

**CHAPTER XXIII**  
**GRADING ORDINANCE**

**23-1 GENERAL.**

This Chapter regulates work on private property and is intended to be consistent with and in support of the requirements of the Uniform Building Code, as amended by Chapter XII of the Albany Municipal Code. Proposals or projects affecting public property are directed to Chapter XIV of the Albany Municipal Code. (Ord. #98-03, §1)

**23-1.1 Definitions.** As used in this Chapter.

*Applicant* shall mean the property owner, his or her authorized agents and employees, who applies for a grading permit pursuant to this Chapter.

*Bench* shall mean a relatively level surface interrupting the slope of an excavation or embankment in sloping natural ground or cut or fill surfaces.

*Civil engineer* shall mean a civil engineer registered as such by the State of California.

*Clearing and grubbing* shall mean site preparation for grading or construction by mechanical or manual means consisting primarily of, but not limited to, the removal of vegetation.

*Director* shall mean the Director of Community Development and Environmental Resources and his or her designee.

*Elevation* shall mean the vertical distance above sea level.

*Erosion* shall mean the wearing away of ground surface due to natural action of the elements.

*Excavation* shall mean the removal of any soil, rock, sand or other material from a site.

*Fill* shall mean deposited materials.

*Grading* shall mean excavating or filling, or any combination thereof.

*Person* shall mean and include an individual, business and any other legally constituted entity such as, but not limited to, a partnership and a corporation.

*Plans* shall mean maps, sketches, profiles, construction drawings and specifications, or any combination thereof as required to adequately describe the work, all as prepared by a Civil Engineer.

*Sediment* shall mean Earth material deposited by water.

*Site* shall mean and include contiguous parcels of land where a grading permit is required.

*Slope* shall mean an inclined ground surface expressed as a ratio of horizontal distance to vertical distance, or as a percent using a ratio of vertical rise per one hundred (100') feet of horizontal distance.

*Soils report* shall mean a report prepared by a registered civil engineer that shall include, but is not limited to, field test results and observations regarding the nature, distribution and strength of existing soils and recommendations and conclusions for grading procedures and design(s) for corrective action if necessary.  
(Ord. #98-03, §1)

## **23-2 PERMIT REQUIRED.**

No person shall do or cause any grading on private property without first having obtained a permit to do so from the Director if such grading will result in any of the following:

- a. The volume of excavation or fill will exceed fifty (50) cubic yards provided either:
  1. The existing or the resulting slope will exceed ten (10%) percent, or
  2. The vertical distance between the top and bottom of excavation or fill will exceed five feet at any location.
- b. Any permanently unretained excavation or fill exceeding five (5) cubic yards where the vertical distance between the top and bottom of the excavation or fill exceeds five (5') feet at any location, disregarding benches; and the rate of slope of the surface exceeds two to one (2:1) for fill or one and one-half to one (1 1/2:1) for excavation.
- c. Any excavation within fifteen (15') feet of any property line.

d. Any site where the Community Development and Environmental Resources Department has been notified of land stability problems.

e. Where the slope of the existing ground surface exceeds ten (10%) percent.

Grading of an emergency nature to safeguard life or property may be undertaken prior to the issuance of a grading permit. If the emergency work will result in any of the criteria set forth above, an application for grading permit shall be initiated with the Director no later than ten (10) calendar days after the commencement of the emergency and an application shall be diligently pursued by the applicant.

A separate permit shall be required for each site. One (1) permit may cover both an excavation and a fill on the same site.  
(Ord. #98-03, §1)

### **23-3 GRADING PERMIT APPLICATION.**

The grading permit application shall be on a form provided by the Community Development and Environmental Resources Department.

a. *Project Description.* A written narrative describing the scope and intent of work.

b. *Site Map.* The site map shall be prepared by a civil engineer.

1. Existing and proposed improvements on the site.

2. Proposed limits of cuts and fills, both temporary and permanent, and other earthwork clearly designated.

3. Location and size of material to be used to construct proposed retaining structures.

4. A topographic survey of the site showing property boundaries and any and all easements. Show contour intervals at a minimum scale of 1" = 20' for sites up to and including five (5) acres. For properties with an average slope greater than or equal to twenty (20%) percent contours may be shown at not more than five (5') foot intervals. For properties with average slope less than twenty (20%) percent contours must be shown at two (2') foot intervals. Sites more than five (5) acres may be drawn at a scale subject to the approval of the Director.

- c. *Drainage Plan.* Contours must extend a minimum of fifty (50') feet from all existing, temporary, and final drainage facilities.
- d. *Soils Report.* Prepared by a registered civil engineer, when required by the Director.
- e. *Grading Plan.* Must show with interim and final contours, including proposed structures must be provided in a plan and profile with at least three cross sections, as approved by the Director.
- f. *Erosion and Sedimentation Control Plan.* Shall include interim and permanent erosion and sedimentation control measures to be installed. The Erosion and Sedimentation Control Plan shall be prepared by a civil engineer and is subject to approval of the Director.
- g. Traffic Control Plan for Vehicles and Pedestrians, as Required by the Director.
- h. Any additional items required by Director to clarify or provide additional information that may be necessary to allow a complete review of the proposed work, to safeguard life, public and private property, and to insure that the work will be carried out in an orderly manner in conformance with all regulations and without creating a public nuisance.  
(Ord. #98-03, §1)