

# **Ventura County Grand Jury 2013 - 2014**



## **Final Report**

### **City of Ventura Hillside Area Grading Permits**

**June 9, 2014**

*This page intentionally blank*

## **City of Ventura Hillside Area Grading Permits**

### **Summary**

Hillside areas in the City of Ventura (City) Westside community have long been of particular concern to the City, as shown by its Hillside Management Program (HMP) adopted in 1989, which imposes special construction requirements on those areas. The HMP aims to control development “so that the terrain will retain its natural and scenic character, and the danger to life and property by the hazards of fire, flood, water pollution, soil erosion, and land slippage will be minimized.” Objectives include preserving “scenic ridgelines and slopes” and “existing trees and areas of significant natural vegetation,” as well as minimizing “the scarring effect of major hillside streets.”

The 2013-2014 Ventura County Grand Jury (Grand Jury) received a public complaint raising the question whether HMP aims and objectives were being ignored, specifically with regard to grading—removal of soil to prepare for construction of a building, road, or garden. Responding to the complaint, the Grand Jury investigated how the City grants permits for HMP hillside grading.

The Grand Jury interviewed City employees and examined data and documents related to the granting of HMP grading permits. In addition, the Grand Jury examined relevant codes, ordinances, articles, plans, maps, forms, and websites.

The Grand Jury found that the City’s concerns for the HMP area are well founded, given its geologic history and current conditions, which include a major faultline—the Ventura-Foothill Fault—that runs along the area’s southern border.

The Grand Jury found that certain circumstances allow for exceptions to the usual grading permit process and that Hillside Area grading could be done without a permit. The Grand Jury also found a lack of formal interdepartmental communication and recordkeeping in the “preproject” or “presubmittal” construction-planning phase. During this phase, property owners, developers, and/or contractors meet with City officials to prepare for submitting permit applications.

The Grand Jury learned that City officials’ awareness of many possible and actual construction/grading violations comes from public complaints made to the Building and Safety Division (B&SD), and that complaint messages left on the B&SD construction complaints telephone line or sent via email are monitored only during regular business hours. This leaves considerable periods—for example, Friday afternoons to Monday mornings—when hillside grading deemed not to need a permit might be performed and complaints about the work go unheeded.

The Grand Jury’s investigation resulted in several recommendations to the City, including the following:

- That the City Engineer and at least one other relevant City official—the Chief Building Official, Community Development Director, or City Planner—give written approval of each grading exception allowed in the area of the City’s Hillside Management Program (HMP);

- That HMP hillside grading permit exceptions be strictly limited to those listed in the City’s general grading ordinance. Two exceptions that specifically mention the HMP are #6, “Excavations below finished grade for retaining walls less than 6 feet (1.82 meters) in height with no surcharge in areas not [emphasis added] within the boundaries of the HMP,” and #7, “Excavations below finished grade for retaining walls less than 3 feet (0.91 meters) in height with no surcharge in areas within [emphasis added] the boundaries of the HMP.” In other words, the retaining wall exception is twice as strict in the Hillside Area. (For the complete list of grading exceptions, see Attachment 3. For unfamiliar terms, see Glossary.)
- That decisions and agreements made during a project’s “pre-submittal” phase—before it is submitted for a permit—be formally documented and electronically tracked; and
- That the City’s Building & Safety Division (B&SD) complaints line be regularly monitored outside normal business hours so that an immediate response may be possible.

## **Background**

As a result of a public complaint, the Grand Jury initiated an investigation into the process required to obtain grading permits in the City of Ventura’s “Hillside Area” as defined in the City’s Hillside Management Program. [Ref-01] (Att-01)

The HMP, adopted in 1989, aims to control development “so that the terrain will retain its natural and scenic character, and the danger to life and property by the hazards of fire, flood, water pollution, soil erosion, and land slippage will be minimized.” Specific objectives include preserving “scenic ridgelines and slopes” and “existing trees and areas of significant natural vegetation,” and minimizing “the scarring effect of major hillside streets.” [Ref-01]

The Grand Jury was interested in reviewing the steps of the hillside grading permit process in general. The Grand Jury also wanted to determine whether hillside roads could be graded without a permit that should be required, and, if so, what could be done to prevent this from happening in the future.

## **Methodology**

The Grand Jury performed the following actions as part of this investigation.

- Researched the process by which hillside grading permits are granted, including:
  - Which projects do and do not require permits; (Att-03)
  - Who is responsible for obtaining a permit when one is required;
  - What agencies are involved in the permit process;
  - How these agencies communicate and interact with each other about projects requiring mutual agency oversight;

- What records are kept; and
- How complaints from the public are handled.
- Interviewed personnel from City departments—principally B&SD, Community Development, and Public Works—responsible for granting HMP hillside grading permits, inspecting work in progress, and enforcing City regulations and codes.
- Examined the City of Ventura’s website pages and related links devoted to agencies involved in the permitting process, especially B&SD, Community Development, Public Works, and Neighborhood Preservation.
- Reviewed the City’s *Building and Construction Regulations*; HMP; grading-specific codes and ordinances; *General Plan*; *Comprehensive Plan Update to the Year 2010*; and construction complaints log; also reviewed the *State of California Building Code (CBC)*, which forms the basis for the City’s codes, and other relevant official documents.
- Reviewed articles and maps on California coastal soils and earthquake conditions as they pertain to the potential for landslides and the impact of fires on soil in the City’s Hillside Area. (Att-01, Att-02, Att-04)

**Facts**

- FA-01.** The City adopted its original HMP in 1989 and has reaffirmed it every three years by referencing it in the City’s Municipal Code revisions, which include its construction and grading ordinances, as well as by referencing it in the City’s General Plan and its revisions. [Ref-01, Ref-02, Ref-03]
- FA-02.** The Hillside Area subject to the HMP is defined as “All that area north of Foothill and Poli Street, and east of Cedar Street and within City limits.” (Note: This area is different from “Hillside Open Space” in the City planning area, which is subject to other special regulations.) [Ref-01, Ref-02] (Att-01)
- FA-03.** The HMP states that its goals are “to preserve the natural and scenic character of the City’s hillside areas and to minimize hazards from fire, flood, water pollution, erosion, and land slippage.” The HMP “provides policies, development criteria, and submittal requirements to ensure that the amount and distribution of future development in areas subject to the plan is consistent with the topography, geology, and hydrology of hillside areas.” [Ref-01]
- FA-04.** The City’s General Plan states, “The hills north of Poli Street/Foothill Road have experienced many historic landslides and are prone to future movement. The City Hillside Management Program limits development in the area to minimize dangers from land sliding, erosion, flooding, and fire, and to retain natural and scenic character.” [Ref-01, Ref-02] (Att-01, Att-02)

- FA-05.** The City’s Hillside Area has similar soil conditions to those found in other Southern California coastal areas, for example, the hills above the nearby village of La Conchita (along US Route 101, south of Santa Barbara). La Conchita has been the site of repeated landslides, most recently one in 2005 that killed ten people, destroyed 13 homes, and damaged 18 others. [Ref-04, Ref-05] (Att-02, Att-04)
- FA-06.** Periods of drought increase the danger of fires, which in turn increases the danger of landslides. “Intense heat from fires glazes soil with a wax-like surface layer that impedes water absorption. Without the benefits of absorption, water runoff pools and creates landslide-prone conditions.” [Ref-04] (Att-04)
- FA-07.** A major earthquake fault—the Ventura-Foothill fault—runs along the southern border of the HMP under Poli Street and Foothill Road. This fault is regulated by the State’s Alquist-Priolo Earthquake Fault Zoning Act, the purpose of which is “to prohibit the location of most structures for human occupancy across the traces of active faults and to mitigate thereby the hazard of fault-rupture.” Recent studies show that this fault and nearby ones have the potential for far more destructive force than previously believed. [Ref-06, Ref-07] (Att-02)
- FA-08.** All the City’s construction/grading codes are based on the California Building Code (CBC) as amended by the City during adoption. The City codes include the CBC, Electrical Code, Fire Code, Mechanical Code, Plumbing Code, Residential Code, and the 2012 Edition of the International Property Maintenance Code. [Ref-08, Ref-09]
- FA-09.** The City may not delete or waive any CBC requirement. [Ref-10]
- FA-10.** The City may add amendments to its code to make it stricter than the CBC, due to special local conditions the code does not cover or does not adequately cover. [Ref-09, Ref-10]
- FA-11.** The latest City Council meeting at which the construction codes were amended was held on December 9, 2013 (Agenda Item No. 7). This action adopted the current version of the CBC [Ref-10]. The accompanying administrative report stated that certain provisions of the CBC were being amended “through express findings of local necessity.” Among these findings the report listed climatic, geological, and topographical items. Geological concerns mentioned include “hillsides that are subject to mudflows and unstable conditions” and “several earthquake faults.” [Ref-09]
- FA-12.** Section C of the City’s grading ordinance requires that “all grading in areas within the City [emphasis added] which include a gradient greater than 5:1 shall conform to the requirements of the City Hillside Management Program (HMP) if the City Engineer determines that conformance is required in order to avoid danger to life, limb, health, property, safety, or public welfare.” [Ref-10, Ref-11]

- FA-13.** Section C of the City’s grading ordinance further states, “Lots within the HMP with slope of less than 20:1 may be exempted from the grading requirements of the HMP by the City Engineer and Community Development Director [emphasis added] if they determine that such exceptions will not endanger life, limb, health, property, safety or public welfare.” [Ref-10, Ref-11]
- FA-14.** Although grading in the HMP area is rare, when it has occurred, review of proposed grading by the City Engineer has not always happened. This has resulted in HMP-area grading proceeding without the HMP conformance that otherwise would have been required.
- FA-15.** The City’s grading ordinance lists 11 exceptions to its permit requirements. [Ref-10, Ref-11] (Att-03) City officials have not always strictly followed this list, which has allowed hillside grading to be done without a permit.
- FA-16.** The Building and Safety Division (B&SD) oversees all phases of new building and road construction within the City’s jurisdiction, from checking plans to issuing permits. The head of the division is the Chief Building Official. [Ref-12]
- FA-17.** The B&SD also conducts field inspections of construction work and provides “Neighborhood Preservation to support the enforcement of policies and programs within the Public Works, Community Development, Fire and Finance and Technology Departments.” Neighborhood Preservation was formerly called Code Enforcement. [Ref-12]
- FA-18.** Construction permits are required for almost all projects, including replacing a water heater, retrofitting a window, or replacing regular plumbing fixtures with low-flow fixtures. [Ref-13]
- FA-19.** Obtaining construction/grading permits for many projects necessitates communication and coordination among numerous parties, which may include the homeowner/developer, construction contractor(s), and City officials responsible for the electrical, fire, mechanical, plumbing, and residential codes. A property owner/developer may also choose to have an architect, engineer, plumber, and/or other contractors included in the permit process.
- FA-20.** Projects often involve the parties listed directly above (FA-19) in preproject—also called presubmittal—meetings before any permit is granted. Significant projects may involve several or a series of meetings as well as emails, phone calls, and/or in-person consultations.
- FA-21.** Preproject meetings may be held on an informal basis with an authoritative official(s) available at the time, for example, the City Manager, Community Development Director, City Engineer, and/or Chief Building Official, or their “designated representative.” [Ref-14]
- FA-22.** Notice of preproject meeting times/places to relevant City officials, if done, is done informally by phone or email. There are no formal

procedures or requirements regarding such notice nor stipulations as to who must attend.

- FA-23.** There is no City requirement to document decisions and agreements made at preproject meetings and, if it happens, taking notes is usually left up to the project owner/developer/contractor. The City may end up with no records from these preproject meetings.
- FA-24.** There is no requirement to communicate preproject decisions and agreements to other key officials.
- FA-25.** Construction/grading work actually performed has not always matched verbal descriptions and drawings/maps presented at preproject meetings. This has contributed to Hillside Area grading being done without a permit.
- FA-26.** An integrated project-tracking system now exists (EnerGov planning, permitting, and licensing software) on the City’s intranet to manage and coordinate interdepartmental actions: plan checks, permits, code enforcement, and so on.
- FA-27.** Key officials—“city manager, community development director, city engineer, building official, or parks manager”—currently have the authority to exempt a project or part of a project from the City’s permit requirements, although “permissive provisions...do not waive, and shall not be presumed to waive, any limitations, imposed by other statutes or ordinances of the state or city.” [Ref-10, Ref-11]
- FA-28.** Under current City regulations, any one of the key officials mentioned in FA-27 may delegate the authority to waive a permit that would otherwise be required to his/her “designated representative”—if such waivers do not negate “any limitations, imposed by other statutes or ordinances of the state or city” such as the CBC and HMP. [Ref-10, Ref-11, Ref-14]
- FA-29.** No City regulation requires key officials to be notified when construction/grading work deemed not to need a permit will start or is in process.
- FA-30.** No procedures require City officials to follow up on construction/grading projects deemed not to need a permit to see if such work remains within “no permit required” parameters.
- FA-31.** Residents may report possible construction/grading code violations at any time via B&SD’s code enforcement telephone line, (805) 658-4711, shown on the division’s webpage. A person calling this number hears a recording requesting information about their complaint, ending with “...messages left here will be retrieved throughout the day and returned during normal business hours.” [Ref-12]
- FA-32.** Residents may also report possible construction/grading code violations at any time by email through the My Ventura Access email help service. This service has links on all building and construction-related webpages, as well as other City webpages. [Ref-12, Ref-13, Ref-15]
- FA-33.** Complaint phone calls and complaint emails to B&SD are monitored only during regular business hours. [Ref-12, Ref-13, Ref-15]

- FA-34.** There are considerable periods of time—for example, Friday afternoons to Monday mornings—when hillside construction and grading deemed not to need a permit may be performed and any complaints to B&SD about the work would go unheeded. [Ref-12, Ref-13, Ref-15]
- FA-35.** An after-hours “Potholes Hotline/Streets” phone number exists—(805) 652-4590—in the Public Works Department to report public-safety hazards such as potholes, sink holes, and fallen tree limbs. This line is monitored 24/7 and calls involving public safety are responded to quickly. [Ref-16]

## **Findings**

- FI-01.** The City’s concern for its Hillside Area is well documented in various regulations the City Council has enacted in attempts to protect its Hillside Area from potentially dangerous construction and grading work. These regulations are contained and/or referenced in the Hillside Management Program, Building and Construction Code, Grading Ordinance, and General Plan. (FA-01, FA-02, FA-03, FA-04, FA-10, FA-11, FA-12)
- FI-02.** The City’s concerns about construction/grading in its Hillside Area are very well warranted. (FA-05, FA-06, FA-07)
- FI-03.** Hillside Area grading is a rare occurrence, but when it has occurred, hillside protection efforts have been compromised when officials have not followed the City’s regulations. Two important examples of such regulations are (1) that which calls for the City Engineer to determine, for “all grading in areas within the City which include a gradient greater than 5:1,” whether conformance to the HMP is required, and (2) that which names 11 specific exceptions to the general requirement for a grading permit. (FA-12, FA-14, FA-15) (Att-03)
- FI-04.** Current City regulations leave too much room for undermining the City’s hillside protection efforts. Codes grant the “city manager, community development director, city engineer, building official, or parks manager”—any one of these alone—the authority to exempt a project or part of a project from the City’s permit requirements. Moreover, these officials may delegate their authority to waive the need for a permit to a “designated representative.” In either case, no permit waiver is supposed to negate “any limitations, imposed by other statutes or ordinances of the state or city” such as the CBC and the HMP. (FA-09, FA-12, FA-25)
- FI-05.** Hillside protection efforts have been compromised because officials are not required to formally document and track decisions and agreements made in the preproject/presubmittal stage. This has contributed to hillside grading being done without a permit. (FA-21, FA-22, FA-23, FA-24, FA-25)
- FI-06.** Leaving documentation of preproject meetings to the discretion of the project leader (owner/developer or construction contractor) does not

adequately safeguard against potentially dangerous hillside construction and grading. (FA-23, FA-24, FA-25)

- FI-07.** Hillside protection efforts could be greatly enhanced if electronic inter-departmental project tracking began the first time a potential project is brought to the attention of a City official by a prospective permit seeker. (FA-14, FA-18, FA-22, FA-23, FA-24, FA-25, FA-26)
- FI-08.** Hillside protection efforts have been hampered because construction and/or grading deemed not to need a permit may be started and carried out after regulatory agencies are closed for the evening or weekend, leaving the key officials who oversee the City’s construction/grading with no way to be aware of or monitor the work—and also leaving local residents with no way to report a construction complaint that should receive a quick response. (FA-29, FA-30, FA-31, FA-32, FA-33, FA-34, FA-35)

## **Recommendations**

- R-01.** The Grand Jury recommends that the City Council instruct the B&SD to more strictly enforce its construction code regarding grading permits in the Hillside Area, limiting exceptions to those listed in the grading ordinance; and that a copy of the code’s exception list be provided to every person who presents a project to the City that could possibly involve grading covered by the HMP. (FI-01, FI-02, FI-03) (Att-03)
- R-02.** The Grand Jury recommends that the City Council amend the HMP and City construction codes to require the City Engineer and at least one other relevant City official—the Community Development Director, Chief Building Official, or City Planner—to concur on each construction/grading permit exception in the area covered by the HMP and that a formal record be kept of this decision. (FI-03, FI-04, FI-05)
- R-03.** The Grand Jury recommends that the City Council amend the HMP and City construction codes to state that the City Engineer and the other concurring City official—Community Development Director, Chief Building Official, or City Planner—may not delegate their decision-making authority regarding proposed HMP projects to a designated representative. (FI-03, FI-04)
- R-04.** The Grand Jury recommends that the City Council amend the HMP and City construction codes to require that the first time a person approaches the City about a construction/grading project, a project file be opened in the interdepartmental intranet system, EnerGov, currently used to coordinate projects once they are approved. (FI-05, FI-06, FI-07)
- R-05.** The Grand Jury recommends that the City Council amend the HMP and City construction codes to require that decisions made at preproject/presubmittal meetings concerning the HMP area, including cases where two key officials determine that a permit is not needed, be formally documented and tracked electronically on EnerGov. (FI-05, FI-06, FI-07)

- R-06.** The Grand Jury recommends that the City Council amend the HMP and City construction codes to require property owners/developers working in the HMP area to advise a key construction/grading official by phone, text, or email of the start of any unpermitted construction/grading work, including after hours, so that the work may be monitored for conformance to preproject agreements and City regulations. (FI-08)
- R-07.** The Grand Jury recommends that the B&SD set up a separate telephone hotline number for urgent after-hours reports of possible construction/grading violations and that a staffperson be assigned to monitor this during nonoffice hours. Promotion of this line should emphasize that urgent calls will be acknowledged and considered for immediate response even when the office is closed. Alternatively, use of the “Potholes Hotline/Streets” in the Public Works Department—(805) 652-4590—could be expanded to include urgent B&SD after-hours complaints. This line is monitored 24/7 and urgent situations are responded to quickly. (FI-08)
- R-08.** The Grand Jury recommends that the City Council widely inform the public about the existence of the code-violation complaints line and recommended after-hours complaints hotline. This information should be disseminated on the Internet and also by using methods that do not require Internet access. Examples: public service announcements on Spanish- and English-language radio stations, ad placards inside buses, posters in libraries, and flyers in community centers. (FI-08)

**Responses**

Responses required from:

City of Ventura City Council (FI-03, FI-04, FI-05, FI-06, FI-07, FI-08) (R-01, R-02, R-03, R-04, R-05, R-06, R-07, R-08)

Responses requested from:

City Engineer, City of Ventura (FI-03, FI-04, FI-05, FI-06, FI-07, FI-08) (R-01, R-02, R-03, R-04, R-05, R-06, R-07, R-08)

Community Development Director, City of Ventura (FI-03, FI-04, FI-05, FI-06, FI-07, FI-08) (R-01, R-02, R-03, R-04, R-05, R-06, R-07, R-08)

Chief Building Official, City of Ventura (FI-03, FI-04, FI-05, FI-06, FI-07, FI-08) (R-01, R-02, R-03, R-04, R-05, R-06, R-07, R-08)

City Planner, City of Ventura (FI-03, FI-04, FI-05, FI-06, FI-07, FI-08) (R-01, R-02, R-03, R-04, R-05, R-06, R-07, R-08)

Public Works Supervisor, City of Ventura (FI-03, FI-04, FI-05, FI-06, FI-07, FI-08) (R-01, R-02, R-03, R-04, R-05, R-06, R-07, R-08)

Hillside Preservation Supervisor, City of Ventura (FI-03, FI-04, FI-05, FI-06, FI-07, FI-08) (R-01, R-02, R-03, R-04, R-05, R-06, R-07, R-08)

## References

- Ref-01.** City of San Buenaventura. *Hillside Management Program*, adopted by the City Council on August 28, 1989.  
<http://www.cityofventura.net/files/file/comm-develop/HMPpdf.pdf>  
(accessed November 22, 2013)
- Ref-02.** City of San Buenaventura. *City of Ventura General Plan*, August 8, 2005, "Our Well Planned and Designed Community," ("Westside" heading), p. 3-11, and "Glossary of Terms," p. F-5.  
<http://www.cityofventura.net/files/file/comm-develop/General%20Plan/General%20Plan.pdf> (accessed May 9, 2014)
- Ref-03.** City of San Buenaventura. *Code of Ordinances*, Division 12 "Building & Construction Regulations," PART 2 - GRADING REGULATIONS, Chapter 12.210 "General Provisions," Section 12.210.010 "Purpose," paragraph C "Hillside Management Program (HMP)."  
<https://library.municode.com/index.aspx?clientId=10135> (accessed May 14, 2014)
- Ref-04.** Goldberg, Samuel. "Falling into the Pacific: California Landslides and Land Use Controls," *USC Southern California Review of Law and Social Justice*, Vol. 16:1.  
[http://lawweb.usc.edu/why/students/orgs/rlsj/assets/docs/Goldberg\\_Final.pdf](http://lawweb.usc.edu/why/students/orgs/rlsj/assets/docs/Goldberg_Final.pdf) (accessed May 11, 2014)
- Ref-05.** Hutkin, Erinn. "10 victims, 10 stories: La Conchita's losses," *Ventura County Star*, January 16, 2005.  
<http://www.vcstar.com/news/2005/jan/16/10-victims-10-stories-la-conchitas-losses/> (accessed May 19, 2014)
- Ref-06.** Hart, Earl W (geologist). California Department of Conservation, Division of Mines and Geology, Sacramento, *Alquist-Priolo Earthquake Fault Zoning Act with Index to Earthquake Fault Zone Maps*, revised 1994.  
[http://archive.org/stream/faultrupturehaza4294hart/faultrupturehaza4294hart\\_djvu.txt](http://archive.org/stream/faultrupturehaza4294hart/faultrupturehaza4294hart_djvu.txt) (accessed May 19, 2014)
- Ref-07.** Stoltz, Kit. "Ventura stands on deep, dangerous fault system," *Ventura County Star*, p. 1A, January 4, 2014.  
<http://www.vcstar.com/news/2014/jan/04/geologists-say-ventura-earthquake-fault-more/> (accessed May 18, 2014)
- Ref-08.** State of California. Department of General Services, California Building Standards Commission, *California Building Standards Code* (Title 24, California Code of Regulations), 2013 Triennial Edition (current code) website. <http://www.bsc.ca.gov/codes.aspx> (accessed April 22, 2014)
- Ref-09.** City of San Buenaventura. City of Ventura Administrative Report dated December 3, 2013, with attachment, *Ordinance No. 2013-\_\_\_ An Ordinance of the Council of the City of San Buenaventura Adopting by Reference the 2013 Edition of the California Building Code and Amending Certain Provisions Thereof Through Express Findings of Local*

*Necessity*, p. 3, Section 1 “Findings,” item B, effective January 1, 2014.  
[http://www.cityofventura.net/files/file/meetings/city\\_council/2013/12-09-13/item%2007.pdf](http://www.cityofventura.net/files/file/meetings/city_council/2013/12-09-13/item%2007.pdf) (accessed April 21, 2014) [Note: Linked to B&SD home page under heading “Current Codes and Ordinances (eff. 1/1/2014)”]

- Ref-10.** City of San Buenaventura. *Code of Ordinances*, op. cit., paragraph D “Permissive provisions.”  
<https://library.municode.com/index.aspx?clientId=10135> (accessed May 14, 2014)
- Ref-11.** City of San Buenaventura. *City Ordinance No. 2007-011 (Grading)*, adopted by the City Council on April 16, 2007. (Stand-alone website for grading ordinance only, without the rest of the code.)  
[http://www.cityofventura.net/files/file/meetings/Misc\\_Posting/LD%20Webpage/5\\_2007%20City%20Grading%20Ordinance.pdf](http://www.cityofventura.net/files/file/meetings/Misc_Posting/LD%20Webpage/5_2007%20City%20Grading%20Ordinance.pdf) (accessed April 30, 2014)
- Ref-12.** City of Ventura. Community Development Department, Building & Safety Division home page. <http://www.cityofventura.net/cd/buildsafe> (accessed April 30, 2014)
- Ref-13.** City of Ventura. Community Development Department, Building & Safety Division, *Building & Safety Forms & Documents* webpage.  
<http://www.cityofventura.net/page/building-amp-safety-forms-amp-documents> (accessed May 14, 2014)
- Ref-14.** City of San Buenaventura. *Code of Ordinances*, op. cit., paragraph H “Designated representatives.”  
<https://library.municode.com/index.aspx?clientId=10135> (accessed May 14, 2014)
- Ref-15.** City of Ventura. “My Ventura Access” email help service,  
<https://clients.comcate.com/newrequest.php?id=45> (accessed May 14, 2014)
- Ref-16.** City of Ventura. Public Works Department home page (scroll to bottom), “Contact Us” heading, “Pothole Hotline/Streets: (805) 652-4590.” Message gives a menu option for “urgent requests.”  
<http://www.cityofventura.net/pw> (accessed May 20, 2014)

## **Attachments**

- Att-01.** Map of Area Covered by the Hillside Management Program (HMP)
- Att-02.** Map of Major City of Ventura Hazard Zones, Showing Ventura-Foothill Fault Across the Middle
- Att-03.** List of Exceptions to Generally Required Grading Permits
- Att-04.** Excerpts from Samuel Goldberg’s Article “Falling into the Pacific: California Landslides and Land Use Controls”

## **Glossary**

**TERM**

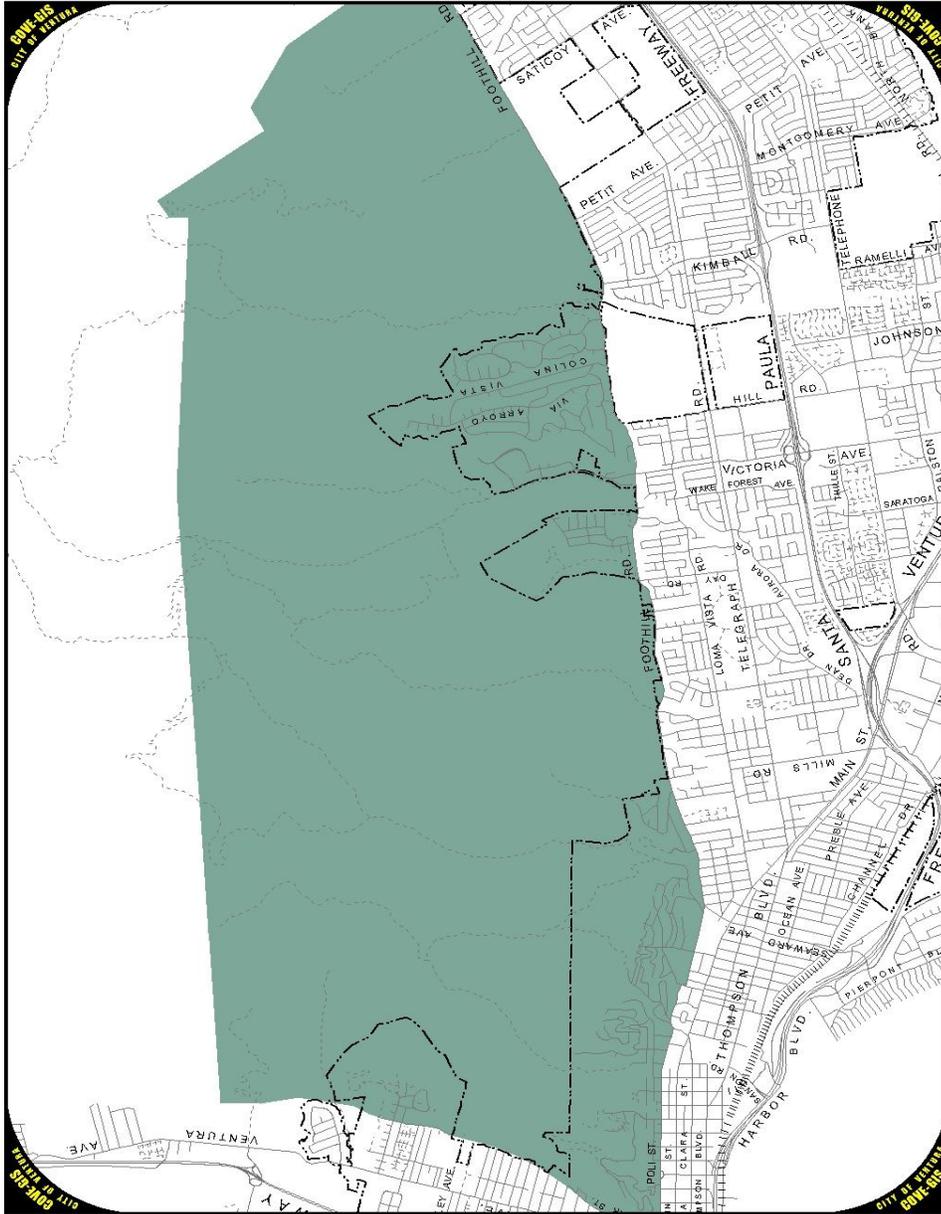
**DEFINITION**

Alquist-Priolo	A State designation that requires a geologic investigation to determine if future construction on a site would be threatened by earthquake fault movement. This investigation must be done before a development permit is approved.
B&SD	City of Ventura’s Building & Safety Division
CBC	California Building Code
City	City of San Buenaventura/Ventura
Fault	“A fracture in the earth's crust forming a boundary between rock masses that have shifted.” [Ref-02]
General Plan	“A compendium of city or county policies regarding its long-term development, in the form of maps and accompanying text...a legal document required the by the State...and adopted by the City Council.” [Ref-02]
Gradient	“Slope of a stream bed or hillside. The vertical distance of descent over horizontal distance of slope.” [ <a href="http://www.ge-at.iastate.edu/glossary-of-geologic-terms/">http://www.ge-at.iastate.edu/glossary-of-geologic-terms/</a> ]
Grading	“...the removal of soil or deposition of fill or combination thereof, including but not limited to, overexcavation and recompaction.” [Ref-09]; “Grading in civil engineering and construction is the work of ensuring a level base, or one with a specified slope for a construction work such as a foundation, the base course for a road or a railway, or landscape and garden improvements, or surface drainage.” (Wikipedia)
Grand Jury	2013-2014 Ventura County Grand Jury
HMP	Hillside Management Program (or Plan), specifically “...that document of policies, development criteria and submittal requirements established by Resolution No. 89-104 on August 28, 1989, by city council, and as it may be amended from time to time to implement the general plan as it relates to Hillside areas.” [Ref-10, p. 4]

Seismic	“Caused by or subject to earthquakes or earth vibrations” [Ref-02]
State	State of California
Surcharge	“An external load that is usually located at the top of a retaining wall. Surcharge can be the result of a ‘dead’ load, such as a building foundation or a ‘live’ load, which could be the result of heavy construction equipment or automobiles.” [Definition 3 from <a href="http://www.encyclo.co.uk/2013/define/Surcharge">http://www.encyclo.co.uk/2013/define/Surcharge</a> ]
Westside	“Includes the Ventura Avenue corridor and is home to several neighborhood centers that are surrounded by well-connected neighborhood blocks. Opportunities exist to realize the potential of neighborhood improvements initiated in ongoing and past grassroots efforts, such as the Westside Revitalization Plan. This community includes ‘Hillside Areas’ which are subject to the Hillside Management Program that provides necessary development criteria in order to retain the natural qualities and minimize potential hazards.” [Ref-02, page 3-11]

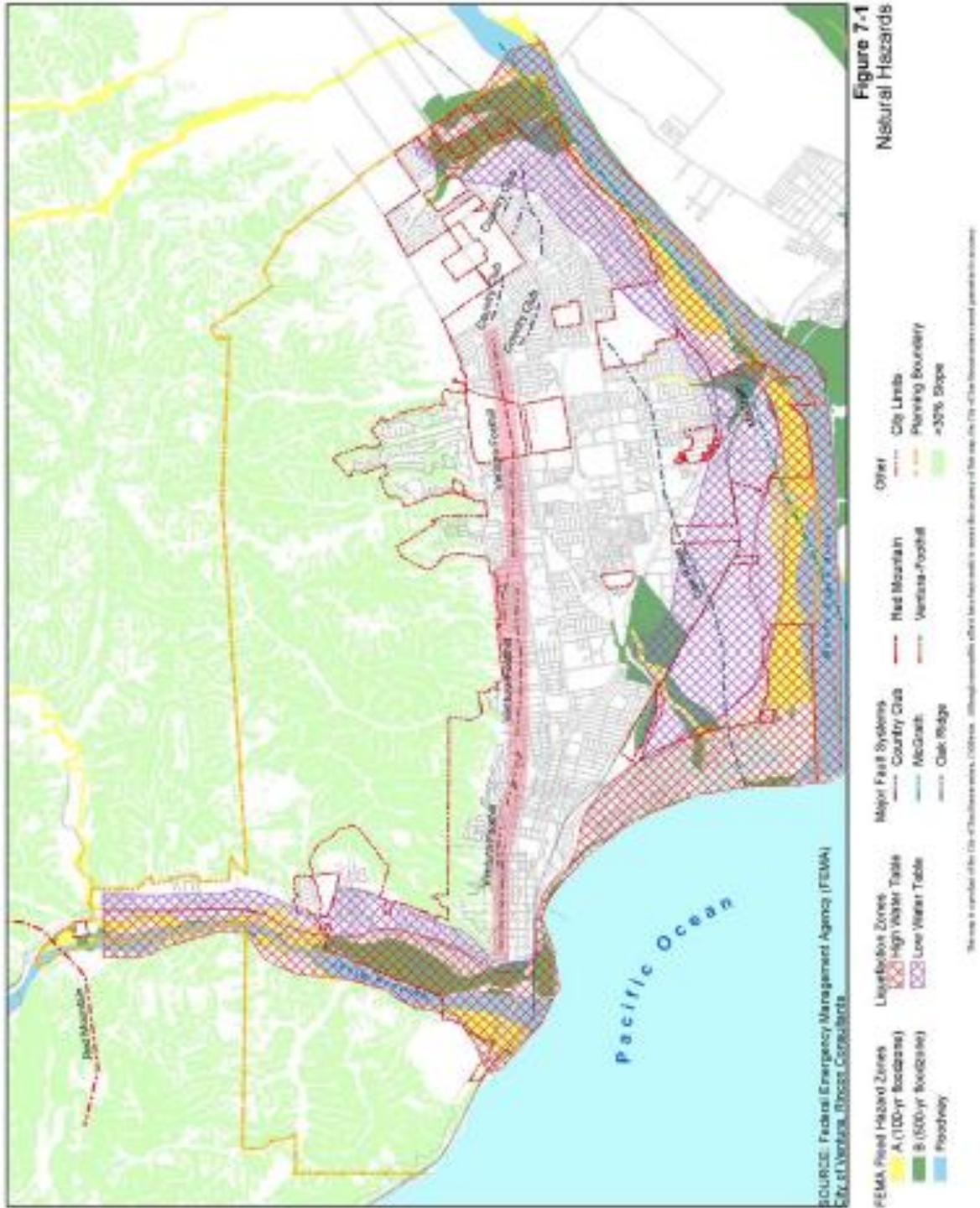
**Attachment 01**

**Map of Area Covered by the  
Hillside Management Program (HMP)**



**Attachment 02**

**Map of Major City of Ventura Hazard Zones,  
Showing Ventura-Foothill Fault Across the Middle  
(City of Ventura General Plan, Fig. 7-1)**



**Attachment 03**

**List of Exceptions to  
Generally Required Grading Permits**

**City of San Buenaventura  
City Ordinance No. 2007-011 (Grading)  
Chapter 12.2.215 'Grading Permits'**

**Chapter 12.215 Grading Permits**

**Sec. 12.215.010. Required.**

A. *Generally.* No person shall commence or perform any grading, and no person shall import or export any earth materials to or from any grading site, without first having obtained a permit therefore from the City Engineer. A separate permit will be required for each site. Retaining walls require a separate permit from Building and Safety.

B. *Exceptions:*

1. An excavation less than 2 feet (0.61 meters) in depth.
2. An excavation that does not create a cut slope steeper than 2:1 and that is not more than five feet (1.52 meters) in height.
3. A fill less than 1 foot (0.30 meters) in depth and placed on natural terrain with a slope flatter than 5:1, and does not obstruct a drainage course.
4. A fill less than 3 feet (0.91 meters) in depth, not intended to support structures, does not exceed 50 cubic yards (38.23 cubic meters) on any one lot, and does not obstruct a drainage course.
5. Excavations below finished grade for basements and footings of buildings authorized by valid building permits. This shall not exempt any fill made with material from such excavation nor exempt any excavation having an unsupported slope steeper than 2:1 height greater than 5 feet (1.52 meters) after the completion of such structure.
6. Excavations below finished grade for retaining walls less than 6 feet (1.82 meters) in height with no surcharge in areas not within the boundaries of the HMP.
7. Excavations below finished grade for retaining walls less than 3 feet (0.91 meters) in height with no surcharge in areas within the boundaries of the HMP.
8. Utility trenches, wells, exploratory excavation under the direction of a soils engineer or geologist, and similar work if the City Engineer determines that such exemption would not endanger life, limb, health, property, safety or public welfare.
9. Excavation for cemetery grave.
10. Projects constructed by the City. However, all requirements of this grading ordinance shall still apply to City projects, but a permit need not be issued.
11. The provisions of this Part shall not apply to any grading operation which is conducted during a period of emergency or disaster as determined by the City Council, City Attorney or Building Official or which is directly connected with or related to relief of conditions caused by such emergency or disaster.

**Attachment 04**

**Excerpts from Samuel Goldberg’s Article**

**“Falling into the Pacific: California  
Landslides and Land Use Controls”**

**from *USC Southern California Review of Law and Social Justice***

*From USC SOUTHERN CALIFORNIA REVIEW OF LAW AND SOCIAL JUSTICE [Vol. 16:1]*

**“Falling into the Pacific: California Landslides  
and Land Use Controls”**

by Samuel Goldberg

**P. 95: INTRODUCTION**

Landslides present a geological dilemma in many areas around the world, and in few places is this more evident than California. The Golden State faces natural erosion due to its long coastline along the Pacific Ocean. Seismic activity and unpredictable rainfall exacerbate the problem. Because of major development along the California coastline, the frequency of damage from landslide events has increased.

To illustrate the different responses to landslide disasters, this paper will compare the aftermaths of the 2005 landslides in La Conchita and Laguna Beach.

**p. 98 B. CALIFORNIA COASTS: A LANDSLIDE SPECIALTY**

Weathering and decomposition in California makes a rich environment for landslides, and the human touch only exacerbates the problem in ancient landslide areas. As population growth continues to skyrocket, development nudges people toward settling in unstable locations. Building on steep slopes is particularly hazardous. Grading for road construction and utilities often increases slope steepness. Adding weight to the top of hills through development can destabilize the entire geologic formation.

**p. 99**

Recent years have also highlighted the propensity for wildfires in California. Intense heat from fires glazes soil with a wax-like surface layer that impedes water absorption. Without the benefits of absorption, water runoff pools and creates landslide-prone conditions.