

ORDINANCE NO. 2019-_____

AN ORDINANCE OF THE CITY OF CULVER CITY, STATE OF CALIFORNIA, ADDING A NEW SUBCHAPTER 15.02.1300, ET SEQ., "HILLSIDE GRADING REQUIREMENTS AND PERMITTING," TO CHAPTER 15.02, BUILDINGS, STRUCTURES AND EQUIPMENT, OF THE CULVER CITY MUNICIPAL CODE

The City Council of the City of Culver City, California, DOES HEREBY ORDAIN as follows:

SECTION 1: A new Subchapter 15.02.1300 ("Hillside Grading Requirements") is hereby added to Chapter 15.02 ("Buildings, Structures and Equipment") of the Culver City Municipal Code as follows:

Hillside Grading Requirements and Permitting

§15.02.1300	Definitions
§15.02.1305	Hillside "H" Grading Designation
§15.02.1310	Grading Requirements
§15.02.1315	Thresholds for a Grading Permit
§15.02.1320	Maximum Grading Quantities
§15.02.1325	Slope Stabilization
§15.02.1330	Public Works Department Review
§15.02.1335	Geotechnical and Geology Report
§15.02.1340	Drainage Plan Requirements
§15.02.1345	Post Construction Drainage Reports and Maintenance Covenant
§15.02.1350	Landscape Plan
§15.02.1355	Significant Tree Removal
§15.02.1360	Grading Procedures
§15.02.1365	Submittal Requirements

§15.02.1300 Definitions

Erosion and Sediment Control Plans. A component of a grading plan submittal which indicates the methods for mitigating erosion and surficial movement of soils during rainy seasons.

Final Grading Approval. Building Official approval that the proposed grading conforms to the project plans.

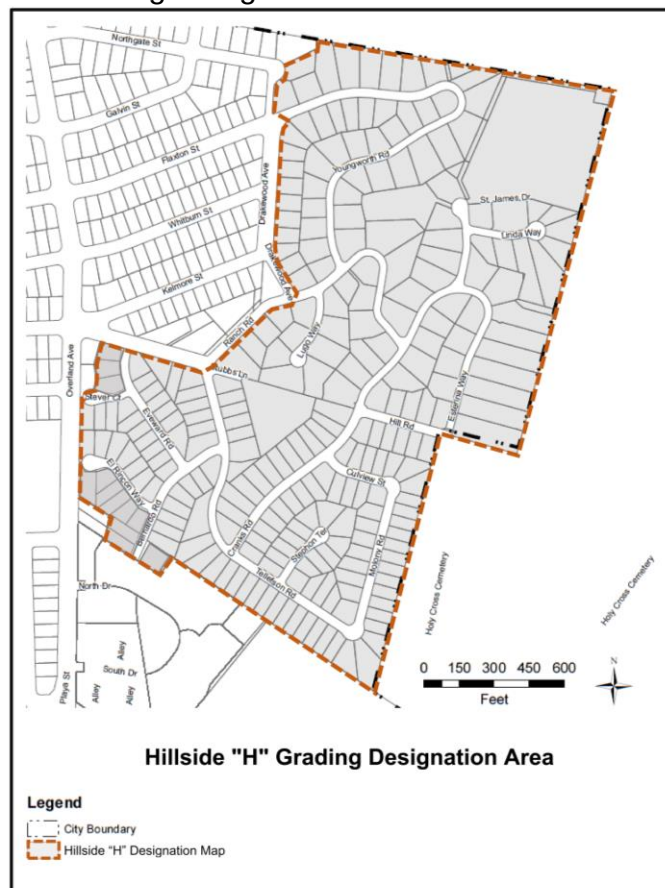
Hillside “H” Grading Designation. Hillside “H” Grading Designation refers to a lot where the existing slope on any portion of the lot is equal to or steeper than 15% and may be subject to the requirement for a grading permit.

Significant Tree. Trees that are well established with a minimum caliper size of 10 inches or more and/or a tree height and canopy spread of 20 feet or greater, and are required to be noted the Slope Protection and Fire Prevention Landscape Plan.

Slope Protection and Fire Prevention Landscape Plan. A landscape plan prepared by a Licensed Landscape Architect with all Significant Trees noted on site, designed to minimize erosion and surficial sliding and maximize fire prevention, and includes proposed ground cover, shrub, tree planting, and proposed water conserving irrigation, including fire resistant planting.

§15.02.1305 Hillside “H” Grading Designation

A. All properties shown on the Hillside Grading Designation Area map (below) and other hillside properties that are subject to the requirements of this Subchapter shall have the Hillside “H” Grading Designation.



1 B. The Hillside “H” Grading Designation requires that hillside properties
2 are designed and constructed in accordance with appropriate grading and drainage
3 standards. The Hillside “H” Grading Designation:

- 4 1. Applies to a hillside lot where the existing slope on any portion of the lot
5 is equal to or steeper than 15%;
- 6 2. Is recorded on City building records;
- 7 3. Requires a topographic survey with project plan submittal;
- 8 4. Requires a geotechnical and geological report with grading plan
9 submittal; and allows a property owner to appeal the Hillside “H” Grading
10 Designation to the Planning Commission where it can be shown, with a
11 detailed topographic survey prepared by a licensed civil engineer or land
12 surveyor, that said lot does not contain any slope equal to or in excess
13 of 15%.

14 **§15.02.1310 Grading Requirements**

15 Notwithstanding any other provisions of this Code, total grading (cut and fill)
16 on a lot shall be limited as outlined in Section 15.08.1320 herein. No grading permit shall
17 be issued until a building permit is approved. All grading plans shall be subject to third
18 party review, with commensurate plan review fees applied consistent with the City’s fee
19 schedule.

20 **§15.08.1315 Thresholds for a Grading Permit**

21 A. A hillside grading plan and a grading permit issued by the Building
22 Official is required when the grading exceeds 100 cubic yards cut or fill and involves either:

- 23 1. A cut or fill of more than 3 feet in vertical height below or above
24 natural ground;
- 25 2. Cumulative cut and fill which amounts to more than 5 feet;
- 26 3. An area where the natural gradient of the site is more than 4:1
27 (horizontal to vertical) or 25% slope.

28 B. Grading plans that do not exceed the thresholds set forth in Section
15.02.1315.A are subject to a building permit only, and do not require a grading permit.
The building permit application shall include earth work calculations with cross sections.

§15.02.1320 Maximum Grading Quantities

 A. Grading for all projects on properties with a Hillside “H” Grading
Designation shall be limited to a maximum amount of cut and fill. The cumulative quantity
of grading or the total combined value of both cut and fill or incremental cut and fill for a
project shall be limited to a base maximum of 500 cubic yards plus the numeric value equal
to 5% of the total lot size in cubic yards.

1 *Example: a 5,000 square-foot lot would have a maximum grading*
2 *amount of 750 cubic yards (500 cubic yards for the base amount + 250 cubic yards*
3 *for the 5% lot size).*

4 B. For projects where there is a maximum slope of 50% (2:1) or greater
5 and/or where there is an excavation or fill that exceeds a 50% (2:1) or greater slope, no
6 grading permit shall be issued without Building Official review and approval.

7 C. The maximum grading quantities, grading percentage for cut of fill or
8 maximum allowable slope for grading may be appealed to the Planning Commission,
9 where specific findings can be made. Such findings shall be established by resolution of
10 the City Council.

11 **§15.02.1325 Slope Stabilization**

12 A. When a grading permit is required and the project exceeds 50% of the
13 replacement value for the structure, as determined by the Building Official, the owner shall
14 also be required to increase standards of care and safety for grading, excavations, fills, soil
15 placement and foundations by implementing slope stabilization measures for the entire lot.
16 A geotechnical engineer or engineering geologist shall establish prescriptive measures for
17 slope stabilization, which shall be subject to third party review, with commensurate plan
18 review fees applied consistent with the City's fee schedule.

19 B. Notwithstanding the above, the Building Official, in his or her sole
20 discretion, may require slope stabilization measures for any project, if such measures are
21 determined to be necessary in the interest of public health, safety or welfare.

22 **§15.02.1330 Public Works Department Review**

23 All grading projects of one acre or greater are subject to Public Works
24 Department approvals for National Pollutant Discharge Elimination System (NPDES),
25 Storm Water Pollution Protection Plan (SWPPP) and Low Impact Development (LID)
26 requirements.

27 **§15.02.1335 Geotechnical and Geology Report**

28 All projects involving properties with a Hillside "H" Grading Designation and
subject to a grading permit shall be required to prepare and submit a geotechnical report
and a geology report to address site specific geotechnical conditions.

A. *Geotechnical Report.* A geotechnical report shall be prepared by a
licensed geotechnical engineer and demonstrate to the satisfaction of the Building Official
(based upon third party review by a City approved civil engineer, geotechnical engineer
and/or engineering geologist) that the project is properly located and designed to address
site specific geotechnical conditions.

1 B. *Geology Report.* A geology report shall be prepared by a geotechnical
2 engineer or engineering geologist and demonstrate to the satisfaction of the Building
3 Official (based upon third party review by a City approved civil engineer, soils engineer
and/or engineering geologist) that the project is properly located and designed to address
site specific soil conditions.

4 **§15.02.1340 Drainage Plan Requirements**

5 All projects shall be designed to include appropriate drainage control devices
6 such as interceptor terraces, diverter terraces, berms, vee channels, inlet structures, down
7 drains, outlet structures, drainage dispersal walls, sub-drains, gutters, site drainage,
8 drainage around buildings; and shall include a plan for maintenance of drainage devices to
9 ensure proper site drainage. An Erosion and Sediment Control Plan shall be prepared to
address site drainage conditions during project construction. The Erosion and Sediment
Control Plan must be updated each year, prior to October 15, to reflect the conditions of
the site during the immediately previous rainy season.

10 **§15.02.1345 Post Construction Drainage Reports and Maintenance** 11 **Covenant**

12 Annually, or when required by plan check, a drainage report shall be
13 submitted to the Building Official indicating the condition of all drainage structures,
14 acceptance of water from off-site properties and drainage to adjacent properties. A
15 maintenance covenant, approved as to form by the City Attorney, shall be prepared to
address required maintenance for all drainage structures. The drainage report shall
include:

- 16 A. Hydrology map showing the drainage basin(s), the site of proposed
17 grading, and any proposed drainage structures;
- 18 B. Summary of the hydrology and any proposed drainage structure
19 conditions checked; and
- 20 C. Hydrology calculations for storm intensity requirements (up to 25 year
storm) for all drainage facilities.

21 **§15.02.1350 Landscape Plan**

22 All projects located on properties with a Hillside "H" Grading Designation or
23 other property subject to the requirements of this Subchapter shall provide a Slope
24 Protection and Fire Prevention Landscape Plan prepared by a licensed landscape architect
25 that minimizes erosion and surficial sliding, and maximizes fire prevention. This plan shall
26 be prepared pursuant to Section 15.02.1365 of this Subchapter and indicate proposed
ground cover, shrub, tree planting, proposed water conserving irrigation, including
automatic shut off valves, and fire resistant planting.

1 **§15.02.1355 Significant Tree Removal**

2 A. All Significant Trees as defined in Section 15.02.1300 of this
3 Subchapter shall be identified by a licensed landscape architect and shown on the grading
4 plan and Slope Protection and Fire Prevention Landscape Plan with a note of intent to
5 either remove or protect such trees.

6 B. Before any Significant Tree is removed, an Application to Remove
7 Significant Trees must be filed with the Current Planning Division for approval, which shall
8 indicate the reason for such removal and alternative planting to substitute for the
9 Significant Tree(s) removed. The grading plan and Slope Protection and Fire Prevention
10 Landscape Plan shall be reviewed by the Current Planning Division to verify that the
11 Significant Trees marked for removal are in conformance with the approved Application.

12 C. The Application to Remove Significant Trees must be approved prior
13 to approval of the grading plan.

14 **§15.02.1360 Grading Procedures**

15 A. *Bonds.* Security will be required for all hillside grading and shall be
16 provided in the form of a surety bond, letter of credit or cash deposit. The grading bond will
17 be based on 50% of the cost of moving the largest amount of either cut or fill and include
18 the cost of landscaping the slopes per the approved Slope Protection and Fire Prevention
19 Landscape Plan. To obtain release of the bond, the landscape architect must submit a
20 letter of certification that the soils, additives and amendments, weed control, planting of the
21 slopes and the installation of the irrigation system comply with the all approved plans and
22 applicable requirements of this Code. The bond will be released one year after receipt of
23 this certification if an inspection of the site determines that the landscaping has become
24 permanently established.

25 B. *Agreements.* Agreements with adjacent property owners will be
26 required for all of the following activities occurring outside the property boundaries of a
27 project: grading, drainage, ingress and egress, community driveways, or encroachment
28 outside the property boundaries. All agreements must be in a form acceptable to the City
Attorney, shall be recorded, and a conformed copy of the recorded document shall be
submitted prior to approval of the grading plan.

29 **§15.02.1365 Submittal Requirements**

30 Additional project plan submittal requirements, including requirements for a
31 grading plan, Erosion Sediment and Control Plan and/or Slope Protection and Fire
32 Prevention Landscape Plan, may be established by resolution of the City Council.

33 **SECTION 2.** Pursuant to Section 619 of the City Charter, this Ordinance
34 shall take effect 30 days after its adoption. Pursuant to Section 616 and 621 of the City

1 Charter, prior to the expiration of 15 days after the adoption, the City Clerk shall cause this
2 Ordinance, or a summary thereof, to be published in the Culver City News and shall post
3 this Ordinance or a summary thereof in at least three places within the City.

4
5 **SECTION 3:** City Council hereby declares that, if any provision, section,
6 subsection, paragraph, sentence, phrase or word of this Ordinance is rendered or declared
7 invalid or unconstitutional by any final action in a court of competent jurisdiction or by
8 reason or any preemptive legislation, then the City Council would have independently
9 adopted the remaining provisions, sections, subsections, paragraphs, sentences, phrases,
10 or words of this Ordinance, and as such they shall remain in full force and effect.

11
12 APPROVED and ADOPTED this _____ day of _____ 2019.

13
14
15 _____
16 THOMAS AUJERO SMALL, MAYOR
17 City of Culver City, California

18
19 ATTEST:

20 APPROVED AS TO FORM:

21 _____
22 JEREMY GREEN
23 City Clerk

24 
25 HEATHER BAKER
26 Assistant City Attorney

27 A19-00070
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