

Chapter II

Regulation of Grading and Hazardous Conditions

Section C7-12. Permit Required.

It shall be unlawful for any person to commence or perform any of the following grading, paving, or clearing activities without first obtaining a permit from the Director.

A. Grading Activities

1. The grading of an area where the average slope of the area to be excavated or filled exceeds 5 to 1.
2. The excavation, fill, or rearrangement of 50 or more cubic yards of earth material on any site. This volume shall be the aggregate of all grading or clearing operations over a 12-month period.
3. The excavation or fill of any portion of a site that increases or decreases its elevation following the completion of grading by a height of two feet or more at any point.
4. The diversion of rainwater runoff from an area that is greater than the impervious area threshold for new development established by the Regional Water Quality Control Board for the San Francisco Bay Area, or 2,000 square feet, whichever is smaller.
5. The blockage or alteration of a waterway or drainageway.
6. The excavation for the installation, removal, or repair of any underground storage tank.

B. Clearing Activities

1. The clearing of an area one acre in size or larger.
2. The clearing of an area greater than 2,000 square feet with an average slope exceeding 5 to 1.

C. Paving Activities

1. Construction of pavement surfacing on natural or existing grade of an area that is greater than the impervious area threshold for new development established by the Regional Water Quality Control Board for the San Francisco Bay Area, or 2,000 square feet, whichever is smaller. The Director may waive the requirement for a grading permit under this subsection when a separate improvement plan for such paving has been approved and signed by an authorized City official.

D. Exceptions to the permit requirements. No grading or clearing permit shall be required for:

1. An excavation below finished grade for basements and footings of a building, mobilehome, 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 or exempt any excavation having an unsupported height greater than five feet after the completion of such structure. 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 Director, stability or flooding considerations warrant such inspection;
2. Cemetery graves;
3. Refuse disposal sites controlled by other regulations;
4. Earthwork construction regulated by the federal, state, county, or city governments, or by any 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 on their operating property. 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;
5. 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;
6. 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;
7. Exploratory excavations under the direction of soil engineers or engineering geologist, provided all excavations are properly backfilled. All such excavations and trenches are subject to the applicable sections of Title 8 of the State Orders, Division of Industrial Safety;
8. The stockpiling of earth materials on a site, for temporary storage, in an amount as determined by the Director, which does not exceed thirty days in duration and does not obstruct a drainage course; (Ord. 64 § 1 (part), 1986)
9. Work performed as interim protection under flood fighting or other emergency conditions.