

# 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hereby repealed and the following is enacted in place  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.

ARTICLE III - HAZARDS

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 artificial 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 interest 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 ( $\text{SO}_4$ ) 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:

- o Commercial
- o 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 responsibility 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 Division 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.

Testing in areas of a critical nature or special emphasis shall be in addition to a network of representative samplings.

Exceptions:

1. Fills excepted in Section 201 of the Grading Ordinance if the City Engineer determines that compaction is not a necessary safety measure to aid in preventing saturation, settlement, slipping, or erosion.
  
2. Where lower density and very high potential expansion characteristics exist, as defined by Table No. 29-C of the Uniform Building Code, lesser compaction may be granted by the City Engineer upon justification and recommendation by the soil engineer.

Sufficient maximum density determinations by test method ASTM 1557-78 shall be performed during the grading operations to verify that the maximum density curves used are representative of the material placed throughout the fill.

(e) Fill Slopes

Fill 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.

All fill slopes shall be overfilled to a distance from finished slope face that will allow compaction equipment to operate freely within the zone of the finished slope, and then cut back to the finish grade to expose the compacted core. Alternate methods may be employed by the grading contractor subject to approval by the soil engineer and City Engineer. In such instances, the grading contractor shall provide detailed specifications for the method of placement and compaction of the soil within a distance of an equipment width from the slope face.

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 the gross and surficial stability of the slope and provide a written statement approving the slope stability. In addition, the soil engineer shall recommend alternative methods of construction or compaction requirements necessary for surficial stability.

At least twenty (20) percent of the field density tests performed during grading shall be located within three (3) feet of the final slope location, and at least one density test shall be taken in the outer 12 inches of finished slope face for every 5000 square feet of slope area.

(f) Buttress/Stabilization Fills

Recommendations for buttress fills or stabilization fills by the soil engineer shall be accompanied by a report setting forth the soil or geologic factors necessitating the buttress/stabilization fill, stability calculations based on both static

and pseudostatic conditions, (pseudostatic loads need not normally be analyzed when bedding planes are flatter than 12 degrees from the horizontal) laboratory test data upon which the calculations are based, a copy of the approved grading plan showing the location of the buttress/stabilization fill, a scaled section of the buttress/stabilization fill, and recommendations with details of subdrain requirements.

(g) Utility Line Backfill

Backfills for on-site utility line trenches, such as water, sewer, gas, and electrical services which affect the stability of foundations or other structures, or in sloping surfaces steeper than ten horizontal to one vertical (10:1), utilizing site materials, shall be compacted and tested in accordance with subsection 901(d), Compaction, of this section. Alternate materials and methods may be used for utility line backfills provided that the material specification and method of placement are recommended by the soil engineer and approved by the Building Director prior to backfilling.

Utility line backfill in areas other than those stated above need no specified placement method or compaction criterion, but shall be sufficiently compacted to preclude detrimental settlement.

The final utility line backfill report from the project soil engineer shall include a statement of compliance by the soil engineer that the tested backfill is suitable for the intended use.

#### ARTICLE X - SETBACKS

##### SECTION 1001. SETBACKS (General)

The setbacks and other restrictions specified by this Section are minimum and may be increased by the City Engineer or by the recommendation of a civil engineer, soils engineer, or engineering geologist, if necessary for safety and stability, or to prevent damage of adjacent properties from deposition or erosion, or to provide access for slope maintenance and drainage. Retaining walls may be used to reduce the required setbacks when approved by the City Engineer. Where zoning requirements exceed the minimums herein, the zoning setbacks shall govern.

SECTION 1002. SETBACKS FROM PROPERTY LINES.

The tops and toes of slopes shall be set back from the outer boundaries of the permit area, including slope rights areas and easements, in accordance with Figure No. 1. Lot lines shall be located at the top of slopes wherever practicable.

SECTION 1003. DESIGN STANDARDS FOR SETBACKS.

Setbacks between graded slopes (cut or fill) and structures shall be provided in accordance with Figure No. 1.

A usable side yard of at least five (5) feet from any building wall shall be provided to the toe or top of a slope, unless waived by the City Engineer.

Min. Setback From Adjacent Slope					
H (hgt.) Feet	a	b	c	d	e
0-6	3'	5'	3'	5'	3'
6-14	5'	5'	H/2	H/2 5' min.	3'
14-30	5'	H/2 10' max.	H/2	H/2 10' max.	6'
+30	5'	10' max.	15' max.	10' max.	6'

Table A

H (hgt.) Feet	Hw	Min. Setback f
0-6	3' max.	3' min.
8	4'	4'
10	5'	5'
12-30	6' max.	H/2
+30	6' max.	15' max.

Table B

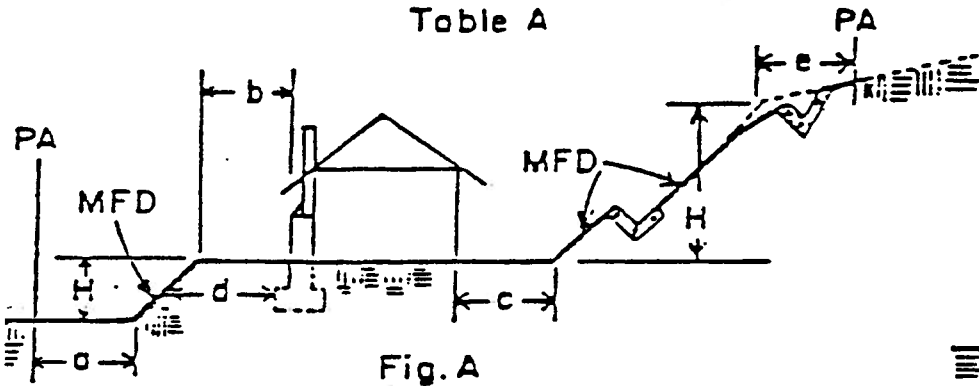


Fig. A

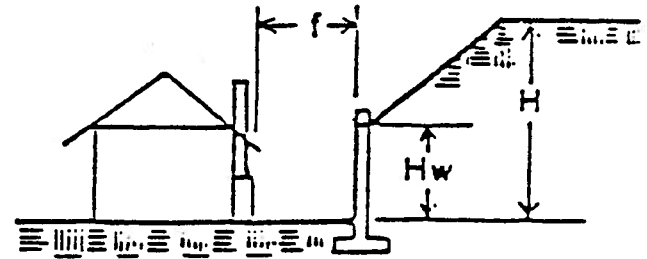


Fig. B

## NOTES:

1. PA means permit area boundary and/or property lines; MFD means manufactured surface.
2. Setbacks shall also comply with applicable zoning regulations.
3. Table A applies to manufactured slopes and 2:1 or steeper natural slopes. Setbacks from natural slopes flatter than 2:1 shall meet the approval of the City Engineer.
4. "b" may be reduced to 5' minimum if an approved drainage device is used; roof gutters and downspouts may be required.
5. "b" may be reduced to less than 5' if no drainage is carried on this side and if roof gutters are included; "d" may not be reduced.
6. If the slope between "a" and "b" levels is replaced by a retaining wall, "a" may be reduced to zero and "b" remains as shown in Table A. The height of the retaining wall shall be controlled by zoning regulations.
7. "b" is measured from the face of the structure to the top of the slope.
8. "d" is measured from the lower outside edge of the footing along a horizontal line to the face of the slope. Under special circumstances "d" may be reduced as recommended in the approved soil report and approved by the Building Director.
9. The use of retaining walls to reduce setbacks (Fig. B) must be approved by the City Engineer.
10. "f" may be reduced to zero (0) feet if the Building Director approves a combination structure wall-retaining wall and the City Engineer approves the necessary drainage device.

## ARTICLE XI - DRAINAGE AND TERRACING

### SECTION 1101. DRAINAGE AND TERRACING (General).

Unless otherwise indicated in the approved grading plan, drainage facilities and terracing shall conform to the provisions of this Section, and to the currently adopted design standards and the Master Drainage Plan, except where otherwise specified.

### SECTION 1102. TERRACES.

Terraces at least eight (8) feet in width shall be established at not more than thirty (30) foot vertical intervals on all cut or fill slopes to control surface drainage and debris; except that where only one terrace is required, it shall be at mid-height. Terrace widths and spacing for cut and fill slopes greater than 120 feet in height shall be designed by the civil engineer upon recommendation of the soil engineer and approved by the City Engineer. Suitable access shall be provided to permit proper cleaning and maintenance.

Terrace drains shall have a minimum gradient of two (2%) percent unless waived by the City Engineer per the adopted standards. They shall have a minimum depth at

the deepest point of one (1) foot and a minimum paved width of three (3) feet and shall be designed to accomodate the runoff created.

SECTION 1103. SUBSURFACE DRAINAGE.

Cut and fill slopes shall be provided with subsurface drainage as necessary for stability, and as recommended by the soils engineer and/or the engineering geologist.

SECTION 1104. STORM WATER DISCHARGE.

All drainage facilities shall be designed to carry design flow to the nearest practicable drainage way approved by the City Engineer and/or by other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of non-erosive downdrains, energy dissipators, or devices.

SECTION 1105. INTERCEPTOR DRAINS.

Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area

above slopes towards the cut, unless waived by the City Engineer. The slope of the drain shall be approved by the City Engineer.

SECTION 1106. STORM WATER RUNOFF.

Storm water runoff shall not be carried over cut and fill slopes steeper than 5:1, but shall be provided for as follows:

- (a) Whenever practicable, each lot shall be graded so that storm water will drain from the backyard through the sideyard and front yard directly to the abutting street, with a drainage of 1% minimum toward approved drainage facilities, and not across other lots or onto cut and fill slopes.
- (b) When the above is not feasible as determined by the City Engineer, storm water shall be collected along the top of banks or at the rear of the graded lots by means of paved gutters, and carried to properly sized outfalls or area drains which shall serve as erosion control devices. Such discharge shall not be allowed to drain across the surface of sidewalks or parkways. Asphalt concrete may not be used. Downdrain ditches shall be a minimum of 18 inches deep.

(c) Where slopes are terraced at thirty (30) foot vertical intervals, drainage shall be provided in paved ditches a minimum of 36 inches wide and 12 inches deep. Construction of the ditches shall be as described for gutters and downdrains herein, and shall be located on the terraces with one side of the ditch two (2) feet from the toe of slope. Where a terrace is constructed to conform to slope requirements, but is intended to be of a temporary nature, the City Engineer may waive the paving requirements, if a satisfactory surety bond or other means to guarantee improvement is posted with the City.

(d) Connecting downdrains between the interceptor drains and/or terrace ditches shall be constructed of poured portland cement concrete or air-blown mortar, both reinforced with wire mesh, and of sufficient depth (a minimum of 18 inches deep) to allow for an unimpeded flow when terraces are crossed. If pipe downdrains of concrete or asbestos concrete are used, anchor lugs or collars may be required. Pipe specifications shall be approved by the City Engineer. Special design features shall be provided as required for abrupt changes of direction.

(e) The discharge from any downdrain, ditch, or pipe shall be controlled so as to prevent erosion of the adjacent grounds. Velocities shall be reduced by means of adequately sized aprons of rock, grouted rip rap, or box-type energy dissipators.

SECTION 1107. DRAINAGE EASEMENT.

For all drainage-ways where the continuous functioning of the drainage-way is essential to the protection and use of property other than the lot on which the drainage-way is located, a covenant and/or deed restriction shall be recorded by the applicant, placing the responsibility for the maintenance of the drainage-ways on the owner of record of each respective lot. Permanent offsite drainage easements, as required by the City Engineer, shall be acquired by the Permittee. Such easements shall be subject to approval of the City Engineer and City Attorney and recorded prior to issuance of the Grading Permit.

## ARTICLE XII - RETAINING WALLS

### SECTION 1201. RETAINING WALLS.

Retaining walls shall be constructed of reinforced concrete or reinforced masonry and adequately designed to carry all earth pressures, including any embankment surcharge. Building permits shall be obtained for such structures from the Building Department.

## ARTICLE XIII - EXPANSIVE SOILS

### SECTION 1301. EXPANSIVE SOILS.

(a) Expansive soil is any soil with an expansion index greater than 20, as determined by the Expansive Index Tests (U.B.C. Std. 29-2).

(b) Whenever expansive soils are encountered within four (4) feet of the finish grade of any area intended or designed as a location for a building, then:

1. The permittee shall cause such expansive soil to be removed to a minimum depth of four (4) feet below finish grade and replaced with properly compacted, non-expansive soil; or

2. In the event that sufficient non-expansive material is not readily available on site, the soils engineer may waive or reduce the requirement for removal and replacement of the expansive soils reported on the project. The soils engineer shall make recommendations for the design of footings, foundations, slabs, and other load bearing features, or for other special procedures which will alleviate any problem created by the remaining expansive soils.
  
3. In general, at the discretion of the soil engineer, expansive soils from cut areas shall be placed in the lower extremities of embankments, and non-expansive materials shall be reserved, stockpiled, or otherwise handled so that they may be placed as a cap over expansive soils. Whenever expansive soils are placed closer than four (4) feet of finish grade, the soils engineer shall so indicate, and shall make corrective recommendations as set forth in 2 above.

ARTICLE XIV - ASPHALT PAVING

SECTION 1401. ASPHALT CONCRETE PAVEMENT.

(a) Requirements

For the purpose of this section, asphalt concrete (A.C.), aggregate base (A.B.), prime coat, tack coat, seal coat shall meet the current standards of the City of Oceanside for public road construction and/or the approval of the City Engineer.

Asphalt concrete is classified as a secondary drainage device when used for roadway and parking lot surfacing and other similar uses. Accordingly, plan check and permit fees, as outlined in Article VI, Fees, are applicable.

(b) Subgrade Compaction

Compaction of subgrade earth materials shall comply with the requirements of Section 901(d) of this ordinance..

(c) Soil Sterilization

Unless otherwise approved by the City Engineer, subgrade earth materials shall be sterilized to preclude plant growth.

(d) Pavement Structural Section

The project soil engineer, architect, or design civil engineer shall determine the pavement structural section(s) for parking lots/service roads, private streets, and dedicated streets for residential developments based on (1) soil tests of the subgrade soil(s) performed in accordance with the latest revision of Test Method No. Calif. 302, and (2) anticipated traffic and/or loading conditions. Design shall be in accordance with the CalTrans Highway Design Manual or by alternate methods acceptable to the City Engineer.

(e) Alternative Design Method for Parking Lots/Service Roads and Private Streets

In lieu of a recommended structural section from the soil engineer or civil engineer for parking lots/service roads and private streets, the following minimum standards may be utilized:

<u>Main Parking Lot Industrial and Commercial</u>	<u>Minimum Pavement Structural Section</u>
Parking area less Driveways and Perimeter Drives	3"AC/4"AB
Driveways and Perimeter Drive Industrial Developments	3"AC/10"AB
Driveways and Perimeter Drive Commercial Developments	3"AC/8"AB
<u>High-Density Residential</u>	
Parking Areas and Access Lanes	3"AC/4"AB
Drives and Areas Subject to Heavy Truck Use	3"AC/8"AB

(f) Structural pavement sections for dedicated streets for residential development shall be determined in accordance with 1401(d) above.

Exception:

The provisions of this section shall not apply when a private asphalt concrete driveway providing access to not more than two single-family residences is proposed in conjunction with a project subject to a grading permit.

ARTICLE XV - EROSION CONTROL

SECTION 1501. EROSION CONTROL.

SECTION 1501. Add amended Section from ORDINANCE 95-12.

~~(a) Erosion Control Plans~~

~~Erosion control plans shall be submitted to the City Engineer for approval by September 15 each year for projects under grading permit. The erosion control plan may be waived for grading projects on single residential lot projects, providing that an erosion control system meeting the approval of the City Engineer has been installed, placed, planted, or constructed before October 15, or when eroded material will be transported by a natural water course so as not to affect adjacent properties.~~

An erosion control and/or sediment control plan may be required when erosion or sediment discharge may adversely affect the effectiveness of downstream drainage conditions or structures, or adversely affects adjacent properties after completion of rough grading operations.

(b) Information on Erosion Control Plans.

The plan shall include but not be limited to:

- 1) A twenty-four (24) hour telephone number of the person responsible for performing emergency erosion control work.
- 2) The signature of the civil engineer who prepared the erosion control plan.
- 3) All desilting and erosion protection facilities necessary to protect adjacent property from sediment deposition.
- 4) The streets and drainage devices that will be completed and paved by October 15.

5) The placement of gravel bags, slope planting, or other measures to control erosion from all slopes above and adjacent to roads open to the public.

6) The plan shall indicate how access will be provided to maintain desilting facilities during wet weather.

(c) Erosion Control System

1) Desilting facilities shall be provided at drainage outlets from the graded site.

2) Desilting basins shall be designed to provide a desilting capacity capable of containing the anticipated run-off for a period of time adequate to allow settlement of suspended particles.

3) Desilting basins shall be constructed around the perimeter of projects, whenever feasible, when it provides improved maintenance access from paved roads during wet weather.

- ~~4) Desilting basins constructed of compacted earth shall be compacted to a relative compaction of 90 percent of maximum density. A soil engineering report prepared by the soil engineer including the type of field testing performed, location, and results of testing shall be submitted to the City Engineer for approval upon completion of the desilting basins.~~
- 5) Equipment and workers for emergency work shall be made available at all times during the rainy season. Necessary materials shall be available on-site and stockpiled at convenient locations to facilitate rapid construction of temporary devices when rain is imminent.
- 6) Erosion protection shall consist of effective planting of all slopes in excess of five (5) feet unless otherwise approved by the City Engineer. Slopes exceeding fifteen (15) feet high may require an adequate sprinkler system, as determined by the City Engineer.

~~Protection for the slopes shall be installed as soon as practicable, which may be prior to rough grade approval. Effective planting shall be installed, fully germinated, and effectively cover the required slopes prior to final approval.~~

- ~~7) The erosion control provisions shall take into account drainage patterns during the current and future phases of grading throughout the rainy season.~~
- ~~8) All removable protective devices shown shall be in place at the end of each working day when the five (5) day rain probability forecast exceeds forty (40%) percent.~~
- ~~9) Graded areas around the tract perimeter must drain away from the face of slopes at the conclusion of each working day.~~

(d) Erosion Control Maintenance

- 1) After each rainstorm exceeding one-quarter (1/4) inch in a 12-hour period, silt and debris shall be removed from check berms and desilting basins and the basins pumped dry.
- 2) After each rainstorm, the performance of the erosion control system shall be evaluated and revised and repaired as necessary.
- 3) Devices shall not be moved or modified without the approval of the City Engineer.
- 4) The contractor shall be responsible and shall take necessary precautions to prevent public trespass onto areas where impounded water creates a hazardous condition.
- 5) Any sprinkler system controlled by timers shall be periodically inspected to assure proper functioning of the timer devices.

SECTION 1502. EROSION CONTROL (Design/Implementation),

SECTION 1502. Add amended Section from ORDINANCE 95-12.

- ~~(a) The faces of cut and fill slopes and the project site shall be prepared and maintained to control against erosion. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted upon approval by the City Engineer.~~
- ~~(b) Where necessary, temporary and/or permanent erosion control devices such as desilting basins, check dams, cribbing, rip rap, or other devices or methods as approved by the City Engineer, shall be employed to control erosion and provide safety during the rainy season from October 15th to April 15th.~~
- ~~(c) No grading work in excess of 200 cubic yards will be allowed between October 15th and April 15th on any single grading site under permit unless an erosion control system has been approved or waived by the City Engineer.~~

- ~~(d) Paved streets, sidewalks, and other improvements shall be maintained in a neat and clean condition, free of loose soil, construction debris, and trash. Street sweeping or other equally effective means shall be used on a regular basis to control erosion. Watering shall not be used to clean streets except for fine material not otherwise removed by sweeping or other mechanical means.~~
- ~~(e) The contractor who constructed the erosion control devices shall be responsible for inspection and modification of the devices, as necessary, during the rainy season. The contractor, permittee, or project owner shall be responsible for continual maintenance of the devices during the rainy season. In the event of failure or refusal by the contractor, permittee, or project owner to properly maintain the devices, the City Engineer may cause emergency maintenance work to be done to protect adjacent private and public property. The cost shall be charged to the owner, and shall include an initial mobilization cost plus the cost of doing the work.~~

(f) In the event the City Engineer must cause emergency maintenance work to be done, he may revoke the grading permit in writing. The permit shall not be renewed until an erosion control system approved by the City Engineer is installed, and the cost of emergency work is paid to the City by the contractor or other responsible party. The City Engineer may waive installation of an erosion control system after April 15.

(g) If any grading subject to Section 201 of this Ordinance has commenced on private property without a valid grading permit, the property owner may be required to prepare and implement an erosion control plan which has been approved by the City Engineer. In the event of failure by the property owner to install an approved erosion control system, the City Engineer may cause emergency work to be done to protect adjacent private and public property. The procedures of Section 1501 and 1502(a) through (e) of this Ordinance need not apply for emergency erosion control work between October 15 and April 15. The cost shall be charged to the owner in accordance with item (3) of this section.

SECTION 1503. EROSION CONTROL SECURITY

ADD AMENDED Section 1503 from ORDINANCE 82-43;  
ORDINANCE 95-12;

ARTICLE XVI - GRADING INSPECTION

SECTION 1601. GRADING INSPECTION.

(a) Site Inspection by the City Engineer.

Prior to any grading, brushing, or clearing, there shall be a pregrading meeting held on the site. Prior to pouring curb and gutter or placement of pavement base material, there shall be a prepaving meeting held on the site. The permittee, or his agent, shall notify the City Engineer at least two (2) working days prior to the meetings and shall be responsible for notifying all principals responsible for grading or paving related operations.

It shall be the duty of the person doing the work authorized by a permit to notify the City Engineer at least one (1) working day prior to the work being ready for the following inspections.

(1) Excavation and Fill Inspection

- a) Canyon Cleanout: After all brush and unsuitable material has been removed and an acceptable base has been exposed, but before any fill is placed.
  
- b) Toe bench and key: After the natural ground or bedrock is exposed and prepared to receive fill, but before fill is placed.
  
- c) Over-Excavation: After the area has been excavated but before fill is placed.
  
- d) Excavation: After the excavation is started, but before the vertical depth of the excavation exceeds ten (10) feet, and every ten (10) foot interval thereafter.
  
- e) Fill: After the fill has started, but before the vertical height of the fill exceeds ten (10) feet and every ten (10) foot interval thereafter.

(2) Concrete or Guniting Drainage Device Inspection

a) Alley gutter and/or concrete device draining asphalt:

1] Subgrade (prior to placement of concrete): Subgrade is to be prepared and required reinforcement placed.

2] Concrete placement.

b) Curb and gutter (private property):

1] Subgrade (prior to placement of concrete): Subgrade is to be made, forms are to be in place with required reinforcement.

2] Concrete placement.

c) Terrace drains, down drains, brow ditches, and all other paved drainage devices:

1] Subgrade: Prior to placement of welded wire mesh or reinforcing steel.

2] Reinforcement: Thickness control wire and reinforcing steel or welded wire to be in place.

3] Concrete or gunite placement.

d) Sidewalks used as drainage devices.

1] Subgrade: Prior to placement of concrete, subgrade is to be made, forms are to be in place with the required reinforcement.

(3) Drainage Device other than Concrete or Gunite  
Inspection

a) Subdrains:

1] After excavation but prior to placement of filter material and pipe. The subdrain pipe and filter material shall be on-site for inspection.

2] After filter material and subdrain has been placed but prior to covering with backfill.

b) Storm drains and inlets:

1] After placement of storm drains but prior to covering with backfill. The civil engineer shall provide written approval of line and grade.

2] After placement of inlet forms but prior to pouring concrete. The civil engineer shall provide written approval of line and grade.

c) Earth Swales:

1] Prior to rough grading approval or lumber drop.

2] Prior to final grading approval.

(4) Rough Grade Inspection

When all rough grading has been completed. This inspection may be called for at the completion of rough grading after the City Engineer has reviewed and approved the required reports, and the civil engineer has submitted approval of line and grade. Under

normal circumstances, all subdrains and slope drains shall be in place and approved as a condition for rough grading approval.

(5) Paving Inspection

a) Subgrade

After subgrade has been established, tested, and approved by the soil engineer, or his qualified representative. The soil engineer may leave a field memo of compaction test results on site. The civil engineer shall provide written approval of line and grade.

b) Base

After base course has been placed, tested, and approved by the soil engineer, or his qualified representative, but prior to prime coat and asphalt placement. The soil engineer may leave a field memo on site to provide

compaction test results. Material invoices may be required.

c) Asphalt Concrete

1] During asphalt lay-down to verify compliance with plans and specifications. Continuous inspection by the soil engineer, his qualified representative or a special inspector when authorized by the City Engineer. Material invoices may be required.

2] Prior to application of seal coat, the paved surface shall be water tested to reveal any irregularities and shall be patched where required. Material invoices may be required after placement of seal coat.

(6) Final Inspection

When all work, including installation of all drainage structures and other protective devices, has been completed and all written professional approvals and the required reports have been submitted.

(7) Siltation Control Facilities (rainy season - October 15 to April 15)

- a) After excavation of desilting basins but prior to fill placement. Prefabricated devices are to be available on-site for inspection.
- b) After fill placement for desilting basins but prior to placement of concrete or other non-erosive materials.
- c) After completion of an erosion control system in accordance with an approved erosion control plan and the requirements of the City Engineer.

SECTION 1602. NOTIFICATION OF NON-COMPLIANCE.

If, in the course of fulfilling their responsibility under this ordinance, the civil engineer, the soil engineer, the engineering geologist, or the testing agency finds that the work is not being performed in accordance with approved plans, specifications, or this ordinance, the discrepancies shall be reported immediately in writing to the grading contractor, the owner, and the City Engineer. Recommendations for corrective measures shall be submitted for approval by the City Engineer.

SECTION 1603. SPECIAL INSPECTIONS.

The City Engineer may establish special inspection requirements in accordance with Section 306 of the Uniform Building Code, amended, for special cases involving grading or paving related operations. Special cases may apply to work where, in the opinion of the City Engineer, it is necessary to supplement the resources or expertise available for inspection.

SECTION 1604. GENERAL.

It shall be the responsibility of the civil engineer who prepared the grading plans to incorporate the applicable recommendations from the soil engineering and engineering geology reports into the grading plan. The civil engineer shall be responsible for establishing line and grade for the grading and drainage improvements and shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor, and the City Engineer. The civil engineer shall also be responsible for the preparation of plan revisions, unless waived by the City Engineer, and upon completion of the work, the submission of as-built grading plans incorporating all changes and/or additions made during construction.

Soil engineering and engineering geology reports shall be required as specified in Section 1701. During grading all necessary reports, compaction data, soil engineering and engineering geology recommendations shall be submitted to the client for distribution as required.

The soil engineer's area of responsibility shall include, but not be limited to, the professional inspection and approval concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes, design of buttress fills where required, and incorporating data supplied by the engineering geologist.

The engineering geologist's area of responsibility shall include, but not be limited to, professional inspection and approval of the stability of cut slopes with respect to geological matters, and the need for subdrains or other groundwater drainage devices. He shall report his findings to the soil engineer for engineering analysis.

The City Engineer shall inspect the project at various stages of work requiring approval and at any more frequent intervals necessary to determine that adequate inspection and testing is being exercised by the professional consultants.

When preliminary soil engineering reports are not required by the City Engineer, he may require inspection and testing by an approved testing agency. The testing agency's responsibility shall include, but not be limited to, approval of cleared areas and benches to receive fill, and the compaction of fills.

SECTION 1605. TRANSFER OF RESPONSIBILITY FOR APPROVAL.

If the civil engineer, the soil engineer, the engineering geologist, the testing agency, or the grading contractor of record are changed during the course of the work, the work shall be stopped until:

- (1) the owner submits a letter of notification verifying the change of the responsible professional;
- and (2) the new responsible professional submits in writing that he has reviewed all prior reports and/or plans [specified by date and title] and work performed by the prior responsible professional and that he concurs with the findings, conclusions, and recommendations, and is satisfied with the work performed. He must state that he assumes all responsibility within his purview as of a specified date. All exceptions must be justified to the satisfaction of the City Engineer.

Where clearly indicated that the firm, not the individual engineer and/or geologist, is the contracting party, the designated engineer or geologist may be reassigned and another engineer and/or geologist within the firm may assume responsibility.

SECTION 1606. OTHER INSPECTIONS BY THE CITY ENGINEER.

- (a) Prior to the approval of any building or grading plans and specifications, the City Engineer may inspect the site to determine that the plans and specifications are current and reflect existing conditions.
- (b) The permittee or his agent shall notify the City Engineer when the grading operations specified are ready for inspection.
- (c) If the inspector finds the soil or other conditions not as stated in the approved plans and geotechnical reports or in additional information which was required for issuance of the grading permit, he may issue a stop work order until approval is obtained for a revised grading plan which will conform to the conditions.

- (d) The provisions of Section 202(d), stop orders, of the Uniform Building Code shall apply to all grading work; whenever the City Engineer determines that any work does not comply with the terms of a permit, or this Ordinance, or that the soil or other conditions are not as stated on the permit, he may order the work stopped by notice in writing served on any persons engaged in doing or causing of such work to be done, and any such persons shall forthwith stop such work until authorized by the City Engineer to proceed with the work.
- (e) Prior to the issuance of building permits for a graded site, the rough grading shall be completed in accordance with the approved plans, specifications, and the grading ordinance, and to the satisfaction of the responsible civil engineer, or architect, engineering geologist, soils engineer, and the City Engineer.
- (f) Whenever any work on which inspections are required is covered or concealed by additional work without first having been inspected, the City Engineer may require, by written notice, that such work be exposed for examination. The work of exposing and recovering shall not entail or be subject to expense by the City.

ARTICLE XVII - COMPLETION OF WORK

SECTION 1701. COMPLETION OF WORK.

(a) Final Reports

Upon completion of the rough grading work and at the final completion of the work under the grading permit, but prior to the release of grading bonds or issuance of a certificate of use and occupancy, the City Engineer will require:

- 1] An as-graded grading plan prepared by the civil engineer which shall include original ground surface elevations, as-graded ground surface elevations, slope inclinations, and elevations and locations of all surface and subsurface drainage facilities, location with scaled sections of all buttress/stabilization fills, and location and depth of all areas of removal of unsuitable soil.
  
- 2] A written approval by the civil engineer approving the grading as being in conformance with the approved grading plan and which specifically approves the following items as appropriate to the project and stage of grading:

- (a) Construction of line and grade for all engineered drainage devices and retaining walls (rough and final grading).
- (b) Staking of property corners for proper building location (rough grading).
- (c) Setting of all monuments in accordance with the recorded tract map (rough or final grading).
- (d) Location of permanent walls or structures on property corners or property lines where monumentation is not required (final grading).
- (e) Location and inclination of all manufactured slopes (rough and final grading).
- (f) Construction of earthen berms and positive building pad drainage (rough and final grading).

3] A soil engineering report prepared by the soil engineer, including type of field testing performed, suitability of utility trench and retaining wall backfill, 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 soil engineering investigation report. Each field density test shall be identified, located on a plan or map, the elevation of test and finish grade elevation shown, and the method of obtaining the in-place density described; either ASTM D1556-78 or the approved equal shall be so noted. The soil engineer shall provide written approval as to the adequacy of the site for the intended use, as affected by soil engineering factors and a statement of compliance to finish grade.

4] A geologic 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 same on recommendations incorporated in the approved grading plan.

He shall provide written approval as to the adequacy of the site for the intended use as affected by geologic factors, a statement of compliance to finish grade, and when required by the City Engineer, shall submit an as-built geologic map.

5] A statement of compliance prepared by the grading contractor that the work was completed in accordance with the approved plans.

b) Notification of Completion

The permit holder or his agent 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 the required reports and statements of compliance have been submitted.

ARTICLE XVIII - PENALTY FOR VIOLATION

SECTION 1801. PENALTY FOR VIOLATION.

Any person, firm, or corporation violating any of the provisions of this ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof such person shall be punishable by a fine of not more than \$500 or by imprisonment for not more than six (6) months, or by both such fine and imprisonment. Each such person, firm, or corporation shall be deemed guilty of a separate offense for every day during any portion of which any violations of any provisions of this ordinance, including any physical condition created in violation of this ordinance, is permitted, continued, or committed by such person, firm, or corporation and shall be punishable therefor as provided for in this ordinance, and any lot, street, alley, or other feature made the subject of this ordinance and maintained contrary to the provisions hereof shall constitute a public nuisance.

ARTICLE XIX - CONFLICT/CONSTITUTIONALITY

SECTION 1901. CONFLICT/CONSTITUTIONALITY

Where this ordinance is in conflict with any existing ordinance of the City the more restrictive ordinance shall govern. If any section, subsection, clause, or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portion of this ordinance.

ARTICLE XX - CODIFICATION

SECTION 2001. CODIFICATION.

This ordinance shall not be codified.

ARTICLE XXI - PUBLICATION

SECTION 2101. PUBLICATION.

The City Clerk of the City of Oceanside is directed to publish this ordinance once, within fifteen (15) days after its passage, in the BLADE TRIBUNE, a newspaper of general circulation published in said City of Oceanside.

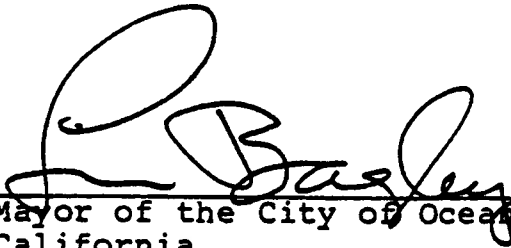
ARTICLE XXII - EFFECTIVE DATE

SECTION 2201. EFFECTIVE DATE.

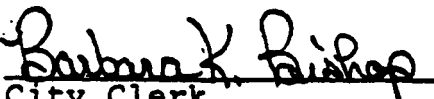
This ordinance shall take effect and be in force on the thirtieth (30th) day from and after its final passage.

PASSED, ADOPTED, AND ORDERED PUBLISHED by the City Council of the City of Oceanside, California, this 22nd day of April, 1981, by the following vote:

AYES: BAGLEY, BELL, BISHOP, BURGESS,  
CASEY  
NAYS: NONE  
ABSENT: NONE  
ABSTAIN: NONE

  
\_\_\_\_\_  
Mayor of the City of Oceanside,  
California

ATTEST:

  
\_\_\_\_\_  
City Clerk

**CITY OF OCEANSIDE  
COMMUNITY SERVICES DEPARTMENT  
ENGINEERING DIVISION**

**GRADING ORDINANCE NO. 82-43**

**AMENDING  
ORDINANCE NO. 81-20  
REQUIRING EROSION CONTROL SECURITY**

**ADOPTED BY CITY COUNCIL  
SEPTEMBER 8, 1982**

**CITY OF OCEANSIDE**

**COMMUNITY SERVICES DEPARTMENT**

**ENGINEERING DIVISION**

**SUPPLEMENT ATTACHMENT**

**FOR**

**GRADING ORDINANCE REVISIONS**

**EROSION CONTROL REQUIREMENTS**

- -

**NPDES PERMIT REQUIREMENTS**

- -

AN ORDINANCE OF THE CITY OF OCEANSIDE  
AMENDING ORDINANCE NO. 81-20 GRADING  
ORDINANCE) TO REQUIRE EROSION CONTROL  
SECURITY AND DECLARING THE URGENCY THEREOF

BE IT ORDAINED by the City Council of the City of Oceanside  
as follows:

SECTION 1. Ordinance No. 81-20 is hereby amended to add  
Section 1503 which shall read as follows:

"SECTION 1503. EROSION CONTROL SECURITY.

~~\*\*\*SECTION 1503 (a). ADD AMENDED SECTION FROM ORDINANCE 95-12.\*\*\*~~

~~(a) Requirement for security.~~

~~Prior to October 15th of each year, every holder of a  
grading permit required to provide an erosion control plan  
shall submit security to guarantee the following:~~

- ~~1) Compliance with all provisions of section 1501 of  
this ordinance and all other related laws and ordi-  
nances;~~
- ~~2) Compliance with any and all terms and conditions of  
the permittee's erosion control plan as approved by  
the city engineer;~~
- ~~3) Completion to the satisfaction of the city engineer  
of the erosion control system in accordance with the  
erosion control plan as approved by the city  
engineer;~~
- ~~4) Completion to the satisfaction of the city engineer  
of all emergency and routine maintenance and repair  
of the erosion control system as may be required to  
ensure the continuous integrity of the system and as  
may be otherwise required by section 1501 of this  
ordinance;~~

1 5) ~~Glean up and repair to the satisfaction of the city~~  
2 ~~engineer of public streets or other public property~~  
3 ~~where such work is required as a result of erosion~~  
4 ~~from permittee's project.~~

5 (b) Amount and form of security.  
6 \*\*\* (b) ADD AMENDED SECTION FROM ORDINANCE 95-12.\*\*\*

7 The amount of the security shall be equal to one hun-  
8 dred percent (100%) of the total estimated cost of the  
9 erosion control system. Permittee's estimate of such cost  
10 shall be subject to the review and approval of the city  
11 engineer.

12 At least twenty-five percent (25%) of the required  
13 security shall be in cash and shall be deposited with the  
14 city engineer. The remainder of the required security shall  
15 be one of the following at the sole discretion of and sub-  
16 ject to the approval of the city engineer:

- 17 1) A bond or bonds by one or more corporate sureties  
18 authorized to conduct business in the state of  
19 California as sureties.
- 20 2) A deposit, either with the city or a responsible  
21 escrow agent or trust company, at the option of the  
22 city, of money or negotiable bonds of the kind  
23 approved for securing deposits of public moneys.
- 24 3) A letter of credit from one or more financial insti-  
25 tutions subject to regulation by the state or  
26 federal government.

27 (c) Failure to provide security.

28 If a permittee fails to provide the security required  
by this section prior to October 15th of each year, the city

1 engineer may revoke permittee's grading permit without prior  
2 notice to permittee. Any such revocation shall be in  
3 writing.

4 Any grading permit revoked pursuant to this authority  
5 shall not be renewed until the required security has been  
6 provided.

7 (d) Utilization of cash deposit.

8 The city engineer may cause certain erosion control  
9 work to be done under any of the following circumstances:

- 10 1) Failure of permittee to commence emergency repair or  
11 maintenance work within twelve (12) hours of receipt  
12 of a demand therefor from the city engineer or  
13 within twelve (12) hours of the city engineer's  
14 attempt to communicate such demand via the telephone  
15 number provided by permittee pursuant to section  
16 1501(b)1).

17 For purposes of this section an emergency shall  
18 mean the existence of conditions whereby the failure  
19 to expeditiously commence and complete maintenance  
20 and repairs of an erosion control system may rea-  
21 sonably be expected to cause imminent damage to  
22 adjacent or downstream private or public property as  
23 a result of erosion on the permittee's property.

- 24 2) Failure of permittee to commence other repair or  
25 maintenance work within seventy-two (72) hours of  
26 receipt of a demand therefor from the city engineer.  
27 3) Failure of permittee to diligently pursue completion  
28 of any required repair or maintenance work or to

1 complete such work within such reasonable time  
2 period as may be established by the city engineer.

3 4) Failure of permittee to complete an erosion control  
4 system prior to October 15th of any year in which it  
5 is required.

6 5) Failure of permittee after notice from the city en-  
7 gineer to clean up or repair public streets or other  
8 public property where the debris or materials to be  
9 cleaned up or the damage to the property is a result  
10 of erosion from permittee's project.

11 Permittee shall be liable to the City for the cost of  
12 any work caused to be done by the city engineer under the  
13 provisions of this section. The city engineer may withdraw  
14 from the permittee's cash deposit any funds necessary to pay  
15 for such work. If the cost of such work exceeds the balance  
16 of permittee's funds on deposit, the city engineer shall  
17 cause an invoice to be sent to permittee demanding payment  
18 of that amount by which the cost of the work exceeds per-  
19 mittee's deposit. If permittee fails to pay such amount in  
20 full within thirty (30) days from the date of the invoice,  
21 permittee's grading permit shall be automatically revoked.  
22 Renewal of the grading permit shall not be permitted until  
23 the invoice is paid in full.

24 The city engineer shall notify permittee of any with-  
25 drawal from permittee's cash deposit. Permittee shall,  
26 within ten (10) days of the receipt of such notice, deposit  
27 with the city engineer that amount of cash necessary to  
28 bring permittee's deposit up to its original balance. If

1 permittee fails to deposit the necessary amount within such  
2 time period, permittee's grading permit shall be auto-  
3 matically revoked. Renewal of the grading permit shall  
4 not be permitted until the necessary deposit is made.

5 No final grading inspection shall be permitted until  
6 permittee has fully satisfied all monetary obligations to  
7 city imposed pursuant to the provisions of this section.  
8 Additionally, no further construction permits, including but  
9 not limited to building permits, shall be issued and no  
10 occupancy of any building or structure shall be permitted  
11 until such obligations are fully satisfied.

12 (e) Release of security.

13 \*\*\* (e) ADD AMENDED SECTION FROM ORDINANCE 95-12.\*\*\*

14 ~~On April 16th of each year or upon the end of the~~  
15 ~~actual rainy season, whichever occurs later in time, the~~  
16 ~~city engineer shall release any security posted or deposited~~  
17 ~~pursuant to this section upon receipt of a written request~~  
18 ~~for such release by permittee.~~

19 ~~The city engineer shall be responsible for determining~~  
20 ~~the end of the rainy season if it occurs after April 15th.~~  
21 ~~He shall base this determination on available meteorological~~  
22 ~~information.~~

23 ~~The city engineer shall not release a permittee's~~  
24 ~~security if permittee has an outstanding monetary obligation~~  
25 ~~to city incurred pursuant to the provisions of section~~  
26 ~~1503(d) or if clean up or repair of public streets or other~~  
27 ~~public property for which permittee is responsible has not~~  
28 ~~been completed to the satisfaction of city engineer."~~

1        SECTION 2. This ordinance is an urgency ordinance as per-  
2 mitted by the California Government Code. The City Council of  
3 the City of Oceanside hereby declares that facts exist which  
4 constitute an urgency, to wit:

5        a. It is necessary to establish a source of readily avail-  
6 able funds to pay for the cost of repair work to erosion control  
7 systems, protection of public and private property from erosion  
8 where erosion control systems have failed, and the clean up and  
9 repair of public streets and other public property where debris  
10 or damage results from erosion. Such work is often required to  
11 be done on an emergency basis and the City must be financially  
12 capable of causing such work to be done on short notice.

13        b. The work described above is normally required during the  
14 rainy season which begins on or about the middle of October. It  
15 is, therefore, necessary to have the funds available at the  
16 earliest date they may be anticipated to be needed, i.e.,  
17 mid-October. A regular ordinance would not become effective  
18 until October 22, 1982, and collection of the funds could be  
19 anticipated to lag into November.

20        c. By immediately implementing the security deposit re-  
21 quirement, holders of grading permits will have longer notice of  
22 the security requirement and more time to provide the security.

23        SECTION 3. This ordinance shall take effect immediately.

24        SECTION 4. This ordinance shall not be codified.

25        SECTION 5. The City Clerk is directed to publish this  
26 ordinance once within fifteen (15) days of its passage in the

27        . . . . .

28        . . . . .

1 BLADE TRIBUNE, a newspaper of general circulation published in  
2 said City of Oceanside.


3 PASSED, ADOPTED AND ORDERED PUBLISHED by the City Council of  
4 the City of Oceanside, California, this 8th day of September,  
5 1982, by the following vote:

6 AYES: BAGLEY, BISHOP, MACDONALD, MARIONCELLI

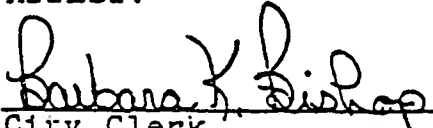
7 NAYS: NONE

8 ABSENT: GILBERT

9 ABSTAIN: NONE

  
Mayor of the City of Oceanside

10  
11  
12 ATTEST:

13   
14 City Clerk

15  
16 APPROVED AS TO FORM & LEGALITY:

17   
18 City Attorney

19  
20  
21  
22  
23  
24  
25  
26  
27  
28

**CITY OF OCEANSIDE**  
**COMMUNITY SERVICES DEPARTMENT**  
**ENGINEERING DIVISION**

**GRADING ORDINANCE NO. 92-15**

**AMENDING**  
**ORDINANCE NO. 81-20**  
**AND**  
**ORDINANCE NO. 82-43**  
**REQUIRING EROSION CONTROL SECURITY**

**ADOPTED BY CITY COUNCIL**  
**MAY 27, 1992**

ORDINANCE NO. 092-15

AN ORDINANCE OF THE CITY OF OCEANSIDE  
AMENDING ORDINANCE NO. 81-20 ESTABLISHING  
GRADING REGULATIONS WITHIN THE CITY OF OCEANSIDE AND  
ORDINANCE 82-43 REQUIRING EROSION CONTROL SECURITY

WHEREAS, the City Council desires to establish erosion control procedures to ensure that environmentally sensitive areas, as well as biological and wildlife resources within and surrounding the City of Oceanside are protected; and

WHEREAS, the Grading Ordinance of the City of Oceanside sets forth requirements relating to erosion control requirements and the processing of grading and erosion control plans.

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Oceanside that Ordinance No. 81-20 and Ordinance 82-43 are amended as follows:

SECTION ONE: Article I of Ordinance 81-20 is amended to include Section 101.1 to read as follows:

"SECTION 101.1. INTENT.

It is the intent of the Grading Ordinance and the erosion control procedures contained within the Grading Ordinance to protect environmentally sensitive areas, as well as biological and wildlife resources within and surrounding the City of Oceanside. The procedures established by this Ordinance and the conditions of approval contained within all discretionary approvals and permits are intended to accomplish this protection. However, in the event city staff encounters situations that are deemed to endanger environmental resources, the City Engineer is authorized to take necessary action to

1 protect the environment pursuant to this ordinance and other  
2 applicable laws.

3 "Environmentally sensitive areas" are any lands which have  
4 been identified in any inventory of such lands; any land in a  
5 natural condition subject to an open space easement; any lake,  
6 stream, creek or riparian area; any wildlife habitat area  
7 identified in any environmental impact report, initial study or  
8 other environmental assessment; or any land determined by the  
9 City to be environmentally sensitive with respect to any  
10 particular grading activity based upon an environmental  
11 assessment, initial study or other information in connection  
12 with the proposed grading activity."

13 SECTION TWO: SECTION 301 of Ordinance 81-20 is amended to  
14 modify Section 301 (a) and include Sections 301 (g), (h), (i)  
15 and (j) to read as follows:

16 "SECTION 301. HAZARDOUS CONDITIONS:

17 (a) When natural ground, natural slope, excavation, or  
18 fill or drainage devices are situated on private property in  
19 such a manner that they are a menace to life or limb or are a  
20 danger to public safety or affect the safety, usability or  
21 stability of adjacent property, structures or public facilities;  
22 a hazardous condition is considered to exist. The maintenance  
23 of any hazardous condition shall constitute a public nuisance.

24 (g) If the owner or agent in control fails to comply with  
25 any demand for corrective work or repairs, the City Engineer may  
26 cause emergency work to be done in order to protect potentially  
27 impacted property.

28 .....

1 (h) In the event the City Engineer causes emergency work  
2 to correct a hazardous condition, he shall keep an account of  
3 the cost (including incidental expenses expended) on each  
4 separate lot or parcel of land where the work is done and shall  
5 render an itemized report in writing to the City Council showing  
6 the costs of such emergency work.

7 (i) A copy of the cost report and notice of the hearing  
8 shall be served upon the owners of the affected property via  
9 certified mail, at least five (5) days prior to the date of the  
10 City Council hearing.

11 (j) The term "incidental expenses" shall include, but not  
12 be limited to, the actual expenses and costs of the city in  
13 preparation notices, specifications and contracts, inspection of  
14 the site and work, the costs of printing and mailing required  
15 hereunder and attorney's fees."

16 SECTION THREE: Section 302 of Ordinance 81-20 is added to read  
17 as follows:

18 "SECTION 302. EMERGENCY WORK COST REPORT

19 At the time and place fixed for receiving and considering the  
20 report, the City Council shall hear and consider the cost  
21 report, together with any objections or protests to it. The  
22 City Council may make such revisions, corrections or  
23 modifications to the report as the Council deems necessary. The  
24 report, as submitted or as revised, corrected or modified, shall  
25 be confirmed by resolution. The decision of the City Council on  
26 all protests and objections which may be made shall be final and  
27 conclusive."

28 .....

1 SECTION FOUR: Section 303 of Ordinance 81-20 is added to read as  
2 follows:

3 "SECTION 303. ASSESSMENT OF COSTS AGAINST PROPERTY; LIEN

4 The total cost for the emergency work, as confirmed by the City  
5 Council, shall constitute a special assessment against the  
6 respective lot or parcel of land to which it relates, and upon  
7 recordation of a notice of lien in the office of the County  
8 Recorder, the cost assessment shall constitute a lien on the  
9 property.

10 (a) After confirmation and recordation, a certified copy of  
11 the Council's decision shall be sent to the tax division of  
12 the county assessor's office, where it shall be the duty of  
13 the county assessor to add the amounts of the respective  
14 assessments to the next regular tax bills levied against  
15 the respective lots and parcels of land for municipal  
16 purposes, and thereafter the amounts shall be collected at  
17 the same time and in the same manner as ordinary municipal  
18 taxes are collected, and shall be subject to the same  
19 penalties and a same procedure under foreclosure and sale  
20 in case of delinquency as provided for ordinary municipal  
21 taxes; or

22 (b) The notice of lien for recordation shall be in a form  
23 substantially as follows:

24 **NOTICE OF LIEN-CLAIM OF THE CITY OF OCEANSIDE**

25 Pursuant to the authority vested by the provisions of  
26 Section 300, et sequitur, of the Oceanside Grading  
27 Ordinance, the City Manager of the City of Oceanside (or  
28 his or her designee) did on or about the \_\_\_\_\_ day

1 of \_\_\_\_\_, 19\_\_\_\_, cause emergency work to correct a  
2 hazardous condition on real property; and the City Council  
3 of the City of Oceanside did on the \_\_\_\_\_ day  
4 of \_\_\_\_\_, 19\_\_\_\_, assess the costs of the correction of  
5 the hazardous condition upon the real property hereinafter  
6 described; and the costs or any part of the costs have not  
7 been paid. The City of Oceanside hereby claims a lien on  
8 the property in the amount of the assessment for correction  
9 of the hazardous condition, to wit: the sum of  
10 \$ \_\_\_\_\_; and this amount shall be a lien upon  
11 the real property until the sum has been paid in full and  
12 discharged of record. The real property upon which a lien  
13 is claimed is that certain parcel of land lying and being  
14 in the City of Oceanside, County of San Diego, State of  
15 California, and more particularly described as follows:

16 (LEGAL DESCRIPTION OF PROPERTY)

17 DATED:

18 CITY OF OCEANSIDE

19 \_\_\_\_\_  
20 City Manager"

21 (c) After recordation the lien may be foreclosed by  
22 judicial or other sale in the manner and means provided by  
23 law.

24 SECTION FIVE: SECTION 501 of Ordinance 81-20 is amended in its  
25 entirety to read as follows:

26 "SECTION 501. APPLICATIONS FOR PERMIT.

27 (a) The application for a grading permit shall be made  
28 on a form as provided by the City Engineer. All required

1 discretionary approvals under the Zoning and Subdivision  
2 Ordinances must be obtained prior to the issuance of a grading  
3 permit.

4 (b) No grading permit for a development project  
5 subject to approval by the Planning Commission shall be issued  
6 unless the Planning Commission or City Council has approved the  
7 grading concept as part of the discretionary approval process.  
8 Any application for grading permits which affect environmentally  
9 sensitive areas shall contain information showing that the  
10 proposed grading will be accomplished without significant harm  
11 to the environment."

12 SECTION SIX: Section 502 of Ordinance 81-20 is amended in its  
13 entirety to read as follows:

14 "SECTION 502. RESPONSIBILITY OF LAND OWNERS.

15 (a) It shall be unlawful for any persons owning,  
16 leasing, occupying or having charge of any real property in this  
17 city to stockpile, deposit, or allow the placement, construction  
18 or deposition of embankment material on any real property in  
19 excess of fifty (50) cubic yards without first obtaining a  
20 grading permit as hereinafter described. Processing of said  
21 embankment material must result in a relative compaction of at  
22 least ninety (90%) percent of maximum density compaction,  
23 unless otherwise provided for as part of an approved Grading  
24 Plan.

25 (b) Clearing, brushing and grubbing of vegetation done  
26 in preparation for land development shall not be undertaken  
27 until all discretionary approvals for the land development  
28 project have been issued and a grading permit for the project

1 has been obtained. For purposes of this Section, land  
2 development shall be defined as any use of real property for  
3 which a Tentative Map and/or Development Plan has been approved  
4 or is on file with the Planning Department.

5 (c) A grading permit issued by the City Engineer is  
6 required prior to any grading or clearing and grubbing  
7 operations on:

- 8 1) previously undisturbed land; or
- 9 2) land covered by native vegetation; or
- 10 3) upon land which has not been used for agricultural  
11 purposes for three years immediately prior to the  
12 institution of a grading operation for the purpose of  
13 conducting agricultural activities.

14 A grading permit may be issued by the City Engineer if the City  
15 Engineer in cooperation with the Planning Director determine  
16 that the grading and/or agricultural operation will not cause  
17 significant damage to any environmentally sensitive areas nor  
18 cause the elimination of any significant wildlife habitat or  
19 riparian area.

20 (d) This Section shall not regulate routine landscape  
21 maintenance, the removal of dead or diseased trees or shrubs or  
22 the removal of vegetation upon the order of the fire marshal to  
23 eliminate a potential fire hazard."

24 SECTION SEVEN: Section 701 of Ordinance 81-20 is amended in its  
25 entirety to read as follows:

26 "SECTION 701. BONDS.

27 The City Engineer shall require bonds or other approved  
28 security in such form and amounts necessary to assure that the

1 work, if not completed in accordance with the approved plans and  
2 specifications, will be corrected to eliminate hazardous  
3 conditions without additional cost or obligation to the City.  
4 Separate securities shall be posted to cover each of the  
5 following:

- 6 1) grading and drainage;
- 7 2) slope planting, landscaping, and irrigation; and
- 8 3) erosion control."

9 SECTION FIVE: Section 1501 of Ordinance 81-20 is amended in its  
10 entirety to read as follows:

11 "SECTION 1501. EROSION CONTROL.

12 (a) General

13 1) All construction including grading, clearing, brushing  
14 and grubbing, within 100 feet of environmentally sensitive  
15 areas, is prohibited from October 15 to April 15 except  
16 for the following:

- 17 a. The construction and maintenance of erosion control  
18 systems which have been approved by the City Engineer;
- 19 b. If species listed as endangered by the Federal  
20 government inhabit a project site, the Planning  
21 Commission or the City Council may authorize  
22 construction within environmentally sensitive areas  
23 between October 15 and April 15. The authorization  
24 will be granted as part of the original project  
25 approvals.

26 2) Grading work is prohibited on any single grading site  
27 under permit between October 15 and April 15 unless an  
28 erosion control plan has been approved or waived by the

1 City Engineer. Where necessary, temporary and/or permanent  
2 erosion control devices or methods, as approved by the City  
3 Engineer, shall be employed to control erosion and provide  
4 safety during this period.

5 3) The City Engineer may order the restriction or  
6 cessation of land disturbance or development operations  
7 upon determination that the weather, soil, slope or general  
8 site conditions may cause serious accelerated erosion or  
9 sediment damage either on-site or downstream from the site.

10 (b) Erosion Control Plans

11 1) Erosion control plans shall be submitted to the City  
12 Engineer for approval concurrent with the grading permit  
13 application. No grading permit shall be issued unless an  
14 erosion control plan has been approved by the City  
15 Engineer. The erosion control plan may be waived for  
16 grading on single residential lot projects, provided that  
17 an erosion control system approved by the City Engineer is  
18 installed, placed, planted or constructed before October  
19 15. An erosion control and/or sediment control plan is  
20 required if the City Engineer determines that erosion or  
21 sediment discharge adversely affects adjacent properties.  
22 The approved erosion control plan shall be updated if  
23 necessary by October 15 each year, for projects under a  
24 grading permit.

25 2) The erosion control plan shall include details of  
26 protective measures, including desiltation basins or other  
27 temporary drainage or control measures, or both, as may be  
28 necessary to protect adjoining public and private property

1 from damage by erosion, flooding, or mud and/or debris  
2 deposits which may originate from the site or result from  
3 the grading operations.

4 (c) Information on Erosion Control Plans

5 The erosion control plan shall include, but not be limited  
6 to, the following information:

7 1) A twenty-four (24) hour telephone number of the person  
8 responsible for performing emergency erosion control work.

9 2) The signature of the civil engineer who prepared the  
10 erosion control plan.

11 3) Identification of all desilting and erosion protection  
12 facilities necessary to protect adjacent property from  
13 sediment deposition.

14 4) Identification of the streets and drainage devices that  
15 will be completed and paved by October 15.

16 5) Provision for the placement of gravel bags, slope  
17 planting or other measures to control erosion from all  
18 slopes above and adjacent to roads open to the public.

19 6) Provision for maintaining access to desilting facilities  
20 during wet weather.

21 7) A schedule for the construction and ongoing maintenance  
22 of all required erosion and sediment control facilities.

23 8) Identification of discharge points where concentrated  
24 runoff occurs.

25 (d) Erosion Control Systems

26 1) All sediment shall be contained on-site. Runoff from  
27 disturbed areas shall be detained or filtered by berms,  
28 swales, ditches, vegetated filter strips, catch basins or

1 other means as necessary to prevent the escape of sediment  
2 from the site. Sediment control devices shall be installed  
3 prior to or concurrent with initial grading operations and  
4 shall be maintained throughout the development process.

5 2) Erosion shall be prevented at locations where runoff is  
6 concentrated. Where runoff will be discharged to natural  
7 ground or channels, appropriate energy dissipators shall be  
8 installed to prevent erosion at the point of discharge.

9 3) All erosion control measures required to retain sediment  
10 on-site and to safely discharge any accelerated runoff  
11 generated by the project shall be installed during the  
12 initial construction phase of the project.

13 4) Desilting facilities shall be provided at drainage  
14 outlets from the graded site.

15 5) Desilting basins shall be designed to provide a  
16 desilting capacity capable of containing the anticipated  
17 run-off for a period of time adequate to allow settlement  
18 of suspended particles.

19 6) Desilting basins shall be constructed around the  
20 perimeter of projects. Basins should be located where  
21 maintenance access is provided from paved roads during wet  
22 weather.

23 7) Desilting basins constructed of compacted earth shall be  
24 compacted to a relative compaction of 90 percent of maximum  
25 density. A soils engineering report including the type of  
26 field testing performed, location and results of testing  
27 shall be submitted to the City Engineer for approval upon  
28 completing the desilting basins.

1 8) Equipment and workers for emergency work shall be  
2 available at all times between October 15 and April 15.  
3 Necessary materials shall be available on-site and  
4 stockpiled at convenient locations to facilitate rapid  
5 construction of temporary devices.

6 9) Unless otherwise approved by the City Engineer, erosion  
7 protection shall include effective planting of all slopes  
8 in excess of three (3) feet in height. Slopes exceeding  
9 fifteen (15) feet in height may require an adequate  
10 sprinkler system, as determined by the City Engineer.

11 10) All slopes greater than 10 feet in height or 3 feet in  
12 height within environmentally sensitive areas shall be  
13 permanently landscaped and the landscaping established  
14 prior to November 1. If the permanent landscaping is not  
15 installed or the landscaping is not sufficiently  
16 established by November 1, the slope shall be covered with  
17 protective materials and soil stabilizers approved by the  
18 City Engineer.

19 11) All disturbed slopes shall be planted and protected  
20 within 45 days of the completion of each stage of grading.  
21 Suitable measures to prevent slope erosion, including, but  
22 not limited to, rapid growth vegetation sufficient to  
23 stabilize the soil, shall be installed on all disturbed  
24 areas until such a time as the permanent vegetative cover  
25 matures enough to provide permanent stability.

26 12) Erosion control provisions shall include and complement  
27 drainage patterns during the current and future phases of  
28 grading throughout the rainy season.

1 13) Graded areas around the tract perimeter must drain away  
2 from the face of slopes at the conclusion of each working  
3 day.

4 (e) Erosion Control Maintenance

5 1) Erosion control systems shall be serviced and maintained  
6 to provide continuous capacity and adequacy to function as  
7 designed. After precipitation exceeding one-quarter (1/4)  
8 inch in any 12-hour period, or upon direction of the City  
9 Engineer, silt and debris shall be removed from check dams  
10 and desilting basins and the basins pumped dry and  
11 otherwise restored to the original design condition.

12 3) The performance of the erosion control system shall be  
13 evaluated by the City Engineer and revised and repaired as  
14 ordered.

15 4) The construction and maintenance of all erosion control  
16 systems shall conform to the approved erosion control plan  
17 unless the City Engineer gives written permission to do  
18 otherwise.

19 5) The contractor, permittee, or project owner shall be  
20 responsible and shall take necessary precautions to prevent  
21 public trespass into areas where impounded water creates a  
22 hazardous condition. Necessary precautions may include,  
23 but not be limited to, appropriate perimeter fencing or a  
24 24-hour guard preventing unauthorized persons from entering  
25 the basins.

26 6) Any sprinkler system controlled by timers, used in  
27 conjunction with erosion control systems, shall be

28 .....

1 inspected at maximum 30-day periods to assure proper  
2 functioning of the timer devices."

3 SECTION SIX: Section 1502 of Ordinance 81-20 is amended in its  
4 entirety to read as follows:

5 "SECTION 1502. EROSION CONTROL (Design/Implementation).

6 (a) If a project design includes grading or construction  
7 within 100 feet of any environmentally sensitive areas,  
8 additional erosion control measures shall be required within all  
9 disturbed areas in order to minimize the impacts on the  
10 environment. These measures shall require approval by the City  
11 Engineer as well as approval and certification by the Engineer  
12 of Record. Such approved and certified systems shall be  
13 completed, inspected and in place no later than October 15. The  
14 additional erosion control measures shall include, but not be  
15 limited to, installing protective materials and stabilizers,  
16 along banks and within waterways and over all disturbed areas.  
17 The additional erosion control measures also shall include a  
18 twenty-four (24) hour guard to be on-site during storms and when  
19 the precipitation amount is expected to exceed one-half (0.5")  
20 inch in any twenty-four (24) hour period. The precipitation  
21 forecast shall be as established by the National Weather  
22 Service.

23 (b) All erosion control systems require approval by the  
24 City Engineer and approval and certification by the Engineer of  
25 Record. Such approved and certified systems shall be completed,  
26 inspected and in place no later than October 15. All erosion  
27 control systems shall remain in place at all times for all areas  
28 in which construction is not scheduled to commence within the

1 next seven (7) days. All erosion control systems shall remain  
2 in place until April 15. The April 15 date may be extended by  
3 the City Engineer upon determination that there is a substantial  
4 likelihood of significant precipitation after April 15. The  
5 City Engineer shall use information as provided by the National  
6 Weather Service to make such determination.

7 (c) All removable protective devices shown shall be in  
8 place at the end of each working day when the five (5) day rain  
9 probability forecast exceeds forty (40%) percent. The forecast  
10 shall be as established by the National Weather Service.

11 (d) The faces of cut and fill slopes and the project site  
12 shall be prepared and maintained to control erosion. Slope  
13 protection may be waived by the City Engineer for cut slopes  
14 which are not subject to erosion because of the erosion-  
15 resistant character of the materials.

16 (e) If construction of erosion control systems outside of  
17 the project boundaries is necessary, permission to construct  
18 such systems shall be obtained from the owner of such off-site  
19 property. Plans for the off-site systems shall be included  
20 along with the on-site plans submitted to the City Engineer. The  
21 plans for the off-site erosion control systems shall include  
22 permission to grade and maintain the erosion control systems  
23 from all affected property owners and letters of clearance  
24 and/or permits from all appropriate governmental entities.

25 (f) Paved streets, sidewalks and other improvements shall  
26 be maintained in a neat and clean condition free of loose soil,  
27 construction debris and trash. Street sweeping or other equally  
28 effective means shall be used on a regular basis to control

1 erosion. Watering shall not be used to clean streets except for  
2 the removal of fine material not otherwise removed by sweeping  
3 or other mechanical means.

4 (g) The contractor, permittee or property owner shall be  
5 responsible for inspection, modification and proper maintenance  
6 of the erosion control devices as necessary. If the contractor,  
7 permittee or property owner fails or refuses to properly  
8 maintain the devices, the City Engineer:

9 1. May cause emergency maintenance work to be done in order  
10 to protect potentially impacted property. The cost shall  
11 be deducted from the cash deposit posted pursuant to  
12 Section 1503 of this Ordinance and shall include costs of  
13 initial mobilization and performance of the work; and

14 2. Shall revoke the grading permit in writing. The permit  
15 shall not be renewed until an erosion control system  
16 approved by the City Engineer is installed.

17 (h) If any grading subject to Section 201 of this Ordinance  
18 has commenced on private property without a valid grading  
19 permit, the property owner shall be required to obtain a valid  
20 permit before continuing any grading and may be required to  
21 prepare and implement an erosion control plan approved by the  
22 City Engineer. If the property owner fails to install an  
23 approved erosion control system, the City Engineer shall cause  
24 emergency work to be done to protect potentially impacted  
25 property and to protect environmentally sensitive areas. The  
26 procedures of Section 1501 (b) and (c) of this Ordinance need  
27 not apply for emergency erosion control work between October 15  
28 and April 15. The cost of such work shall be charged to the

1 owner pursuant to the procedures set forth in Section 301 of  
2 this Ordinance."

3 SECTION SEVEN: Section 1503 (a) of Ordinance 82-43 is amended  
4 in its entirety to read as follows:

5 "SECTION 1503. EROSION CONTROL SECURITY.

6 (a) Requirement for security.

7 Prior to the approval of the grading permit, an erosion  
8 control plan shall be approved by the City Engineer and  
9 securities meeting the requirements contained herein shall be  
10 posted with the city. The security shall guarantee the  
11 following:

- 12 1) Compliance with all provisions of Section 1501 of this  
13 ordinance and all other applicable ordinances;
- 14 2) Compliance with any and all terms and conditions of the  
15 permittee's approved erosion control plan;
- 16 3) Completion of the erosion control system, to the  
17 satisfaction of the City Engineer, and in accordance with  
18 the approved erosion control plan;
- 19 4) Completion of all emergency and routine maintenance and  
20 repair of the erosion control systems to ensure the  
21 continuous integrity of the systems to the satisfaction of  
22 the City Engineer and as may be otherwise required by  
23 Section 1501 of this ordinance;
- 24 5) Restoration and repair of public streets or other  
25 property adversely impacted by erosion from permittee's  
26 project."

27 .....  
28 .....

1 SECTION EIGHT: Section 1503 (b) of Ordinance 82-43 is amended  
2 in its entirety to read as follows:

3 "(b) Amount and form of security:

4 The amount of the security shall be equal to one hundred  
5 percent (100%) of the total estimated cost of the erosion  
6 control systems. The permittee's estimate of such costs shall  
7 be subject to the review and approval of the City Engineer.

8 The erosion control security shall be subject to the  
9 approval of the City Engineer and the City Attorney, and consist  
10 of one or more of the following:

- 11 1) A cash deposit.
- 12 2) A letter of credit from one or more local financial
- 13 institutions subject to regulation by the State or Federal
- 14 government."

15 SECTION NINE: Section 1503 (e) of Ordinance 82-43 is amended in  
16 its entirety to read as follows:

17 "(e) Release of security.

18 Any unused portion of such security shall remain on  
19 deposit with the city throughout the grading of the project and  
20 is not releasable until completion of the landscaping  
21 improvements for the project."

22 SECTION TEN: This Ordinance shall not be codified.

23 SECTION ELEVEN: The City Clerk of the City of Oceanside is  
24 directed to publish this Ordinance once, within fifteen (15)  
25 days after its passage, in the *Blade-Citizen*, a newspaper of  
26 general circulation published in said City of Oceanside.

27 .....

28 .....

1 SECTION TWELVE: This Ordinance shall take effect and be in  
2 force on the thirtieth (30th) day from and after its final  
3 passage.

4 PASSED, ADOPTED, AND ORDERED PUBLISHED by the  
5 City Council of the City of Oceanside, California this 27th  
6 day of May, 1992 by the following vote:

7 AYES: BISHOP, RODEE, YORK

8 NAYS: WILLIAMSON

9 ABSENT: NONE


10 ABSTAIN: BAGLEY

11   
12 Melba Bishop For  
Mayor of the City of Oceanside

13 APPROVED AS TO FORM:  
14 OFFICE OF THE CITY ATTORNEY

15   
16 Joseph L. Smith  
Deputy City Attorney

17 ATTEST:

18   
19 Robert R. Bishop  
20 City Clerk

21 ww  
22  
23  
24  
25  
26  
27  
28

**CITY OF OCEANSIDE**

**COMMUNITY SERVICES DEPARTMENT**

**ENGINEERING DIVISION**

**SUPPLEMENT ATTACHMENT**

**FOR**

**GRADING ORDINANCE REVISIONS**

**EROSION CONTROL REQUIREMENTS**

- -

**NPDES PERMIT REQUIREMENTS**

- -

# STAFF REPORT



# CITY OF OCEANSIDE

DATE: May 6, 1992  
TO: Honorable Mayor and City Councilmembers  
FROM: Ronald A. Beckman, City Engineer  
SUBJECT: Grading Ordinance Revisions

## ANALYSIS:

At the January 15, 1992, meeting the City Council directed staff to modify the Grading Ordinance and the erosion control provisions within the Grading Ordinance. The intent of the modifications is to protect environmentally sensitive areas, as well as biological and wildlife resources within and surrounding the City of Oceanside.

The preliminary modifications to the Grading Ordinance were presented to the Planning Commission on January 13 and 27, 1992. The Planning Commission provided input and recommended additional modifications to several provisions within the revised ordinance. The Planning Commission also requested that the City's *Engineers Design and Processing Manual* include a number of standard details and additional provisions regarding erosion control systems. These standards currently are being prepared and will be presented to Council in the near future.

The major revisions to the ordinance include the following:

1. Prohibit clearing, brushing, and grubbing on any land unless environmental clearances and a grading permit have been issued.
2. All construction within environmentally sensitive areas shall be prohibited between October 15 and April 15.
3. The erosion control security has been changed to 100% cash deposit. The erosion control plan will be approved concurrently with the project grading plans, regardless of the time of year, and the cash deposit will remain in force until the landscaping improvements for the project have been completed.

For projects currently under an active grading permit, the new requirements for erosion control plans and securities will not take effect until October 15, 1992. All grading permits issued prior to the effective date of the revised grading ordinance will not be considered valid if the revised ordinance standards are not met by October 15, 1992.

At the February 24, 1992 meeting, the Planning Commission reviewed the final draft of the revised Grading Ordinance. The general public also provided input during the meeting. The Planning Commission and public input resulted in modifications to the ordinance.

Several suggestions made by the Planning Commission and the public not included in the revised ordinance are as follows:

1. The Planning Commission proposed that a 24-hour guard be posted on all sites under a grading permit during storms. Staff has included a provision in the ordinance to Post a 24-hour guard when the rain forecast exceeds 40% and when the precipitation amount is expected to exceed one-half inch in any 24 hour period. The posted guard would be required only on projects having environmentally sensitive areas.
2. The public requested that the ordinance include, and that city staff be responsible for, enforcement of Fish and Game agreements and any other permits and agreements issued by outside agencies. It is staff's opinion that the city should not be responsible for enforcing agreements and permits issued by other agencies. The city will provide assistance to all other agencies and respond to concerns raised by the outside agencies.

The Planning Commission unanimously recommended approval of the proposed revisions to the Grading Ordinance.

Staff also has had meetings with the Construction Industry Federation, developers, and developer representatives. The construction and development community is generally supportive of the revised ordinance. A number of comments received from the development community did result in changes to the ordinance.

A complete package of the development community's proposals is available for review in the City Engineer's office.

**FISCAL IMPACT:**

The new provisions will result in additional staff time in the review, inspection, and enforcement of erosion control plans and systems. The costs associated with the increased staff time will be recovered from the payment of erosion control plan check and inspection fees.

Grading Ordinance Revisions  
May 6, 1992  
Page 3

**RECOMMENDATION:**

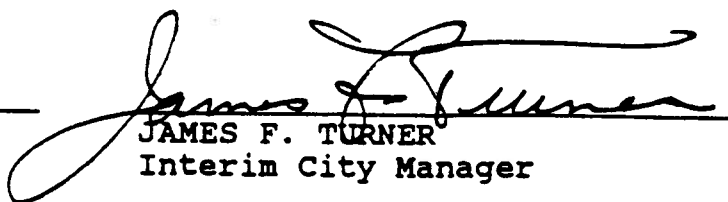
The City Engineer and the Planning Commission recommend that City Council introduce the revisions to the Grading Ordinance of the City of Oceanside.

GEORGE W. FIELD *G.W.F.*  
Deputy City Manager

PREPARED BY:

SUBMITTED BY:

  
\_\_\_\_\_  
RONALD A. BECKMAN  
City Engineer

  
\_\_\_\_\_  
JAMES F. TURNER  
Interim City Manager

PW:ww



# CITY OF OCEANSIDE

## COMMUNITY SERVICES DEPARTMENT

### Engineering Division

August 23, 2000

**TO: Engineers, Developers and Contractors**

**SUBJECT: 2000-01 Erosion Control Requirements**

The City of Oceanside Grading Ordinance 81-20, Article XV, with amendments dated May 27, 1992 (Ordinance 92-15 and Ordinance 82-43 dated September 8, 1982) requires that Erosion Control Plans for projects under active grading permits be updated for approval by the City Engineer by September 15th each year.

Among other things, the amended Grading Ordinance 92-15 stipulates security requirements for Erosion Control Plans. The form of security shall consist of either a cash deposit or a letter of credit from a financial institution, or any combination of the two. The amendment to the Grading Ordinance also outlines the City Engineer's authority to utilize the securities, if necessary. Failure to provide security and provide in place erosion control measures by October 15, 2000 will cause a Stop Work Notice to be issued for the balance of the work.

**FAILURE TO COMPLY WITH THE REQUIREMENTS OF THIS ORDINANCE WILL LEAD TO THE REVOCATION OF GRADING PERMITS AND MAY RESULT IN LONG AND COSTLY DELAYS.**

Chapter II, Section 8.0, Erosion Control Plans of the Engineers Design and Processing Manual (Pages 126-131) and the Grading Ordinance contain some design standards that may be useful in preparation of Erosion Control Plans.

Engineers should advise their clients of the City of Oceanside's erosion control requirements. Requirements include Erosion Control Plans with their plan checking and inspection fees, as well as securities. The clients should also be advised that the Engineer of Record is required to certify that the erosion control measures have been completed and inspected by October 15th.

Developers should authorize the preparation of the Erosion Control Plans so that they may be prepared and processed in a timely manner.

Following is a summary of the erosion control requirements:

- A. By September 15th - All projects under an active grading permit must have Erosion Control Plans submitted for City approval. Projects that have an Erosion

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Control Plan from last year must submit an updated Erosion Control Plan reflecting existing conditions.

Slope planting must be completed in accordance with approved landscape plans within 45 days of completion of preliminary grading to provide slope stabilization and erosion control. This shall be shown on all Erosion Control Plans.

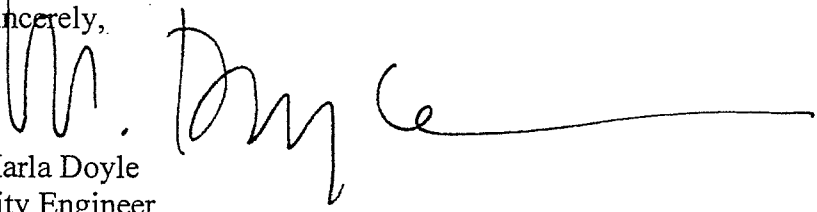
All slope planting that is not established by September 15<sup>th</sup> will require jute matting or other acceptable turf mat or erosion control blankets prior to planting or hydroseeding.

- B. By October 15th - The Erosion Control Plans must be approved, improvements must be covered by an acceptable security and the erosion control devices must be certified as being complete by the Engineer of Record and inspected as being properly constructed. Sediment control must be continuously maintained throughout the construction process. Updating of the plans will be required for phases of construction not covered by the previously approved plans.

Erosion Control Plans must be approved/updated and secured yearly. If you currently have an approved Erosion Control Plan, you must submit an updated plan and security by September 15<sup>th</sup>. The erosion control security and the plans do not automatically carry forward from year to year. A copy of the submittal requirements is attached.

Thank you in advance for your cooperation in making the coming rainy season as free from erosion problems as possible. If you have any questions concerning the erosion control requirements, please contact John Maashoff at (760) 966-4122.

Sincerely,

  
Marla Doyle  
City Engineer

MD:BT:pjl

Attachment: Submittal Requirements

# EROSION CONTROL PLANS

## Plan Check SUBMITTAL REQUIREMENTS



### A. FIRST SUBMITTAL:

1. Engineers cost estimate.
2. Full plan check fee based on engineer of work's cost estimate. Refer to fee schedule below for amount.
3. Two copies of the erosion control plans and one copy of the related grading plan.

### B. SUBSEQUENT SUBMITTAL:

1. Two (2) blue lines of corrected plans.
2. Copy of previously corrected drawings. (check prints)
3. Copy of corrected cost estimate if applicable.
4. Any other material requested by the plan checker.
5. The plan checker will request original but they will not be accepted until all fees have been paid and bonds have been posted.

### C. CONSTRUCTION CHANGE:

1. Two (2) blue lines
2. The plan checker will request original when blue lines have been approved.

ESTIMATED COST OF PROJECT	FEE*	MAXIMUM FEE
\$ 0.00 - 9,999.99	FLAT FEE	\$ 637.00
\$ 10,000.00 - 99,999.99	4%	\$ 3,600.00
\$ 100,000.00 - 499,999.99	3%	\$12, 000.00

\*Fees are accumulative, for example if a the project has an estimated cost of \$139,640.00 an initial plan check fee of \$3,520.80 would be required, and would be calculated as follows:

$$\begin{aligned} & \$637.00 + 89,999.99(.04) + 39,640.00(.03) = \$5,426.20 \\ & \text{or} \\ & \$637.00 + 3,599.99 + 1189.2 = \$5,426.20 \end{aligned}$$

\*Fees subject to change, contact the Engineering Department for current fee requirements.



**CITY OF OCEANSIDE**  
COMMUNITY SERVICES DEPARTMENT  
Engineering Division

August 23, 2000

**TO: Engineers, Developers and Contractors**

**SUBJECT: National Pollutant Discharge Elimination System  
(NPDES) Construction Permit Requirements**

This letter is to notify you that on August 20, 1992, the State Water Resources Control Board (SWRCB) approved storm water discharge requirements associated with construction activities. The regulations affect all construction sites that disturb an area of five (5) acres or more. In order to avoid construction delays caused by being found in non-compliance, you should immediately notify your clients, engineers and contractors of this action.

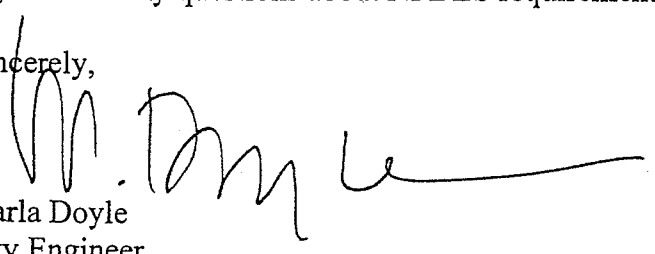
To obtain a complete copy of the regulations, please call the Regional Water Quality Control Board (RWQCB) at (916) 657-1146 and request a copy of the NPDES General Permit for Storm Water Discharges Associated with Construction Activity, or you can download the permit through the web page [www.swrcb.ca.gov/stormwtr/construction](http://www.swrcb.ca.gov/stormwtr/construction).

In general, the permit requires the filing of a Notice of Intent (N.O.I.), a Storm Water Pollution Prevention Plan (SWPPP) and a monitoring program. Specific requirements are outlined in the construction permit package.

This information is to be maintained on-site during construction and be presented upon demand by SWRCB, RWQCB, or the local agency (City of Oceanside). If you have not already done so, you are required to file for a construction permit.

If you have any questions about NPDES requirements, please call Bill Teas at (760) 966-4174.

Sincerely,

  
Marla Doyle  
City Engineer

MD:BT:mc