

SEC. 91.7006. CONDITIONS PRECEDENT TO ISSUING A GRADING PERMIT.

(Title and Section Amended by Ord. No. 171,175, Eff. 7/25/96.)

91.7006.1. Plans and Specifications. (Amended by Ord. No. 171,939, Eff. 4/15/98.) Application for a grading permit shall be accompanied by plans and specifications prepared and signed by an individual licensed by the State to prepare such documents. Plans shall be drawn to appropriate scale upon substantial paper or cloth and shall be of sufficient clarity to indicate the nature and extent of the work proposed and show in detail that they will conform to the provisions of this Code and all relevant laws, ordinances, rules and regulations.

The first sheet of each set of plans shall give location of the work, the name and address of the owner and the person by whom they were prepared.

The plans shall include, but not be limited to, the following information:

1. General vicinity of the proposed site.
2. Property limits and accurate contours of existing ground and details of terrain and area drainage.
3. Limiting dimensions, elevations or finish contours to be achieved by the grading, and proposed drainage channels and related construction.
4. Detailed plans of all surface and subsurface drainage devices, walls, cribbing, dams and other protective devices to be constructed with, or as a part of, the proposed work together with a map showing the drainage area and the estimated runoff of the area served by any drains.
5. Location of any buildings or structures on the property where the work is to be performed and the location of any buildings or structures on land of adjacent owners which are within 15 feet (4572 mm) of the property or which may be affected by the proposed grading operations.
6. The location of the top and toe of all cuts and fills, the location of all “daylight” lines, the amount of cut and fill, the location of disposal site for excess material, if known, and the estimated dates for starting and completing grading work.
7. When reports are required pursuant to LAMC Subsection 91.7006.2, recommendations included in the approved soils engineering report and engineering geology report shall be incorporated into the grading plans. A copy of the soils report, geological report, and Department letter approving such reports shall be attached to the approved set of grading plans and kept at the job site. **(Amended by Ord. No. 185,587, Eff. 7/16/18.)**
8. When reports are required pursuant to LAMC Subsection 91.7006.2, the dates of the soils engineering and engineering geology reports together with the names, addresses and phone numbers of the firms or individuals who prepared the reports shall be incorporated in the grading plans. **(Amended by Ord. No. 185,587, Eff. 7/16/18.)**

The Department may require some plans to be prepared by a licensed surveyor when the property location and its limits are not clear. Portions of the aforementioned plan requirements may be waived by the Department if it finds that the information on the application and/or submitted plans is sufficient to show that the work will conform to the provisions of this Code and other relevant laws.

91.7006.2. Report Requirement. (Amended by Ord. No. 185,587, Eff. 7/16/18.) Reports shall be submitted to the Department for review and approval in, but not limited to, the following circumstances:

1. Soils and/or geological reports are required when they are stipulated in a Grading Pre-inspection Report prepared in accordance with Chapter IX of the LAMC.
2. Soils and geological reports are required for all grading work in excess of 5,000 cubic yards (3825 m³) of cut or fill, or a combination thereof.
3. Soils reports are required when the design of the foundations does not conform to the requirements of Division 18, Article 1, Chapter IX of the LAMC.
4. Soils and/or geological reports may be required when previously unknown adverse soils or geologic conditions are revealed during construction.
5. Soils and/or geological reports may be required to evaluate liquefaction, slope instability and surface ground rupture resulting from earthquake motions in accordance with CBC Section 1803.

The Superintendent of Building may require a geotechnical investigation in accordance with CBC Section 1803.2 to address the potential of liquefaction when, during the course of an investigation, all of the following conditions are discovered:

- a. Shallow ground water, 50 feet (1524 m) or less.
- b. Unconsolidated sandy alluvium.

91.7006.3. Report Content.

91.7006.3.1. Soils Engineering Report. (Amended by Ord. No. 185,587, Eff. 7/16/18.) The soils engineering report required by LAMC Subsection 91.7006.2 shall include: data regarding the nature, distribution and strength of existing soils; conclusions and recommendations for grading procedures and design criteria for corrective measures, including buttress fills, when necessary; and opinion on the adequacy of the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

91.7006.3.2. Engineering Geology Report. (Amended by Ord. No. 185,587, Eff. 7/16/18.) The engineering geology report required by LAMC Subsection 91.7006.2 shall include an adequate description of the geology of the site, conclusions and recommendations regarding the effect of geologic conditions on the proposed development, and opinion on the adequacy for the intended use of sites to be developed by the proposed grading, as affected by geologic factors.

In addition, all soils engineering and engineering geology reports for grading work in hillside areas shall also comply with rules and standards established by the Department.

91.7006.4. Hillside Exploratory Work. Surface and subsurface exploratory work shall be performed by a soils engineer and an engineering geologist on all hillside grading work. This exploratory work shall conform to the rules and regulations for hillside exploratory work established by the general manager of the Department. The Department may waive this requirement when it determines from the application and site conditions that the proposed grading will conform to the provisions of the Code.

No person shall conduct any grading operation for the access of exploration equipment unless the Department has approved a plan signed by the soils engineer and/or geologist showing the extent of access grading and how the site is to be restored after exploration.

91.7006.5. Bonds in Hillside Areas Required. The Superintendent of Building may require bonds in such form and amounts as may be deemed necessary to assure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

91.7006.5.1. Surety Bond. (Amended by Ord. No. 171,939, Eff. 4/15/98.) Before a permit is issued for excavation or fill of 250 cubic yards (191.3 m³) or more of earth in a hillside area, the owner of the property shall file with the Department a bond for the benefit of the city. The bond shall be executed by the owner and a corporate surety authorized to do business in this state as a surety in an amount sufficient to cover the entire project.

EXCEPTION. Upon application by the owner, the Department may waive this requirement if:

1. The proposed grading is neither actually nor potentially hazardous;
2. The grading work performed is in compliance with a Department order; or
3. The applicant can substantiate, to the satisfaction of the Department, that the work under a grading permit will be fully executed.

91.7006.5.2. Cash Bond. In lieu of a surety bond, the owner may file a cash bond with the Department on the same terms and conditions and in an amount equal to that which would be required in the surety bond. The deposit may be in the form of negotiable United States securities in lieu of cash.

91.7006.5.3. Application of Bond to Adjacent Property. Where grading is required on property adjacent to the grading site under permit in order to complete a project satisfactorily, the owner of such adjacent property need not provide an additional grading bond if the original bond is of sufficient amount to include such additional grading.

91.7006.5.4. Conditions of the Bond. (Amended by Ord. No. 171,939, Eff. 4/15/98.) Every bond shall be conditioned such that the owner shall:

1. Comply with all applicable provisions of this Code and all other applicable laws;
2. Comply with all of the terms and conditions of the grading permit to the satisfaction of the Department;

3. Complete all of the work described by the permit, and the plans and specifications relating thereto, within the time limit specified in the permit. Upon application by the permittee, the Department, or the Board, in case an appeal is made to it pursuant to Section 98.0403 of the Los Angeles Municipal Code, may, for sufficient cause, extend the time specified in the permit, but no such extension shall release any surety on the bond.

4. Install temporary erosion control devices when required to do so by the provisions of this Code.

91.7006.5.5. Period and Termination of Bond. The term of each bond shall begin on the date of filing and shall remain in effect until the work is completed to the satisfaction of the Department or until replaced by a new bond in the event of a change of ownership. In the event of failure to complete the work and/or failure to comply with all of the conditions and terms of the permit, the Department may order some or all of the work to be completed to correct any hazardous conditions. The surety executing such bond, or such deposit, shall continue to be firmly bound under a continuing obligation for the payment of all necessary costs and expenses that may be incurred or expended by the city in causing any and all of such required work to be done and that said surety or the depositor assents to any lawful extension of time within which to construct and complete such work. Such costs shall include an amount equal to the cost to the city of administering the contract and supervising the work required. In the case of a cash bond, the deposit, or any unused portion thereof, shall be refunded to the depositor upon completion of the work to the satisfaction of the Department. The Department may release or exonerate the bond under appropriate conditions when the public health and welfare is not jeopardized.

91.7006.5.6. New Ownership. (Amended by Ord. No. 171,939, Eff. 4/15/98.) In the event of change of ownership during grading, the new owner shall secure a new grading permit and post a new bond to ensure completion of the grading.

91.7006.5.7. Amount of Bond. (Amended by Ord. No. 171,939, Eff. 4/15/98.) The amount of the bond shall be based on the number of cubic yards of material in either excavation or fill, whichever is the greater amount, and in addition shall include the cost of all drainage or other protective devices such as, but not limited to retaining walls, as may lawfully be required. That portion of the bond valuation covering the cost of excavation or fill shall be computed as follows:

250 to 10,000 cubic yards \$1,000, plus \$1.00 per cubic yard

10,001 to 100,000 cubic yards \$11,000, plus 50 cents per cubic yard for each additional cubic yard in excess of 10,000

Over 100,000 cubic yards \$56,000, plus 35 cents per cubic yard for each additional cubic yard in excess of 100,000

For SI: 1 cubic yard = 0.765 m³

91.7006.5.8. Installment Refunds. When a substantial portion of the required grading work has been completed to the satisfaction of the Department, and when the completion of the remaining grading work, site development or planting is delayed, the Department may accept the completed portion of the grading work and consent to the proportionate reduction of the bond to an amount estimated to be adequate to ensure completion of the grading work, site development or planting remaining to be performed. Only one such reduction shall be considered for each bond posted.

91.7006.5.9. Entry Upon Premises. The Department, the Board of Public Works, the surety company, or their duly authorized representative, shall have access to the premises described in the permit for the purpose of inspecting the progress of the work.

In the event of default in the performance of any terms or conditions of the permit, the surety or any person employed or engaged in his or her behalf shall have the right to go upon the premises to complete the required work, including the installation of temporary erosion control devices.

Should the permittee or the surety fail to perform the work described by the permit and the plans and specification relating thereto or required by any applicable law, and it is determined by either the Department or the Board of Public Works that the public health, safety or general welfare is endangered by such failure, the Department, the Board of Public Works, or the representative of either may enter upon the premises to perform all or any part of such work, including the installation of temporary erosion control devices.

It shall be unlawful for the owner or any other person to interfere with the ingress and egress from such premises of any authorized representative or agent of any surety company or the city engaged in the work ordered by the Department or the Board of Public Works.

91.7006.6. Consent of Adjacent Property Owner. (Amended by Ord. No. 185,587, Eff. 7/16/18.) Whenever any excavation or fill requires entry onto adjacent property for any reason, the permit applicant shall obtain the written consent of the adjacent property owner or the owner's authorized representative, and shall file a copy of said consent with the Department before a permit for such grading work may be issued. The signature on such written consent shall be notarized.

In the event contours on adjacent properties are permanently changed, structures or drainage devices are added or modified, and/or the work done requires a grading permit under LAMC Subdivision 91.106.1.2, a separate permit shall be required for each such affected adjoining property in addition to the consent letter. Furthermore, the adjacent property owner shall acknowledge his or her consent on plans showing such work. The consent letter will not be required if the adjoining owner obtains a grading permit.

91.7006.7. Limitation of Export and Import.

91.7006.7.1. Export-import Defined. (Amended by Ord. No. 171,939, Eff. 4/15/98.) As used in this division, the term “**export**” and its derivatives shall be defined as the earth, brush or similar materials transported from a grading site. The term “**import**” and its derivatives shall be defined as earth, brush or similar materials transported to a grading site.

91.7006.7.2. General Conditions. (Amended by Ord. No. 171,939, Eff. 4/15/98.) The Department may designate routes of ingress and egress and may impose such conditions and require such safety precautions for pedestrian and vehicular traffic as it determines are required in the interest of public health, safety and welfare.

The imposed conditions may include, but are not limited to:

1. Restricting the size and type of hauling equipment.
2. Requiring traffic control device, flaggers, and signs and markers at appropriate locations along the designated routes as provided in the City of Los Angeles Department of Public Works and Traffic pamphlet, “**Work Area Traffic Control Handbook**”, 1990 Edition, or latest subsequent revisions.
3. Establishing a temporary “**no parking**” area authorized by the general manager of the Transportation Department when determined to be necessary.

4. Securing all loads by trimming, watering or other appropriate means to prevent spillage and dust.

91.7006.7.3. Subdivision Conditions. All conditions of import and export imposed in the approval of a tentative tract map shall be made a part of the grading permit.

91.7006.7.4. Baseline Hillside Ordinance Conditions. (Added by Ord. No. 182,850, Eff. 1/3/14.) All conditions of import and export imposed in the approval of the project with respect to the Baseline Hillside Ordinance shall be made a part of the grading permit.

91.7006.7.5. Special Hillside Conditions. (Renumbered by Ord. No. 182,850, Eff. 1/3/14.) No permit requiring the import or export of more than 1,000 cubic yards (764 m³) shall be issued for areas designated "hillside" except as specified in this section. A fee of \$529.00 for the first 1,000 cubic yards and \$100.00 additional for each 1,000 cubic yards or portion of 1,000 cubic yards, in addition to the permit fee shall be paid for processing an application for grading under the provisions of this section.

1. The applicant shall submit a proposed method of hauling, which shall include the location of borrow and/or dispersal sites within the hillside area, the truck staging areas, the portion of the haul route within the hillside area and extending to or from a major or secondary highway, the maximum gross weight of haul vehicles when loaded and other information as may be required by the Departments of Building and Safety, Transportation and Public Works. In addition, the applicant shall submit a copy of the soil/geological report approval letter when reports are required pursuant to LAMC Subsection 91.7006.2, a vicinity map, and a list of affected property owners to be notified of the public hearing pursuant to Item 4 of LAMC Subdivision 91.7006.7.5. **(Amended by Ord. No. 185,587, Eff. 7/16/18.)**

2. The Department shall immediately forward a copy of the hauling proposal to the Department of Public Works which shall review same to determine the effect of the proposed hauling operation on the structural integrity of the public streets, on public safety due to street alignment, width and grade, and on public health and welfare due to noise and vibration as it may affect private property situated on or adjacent to the haul route within the hillside area.

The Department of Public Works shall collect a fee and may require a bond as specified in Article 2 of Chapter VI of the Los Angeles Municipal Code. The Department of Public Works may, within 21 days after receipt of the proposal, recommend conditions to be imposed on the hauling operations to protect the public health, safety and welfare in the respects hereinabove specified.

3. The Department shall also immediately forward a copy of the hauling proposal to the Department of Transportation which shall review same to determine the effect thereof on vehicular and pedestrian traffic in the affected area. The Department of Transportation may, within 21 days after receipt of the proposal, recommend any traffic control measures deemed necessary to protect the public health, safety and welfare.

4. The Department shall, within 45 days after receipt of the proposed method of hauling, schedule a public hearing before the Board, provided that any environmental document required pursuant to the provisions of the California Environmental Quality Act has been completed and that the soils/geology report for the project, if required pursuant to LAMC Subsection 91.7006.2, has been reviewed and approved by the Department's Grading Division. **(Amended by Ord. No. 185,587, Eff. 7/16/18.)**

The Department shall give notice of the time, place and purpose of the hearing as follows:

- a. by publishing a notice in at least one publication of general circulation in the City, designated for that purpose by the City Clerk, not less than ten days prior to the date of the hearing; and
- b. by mailing a written notice at least ten days prior to the date of the hearing to the owner or owners of the property involved, and to the owners of all properties within 300 feet (91 440 mm) of the exterior boundaries of the site for which the grading permit has been requested using, for the purpose of notification, the last known name and address of owners as are shown on the records of the City Engineer or the records of the County Assessor; and **(Amended by Ord. No. 181,595, Eff. 4/10/11.)**
- c. by the applicant posting notice of the public hearing in a conspicuous place and in clear public view on the property involved at least five days prior to the date of the public hearing.

5. At the public hearing, the Board shall consider the views of the applicant and other affected persons. The Board shall then grant or conditionally grant approval of export and import operations or, in the event it determines that the grading activity, including the hauling operation, will endanger the public health, safety and welfare, it shall deny the request. Where conditions of the permit are recommended by the Department of Public Works, including the condition that a bond be posted pursuant to LAMC Section 62.202, such conditions shall be made a part of any permit that may be issued. The decision of the Board shall not be effective until ten (10) calendar days have elapsed from the date of the Board's decision. **(Amended by Ord. No. 185,587, Eff. 7/16/18.)**

6. Any affected person, including the applicant, who is dissatisfied with the decision of the board, may appeal the board decision within ten days to the City Council by filing an appeal with the City Clerk. The City Council shall hear and make its determination on the appeal not later than the 30th day after the appeal has been filed. The decision of the City Council on the matter shall be final. If the City Council fails to act on any appeal within the time limit specified in this section, the action of the board on the matter shall be final. **(Amended by Ord. No. 179,324, Eff. 12/10/07, Oper. 1/1/08.)**

7. The provisions of this section shall not apply to applications for permits which apply to export or import operations which have been approved in accordance with Section 17.13 of the Los Angeles Municipal Code.

91.7006.8. Conformance with Zoning Regulations Required.

91.7006.8.1. Subdivision Map Act. (Amended by Ord. No. 171,939, Eff. 4/15/98.) No permit shall be issued for any grading or import or export of earth materials to or from any grading site except in compliance with the zoning, private street and division of land regulations contained in Chapter I of the Los Angeles Municipal Code, the Subdivision Map Act of the State of California and the approved master plan for the area in which the grading is to be done.

91.7006.8.2. (Deleted by Ord. No. 186,488, Eff. 12/27/19.)

91.7006.8.3. Baseline Hillside Ordinance. (Added by Ord. No. 184,692, Eff. 12/30/16.) No grading permit shall be issued for the import or export of earth materials to or from and no grading shall be conducted on any grading site in hillside ordinance areas unless the Building Permit has been approved in compliance with the Baseline Hillside Ordinance.

EXCEPTION: The requirements of this section shall not apply to any grading that is determined by the Department to be Remedial Grading as defined in LAMC Section 12.03.