placed on a slope, flatter than five horizontal to one vertical, not intended to support structures, on a single lot or parcel, and does not obstruct a drainage course or alter the drainage of neighboring properties and is not part of a phased grading operation.
11. Work conducted in any city street, public right-of-way, or easement when the work is being done under the authority of a valid encroachment permit issued by the City.

15.50.040 Application – Fees

- A. Plan-check fees. Before accepting a set of plans and specifications for checking, a plan-check fee shall be collected. The Council shall, by resolution, establish plan-check fees. The Council may, from time to time, amend such fees by resolution.
- B. Grading permit fees. A grading permit fee shall be collected prior to issuance of a grading permit. The Council shall, by resolution, establish grading permit fees. The Council may, from time to time, amend such fees by resolution. The grading permit fee includes a grading inspection fee.

- C. Additional work. 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.
- D. Any work which commences without the required permit is a violation of this chapter.

15.50.050 Application – Contents

- A. For subdivisions, applications for a grading permit shall be accompanied by plans 22 inches by 34 inches in size prepared at a scale of 1 inch = 40 feet or at another scale acceptable to the City Engineer. For grading that is not part of a subdivision, the City Engineer, at his/her discretion, may allow waivers or deviations from the requirements specified in this paragraph, depending on the site-specific conditions.
 - 1. Title page shall identify owner's name, owner's mailing address, owner's phone number, site address, assessor's parcel number, planning application number (if any), cubic yards of cut and cubic yards of fill;
 - 2. A vicinity sketch showing roads, adjoining subdivisions and other data to adequately indicate the site location and show its relation to the community;
 - 3. Property lines of the property on which the work is to be performed. The widths, location and identity of all existing easements;
 - 4. Location of any buildings, structures, drainage devices or public improvements within fifty feet of the proposed grading work.
 - 5. Date, north arrow, scale and accurate contours showing the topography of the existing ground of the proposed site and at least fifty feet beyond its boundary. Indicate source and date of existing contours.
 - 6. Elevations, dimensions, location, extent and slopes of all proposed grading shown by contours and/or other means. Contours shall be shown at intervals of not greater than five feet, and of not greater than two feet if slope of land is less than ten percent.
 - 7. Details of all surface and subsurface drainage devices, walls or other protective devices to be constructed in connection with, or as part of, the proposed work.
 - 8. A certificate stating the amount and location of any material to be imported from or exported to areas other than that shown on the plans.
 - 9. Type, circumference and drip line of existing trees with a trunk diameter of six inches or more, measured twenty-four inches above existing grade. Any trees or vegetation proposed to be removed shall be so indicated.
 - 10. Schedule of work.
 - 11. Erosion control plan and other storm water regulations as provided for in Chapter 15.52.

- B. All grading in excess of 5,000 cubic yards, grading for “large projects” or with cuts/fills greater than four feet or when directed by the City Engineer as he/she deems necessary due to site conditions, shall be designated as “engineered grading.” All other grading is designated “regular grading.” In addition to meeting the requirements under Subsection A of this section, the application for engineered grading shall also contain the following:
1. A map prepared by a civil engineer showing the location of all areas subject to storm water runoff to and from the site and adjacent areas. A complete hydraulic analysis including the location, width, direction and quantity of flow of each watercourse shall accompany the map;
 2. A soils report prepared by registered soils engineer identifying: the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.
 3. For sites with mapped maximum considered earthquake spectral response accelerations at short periods greater than 0.5g, a study of the liquefaction potential of the site shall be provided with recommendations incorporated in the plans.
 4. A geologist report, prepared by an engineering geologist, including an adequate description of the geology of the site and conclusions and recommendations regarding the effect of geologic conditions on the proposed work.
 5. A letter from a soils engineer or engineering geologist verifying that he/she has been employed by the applicant and agrees to provide inspection, furnish as-built grading plans and submit final approval statement in accordance with this chapter.
 6. The erosion control plan shall be submitted to the City Engineer and shall include the placement of structural and non-structural storm water pollution prevention controls that prevent erosion during construction and post construction. Erosion control plans for large-scale projects or when directed by the City Engineer in Sensitive Areas shall be prepared by a certified erosion control specialist

15.50.060 Issuance of permit – Prerequisites

- A. No permit shall be issued until all of the required data has been submitted for the application, the City Engineer has approved the plans and other related documents, and all required fees have been paid.
- B. In the case of subdivisions, the grading permit may be issued, after grading plans are approved and all required grading bonds, grading permit fees, subdivision improvement agreement and deeds (if applicable) have been received, and after approval of the tentative map by the City Council.

15.50.070 Bonds

- A. Posting Required. A permit shall not be issued unless the permittee shall first post a bond executed by the permittee and a corporate surety authorized to do business in the state as a surety in an amount sufficient to cover the cost of the corrective work necessary to clean up and remove all debris, to eliminate all hazards or to return the land to its natural condition as much as is possible should the project be abandoned. This amount shall be based upon an engineer's cost estimate furnished by the applicant and approved by the City Engineer. The engineer's cost estimate of the grading work, including installation of erosion control measures, is acceptable as the bond amount, provided said estimate is approved by the City Engineer. In lieu of a surety bond, the applicant may file a cash bond, certificate of deposit, or instrument of credit in an amount equal to that which would be required in the surety bond. Every bond or other surety shall:
1. Comply with all of the provisions of the applicable laws, ordinances and requirements of the City Attorney;
 2. Comply with all terms and conditions of the permit for excavation or fill to the satisfaction of the City Engineer; and
 3. Include conditions that the permittee shall complete all of the work under the permit within the time limit specified in the permit. The City Engineer may, for sufficient cause, extend the time specified in the permit, but no such extension shall release the surety.
- B. Term. The term of each bond shall begin upon the date of issuance of the grading permit and shall remain in effect until released by the City Engineer upon acceptance of completed grading improvements.
- C. Failure to complete work. In the event of failure to complete the work and failure to comply with all of the conditions and terms of the permit, the City Engineer may order the work required by the permit to be completed to his/her satisfaction. The surety executing such bond or deposit shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the governing agency in causing any and all such required work to be done. If the work is not completed within the time period specified in Section 15.50.080, the permittee shall be deemed to have abandoned the project, and the City Engineer may, in his/her discretion, order the land to be returned, as much as possible to its natural condition, and the surety shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the governing agency in causing such restoration work to be done. In the case of cash deposit, said deposit, or any unused portion thereof, shall be refunded to the permittee in whatever amount is not necessary to complete the work described.

15.50.080 Permit duration and expiration

If the work authorized by any permit under this chapter is not commenced within six months of the date of issuance, or as otherwise indicated on the permit, or if the work is not completed (including permittee's submission of final reports and drawings in accordance with Section

15.50.110) within one year of the date of issuance, or sooner if indicated on the permit, the permit shall expire and become null and void.

15.50.090 Excavating, grading and filling – Regulations

- A. The following regulations shall apply to all excavating, grading and filling activities:
1. One copy of the approved plans and approved revisions thereof, the Storm Water Pollution Prevention Plan, and grading permit shall be kept on the site at all times during the progress of the grading and shall be made available during inspections.
 2. All grading and noise there from, including but not limited to, warming of equipment motors, shall be limited to the hours stated in Chapter 14.30 Construction Hours Limited.
 3. All graded surfaces and materials, whether filled, excavated, transported or stockpiled, shall be wetted, protected, covered or contained in such a manner as to prevent any nuisance from dust, sediment site runoff, or spillage onto adjoining property or streets. Best management practices in accordance with Chapter 15.52 Erosion and Sediment Control shall be incorporated in the grading activities.
 4. The faces of cut and fill slopes shall be prepared and maintained to control erosion. Erosion control for slopes shall be installed as soon as possible and prior to calling for final inspection.
 5. No grading shall be conducted so as to encroach upon or alter the established gradient and riparian habitat of natural drainage courses except when a valid permit and other necessary approvals are obtained from the appropriate state and federal authorities and the necessary environmental review and approvals are received.
 6. Whenever any portion of the work requires entry onto adjacent property for any reason, the permittee or applicant shall obtain a right of entry from the adjacent property owner in a form acceptable to the City Attorney.
 7. Grading shall be designed so that lot lines are at the top of slope and with adequate property line setback from the slope to provide for required vertical slope rounding. The tops and toes of cut lines and structures shall be designed to be as far as necessary to provide for safety of adjacent property, safety of pedestrians, and vehicular traffic, required slope rounding adequate foundation support, required swales, berms and drainage facilities and applicable zoning requirements. Except for pier-type foundations or other special foundation design, setback from property lines shall be not less than shown in Figure J108.1, of the California Building Standards Code.
 8. Cut and fill slopes shall be set back from the property lines in accordance with this subsection. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure J108.1, of the California Building Standards Code unless substantiating data is submitted justifying reduced setbacks. The setback at the top of a cut slope shall not be less than that shown in

Figure J108.1, or less than is required to accommodate any required interceptor drains, whichever is greater. Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the City Engineer, shall be included. Such protection may include but shall not be limited to:

- a. Setbacks greater than those required by figure J108.1;
 - b. Provisions for retaining walls or similar construction;
 - c. Erosion protection of the fill slopes; and,
 - d. Provisions for the control of surface waters.
9. The permittee and the grading contractor shall be responsible for the protection of adjacent properties during grading operations. Prior to commencing any grading of the site, the exterior boundaries shall be marked as required by the Grading Inspector. Boundary markers shall be maintained throughout the grading operation. Temporary barriers and /or protective fencing shall be used when necessary to protect adjacent properties.
 10. Proper soil stabilization is required for all graded areas. Slopes, both cut and fill, shall be provided with subsurface drainage as necessary for stability.
 11. Slopes, both cut and fill, shall be no steeper than is safe for the intended use, and shall be no steeper than two horizontal to one vertical (2:1), unless special circumstances applicable to the property, including size, shape, topography, location or surroundings would cause the strict application of the standard to deprive such property of reasonable use. If these conditions are met, a thorough geological and engineering analysis shall verify that steeper slopes are safe and appropriate erosion control measures are specified.
 12. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent) provided that all the following are met:
 - a. It is not intended to support structures or surcharges.
 - b. It is adequately protected against erosion.
 - c. It is not more than 8 feet in height.
 - d. It is approved by the City Engineer.
 13. Cut and fill slopes shall be contour-rounded unless the City Engineer finds special circumstances applicable to the property that would require deviation from this requirement.

14. Variable slopes shall be used to mitigate environmental and visual impacts of grading unless the City Engineer finds special circumstances applicable to the property that would require deviation from this requirement.
15. Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided, except that terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent)
16. Terraces at least six feet in width shall be established at not more than thirty-foot vertical intervals, subject to maximum height limitations, to control surface drainage and debris on cut or fill slopes. Suitable access shall be provided to permit proper cleaning and maintenance.
17. Where more than two terraces are required, one terrace located at approximately mid-height, shall be at least 12 feet in width.
18. Swales or ditches shall be provided on terraces. They shall meet the following requirements: have a minimum gradient of 20 horizontal to 1 vertical (5 percent); be made with materials suitable to the application; and, have a minimum width of 5 feet.
19. All drainage facilities shall be designed to carry waters to the nearest practical drainage way approved by the City, the Sonoma County Water Agency and other appropriate jurisdiction as a safe place to deposit such waters. If drainage facilities discharge on natural ground, riprap and/or energy dissipaters shall be constructed.
20. Drainage across property lines shall not exceed the drainage 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 nonerosive down drains or other devices.
21. A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (projected) without discharging into down drain.
22. Interceptor Drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet measured horizontally. They shall have a minimum depth of 1 foot and a minimum width of 3 feet. The slope shall be approved by the City Engineer, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be lined with concrete materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the City Engineer.
23. All building sites shall be graded and sloped away from the building foundation with a minimum slope of two percent for a distance of ten feet on all sides of every building except where yard requirements are less than twenty feet, in which case the soil shall be graded away from the foundation to a minimum of two-tenths of a foot in elevation at a distance not less than one-half the required yard

width; or if the lot size and site conditions are such that this requirement can not be met, the City Engineer may allow a minimum slope of two percent away from the building for a distance of four feet. Lot surface drainage shall be directed toward approved drainage facilities at a minimum gradient of one-half percent and shall not cross property lines without the appropriate drainage facilities and/or easement.

24. No cut or fill may intrude closer than the drip line of any tree to be retained on the site.

B. Unless otherwise recommended in the approved soils report, fills shall conform to the following provisions:

1. The ground surface shall be prepared to receive fill by removing vegetation, non-complying fill, topsoil and other unsuitable materials, then scarifying surface to provide a bond with new fill.
2. Fill on slopes steeper than 5:1 and higher than 5 feet shall require benching into sound bedrock or other competent material as determined by the soils engineer. Bench shall be a minimum width of 10 feet and 2 feet in depth. The area beyond the top of fill shall be sloped for sheet overflow or an approved drainage facility provided.
3. When fill is placed over a cut, the bench under the top of fill shall be at least 10 feet wide and the cut shall be made before placement of the fill and acceptance by the soils engineer or engineering geologist as a suitable foundation for fill.
4. Detrimental amounts of organic material shall not be permitted in fills. No rocks or similar irreducible material with a minimum dimension greater than 12 inches shall be buried or placed in fills. The City Engineer may permit placement of larger rock only upon receipt and approval of a method of placement prepared by a soils engineer and under his/her direction. The following conditions shall also apply:
 - e. Rock disposal areas shall be delineated on grading plan.
 - f. Rock sizes greater than 12 inches in maximum dimension shall be 10 feet or more below finished grade, measured vertically.
 - g. Rocks shall be placed so as to assure filling of all voids with fines.
5. All fills shall be compacted to a minimum 90 percent of maximum density as determined by ASTM D 1557, Modified Proctor, in lifts not exceeding 12 inches in depth. In place density shall be to the satisfaction of the City Engineer.

15.50.100 Inspection

A. General. All grading operations for which a permit is required shall be subject to inspection by the Grading Inspector. Special inspection of grading operations and special testing shall also be performed in accordance with the provisions of Subsection C of this

section. The permittee shall notify the Grading Inspector at least 48 hours prior to the start of construction.

- B. Engineered Grading designation. The City Engineer may have cause to believe that hydraulic, geologic or other factors require engineered grading for grading that is less than the amounts defined for engineered grading in Subsection 15.50.040B and shall, at his/her sole discretion, so designate the grading work as engineered grading.
- C. Engineered grading requirements.
 - 1. For engineered grading it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the geotechnical engineering and engineering geology reports into the grading plan. He/she shall also be responsible for the professional inspection and approval of the grading within his/her area of technical specialty. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, the City Engineer, and the Grading Inspector. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-built grading plans upon completion of the work.
 - 2. Geotechnical engineering and engineering geology reports shall be required in accordance with Section 15.50.050. During grading, all necessary reports, compaction data and geotechnical engineering and engineering geology recommendations shall be submitted to the civil engineer and the Grading Inspector by the geotechnical engineer and the engineering geologist.
 - 3. The geotechnical engineer's area of responsibility shall include, but need not be limited to, professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and the design of buttress fills, where required, incorporating data supplied by the engineering geologist.
 - 4. The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and approval of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters, and the need for subdrains or other groundwater drainage devices. He/she shall report findings to the geotechnical engineer and the civil engineer for engineering analysis.
 - 5. The Grading Inspector shall inspect the project at the various stages of the work requiring approvals and at more frequent intervals necessary to determine that adequate control is being exercised by the professional consultants.
- D. Regular grading requirements.
 - 1. The City Engineer, at his/her discretion, may require inspection and testing by an approved testing agency at the permittee's expense.

2. The testing agency's responsibility shall include, but need not be limited to, certification concerning the inspection of cleared areas and benches to receive fill, and the compaction of fills.
- E. Notification of noncompliance. If, in the course of fulfilling their responsibility under this section, the civil engineer, the geotechnical engineer, the engineering geologist or the testing agency finds that the work is not being done in conformance with this section or the approved grading plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and the Grading Inspector. Recommendations for corrective measures, if necessary, shall be submitted.
- F. Transfer of responsibility. If the civil engineer, the geotechnical engineer, the engineering geologist, or the testing agency of record is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of their technical competence for approval upon completion of the work.

15.50.110 Completion of work

- A. Final reports. Upon completion of the rough grading work and at the final completion of the work, the permittee shall submit the following reports and drawings and supplements thereto to the City Engineer no later than the expiration of the permit in accordance with Section 15.50.80 (unless permittee is granted an extension by the City Engineer, in his or her sole discretion, to submit such final reports):
1. As-built grading plan, including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities.
 2. The grading contractor shall submit a statement that his work was in conformance to said as-built grading plan.
- B. For engineered grading, in addition to meeting the requirements in subsection A of this section, the following shall also be required:
1. The geotechnical engineer shall submit a statement certifying that, to the best of his/her knowledge, the work within his/her area of responsibility is in accordance with the approved geotechnical engineering report.
 2. The civil engineer shall submit a statement certifying that, to the best of his/her knowledge, the work within his/her area of responsibility was done in accordance with the approved grading plan.
 3. A final soils grading report prepared by the geotechnical engineer including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes, made during grading, and their effect on the recommendations made in the geotechnical engineering investigation report.
 4. If requested by the City Engineer, a final geologic grading report prepared by the engineering geologist including a final description of the geology of the site,

including any new information disclosed during the grading and the effect of that geology on recommendations incorporated in the approved grading plan.

15.50.120 Enforcement - Stop work order and revocation of permit

In the event that any person doing work related to the approved plans pursuant to this chapter violates the terms of the approved plans or performs the work in such a manner as to materially adversely affect the health, welfare, or safety of persons residing or working in the neighborhood or the site so as to be materially detrimental to the public welfare or injurious to property or improvements in the neighborhood, the City Engineer may order the construction stopped by notice in writing, or may suspend or revoke the grading permit.

15.50.130 Violation and penalties

No person shall construct, enlarge, alter, repair, or maintain any grading, excavation, or fill or cause the same to be done, contrary to, or in violation of, any terms of this ordinance. Any person violating any of the provisions of this ordinance shall be deemed guilty of an infraction and each day during which any violation of any of the provisions of this ordinance is committed, continued, or permitted, shall constitute a separate offense. In addition, any person, partnership, or corporation convicted of violating any of the provisions of this chapter shall be required to bear the expense of such restoration.

15.50.140 Appeal procedures

Any person under this chapter who may be dissatisfied with the action of the City Engineer, Planning Director, Building Official or Grading Inspector on the application or permit may, within five days after such action is taken, file an appeal with the City Manager by giving written notice of such appeal to the City Clerk. A Stop Work Order shall be effective upon issuance, and shall continue in effect during the pendency of any appeal. The appeal shall state the name and address of the appellant, the nature of the determination being appealed, the reason the appellant believes the determination is incorrect, and what the correct determination of the appeal should be. Failure to file such a statement within the time or in the manner required waives the appellant's objections, and the appeal shall be dismissed. Unless the appellant and City agree to a longer time period, the appeal shall be heard by the City Manager within 30 days of receipt of the notice of appeal. At least ten days prior to the hearing, the City shall mail notice of the time and place of the hearing to the appellant. The City Manager shall hear and determine the appeal on the basis of the appellant's written statement and any additional evidence deemed appropriate. The appellant may present testimony and oral argument at the hearing either personally or by counsel. The City Manager shall issue a written decision within 10 days of the date of the hearing. The decision of the City Manager is final.

SECTION 2. Environmental Clearance. In accordance with CEQA Section 15061(b)(3), “[C]EQA applies only to projects, which have the potential for causing a significant effect on the environment. Where it can be seen with certainty that there is no possibility that the activity in question may have a significant effect on the environment, the activity is not subject to CEQA.” The proposed amendments would not impact the environment, and therefore staff has determined that the amendments are exempt from CEQA review.

