-Grading and Drainage Zoning Ordinance Amendments, addition of Hillside Development Ordinance, and Subsequent Sections Re-Numbering-

[6-23-23]

[City: Changes to these existing sections are proposed only where it would address the ministerial vs. discretionary review process, and are shown in highlight and strikeout/underline].

[City: Currently in these sections of the Code, reference is made to preserving vegetation or "natural" vegetation and trees. Should these be amended to read "native"?]

City: These Findings in the Grading Ordinance are not "fixed" or objective per the definition of "ministerial" in the Code – are these being used for "minor grading"/ministerial or for all grading permits? Usually, grading permits are always ministerial, but it seems that may not be the case in the City?] Do we want to make any changes to these?

9-4.138 Grading.

The following sections (9-4.138 through 9-4.1465) establish standards, in addition to the standards contained in the Uniform Building Code, for grading and excavation activities to minimize hazards to life and property; protect against erosion, the sedimentation of water courses, and the inundation of low lying areas; and protect the safety, use and stability of public rights-of-way and drainage channels. It is the City's intent to encourage grading that disturbs the minimum feasible area, that relates to the natural contours of the land, and that retains trees and other vegetation. Grading regulations are organized into the following sections:

9-4.139 Grading plan required.

9-4.140 Grading permit required.

9-4.141 Grading permit: Application content.

9-4.142 Grading permit review and approval.

~~9-4.143 Special grading standards~~.

9-4.1443 Grading standards.

9-4.1454 Sedimentation and erosion control.

9-4.1465 Nuisance and hazard abatement.

9-4.139 Grading plan required.

In any case where a proposed project requiring a precise plan or conditional use permit approval involves fifty (50) or more cubic yards of earth moving, the application shall include a grade plan containing the information specified by this section. If engineered grading (Section 9-4.141(b)) is to occur, then the grading plan shall also include all information required by Section 9-4.141. A grading plan shall be neatly and accurately drawn to scale, including the following information:

(a) Existing ground contours or elevations of the site at two (2) foot intervals.

(b) Contours or site elevations after grading is completed, including any modifications to drainage channels.

(c) Any required retaining walls or other means of retaining cuts or fills.

(d) Elevations of the edge of the pavement or road at driveway entrance.

(e) Elevation of the finish floor of the garage or other parking area.

(f) Elevations at the base of building corners.

(g) Area of disturbance in square feet.

(h) Quantities of cut and fill.

(i) Erosion control notes and details.

(j) Drainage structures and other drainage design features.

(k) Stormwater control and management facilities

(l) Sections showing grading, showing any retaining walls, cut and fill slopes, pads, building structures and drainage structures.

(m) Grading notes, details or other information required by the City Engineer.

9-4.140 Grading permit required.

A grading permit shall be obtained where required by Title 8 of this code.

9-4.141 Grading permit—Application content.

To apply for a grading permit, a application, including any plans, reporst, an necessary supporting documents,shall be submitted to the City. .

9-4.142 Grading permit review and approval.

Grading permit applications shall be processed as follows:

(a) When an application for development requires both a grading permit and a building permit, no grading permit shall be issued until an application for a building permit has been submitted for plan check.

~~(a) Environmental Determination. As required by Title 14 of the California Administrative Code, all grading permit applications are to receive an environmental determination pursuant to the California Environmental Quality Act (CEQA), except for applications for development that propose grading on terrain with slopes less than twenty percent (20%) and that will involve less than five thousand (5,000) cubic yards of earth moving, which applications are hereby deemed categorically exempt from the provisions of CEQA.~~

~~(b) Application Processing Where EIR Required. Where the Planning Commission has required preparation of an Environmental Impact Report pursuant to CEQA, a grading permit application shall be processed, reviewed and approved according to all the provisions of Section 9-2.110.~~

(~~c~~b) Application Processing. ~~Where No EIR is Required. Where a grading permit is categorically exempt from the provisions of CEQA or has been granted a negative declaration, t~~The City may issue ~~the~~ a grading permit where the proposed grading is in conformity with applicable provisions of this title; provided:

(1) The City may require that grading operations and project designs be modified if delays occur that result in weather-generated problems not considered at the time the permit was issued.

(2) Where a ~~negative declaration~~ CEQA document associated with the project ~~for grading permit~~ has identified mitigation measures necessary to reduce environmental impacts, such mitigation measures shall be incorporated into the approved grading permit and grading operations.

(~~d~~ c) Criteria for Approval. A grading permit may be issued only where the ~~Planning~~ City Engineer or their designee first finds, where applicable, that:

(1) The extent and nature of proposed grading is appropriate to the use proposed and will not create site disturbance to an extent greater than that required for the use.

(2) Proposed grading will not result in erosion, stream sedimentation, or other adverse off-site effects or hazards to life or property.

(3) The proposed grading will not create substantial adverse long-term visual effects visible from off-site.

(4) The proposed grading conforms with the Uniform Building Code and, when required, with grading standards (Section 9-4.14~~3~~4).

9-4.143 ~~Special grading standards.~~ Grading standards.

All excavations and fills except for minor grading shall be conducted in accordance with the following special standards:

(a) Area of Cuts and Fills. Cuts and fills shall be limited to the minimum amount necessary to provide stable embankments for required parking areas or street rights-of-way, structural foundations, and adequate yard areas. Consideration shall be given to revising the building design to minimize unnecessary grading.

(b) Creation of Building Sites: ~~Slope Limitations. Grading for the purpose of creating a site for a building or structure shall be prohibited on slopes of twenty percent (20%) or greater except where authorized through precise plan approval.~~ See Section 9-4.156(c) and (d).

(c) Final Contours. Contours, elevations and shapes of finished surfaces shall be blended with adjacent natural terrain to achieve a consistent grade and natural appearance.

~~9-4.144 Grading standards.~~

(~~a~~ d) Grading Near Watercourses. Grading, dredging, or diking may not alter any intermittent or perennial stream or natural body of water shown on any USGS

7 1/2 minute map or designated by another State or Federal agency with jurisdiction over said waters, except as permitted through approval of a drainage plan and appropriate State and Federal permits. Watercourses are to be protected as follows:

(1) Watercourses shall not be obstructed unless an alternate drainage facility is approved.

(2) Fills placed within watercourses shall have suitable protection against erosion during flooding.

(3) Grading equipment shall not cross or disturb channels containing live streams without siltation control measures approved by the City Engineer in place.

(4) Excavated materials shall not be deposited or stored in or alongside a watercourse where the materials can be washed away by high water or storm runoff.

(~~b~~e) Revegetation. Where natural vegetation has been removed through grading in areas not affected by the landscaping requirements (Section 9-4.124 et seq.) and that shall not be occupied by structures, such areas shall be replanted as set forth in this subsection to prevent erosion after construction activities are completed.

(1) Preparation for Revegetation. Topsoil removed from the surface in preparation for grading and construction shall be stored on or near the site and protected from erosion while grading operations are underway, provided that such storage may not be located where it would cause suffocation of root systems of trees intended to be preserved. After completion of such grading, topsoil shall be restored to exposed cut and fill embankments or building pads to provide a suitable base for seeding and planting.

(2) Methods of Revegetation. Acceptable methods of revegetation include hydro-mulching, or the planting of rye grass, barley or other seed with equivalent germination rates. Where lawn or turf grass is to be established, lawn grass seed or other appropriate landscaping cover shall be sown at not less than four (4) pounds to each one thousand (1,000) square feet of land area. Other revegetation methods offering equivalent protection may be approved by the Building Official. Plant materials shall be watered at intervals sufficient to assure survival and growth. Native plant materials are encouraged to reduce irrigation demands.

(~~c~~f) Off-Site Effects. Grading operations shall be conducted to prevent damaging effects of erosion, sediment production and dust on adjacent property, including public and private rights-of-way.

9-4.145~~3~~4 Sedimentation and erosion control.

(a) Sedimentation and Erosion Control Plan Required. A sedimentation and erosion control plan is required when:

(1) Land is disturbed for any non-agricultural purpose.

(2) Grading which may affect adjacent property or private rights-of-way which is proposed to be conducted or left in an unfinished state during the period from October 15th through April 15th.

(3) Land disturbance activities are conducted in geologically unstable areas, on slopes in excess of thirty percent (30%), on soils rated as having severe erosion hazard, or within fifty (50) feet of any watercourse shown on the most current 7 1/2 minute USGS quadrangle map or designated by a State or Federal agency with jurisdiction over watercourse delineation.

(4) The placing or disposal of soil, silt, bark, slash, sawdust or other organic or earthen materials from logging, construction and other soil disturbance activities above or below the anticipated high water line of a watercourse where they may be carried into such waters by rainfall or runoff in quantities deleterious to fish, wildlife or other beneficial uses.

(b) Sedimentation and Erosion Control Plan Preparation and Processing. Sedimentation and erosion control plans shall address both temporary and final measures and shall be submitted to the City Engineer for review and approval. These plans, when required, shall be prepared by a registered civil engineer when grading exceeds five hundred (500) cubic yards. Plans for land disturbance of one (1) acre or larger shall be developed and signed by an appropriately licensed individual in accordance with the State Water Resources Control Board requirements. These plans shall be in accordance with the City Standard Improvement Specifications and Drawings, and may be incorporated into and approved as part of a grading, drainage or other improvement plans, but must be clearly identified as an erosion and sedimentation control plan.

(c) Sedimentation and Erosion Control Measures. The control of sedimentation and erosion shall include, but not be limited to, the use of the following:

(1) Slope Surface Stabilization.

(i) Temporary mulching, seeding or other suitable stabilization measures approved by the City Engineer shall be used to protect exposed erodible areas during construction,

(ii) Earth or paved interceptors and diversions shall be installed at the top of cut or fill slopes where there is a potential for erosive surface runoff.

(2) Erosion and Sedimentation Control Devices. In order to prevent polluting sedimentation discharges, erosion and sediment control devices shall be installed as required by the City Engineer for all grading and filling. Control devices and measures which may be required include, but are not limited to:

(i) Energy absorbing structures or devices to reduce the velocity of runoff water.

(ii) Sedimentation controls such as sediment debris basin and traps.

(iii) Dispersal of water runoff from developed areas over large undisturbed areas.

(iv) Multiple discharge points to reduce the volume of runoff over localized areas.

(3) Final Erosion Control Measures. Within thirty (30) days after completion of grading, or prior to building final, requiring a sedimentation and erosion control plan, all surfaces disturbed by vegetation removal, grading, haul roads, or other construction activity that alters natural vegetative cover, shall be revegetated to control erosion, unless covered with impervious or other improved surfaces authorized by approved plans. Erosion controls may include any combination of mechanical or vegetative measures. (Ord. 578 § 1, 2013; Ord. 68 § 9-4.145, 1983)

9-4.1465 Nuisance and hazard abatement.

Existing grading that has become hazardous to life or property or grading performed in violation of this section or the Uniform Building Code shall be deemed a nuisance. Full abatement and restoration may be required and an assessment of cost may be levied in accordance with Chapter 9-8. (Ord. 68 § 9-4.146, 1983)

9-4.1486 Drainage.

Standards for the control of grading and drainage are intended to minimize harmful effects of storm water runoff and resulting inundation and erosion on proposed projects, and to protect neighboring and downstream properties from drainage problems resulting from new developments. The standards of Sections 9-4.1498 through 9-4.1542 are applicable to projects and activities required to have a zoning approval.

9-4.1498 Drainage plan required.

~~9-4.150 Environmental determination required.~~

9-4.15149 Drainage plan preparation and content.

9-4.15~~2~~0 Drainage plan review and approval.

9-4.15~~3~~1 Plan check, inspection and completion.

9-4.15~~4~~2 Drainage standards.

(Ord. 68 § 9-4.148, 1983)

9-4.14~~9~~7 Drainage plan required.

Drainage plans shall be submitted with or be made part of a building permit plot plan, precise plan, conditional use permit or grading permit application for a project that:

(a) Involves a land disturbance (grading or removal of vegetation down to duff or bare soil by any method) of more than one (1) acre; or

(b) Will result in an impervious surface of more than one thousand (1,000) square feet; or

(c) Is subject to local ponding due to soil conditions and lack of identified drainage channels; or

(d) Is located in an area identified by the City Engineer as having a history of flooding or erosion that may be further aggravated by or have a harmful effect on the project; or

(e) Is located within a designated Flood Hazard overlay zone; or

(f) Involves land disturbance or placement of structures within fifty (50) feet of any watercourse shown on the most current USGS 7 1/2 minute quadrangle map, or designated by a State or Federal agency with jurisdiction over watercourse delineation; or

(g) Involves hillside development on slopes steeper than ten percent (10%) or driveways over twelve percent (12%) slope.

~~9-4.150 Environmental determination required.~~

~~In any case where a drainage plan is required by Section 9-4.149 and an environmental determination is not otherwise required, the project application shall be subject to an environmental determination before a decision to approve the application, except for single-family residences which are exempt from the provisions of CEQA. (Ord. 68 § 9-4.150, 1983)~~

9-4.15~~1~~48 Drainage plan preparation and content.

Drainage plans are to be neatly and accurately drawn, at an appropriate scale that will enable ready identification and recognition of submitted information. Drainage plans must be prepared by an appropriately licensed profession as required by the City Engineering Standards or as required by the City Engineer. Plans and supplemental supporting documentation shall be as required by the Building Official and/or City Engineer and in accordance with any applicable Engineering Standards.

9-4.15~~52~~49 Drainage plan review and approval.

All drainage plans shall be submitted to the City Engineer for review and are subject to the approval of the City Engineer.

9-4.15~~3~~0 Plan check, inspection and completion.

Where required by the City Engineer, a plan check and inspection agreement shall be entered into and the drainage facilities inspected and approved before a certificate of occupancy is issued.

9-4.1541 Drainage standards.

(a) Design and Construction. Drainage systems and facilities subject to drainage plan review and approval that shall be located in the City or existing or future public right-of-way shall be designed and constructed as set forth in the City Engineering Department Standard Improvement Specifications Drainage Standards and Drawings and the Central Coast Water Board's Post Construction Stormwater Management Requirements for Development Projects in the Central Coast Region (upon adoption by the City Council). All systems and facilities subject to drainage plan review and approval shall be designed in accordance with the City's Drainage Standards, Central Coast Water Board's Post Construction Stormwater Management Requirements (upon adoption by the City Council), and good engineering practices.

(b) Natural Channels and Runoff. Proposed projects may include design provisions to retain off-site natural drainage patterns and limit peak runoff to predevelopment levels when required by the City Engineer.

(c) Flood Hazard Areas. Buildings are not permitted in an area determined by the City Engineer to be subject to flood hazard by reason of inundation, overflow or erosion, except where provisions are made to eliminate such hazards to the satisfaction of the City Engineer. Such provisions may include providing adequate drainage facilities, protective walls, suitable fill, raising the floor level of the building or by other means. The placement of the building and other structures (including walls and fences) on the building site shall be such that water or mudflow will not be a hazard to the building or adjacent property. The City Engineer in the application of this standard shall enforce as

a minimum the current Federal flood plain management regulations as defined in Title 24, Chapter X, Subchapter B, National Flood Insurance Program, Part 1910.

9-4.152-157 Hillside development. – *see separate Ordinance*

~~9-4.156 Street trees (Reserved).~~

~~(Ord. 168 § 2, Exh. A, 1988; Ord. 106 § 2, 1985; Ord. 68 § 9-4.156, 1983)~~

~~9-4.157 Tree management plan (Reserved).~~

~~(Ord. 168 § 2, Exh. A, 1988; Ord. 68 § 9-4.157, 1983)~~