



COUNTY OF SAN MATEO
PLANNING AND BUILDING

455 County Center, 2nd Floor | Mail Drop PLN 122
Redwood City, CA 94063
(650) 363-4161
planning.smcgov.org

August 13, 2026

Martin Smith
Belmont Housing Group
1519 E Chapman Ave Suite 101
Fullerton, CA 92831

SUBJECT: SB 330 Application Incomplete – 137-Unit Multifamily Residential Building
Christian Drive and Ralston Avenue, Unincorporated North Skyline
APN 043-331-410; County File No. PLN2026-00261

Dear Martin:

Planning and Building staff have reviewed the SB 330 application, submitted on July 14, 2026, for a 137-unit, 14-story, multifamily residential building at the subject property and identified application items required by the Planning Department “Planning Permit Application Form” checklist (available at <https://www.smcgov.org/planning/planning-permit-application-form>) that are missing, as outlined below. Staff has determined the application is **incomplete** and requests the outstanding items identified below to be addressed to complete your application.

Required Permit, CEQA Review, Fees

A SB 330 preliminary application was submitted for this project on March 11, 2026. The California Department of Housing and Community Development determined that San Mateo County’s updated Housing Element was in substantial compliance with Housing Element law on May 18, 2026. As a result, the County cannot deny a qualifying application on the basis that the project is inconsistent with the general plan land use designation or zoning ordinance. See Government Code Section 65589.5(d). For such qualifying “builder’s remedy” projects, “[a] local agency may only require the project to comply with the objective, quantifiable, written development standards, conditions, and policies that would have applied to the project had it been proposed on a site with a general plan designation and zoning classification that allow the density and unit type proposed by the applicant.” Government Code Section 65589.5(f)(6)(A). Staff has determined that the Resource Management (RM) zoning for the subject parcel would preclude/prohibit the proposed density, and therefore the RM Permit typically required for development in this zone will not be required for the proposed project. However, a Grading Permit is required based on the proposed volumes of cut and fill; the required Grading Permit is a planning approval, which, in this case, may be approved by the Director of Planning and Building pursuant to Ordinance Code Section 10.68.080.2.

You state that the project is exempt from CEQA pursuant to Public Resources Code Section 21080.66. Staff requests that you submit information demonstrating compliance with all requirements of Public Resources Code Section 21080.66 to allow us to confirm that the exemption applies.

A revised invoice (see Attachment 1) reflecting the updated permit requirements and initial determination regarding CEQA review is attached. Payment of the application fee(s) per the revised invoice is required to achieve a complete application.

Missing Application Checklist Items for a Grading Permit

- Geotechnical Report C3 C6 Form, available at <https://www.smcgov.org/planning/c3-and-c6-development-review-checklist>.
- Haul routes for export of unpermitted, dumped soil from Grading Violation VIO2018-00217 (also see “Existing Grading Violation” under “Applicable Standards” below) and project excavated soil.
- Additional Application Requirements as set forth in the Grading Regulations (Ordinance Code Chapter 10.68), specifically the application requirements (Ordinance Code Section 10.68.060):
 - Grading Plans (containing the items set forth in Ordinance Code Section 10.68.060.A.5):
 - Approved disposal sites must be used for exported material. (Ordinance Code Section 10.68.060.A.5.h)
 - Location and nature of known or suspected soil or geologic hazard areas. (Ordinance Code Section 10.68.060.A.5.i)
 - A plan for dust control (see Dust Control Plans, Grading Permit Performance Standards, available at <https://www.smcgov.org/planning/grading-regulations>). (Ordinance Code Section 10.68.060.A.5.n)
 - Specifications, and cross-sections, profiles, elevations, dimensions and construction details based on accurate field data. (Ordinance Code Section 10.68.060.A.5.p)
 - Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, gabion walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps. (Ordinance Code Section 10.68.060.A.5.q)

Applicable Standards

During review of your application for completeness, staff identified standards that apply to the project, which, to date, do not appear to be addressed by the project application. These standards will be applied to determine consistency of a complete application with applicable regulations. While these are not requirements for a complete application, and this does not constitute the County’s comprehensive consistency review, we are sharing this information to facilitate future review of your application.

1. Grading Ordinance Code Section 10.68.170 - Standards.

- Grading. Performance standards, as detailed in the Grading Permit Performance Standards Handbook (available at <https://www.smcgov.org/planning/grading-regulations>), are to apply to all aspects of the proposed grading and are intended to be operational during all stages of development.
 - The following are general principles for controlling erosion and sediment on construction sites: Fit development to the existing topography, soils, and vegetation as much as possible.

2. Existing Grading Violation (VIO2018-00217) on Subject Property

In September of 2018, approximately 5,000 cubic yards of soil were dumped onto the property and leveled without the required grading permit (VIO2018-00217; see Attachment 3). Pursuant to Ordinance Code Section 10.68.190, the Director of Planning and Building has determined that the unpermitted fill on the subject property must be removed and the natural topography restored.

3. Requirements of CMU-3 Zoning District

Pursuant to Government Code Section 65589.5(f)(6)(A), as noted above, the County may only apply the “objective, quantifiable, written development standards, conditions, and policies that would have been applied to the project had it been proposed on a site with a general plan designation and zoning classification that allow the density and unit type proposed by the applicant.” The proposed 137 dwelling units on 1.74 acres is a density of approximately 78.7 dwelling units/acre. Staff has determined that the requirements of the CMU-3 District (Commercial Mixed Use-3 District), Chapter 8.126 of the County Ordinance Code, and Commercial Mixed Use land use designation, which allows for a density of 80 dwelling units/acre, contain the relevant standards that would have been applied to the project if it were proposed on a site allowing the proposed density.

The following is a list of standards of the CMU-3 zoning district that the current proposal does not appear to comply with. All plans to be submitted must be drawn to a scale to demonstrate compliance with these zoning requirements, unless application of the requirements would preclude the density and unit type proposed by the application.

- Maximum Height: 50 feet (5 stories)¹²

¹ ii Story is defined as “A space in a building between the surface of any floor including a basement floor and the surface of the floor or roof next above but not including any attic or under floor space.” (Source: Chapter 8.04.030 – Definitions, San Mateo County Ordinance Code).

² i Height shall be measured as the vertical distance from any point on the finished grade to the topmost point of the building immediately above. Chimneys, pipes, elevator shafts, mechanical equipment and

- Zoning Setbacks:
 - Front and Street Side Setbacks: All other streets: A minimum setback to provide an 8-foot- wide sidewalk measured from back of curb.
 - Rear: 10 feet
- Zoning Stepback:
 - Rear Setback: Minimum setback shall be provided at least 20 feet in building height that in combination with the ground floor setback measures at least 20 feet from the rear property line. The stepback may be used for residential balcony space adjacent to the building.
- Design Standards: Provide detailed plans to demonstrate compliance with the following:
 - Public Right-of-Way Improvements Required of Private Development
 - Create continuous accessible public sidewalks consistent with the Americans with Disabilities Act (ADA) and California Building Standards Code (Title 24 of the California Code of Regulations). A 5-foot wide uninterrupted path of travel shall be provided, which is free from fixed obstructions, including street trees, bike racks, trash receptacles, poles, and above-grade utilities.
 - Sidewalks shall be constructed according to specifications that can be obtained from the San Mateo County Department of Planning & Building.
 - Building Design and Orientation
 - Ground-floor walls shall not extend for a width of more than 40 feet without being interrupted by a window, door, or garage opening.
 - Windows with unobscured glass shall comprise not less than twenty- five percent (25%) of the upper-floor façade area.
 - Curb Cuts and Driveways
 - The minimum distance between a driveway and a pole, utility box, fire hydrant, or other vertical obstruction, shall be at least 2 feet.
 - Provide detailed plans to demonstrate compliance with these design standard sections and subsections:
 - Street Trees

screening, antennae, and other similar structures may extend beyond the normal maximum height by up to 10 feet as required for safety or efficient operation. Architectural features on buildings located on corner parcels, such as cupolas and turrets, which have a width and depth not greater than 20 feet, may extend up to 10 feet beyond the normal maximum height. (Source: CMU-3 Zoning District)

- Bike Racks and Refuse Receptacles
 - Building Elements & Materials
 - Site Features
 - Performance Standards: Provide details to demonstrate compliance with performance standards section and subsections.
 - Parking:
 - Multiple dwelling units:
 - 292 spaces provided where only 187 spaces are required based on all market rate unit calculation
 - Excess parking areas should be eliminated and the spaces re-purposed to lower the height and reduce the number of stories of the building.
 - To further reduce parking provided, please indicate in Floor Area Schedules which units are Affordable, as parking requirements are lower for these units.
 - Bicycle Parking:
 - Each Dwelling Unit: 0.25
 - Public Bike Parking:
 - Each 35 feet of street frontage: 2
4. State Water Efficient Landscaping Ordinance (WELO)

Provide landscaping plans and details to demonstrate compliance with State WELO requirements, information available at <https://www.smcgov.org/planning/water-efficient-landscape-ordinance-welo>.

5. Encouraged Uses

We encourage the applicant to consider inclusion of on-site:

- Park facilities and/or dedicated open space.
- Child Care services, which may be approved as a ministerial use.

6. Access

Encroachment and road construction from Ralston Ranch Road/Christian Drive shall meet the requirements of the City of Belmont.

7. Sewer and Water Service

As previously stated in the PRE2026-00012 letter dated April 28, 2026 (see Attachment 2), the County has identified significant issues involving the project's ability to meet water and sewage disposal requirements. Due to the lack of an effective means to address the municipal services required by the proposed

development, including but not limited to water and sewer service, the current proposal does not comply with the County's General Plan. In addition, Government Code Section 65589.5(d)(4) provides that a local agency may disapprove a housing development project if it finds there are not adequate water or wastewater facilities to serve the project. As a result, based on the information provided in the application, the Planning and Building Department will be unable to recommend County approval of the required permits for the project as it is currently described. The issues previously identified must be addressed in order for staff to recommend an action other than denial of the project.

Conclusion

As part of your resubmittal, please follow these instructions:

- Include one transmittal memo that clearly indicates responses to each comment provided and indicates what submittal items are provided in the response
- All revisions to plans must include revision clouds and revision triangles and dates
- All electronic files must be in PDF format and reduced in size as much as possible
- All electronic files must use a naming convention that is clearly identifiable
 - Example : "PLN2026-01234__Response to Comments Letter_Cycle1"
- All resubmittals should be directly emailed to me as an attachment or fileshare link

Please let me know if you have any questions regarding this information in this letter.

Regards,



Camille Leung, Senior Planner

Email: cleung@smcgov.org

Phone: +1 628-222-3114

Attachments:

1. Revised invoice
2. PRE2026-00012 letter
3. Citation No. 5 (VIO2018-00217), issued December 18, 2019.

CC: Denise L Fenzi Trust and Eugene Sussli Trust, Property Owners
Laura Russell, Community Development Director, City of Belmont



COUNTY OF SAN MATEO

PLANNING AND BUILDING

County Government Center
455 County Center, 2nd Floor
Redwood City, CA 94063
650-363-4161 T
650-363-4849 F
planning.smcgov.org

Invoice

Invoice #: 466891
Date: 8/12/2026
Applicant: MARTIN SMITH
Applicant Address: 1519 E CHAPMAN AVE SUITE 101, FULLERTON, CA 92831-
Project Address: BELMONT, CA 94002-0000
Project Parcel #: 043331410
Owner: FENZI DENISE L TR
Owner Address: 937 CANADA RD, WOODSIDE, CA 94062-0000

Case Number	Description	Amount Due
PLN2026-00261	CEQA - Categorical Exemption	\$341.00
	Grading Permit - Staff Level (includes Geotech Review Fee)	\$2,919.00
	Technology Fee	\$130.40
	Legal Counsel Surcharge Fee	\$163.00
	Document Storage Fee	\$65.20
	Invoice Total:	\$3,618.60
	Balance Due:	\$3,618.60



COUNTY OF SAN MATEO
PLANNING AND BUILDING

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April 28, 2026

Martin Smith
Belmont Housing Group
1519 E Chapman Ave Suite 101
Fullerton, CA 92831

SUBJECT: SB 330 Preliminary Application – 135-Unit Multifamily Residential Building
Christian Drive and Ralston Avenue, Unincorporated North Skyline
APN 043-331-410; County File No. PRE2026-00012

Dear Martin:

The purpose of this letter is to inform you of the significant issues that Planning and Building staff have identified based on our initial review of the submitted SB 330 preliminary application for a 135-unit multifamily residential building at the subject property. These issues involve the project's ability to meet water and sewage disposal requirements. Please note this letter does not constitute a completeness or consistency letter, as a full application has not yet been submitted, but is provided as a courtesy to alert you to these significant issues.

Per the County's General Plan Rural Land Use Map, the project parcel is in the County's Rural Area and has a land use designation of Open Space. Under Chapter 9 of the General Plan, which defines the County's Rural Land Use Policies, the subject property is designated as "rural lands". The project, as proposed, does not comply with the following General Plan policies:

Policy 10.1 Coordinate Planning

Coordinate water supply planning with land use and wastewater management planning to assure that the supply and quality of water is commensurate with the level of development planned for an area.

Policy 10.15 Water Suppliers in Rural Areas

Consider the following as appropriate methods of water supply in rural areas: water systems and wells.

Policy 11.2 Coordinate Planning

Coordinate wastewater management planning with land use and water supply planning to assure that the capacity of sewerage facilities is commensurate with the level of development planned for an area.

Specifically, the preliminary application does not include a plan or proposal for connection to domestic water service or sanitary sewer service. The City of Belmont (City) is the closest provider of sewer service (and other municipal services) and the Mid-Peninsula Water District (Mid-Pen) is the closest provider of water service. The parcel is not in the Sphere of Influence of either agency, and the parcel is currently not eligible for annexation to either the City or to Mid-Pen. In order to annex the property, the San Mateo County Local Agency Formation Commission (LAFCo) would need to approve and amend the relevant Sphere(s) of Influence to include the subject property, the agencies would need to support providing services to the proposed development and alter their boundaries to include the parcel, and LAFCo would need to approve the annexation.

Steve Monowitz, the Director of the San Mateo Planning and Building Department, has discussed the proposal with Carlos de Melo, Community Development Director of the City of Belmont, who stated that the City has no interest in annexing or extending municipal services to the property. As the City's support is required for the LAFCo annexation necessary for the provision of sewer service to the proposed development, the County maintains concerns that there is no effective means to address the municipal services required by the proposed development.

Due to the lack of an effective means to address the municipal services required by the proposed development, including but not limited to water and sewer service, the current proposal does not comply with the County's General Plan. In addition, Government Code Section 65589.5(d)(4) provides that a local agency may disapprove a housing development project if it finds there are not adequate water or wastewater facilities to serve the project. As a result, based on the information provided in the preliminary application, the Planning and Building Department will be unable to recommend County approval of the required permits for the project as it is currently described.

Please let us know if you have any questions regarding this determination and how you intend to proceed.

Regards,

A handwritten signature in black ink, appearing to read 'Camille Leung', written in a cursive style.

Camille Leung, Senior Planner

CC: Denise L Fenzi Trust and Eugene Sussli Trust, Property Owners
Carlos de Melo, Community Development Director, City of Belmont

December 18, 2019

CERTIFIED MAIL

Eugene and Dorothy Sussli
1734 Wolfe Road
San Mateo, CA 94402

Dear Mr. and Mrs. Sussli:

Subject: **CITATION #5 for Continuing Grading Violation**
File No. VIO 2018-00217; APN No. 043-331-410

Enclosed, please find a ***fifth citation*** in the amount of \$500 for the continuing grading violation occurring on your property located near the intersection of Ralston Boulevard and Christian Drive, Belmont, APN 043-331-410 (the "Property"). Issuance of this citation for \$500 brings the total amount of your administrative fines to \$1,500, which must be paid in full by January 3, 2020. After January 3, 2020, daily citations will be issued at the rate of \$500 until the violation is corrected.

You must also submit to the County for approval a restoration plan that restores the property to its condition prior to the violation within thirty (30) calendar days of this notice. (See *County Grading Regulations for Excavating, Grading, Filling and Clearing* §§ 9298(c)). Failure to do so will result in daily citations being issued to you at the rate of \$500 until the violation is corrected.

Additionally, the County may obtain from the Court an **inspection warrant** to determine the potential costs of abatement, followed by an abatement warrant authorizing the County to abate the outstanding violation. If that occurs, you will be charged for the abatement-related costs, *plus* all then-outstanding administrative fines.

If, however, you voluntarily remove the soil within thirty (30) calendar days of this notice, the County will waive all outstanding fines.

Please do not hesitate to contact me with any questions or concerns. Thank you in advance for your attention to this matter.

Sincerely,



Michael Crivello
Code Compliance Manager





**SAN MATEO COUNTY
ADMINISTRATIVE CITATION**

APN(s): 043-331-410

Date: 12/18/2019

Location of Violation(s): APN 043-331-410 Ralston Avenue Belmont

Property Owner(s): Eugene & Dorothy Sussli

Case#: VIO2018-00217

Mailing Address (if different): 1734 Wolfe Road, San Mateo CA, 94402

CITATION AMOUNT:

- ☐ 1ST CITATION \$100.00
☐ 2ND CITATION \$200.00
☐ 3RD CITATION \$500.00
☒ and/or subsequent violations within 12-month

**Required corrections must made
AND fine due by this date:**

01/03/2020

Refer to the back of this citation for additional information on payment of this citation, consequences for failure to pay citation, failure to correct violation(s), and your rights to appeal.

Description of Violation(s):

Required Correction(s):

- | | |
|--|--|
| ☐ Sections 1.12.010 (5) & 2.60.40
IPMC 302.8 Inoperable Motor Vehicles | Remove all inoperable, wrecked, dismantled, and/or unregistered vehicles from the exterior of your property or place within a fully-enclosed, legal structure. "Motor Vehicle" includes cars, trucks, trailers, boats, RV's, and ATV's. DO NOT relocate onto street. |
| ☐ Sections 1.12.010 (4) & 2.60.40
IPMC 302 Accumulations Nuisance | Remove all accumulations of debris, garbage, rubbish, lumber, broken/discarded household items, and/or junk from the exterior of your property. |
| ☐ Sections 1.12.010 (4) & 2.60.40
IPMC 302.4 Overgrown Vegetation | Remove all overgrown and/or dead weeds and/or vegetation from the exterior of your property. |
| ☐ Section 1.12.010 and 2.60.40 IPMC
302.9 Graffiti | Abate the graffiti on your property. |
| ☐ Sections 1.12.010 & 2.60.40 IPMC
Chapter 302 OTHER Nuisances | Abate the following nuisance: |
| ☐ Section 6412 Fences, Walls, and
Hedges: Height Limitations | Reduce the fence, wall, and/or hedge on your property to not more than 4 feet high in front yard area and 6 feet high in rear yard area or contact the Planning Department (650) 599-1825 regarding a height exception application and obtain approval for an exception. |
| ☐ Section 12,020 Permit Required to
Cut, Remove, or Destroy any
Significant Tree | Apply for and obtain an after-the-fact tree-cutting permit with the County of San Mateo Planning Department (650) 599-1825. |
| ☒ Section 8602.0 Permit Required
for Grading, Excavating, Clearing,
and Filling activities | STOP all work and immediately apply for and obtain a grading permit with the County of San Mateo Planning Department (650) 599-1825. |

☒ **Zoning and/or Building Violations**

Section(s): 9283, 9298

See attached letter dated 12/18/2019

Signature of
Issuing Officer:

Printed Name of
Issuing Officer:

Michael Crivello

IMPORTANT INFORMATION - READ CAREFULLY

Administrative Citation: The San Mateo County Ordinance Code Section 1.40.010 provides for the issuance of administrative citations for Code Violations. There are three levels of citations that can be issued progressively for a violation. The fines, as indicated on the front of the citations, are \$100.00 for the first citation, \$200.00 for the second citation, and \$500.00 for the third and subsequent citations for violations of the same San Mateo County code section within 12 months. These citations may be issued each day the violation(s) exists.

Your Appeal Rights: You have the right to file an appeal of the administrative citation. You may do so by completing a Request for Hearing form or by requesting your appeal in writing that includes a brief statement of material facts supporting your claim that no violation occurred or no penalties or other remedies shall be imposed. Return the Request for Hearing form or your written request for hearing to the County, together with a processing fee and an advance deposit of the penalty within fourteen (14) days from the citation date.

Failure of any person to timely file a written and complete appeal shall constitute a waiver of his or her right to an administrative hearing and adjudication of the administrative citation. A full description of the hearing process for the County's administrative hearing for Ordinance Code violations and your rights in that process are found in the San Mateo County Ordinance Code Chapter 1.40 Administrative Remedies.

Consequences of Failure to Pay Fine: The failure of any person to pay the fine assessed by the administrative citation within the time specified on the citation may result in any legal remedy available to collect such fee. The County has the authority to collect all costs associated with the filing of such actions. Failure to pay the fine requirements may be found in the San Mateo County Ordinance Code Section 1.40.150.

How to Pay Fine: The amount of the fine is indicated on the front of the administrative citation. You may pay by mail or in person at the Planning and Building Department located at 455 County Center, 2nd floor, Redwood City, CA 94063. Payments can be made by Visa, Master Card, personal check, cashiers' check, or money order payable to San Mateo County. Please write the CASE# on your check or money order.

If the citation is not paid or appealed within fourteen (14) days from the date of issuance or mailing of the citation, whichever is later, a late payment charge may be imposed (the schedule of penalties shall specify the amount). Please follow the instructions to ensure proper processing of your payment. Payment of the fine shall not excuse the failure to correct the violation nor shall it bar further enforcement action by the County of San Mateo.

Consequences of Failure to Correct Violation(s): There are numerous enforcement options that can be used to encourage the correction of the violation(s). These options include, but are not limited to: civil penalties, criminal prosecution, civil injunction, withholding of future permits, abatement, lien, and recordation of the violations with the County Recorder. These options can empower the County to collect fines, to demolish structures, make necessary repairs, and abate nuisances at the owner's expense. Any of these or other options may be used if the administrative citations do not achieve compliance.

If you need further clarification about payment of the citation please call San Mateo County Code Compliance at (650) 363-4825.

If you need further information about the violation(s) and/or how to comply, please contact the officer designated on the front of the citation.

Fine Due for THIS Citation:	500
Total Fines Due for ALL unpaid Citations issued for these violation(s):	1500

**AVISO IMPORTANTE, si desea una traducción, favor de llamar al número
(650) 363-4825 dentro de las horas de 7:00 a.m. y 4:00 p.m.**

Grading and Land Clearing

San Mateo County Ordinance Code

Planning and Building Department

455 County Center, Second Floor

Redwood City, California 94063

Tel: (650) 363-4161

Fax: (650) 363-4849

<http://planning.smcgov.org>

plngbldg@smcgov.org

COUNTY OF SAN MATEO
PLANNING AND BUILDING DEPARTMENT

**REGULATIONS FOR EXCAVATING, GRADING, FILLING AND
CLEARING ON LANDS IN UNINCORPORATED SAN MATEO COUNTY**

[From Chapter 5, Division VII, San Mateo County Ordinance Code]

ARTICLE 1. EXCAVATING, GRADING, FILLING AND CLEARING.

SECTION 9280. SCOPE AND PURPOSE. It is the declared intent of the County of San Mateo to promote the conservation of natural resources, including topography and vegetation, as well as to protect health and safety, which includes the reduction or elimination of the hazards of earth slides, mud flows, rock falls, undue settlement, erosion, siltation, and flooding, or other special conditions. To achieve these goals, the adverse effects of grading, cut and fill operations, land clearing, water runoff, and soil erosion must be minimized. Therefore, the following regulatory provisions of this chapter shall apply for the purpose of stringent control of all aspects of grading and clearing operations and to establish procedure for issuance, administration and enforcement of a permit.

SECTION 9281. APPLICATION OF CHAPTER. This chapter shall apply to all grading and excavating operations conducted in the unincorporated portions of the County, unless such operations are specifically excepted or unless a permit for such operations is required in accordance with Sections 6501 and 6502 of the San Mateo County Ordinance Code, Zoning Annex.

SECTION 9282. DEFINITIONS. For the purposes of this Chapter, the following definitions apply:

1. **Architect:** A professional architect registered in and by the State of California.
2. **As Graded:** The surface conditions extant on completion of grading.
3. **Bedrock:** In-place solid rock.
4. **Bench:** A relatively level step excavated into earth material on which fill is to be placed, or within a cut or fill slope.
5. **Best Management Practices Handbook:** A compilation of erosion and sediment control measures which is maintained by the County Planning and Building Department.

6. Blending: A term for the intermixing and compaction of natural site soils (such as materials from two natural soil horizons), or for the intermixing of natural site soils with imported soil or other materials.
7. Borrow: Earth material acquired from on- or off-site locations for use in grading on a site.
8. Buttress Fill: A compacted fill placed in such a manner as to buttress and retain weak or unstable materials.
9. Certification: A written engineering or geological opinion concerning the progress and completion of the work.
10. Civil Engineer: A professional engineer registered in and by the State of California to practice in the field of civil works.
11. Civil Engineering: The application of the knowledge of the forces of nature, principles of mechanics and the properties of materials to the evaluation, design and construction of civil works.
12. Contour Rounding: The rounding of cut and fill slopes in the horizontal and vertical planes to promote stability, to blend with existing contours or to provide horizontal variation, and to eliminate the artificial appearance of slopes.
13. Compaction: The densification of a fill by mechanical or other means.
14. Competent Material: Earth material capable of withstanding the loads or forces which are to be imposed upon it without failure or detrimental settlement as certified by the appropriate geotechnical consultant.
15. County: When referring to approvals, denials or waivers, shall mean the County of San Mateo, or its designees.
16. Depth of Cut or Fill: The vertical distance between existing natural ground and the finish elevation at any location.
17. Drainage Way: A natural or manmade channel which collects and intermittently or continuously conveys stormwater runoff.
18. Dust Control Plan: A written procedure describing the method, equipment, and materials to be used in minimizing and controlling dust arising from the construction activities.
19. Earth Material: Any rock, or natural soil or any combination thereof.

20. Engineering Geologist: A professional engineering geologist certified in and by the State of California to practice in the field of engineering geology.
21. Engineering Geology: The application of geologic knowledge and principles in the investigation and evaluation of naturally occurring rock and soil for use in the design of civil works.
22. Erosion: The wearing away of the ground surface as a result of the movement of wind, or water.
23. Erosion Control Plan: A written report describing the measures, materials and implementation schedule proposed for erosion control on a grading site, as per Performance Standards for Erosion and Sediment Control Plans described in the Grading Permit Performance Standards Handbook.
24. Excavation: The mechanical removal of earth material.
25. Fill: A deposit of earth or waste material placed by artificial means. (Engineered fill is material placed according to the recommendations and under the observation of a geotechnical consultant.)
26. Geotechnical Consultant: A soil engineer or engineering geologist.
27. Grade: The vertical location of the ground surface.
28. Grade, Existing: The grade prior to grading.
29. Grade, Finish: The final grade of the site which conforms to the approved plan.
30. Grade, Rough: The stage at which the grade approximately conforms to the approved plan.
31. Grading: Any excavating, filling, or placement of earth materials or combination thereof.
32. Grading Permit Performance Standards: A handbook to be used by the applicant which details requirements for Erosion and Sediment Control Plans, Grading Standards, Geotechnical Report Guidelines and Dust Control Plan Guidelines.
33. Height of Cut and Fill Slopes: The finish vertical distance from the top to toe of slope.
34. Key: A trench (or bench) excavated in competent earth material beneath a proposed fill for placement of engineered fill.

35. Land Clearing: The removal of vegetation down to the duff or bare soil by any method.
36. Land Clearing Permit: A permit granted by the Community Development Director or Planning Commission which authorizes the permittee to carry out land clearing.
37. Land Disturbance/Land Disturbing Activity: Clearing, grading or other manipulation of the terrain.
38. Minimum Standards for Geotechnical Reports: A handbook which details the information to be included in a geotechnical report.
39. Nesting: The placement of large rocks such that voids in the fill are created and that proper compaction becomes difficult or impossible.
40. Replacement: The removal and wasting of soil materials as judged unsuitable for the support of dwellings or other site improvements, and their replacement with suitable soil materials properly engineered.
41. Reworking: The removal, or processing and subsequent mechanical densification or consolidation of existing soil material for reasons of deficiency in one or more respects.
42. Significant: Any detrimental effect on the physical or natural state which cannot be adequately mitigated and as identified by Sections 21,000 et seq. of the California Public Resources Code.
43. Site: Any lot or parcel of land or continuous combination thereof, where grading is anticipated.
44. Slope: An inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.
45. Soil: The highly weathered top layer of the earth's surface, excluding bedrock, but including any otherwise unconsolidated earth materials.
46. Soil Engineer: A civil engineer experienced and knowledgeable in the practice of soil engineering.
47. Soil Engineering: The application of the principles of soil mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection and testing of the construction thereof.
48. Stabilization: Any procedure that will result in increased shear strength in a soil.

49. Structure: Something constructed or built, as a building, a wall, a bridge, a road, a dam, etc.
50. Terrace: A relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.
51. Variable Slope: The variation of a cut or fill slope in the vertical plane to blend with existing contours and vertical undulation to eliminate the artificial appearance of slopes or to take advantage of inherent characteristics of the slope material.
52. Waste Material: Non-hazardous useless or discarded material.
53. Watercourse: A blue line perennial or intermittent stream as shown on USGS topographic 7-1/2 minute quadrangle series maps.

SECTION 9283. PERMIT REQUIREMENTS. For the purpose of this chapter and to establish an orderly procedure for excavating, grading, filling and clearing, land disturbing activities shall be handled in two distinct phases.

1. Grading: A grading permit shall be required for activities involving grading except as exempted in Section 9824.
2. Clearing: A land clearing permit for the removal of vegetation shall be required when:
 - a. The land area to be cleared is 5,000 sq. ft. or greater, within any 2-year period except in County Scenic Corridors where vegetation removal is greater than 1,000 sq. ft.
 - b. Existing slopes are greater than 20 percent.
 - c. The land area to be cleared is in any sensitive habitat or buffer zone as identified in the County General Plan.

SECTION 9284. EXEMPTIONS. The following exemptions shall not apply to land disturbances within natural drainage channels.

1. No person shall do any grading or land clearing without first having obtained a permit from the County required by this chapter, except for the following:
 - a. An excavation below finished grade for basements and footings of a building, retaining wall, swimming pool, or other structure authorized by a valid building permit. This statement shall not exempt from permit requirement under this chapter, any fill made with the material on- or off-site from such excavation nor exempt any excavation having an unsupported

height greater than 5 feet after the completion of such structure, nor when any single purpose excavation exceeds 250 cubic yards.

- b. Cemetery graves.
- c. Approved grading in conjunction with a timber harvest permit issued by the County of San Mateo.
- d. Excavations for water wells or utilities.
- e. Mining, quarrying, excavating, processing, stockpiling of rock, sand, gravel, aggregate or clay, provided a valid surface mining and reclamation permit issued by the County of San Mateo is in effect.
- f. Exploratory excavations under the direction of soils engineer or engineering geologists. Such excavations are not to result in an erodible, hazardous, or unstable state. The County Geologist shall be informed of such explorations at least two (2) working days prior to commencement of work.
- g. An excavation which is less than 2 feet in maximum vertical depth made on competent natural terrain with a slope flatter than five horizontal to one vertical and which creates slopes no steeper than two horizontal to one vertical and removes less than 150 cubic yards of material.
- h. A fill less than 2 feet in depth, placed on natural terrain with a slope flatter than five horizontal to one vertical, not intended to support structures, and which does not exceed 150 cubic yards on any one parcel, and does not obstruct a drainage course or affect structural integrity of adjacent property.
- i. Work conducted in any County street, public right-of-way or easement when the work is for a public facility, public utility or other public purposes, or is controlled by other permits.
- j. Emergency work as authorized by the Community Development Director necessary to protect life, limb or property; or to maintain the safety, use or stability of a public way or drainage way.
- k. The land area to be cleared is for fire protection purposes as required by the San Mateo County Fire Code, Chapter 2, Article 3, Section 9129.
- l. The land area to be cleared is for routine agricultural activities including but not limited to plowing, harrowing, disking, ridging, listing, leveling, and similar operations to prepare a field for a crop, or the land area to be cleared is for resource management such as brush clearing, erosion control or other resource management programs carried out under the purview of the Resource Conservation District.

- m. Gardening for home use.
- n. Agricultural use of land that is operated in accordance with a conservation plan approved by and implemented according to the practices of the Resource Conservation District (RCD) or when it is determined by the RCD that such use will not cause excessive erosion or sediment losses, based on applicable soil loss tolerance values.
- o. Grading projects for purposes of soil conservation that have been approved by the San Mateo County Resource Conservation District (RCD) when plans for such project have been filed by the RCD with the Planning Department and the Department of Public Works and with the submittal of a certificate of exemption from the Resource Conservation District.
- p. Agricultural water impoundments not exceeding the minimum limitations of the State Dams and Reservoir Act of 1967 (Sections 6000 et seq. of the Water Code) when approved by the San Mateo County Resource Conservation District and with the submittal of a certificate of exemption from the RCD and provided plans are to be filed with the Planning Department and the Department of Public Works by the RCD.
- q. The land area to be cleared is to be carried out under an approved Forest Improvement Program or Chaparral Management Program under the purview of the California Department of Forestry when plans for such projects have been filed with the Planning Department.
- r. Repair of storm damage consisting of slide repair, debris removal and water impoundment replacement on agricultural lands carried out under the purview of the ASCS or RCD provided that such activity does not create hazards to other lands.

SECTION 9285. APPLICATION REQUIREMENTS.

1. **Grading Permit:** To obtain a grading permit, the applicant shall first file a written application with the Planning and Building Department on a form provided by the Community Development Director.

The application shall be accompanied by the following material:

- a. Where applicable, a letter from the property owner authorizing the property owner's representative to sign the application.
- b. Fees as set by resolution of the Board of Supervisors.
- c. A civil engineer's estimate of the quantity of materials to be moved.

- d. A geotechnical report except when waived by the Director of Public Works. The applicant must comply with the Uniform Building Code and the County of San Mateo Minimum Standards for Geotechnical Reports.
- e. Two sets of grading plans. When the permit is to be heard by the Planning Commission, seven sets of plans are required. The plans shall be prepared and signed by a civil engineer and shall be 24" x 36" and in a form approved by the Director of Public Works. Where a geotechnical report has been required, the geotechnical consultant shall certify on the San Mateo County Geotechnical Consultant Approval Form that applicable portions of the plans have been prepared in accordance with the recommendations contained in the geotechnical report. The plan shall contain at least the following items (additional material may be required to show conformance of the proposed grading with the requirements of this division and other related ordinances).
 - (1) A vicinity map or other means of adequately indicating the site location.
 - (2) Boundary lines of the site.
 - (3) If there is a proposed subdivision, each lot or parcel of land into which the site is proposed to be divided.
 - (4) The location of any existing buildings, structures, easements, or underground utilities on the property where the work is to be performed, and the location of any buildings or structures on adjacent land within 50 feet of the proposed work.
 - (5) Accurate contours showing the topography of the existing ground extending at least 10 feet outside all boundary lines of the project site, based on elevations taken on adjacent property or other means approved by the Director of Public Works. The contour lines shall be at intervals sufficient to show the configuration of the ground before grading relative to a bench mark established at or adjacent to the grading site.
 - (6) All of the proposed uses for which the proposed grading is necessary.
 - (7) Elevations, locations, extent and slope of all proposed grading shown by contours, or other acceptable means, and location of any rock disposal areas, buttress fills, subdrains, or other special features to be included in the work. Contours of the finished surface of all proposed grading shall also be included.

- (8) A statement of the quantities of material to be excavated and/or filled and the amount of such material to be imported to, or exported from, the site. Approved disposal sites must be used.
- (9) Location and nature of known or suspected soil or geologic hazard areas.
- (10) Approximate boundaries of any areas with a history of flooding.
- (11) Location, width, direction of flow and approximate location of top and toes of banks of any watercourses.
- (12) General location and character of vegetation covering the site and the locations of trees with a trunk diameter of 12 inches or more, measured at a point 4.5 feet above average ground level, within 12 feet of the area to be disturbed by the proposed grading.
- (13) A detailed plan for erosion and sediment control, both during construction and permanent, unless the site has no slopes greater than 2 percent or unless waived or modified by the Director of Public Works (see Erosion and Sediment Control Plan, Grading Permit Performance Standards Handbook).
- (14) A plan for dust control (see Dust Control Plans, Grading Permit Performance Standards).
- (15) Name and signature of the registered civil engineer (when required) under whose direction the grading plan is prepared.
- (16) Specifications, and cross-sections, profiles, elevations, dimensions and construction details based on accurate field data.
- (17) Construction details for roads, watercourses, culverts, bridges and drainage devices, retaining walls, gabion walls, cribbing, dams, and other improvements existing or to be constructed, together with supporting calculations and maps.
- (18) Such other information as the Director of Public Works or Community Development Director may require.

2. Agricultural Water Impoundments Permit Requirements: Plans and profiles not under the purview of the RCD and therefore not exempt under Section 9284 (R) shall be prepared by a licensed engineer as required by the Director of Public Works and be subject to permits and approvals from the Planning Department. All construction must be in accordance with approved plans and specifications

and, when required, is to be done in the presence of and certified by a licensed soils engineer or engineering geologist as appropriate.

3. Land Clearing Permit Application Requirements: To obtain a land clearing permit, the applicant shall first file a written application with the Planning and Building Department on a form provided by the Community Development Director.

The application for a land clearing permit shall be accompanied by the following materials:

- a. Where applicable, a letter from the property owner authorizing the property owner's representative to sign the application.
- b. Fees as set by resolution of the Board of Supervisors.
- c. An Erosion Control Plan (as specified in the Performance Standards Handbook).
- d. Plan for the removal of vegetation. The plan shall include at a minimum:
 - (1) A vicinity map or other means of adequately indicating the site location.
 - (2) Boundary lines of the site.
 - (3) Location of area to be cleared.
 - (4) Location of existing structures on the site.
 - (5) A plan for disposal of the removed vegetation.
 - (6) Purpose of removal.

SECTION 9286. REVIEW, REFERRAL AND REPORT.

1. Prior to acceptance, the application shall be reviewed by the Planning Department and the Department of Public Works for compliance with Section 9285 (A) or 9285 (B). Additional information may subsequently be required to demonstrate compliance with this chapter.
2. The Planning Department shall refer the application to the Department of Public Works and other interested departments and agencies for comment and recommendation. In reviewing the application and plans and making his recommendations, the Director of Public Works shall report whether the grading as proposed complies with the standards as detailed in Section 9296 and shall recommend conditions to assure such compliance.

3. It shall be the duty of the Community Development Director to forward the application together with recommendations thereon to the appropriate body specified in Section 9287 for its action.

SECTION 9287. DECISION MAKING AUTHORITY. The following person or body shall grant the indicated permits as required by this chapter:

1. The Planning Commission: All grading and land clearing permits in State or County Scenic Road Corridors.
2. Community Development Director: Land clearing permits outside State or County Scenic Road Corridors; grading permits for agricultural water impoundments which do not qualify for exemption under Section 9284 (P) and which are located outside State and County Scenic Road Corridors; and grading permits involving cut or fill not to exceed 1,000 cubic bank yards.
3. Zoning Hearing Officer: All other grading permits.

SECTION 9288. PUBLIC HEARING AND COMMENT.

1. The Zoning Hearing Officer, Planning Commission or Board of Supervisors shall hold a public hearing before taking action on any grading or land clearing permit which is before them.
2. A public hearing on a grading or land clearing permit may be held concurrently with any other public hearing on the project held by the appropriate person or body specified in Section 9287.
3. In addition to testifying at a public hearing, any person may submit written comment on an application for a grading or land clearing permit, or on a permit appeal, at any time prior to the close of the applicable public hearing. If no public hearing is required, written comments may be submitted prior to the decision date specified in any notice required by Section 9289. Written comments shall be submitted to the Community Development Director who shall forward them to the appropriate person, commission or board.

SECTION 9289. NOTICE REQUIREMENTS. Where a public hearing is required, notice shall be given as required for use permits in Section 6503 of the San Mateo County Ordinance Code, Zoning Annex, if in the opinion of the Community Development Director the grading activity may affect properties beyond 300 feet from the property line, additional notice may be required as deemed appropriate. In addition, ten (10) days prior to action by the Community Development Director, notice of grading permits required for agricultural water impoundments shall be given in the same manner; such notice shall specify the date on which a decision will be made.

SECTION 9290. FINDINGS, CONDITIONS AND ACTION.

1. The decision making authority will review the report submitted by the Planning Department regarding the permit and make the following findings in any action to approve the permit:
 - a. That the granting of the permit will not have a significant adverse effect on the environment.
 - b. That the project conforms to the criteria of this chapter, including the standards referenced in Section 9296.
 - c. That the project is consistent with the General Plan.
2. Approval of a permit required by this chapter shall be conditioned as necessary to ensure conformance with this chapter. For agricultural water impoundments, the permit may be conditioned as appropriate to include such requirements as having adequate evidence of water rights provided by the State Division of Water Rights in advance of construction. The approving authority may require modification and resubmittal of project plans, drawings and specifications. When modification and resubmittal of plans is required, action shall be deferred for a sufficient period of time to allow the Community Development Director to prepare his recommendation on the modified project.
3. After reviewing the evidence regarding the application for permit, the decision making authority shall either grant or deny the permit based on the conditions and findings described in Section 9290.1 and 9290.2.

SECTION 9291. APPEALS. The action of the decision maker in authorizing or denying a permit may be appealed by the applicant, or any other person who is aggrieved by issuance of or non-issuance of the permit or any conditions thereof.

Permits considered and acted upon by the Community Development Director or Zoning Hearing Officer may be appealed to the Planning Commission, by filing a written notice of appeal with the Planning Department within ten (10) working days from issuance or denial of said permit. The Planning Commission shall hear such appeal and render a decision following such hearing. The decision of the Planning Commission is appealable to the Board of Supervisors in the manner described above. The decision of the Board of Supervisors shall be final. The action taken by the decision maker shall be reported to the affected parties.

SECTION 9292. DURATION OF PERMIT. If a substantial amount of work authorized by any permit is not commenced within eight (8) months of the date of issuance or as otherwise indicated on the face of the permit, or on the improvement agreement, or if said work is not completed within one (1) year of commencement or as otherwise

indicated on the permit or the improvement agreement, the permit shall expire and become void.

SECTION 9293. RENEWAL. The renewal of an expired permit may be administratively approved by the Community Development Director providing no changes to the plans have been made. An application for such renewal must be made in writing no later than one month prior to the expiration date, in the same manner as specified for in the original application. The fees for such renewal will be one half (1/2) the original fee. Two renewals may be granted. Extensions beyond two renewals require a complete new application and must be submitted with full fees.

SECTION 9294. PERMIT AMENDMENT. Upon application by the permittee, the permit required by this chapter may be amended by the approving authority. Application for and action on an amendment shall be accomplished in the same manner specified by this chapter for initial approval of the permit. All sections of this chapter shall apply to the permit amendment.

SECTION 9295. SECURITIES. The County may require the applicant, as a condition of issuing a permit required by this chapter, to post a security in an amount as determined by the County. The security shall be of sufficient amount to ensure compliance with the conditions of the permit, this chapter, and to repair any damage that may result from the land disturbing activity. Release of the security shall occur one year after installation of the measures and be conditioned on the faithful performance of the conditions of the permit.

Securities will be released only upon satisfactory completion of the work and completion of a one-year warranty period required by the County. When landscaping or erosion control measures are required, a separate security shall be posted for a period of two-growing seasons. The security shall be based upon the cost of placement or replacement of the landscaping or the work performed, whichever is greater.

SECTION 9296. STANDARDS. The following standards delineate levels of design and control to be met during the project. Their purpose is to assure that development is accomplished so as to minimize adverse effects on the existing terrain and to minimize the potential for erosion.

1. **Erosion and Sediment Control.** An erosion and sediment control plan and subsequent implementation shall be required except where an environmental assessment by the County Planning Department of the site shows that such plan is not necessary. Plans shall conform to standards as detailed in the Grading Permit Performance Standards Handbook.
2. **Grading.** Performance standards, as detailed in the Grading Permit Performance Standards Handbook, are to apply to all aspects of the proposed grading and are intended to be operational during all stages of development.

3. Geotechnical Reports. When it is determined by the Department of Public Works that conditions on the project site warrant a geotechnical report (see 9285(A) – Application Requirements, Grading Permit), the report shall be prepared by a professional geotechnical consultant under the direction of a soils engineer and an engineering geologist in accordance with the current Minimum Standards for Geotechnical Reports and the Grading Permit Performance Standards Handbook.
4. Dust Control Plans. All projects must submit dust control plans as detailed in the Grading Permit Performance Standards Handbook.
5. Fire Safety. All equipment used in grading operations shall meet spark arrester and firefighting tool requirements as specified in the California Public Resources Code.
6. Time Restrictions. The period from October 1 to April 30 has been determined to be the period in which heavy rainfall normally occurs in the County. During said period, no land disturbing activity shall be authorized on any single site under a permit if the Community Development Director determines that such work will endanger the public health or safety or cause excessive erosion.

SECTION 9297. RESPONSIBILITIES DURING PROJECT IMPLEMENTATION.

All land disturbing activities for which a permit is required shall be subject to inspection by the County. In addition to the inspections specified in Sections 9297.1 and 9297.2, the County may make such other inspections as it deems necessary to determine that the work is being performed in compliance with the requirements of this chapter.

1. Civil Engineer.
 - a. For engineered grading, it shall be the responsibility of the civil engineer who prepares the approved grading plan to incorporate all recommendations from the geotechnical reports into the grading plan. The civil engineer shall also be responsible for the inspection and certification of the grading within the engineer's area of technical specialty. This responsibility shall include, but need not be limited to, inspection and certification as to the establishment of line, grade and drainage of the development area. The civil engineer shall act as the coordinating agent in the event the need arises for liaison between the other professionals, the contractor and the County. The civil engineer shall also be responsible for the preparation of revised plans and the submission of as-graded grading plans (see Section 9297.5) upon completion of the work.
 - b. Prior to foundation work, the permittee's engineer shall certify that the building pad elevations do not vary more than two-tenths (0.2) of a foot from the approved pad elevations.

- c. When work has been completed, the civil engineer shall certify that all grading, lot drainage and drainage facilities have been completed and the slope planting installed in conformance with the approved plans and the requirements of this chapter.

2. Soils Engineer and Engineering Geologist.

- a. During grading, all necessary reports, compaction data, and geotechnical recommendations shall be submitted to the permittee's civil engineer and the Department of Public Works by the soils engineer and the engineering geologist.
- b. The soils engineer's area of responsibility shall include, but need not be limited to, the professional inspection and certification concerning the preparation of ground to receive fills, testing for required compaction, stability of all finish slopes and design of buttress and replacement fills, and the design and need for subdrains and other groundwater control devices, where required, incorporating data supplied by the engineering geologist.
- c. The engineering geologist's area of responsibility shall include, but need not be limited to, professional inspection and certification of the adequacy of natural ground for receiving fills and the stability of cut slopes with respect to geological matters. Applicable findings shall be reported to the soils engineer and the civil engineer for engineering analysis.
- d. During grading, periodic density tests shall be made by the geotechnical consultant and submitted to the Department of Public Works. Dry density, moisture content, and the location, elevation and sampling date of each sample taken shall be reported, along with sufficient data to correlate with laboratory analyses submitted. In addition, the location and type of all surface and subsurface water control measures shall be submitted.
- e. Upon completion of the grading, the geotechnical consultant shall certify that the site was graded and filled with material in accordance with approved specifications and approved geotechnical recommendations. The certification should be completed on the Geotechnical Consultant Approval Form provided by the Department of Public Works.

- 3. Change of Consultant. If the civil engineer, the geotechnical consultant or the testing agency of record is changed during the course of the work, the work shall be stopped until the replacement has agreed to accept the responsibility within the area of its technical competence for certification upon completion of the work.
- 4. Noncompliance. If, in the course of fulfilling its responsibility under this chapter, the civil engineer, the geotechnical consultant or the testing agency finds that the work is not being done in conformance with this chapter, or the approved grading

plans, the discrepancies shall be reported immediately in writing to the person in charge of the grading work and to the Department of Public Works and the Community Development Director. Recommendations for corrective measures, if necessary, shall be submitted. Project work shall be stopped until corrective measures are approved by the County.

5. Supplemental Reports. Upon completion of the rough grading work, and at the final completion of the work, the County may require the following reports and drawings and supplements thereto:
 - a. An as-graded grading plan prepared by the civil engineer including original ground surface elevations, as-graded ground surface elevations, lot drainage patterns and locations and elevations of all surface and subsurface drainage facilities, cut fill lines and all other pertinent information including, but not limited to, buttress and replacement fills, restricted from building areas, etc.
 - b. An as-built grading report prepared by the geotechnical consultant including locations and elevations of field density tests, summaries of field and laboratory tests and other substantiating data and comments on any changes made during grading and their effect on the recommendations made in the soil engineering investigation report. The report shall include a final description and if necessary, a map of the geology of the site including any new information disclosed during the grading and its effect upon site grading. A certification shall be provided approving the adequacy of the site for the intended use as affected by soil and geologic factors.
6. Emergency Preventative Maintenance. In any event that a condition should arise during the grading operations which may become a hazard, whether or not such condition was caused through negligence or act of God, immediate remedial action to mitigate hazard shall be taken under the direction of the civil and/or geotechnical consultant. Within three working days, a written report describing the remedial work shall be sent to the County for review.

SECTION 9298. ENFORCEMENT.

1. Enforcement by the Community Development Director. The Community Development Director shall enforce the provisions of this chapter and the terms and conditions of any grading or land clearing permit. If the Community Development Director determines that grading or clearing has been done without a required permit, or that grading or land clearing has been done in violation of any of the terms and conditions of an issued permit, or that any person has otherwise failed to comply with the requirements of this chapter, the Community Development Director shall do the following:

- a. Direct that a Stop Work Order be issued on all construction being carried out on the property affected by the violation, if one has not yet been issued under Section 9299.1.
- b. In the event that any violation presents an immediate threat to the public health or safety, require that the property owner or permit applicant, as may be appropriate, take such steps as are necessary to protect the public health or safety, in accordance with the procedure set forth in Section 9298.3.
- c. Require that the property owner or permit applicant, as appropriate, prepare and implement a grading plan which meets the requirements of this chapter and which accomplishes one of the following:
 - (1) Restores the property to the condition which existed prior to the violation;
 - (2) Requires such remedial work as is necessary to make the grading or land clearing work already completed conform with all requirements of this chapter; and
 - (3) Requires such remedial work as is necessary to mitigate impacts of the grading work so that such work conforms as nearly as possible to all requirements of this chapter. The Community Development Director's determination shall be guided by the factors set forth in Section 9298.4.

A Stop Work Order issued pursuant to this section shall apply to any and all construction or other development being carried out on the property affected by a violation under this section, including, but not limited to, any residential structure to be served by an illegally graded access road or driveway. The Stop Work Order will not be lifted as to any such construction or other development until such time as the grading or land clearing violation has been corrected as provided for in this section.

2. Nuisance. The provisions of this chapter shall not be construed to authorize any person to maintain a private or public nuisance upon their property, and compliance with the terms of this chapter shall not be a defense in any action to abate such nuisance.
3. Procedure for Emergency Work. In the event that the Community Development Director determines that grading or land clearing work has been done without a permit, or in violation of the terms or conditions of a permit, or in violation of any provision of this chapter, such that there is presented an immediate and substantial threat of physical injury or death, or irreversible environmental damage, the Community Development Director shall immediately direct that a

Stop Work Order be issued, and shall give written notice to the permittee or landowner, as appropriate, stating:

- a. The nature of the violation.
- b. The facts upon which a determination has been made that the violation constitutes an immediate and substantial threat of physical injury or death, or irreversible environmental damage.
- c. The work to be completed and/or repairs to be made to correct the violation.
- d. The time within which the work is to be completed.

If after ten (10) days from the receipt of the Notice the applicant fails to respond or to meet the requirements of the Notice within the time limit set by the Community Development Director, the Community Development Director shall cause such work to be done and deduct the cost therefrom from any cash deposit or other security, if any has been previously posted, or otherwise direct such action as is necessary to recover the costs of such work. Any work performed under this section shall not relieve the owner or permit applicant, as appropriate, from the requirement to comply with the requirements of Section 9298.1, above. The remedy provided herein is not exclusive and shall not preclude the County from employing any other means of enforcement otherwise provided by law.

4. Restoration or Remedial Work. In determining what remedial action shall be required as provided by Section 9298.1(c), the Community Development Director shall consider restoration to original condition as the most appropriate remedy, conformance with all requirements of this chapter as the next most appropriate remedy, and mitigation to conform as nearly as possible to the requirements of this chapter as the least appropriate remedy. In making the necessary determination, the Community Development Director shall consider:

- a. The amount of grading which has been done in violation of this chapter.
- b. The amount of grading which would be necessary to either restore the property to its original condition or to bring the grading into conformance with the requirements of this chapter.
- c. The environmental damage which would occur as a result of either restoring the property to its original condition or bringing the grading into conformance with the requirements of this chapter.
- d. The economic feasibility of either restoring the property to its original condition or bringing the grading into conformance with the requirements of this chapter.

- e. The degree of culpability of the person committing the violation.
- f. Any other factor relevant to a proper determination of the matter.

Before any work may commence, the property owner or permit applicant, as appropriate, shall provide a bond or other equivalent security, in the amount estimated for completion of the work. In the event the property owner or permit applicant fails to do the required work, the Community Development Director shall direct that the proceeds of the security be used to complete the required work.

SECTION 9299. VIOLATIONS.

1. Stop Work Order. If the Chief Building Official finds any grading work for which a permit is required but not issued, or the grading is in substantial noncompliance with an issued permit, or the plans and specifications relating thereto, he may order the work stopped by posting the site or by written notice and may issue an abatement order. No further grading may be done except on approval of the Community Development Director. Conditions may be imposed as necessary to protect the health, safety and welfare of the public, including the condition that corrective work be done within a designated time as specified in Section 9298.1 of this chapter.
2. Record Notice of Violation. Record a Notice of Grading Violation in the Office of the County Recorder and notify the owner of the affected real property and any other known party responsible for the violation. If the property owner or other responsible party disagrees that the grading violates this chapter, proof may be submitted to the Community Development Director, including documentation and engineering reports that a grading permit is not required.

If the Community Development Director determines that a grading permit is required, the property owner and/or party responsible for the grading work shall apply for the necessary grading permit within a specified time period by the Community Development Director. Failure to apply for the grading permit or failure to comply with all permit conditions constitutes a grading violation. The Community Development Director may refer any grading violation to the County Counsel or to the District Attorney for prosecution.

3. Notice of Expungement. A notice of expungement of the notice of violation shall be recorded with the County Recorder when:
 - a. The Community Development Director or other appellate authority determines that a grading permit is not required; or
 - b. All work has been completed and approved by the Community Development Director and appropriate expungement fees paid by the permit holder.

4. Additional Prosecutions. When applicable, violations may be prosecuted as an Unfair Business Practice under the Business and Professions Code.

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