

Article 2: General Development Regulations
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: Grading Regulations
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0101 Purpose of Grading Regulations

The purpose of these regulations is to address slope stability, protection of property, erosion control, water quality, landform preservation, and paleontological resources preservation, and to protect the public health, safety, and welfare of persons, property, and the environment.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 3-22-2018 by O-20919 N.S.; effective 4-21-2018.)

§142.0102 When Grading Regulations Apply

This division applies to all *grading* work, whether or not a permit or other approval is required.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0103 When a Permit Is Required for Grading

- (a) A Grading Permit is required for any *grading* work specified in Section 129.0602.
- (b) A Site Development Permit is required for any *grading* that results in the creation of a slope with a gradient steeper than 25 percent (4 horizontal feet to 1 vertical foot) and a height of 25 feet or more in accordance with Chapter 12, Article 6, Division 5 (Site Development Permits), except that a Site Development Permit is not required for grading for underground parking.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 1-8-2020 by O-21164 N.S.; effective 2-9-2020.)

§142.0130 Development Standards for Grading

- (a) All *grading* shall be designed and performed in conformance with applicable City Council policies and the standards established in the Land Development Manual.
- (b) Grading for projects, including residential buildings subject to the authority of the California Department of Housing and Community Development (HCD), shall be designed to comply with the standards established in Appendix J of the California Building Code as adopted and amended by the City of San Diego.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Amended 3-22-2018 by O-20919 N.S.; effective 4-21-2018.)

EDITORS NOTE: The Land Development Manual includes:

Coastal Bluffs and Beaches Guidelines

Biology Guidelines

Historical Resources Guidelines

Submittal Requirements for Deviations within the Coastal Overlay Zone

See RR-292248 for the Coastal Bluffs and Beaches Guidelines of the Land Development Code; RR-292249 for the Biology Guidelines of the Land Development Code; RR-292250 for the Historical Resources Guidelines of the Land Development Code; RR-292251 for the Submittal Requirements for Deviations within the Coastal Overlay Zone of the Land Development Code.

General Grading Guidelines for Paleontological Resources

§142.0131 Geotechnical Report Requirements

- (a) All *grading* shall be designed to incorporate the recommendations of any required *geotechnical reports*.
- (b) All *geotechnical reports* shall be prepared in accordance with the standards established in the Land Development Manual.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0132 Uncontrolled Embankment Regulations

- (a) The construction of an uncontrolled embankment may be permitted only when, in the opinion of the City Engineer, the construction would not endanger the public health, safety, and welfare.
- (b) The *grading* plans shall clearly indicate the limits of the uncontrolled embankment to be constructed.
- (c) The property owner shall enter into a maintenance agreement that contains the following provisions and any other provisions that may, in the opinion of the City Engineer, afford protection to the property owner, adjacent properties, and the City:
 - (1) The *grading* work is an uncontrolled embankment and shall be constructed in accordance with plans approved by the City Engineer;
 - (2) The property owner acknowledges that as an uncontrolled embankment, a Building Permit shall not be issued on the site unless a soils analysis of the uncontrolled embankment and a foundation design are submitted and approved; and
 - (3) The *grading* work shall be done and maintained in a safe and sanitary manner at the sole cost, risk, and responsibility of the property owner and his or her successors in interest, who shall hold the City harmless.
- (d) Maintenance agreements for uncontrolled embankment shall be recorded in the office of the County Recorder.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0133 Slope Gradient

- (a) All constructed slopes shall be designed for proper stability considering both geological and soil properties.
- (b) Cut and *fill* slopes not greater than 8 feet in height shall not exceed a gradient of 66 percent (1-½ horizontal feet to 1 vertical foot).
- (c) Cut and *fill* slopes greater than 8 feet in height shall not exceed a gradient of 50 percent (2 horizontal feet to 1 vertical foot).
- (d) Where extraordinary conditions exist to the extent that compliance with the standards of this Section would be infeasible, the City Engineer, or the Building Official pursuant to Section 129.0104(a)(15), may authorize cut and *fill* slopes on property not owned, controlled or maintained by the City to be steeper than those specified in Section 142.0133(b) and (c). All such slopes within or adjacent to a public right-of-way must be approved by the City Engineer. A determination that such steeper slopes are warranted shall be based upon the required *geotechnical report* that clearly demonstrates that the steeper slope will be stable and not endanger the public health, safety, and welfare. Such slopes shall be revegetated in accordance with a plan prepared by a landscape architect authorized to prepare landscape plans by the California Business and Profession Code.

(Amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

§142.0134 Retaining Walls

Retaining walls shall comply with the height limits and construction material requirements in Chapter 14 Article 2, Division 3 (Fence Regulations).

(Retitled from “Retaining Walls and Structurally Enhanced Fill” and amended 1-9-2001 by O-18910 N.S.; effective 8-8-2001.)

§142.0135 Grading Within the Special Flood Hazard Area

Grading within the *Special Flood Hazard Area* shall comply with Chapter 14, Article 2, Division 2 (Drainage Regulations) and Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(Amended 4-22-2002 by O-19051 N.S.; effective 10-8-2002.)

§142.0144 Grading Within Environmentally Sensitive Lands

Grading within *environmentally sensitive lands* shall comply with Chapter 14, Article 3, Division 1 (Environmentally Sensitive Lands Regulations).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0145 Performance of Grading

All persons performing *grading* work shall be responsible to provide safe and stable slopes and to protect water quality.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0146 Erosion, Sedimentation, and Water Pollution Control

- (a) All *grading* work shall incorporate erosion and siltation control measures in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations) and the standards established in the Land Development Manual.
- (b) All *development* shall be conducted to prevent erosion and stop sediment and pollutants from leaving the work site. The property owner is responsible to implement and maintain temporary and permanent erosion, sedimentation, and water pollution control measures to the satisfaction of the City Manager, whether or not such measures are a part of approved plans. The property owner shall install, monitor, maintain, and revise these measures, as appropriate, to ensure their effectiveness. Controls shall include measures outlined in Chapter 14, Article 2, Division 2 Storm Water Runoff Control and Drainage Regulations) that address the *development's* potential erosion and sedimentation impacts.
- (c) *Grading* of properties within the Coastal Overlay Zone that drain into Los Penasquitos Lagoon or San Dieguito Lagoon shall comply with the Erosion Control Measures for North City Areas Draining to Los Penasquitos or San Dieguito Lagoons, on file in the office of the City Clerk as Document No. OO-17068.

(Retitled from "Erosion and Siltation Control" and amended 9-10-2001 by O-18976 N.S.; effective 10-10-2001 outside the Coastal Overlay Zone; effective 11-16-2001 within the Coastal Overlay Zone.)

§142.0147 Revegetation Requirements

All graded areas including manufactured slopes and disturbed areas other than manufactured slopes shall be revegetated in accordance with Chapter 14, Article 2, Division 4 (Landscape Regulations).

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0148 Protection of Adjacent Properties and Public Rights-of-Way

- (a) During *grading*, the property owner and *permit holder* shall take all necessary measures to protect adjacent property and *public rights-of-way* from damage that may result from the work. The property owner shall provide *fences* or barricades needed to eliminate any hazard to the public in their normal use of the property or *public right-of-way* as follows:
 - (1) Where a temporary *excavation* is adjacent to an existing developed *public right-of-way* or other public property and the slope gradient is 50 percent (2 horizontal feet to 1 vertical foot) or steeper or the height of the *excavation* is more than 6 feet, temporary *fences* or barricades shall be provided adjacent to the *excavation* satisfactory to the City Engineer. The *fences* or barricades shall be constructed and maintained as long as the hazard resulting from the *excavation* exists.
 - (2) Where a permanent *excavation* is adjacent to an existing developed *public right-of-way* or other public property and the slope gradient is 50 percent (2 horizontal feet to 1 vertical foot) or steeper, the height of the *excavation* is more than 6 feet, and the top of the slope is within 10 feet of the *public right of-way*, the property owner and permit holder shall construct a permanent, 4-foot-high *fence* adjacent to the *public right-of-way*, satisfactory to the City Engineer.
 - (3) The City Engineer may modify the requirements of this Section where it is evident that the *grading* work will present no hazard to the adjacent property or *public rights-of-way*.
- (b) Cut and *fill* slopes shall be set back from the property lines in accordance with Section 142.0148(b). Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure J108.1 in Appendix J of the California Building Code, unless substantiating data is submitted to the City Engineer, or the Building Official pursuant to Section 129.0104(a)(15), justifying reduced setbacks.

- (1) The setback at the top of a cut slope shall not be less than that shown in Figure J108.1 of Appendix J in the California Building Code, or less than is required to accommodate any required interceptor drains, whichever is greater.
- (2) Where required to protect adjacent properties at the toe of a slope from adverse effects of the *grading*, additional protection approved by the City Engineer, or the Building Official pursuant to Section 129.0104(a)(15), shall be included. Such protection may include but shall not be limited to:
 - (A) Setbacks greater than those required by Figure J108.1 in Appendix J of the California Building Code.
 - (B) Retaining walls or similar construction.
 - (C) Erosion protection measures for the fill slopes.
 - (D) Measures for the control of surface waters

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

§142.0149 Replacement for Damages

If the City or a *public utility* needs to place, replace, or maintain a facility within a *public right-of-way*, *public service easement*, or public property over which private *grading* has been done, the party responsible for the private *grading* shall pay that portion of the cost of placement, replacement, or maintenance caused by the construction or existence of the private *grading* work. The costs of placing, replacing, or maintaining the facility shall include the cost of obtaining any alternate *public right-of-way* if the facility needs to be relocated because of the private *grading* work.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§142.0150 Site Restoration

Restoration of *grading* undertaken without a permit is required and shall occur prior to any further development on the site. Restoration requires:

- (a) Submittal to and acceptance by the Permit Issuing Authority of a restoration plan which may include necessary monitoring by the City or a City designated party, both at the cost of the violator;

- (b) Obtaining a grading permit and receiving inspection approval from the Permit Issuing Authority; and
- (c) Compliance with any other reasonable requirements of the Permit.
(Added 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)

§142.0151 Paleontological Resources Requirements for Grading Activities

- (a) Paleontological resources monitoring shall be required in accordance with the General Grading Guidelines for Paleontological Resources in the Land Development Manual for any of the following:
 - (1) *Grading* that involves 1,000 cubic yards or greater, and 10 feet or greater in depth, in a High Resource Potential Geologic Deposit/Formation/Rock Unit; or
 - (2) *Grading* that involves 2,000 cubic yards or greater, and 10 feet or greater in depth, in Moderate Resource Potential Geologic Deposit/Formation/Rock Unit; or
 - (3) *Grading* on a fossil recovery site or within 100 feet of the mapped location of a fossil recovery site.
- (b) If paleontological resources, as defined in the General Grading Guidelines for Paleontological Resources, are discovered during *grading*, notwithstanding Section 142.0151(a), all *grading* in the area of discovery shall cease until a qualified paleontological monitor has observed the discovery, and the discovery has been recovered in accordance with the General Grading Guidelines for Paleontological Resources.

(“Paleontological Resources Requirements for Grading Activities” added 3-22-2018 by O-20919 N.S.; effective 4-21-2018.)