



## City Council Staff Report

Date: January 20, 2010

LEGISLATIVE

Subject: AN AMENDMENT TO CHAPTER 8.04.015 OF THE PALM SPRINGS MUNICIPAL CODE TO AMEND APPENDIX J "GRADING" OF THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE TO CLARIFY GRADING DESIGNATIONS AND REQUIREMENTS

From: David H. Ready, City Manager

Initiated by: Public Works and Engineering Department

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### SUMMARY

Appendix Chapter 33 "Excavation and Grading" of the 2001 Edition of the California Building Code was replaced by Appendix J "Grading" of the 2007 Edition of the California Building Code. Appendix Chapter 33 clarified the designation of "engineered grading" and "regular grading", which were eliminated in Appendix J recently adopted by the City Council. It is necessary to incorporate the prior designations of "engineered grading" and "regular grading" into the City's adoption of the 2007 Edition of the California Building Code.

### RECOMMENDATION:

- 1) Waive the reading of the ordinance text in its entirety and read by title only.
- 2) Introduce on first reading Ordinance No. \_\_\_\_\_, "AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 8.04.015 OF THE PALM SPRINGS MUNICIPAL CODE FOR THE PURPOSE OF AMENDING APPENDIX J "GRADING" OF THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE TO CLARIFY GRADING DESIGNATIONS AND GRADING REQUIREMENTS."

### BACKGROUND:

On February 20, 2008, the City Council adopted Ordinance No. 1735, an Ordinance to adopt and amend the 2007 Edition of the California Building Code. Included in Council's adoption of Ordinance No. 1735 was an amendment to Section 8.04.015 "California Building Code - Additions, Amendments and Deletions" of the Palm Springs Municipal Code to incorporate references to grading plan designations. Specifically,

ITEM NO. 3.A.

Section 3, Item (25) of Ordinance No. 1735 incorporated a prior amendment to the 2001 Edition of the California Building Code to revise the designations of "engineered grading" and "regular grading" to be consistent with the policies of the Public Works and Engineering Department related to processing grading plans for development projects.

However, at the time Ordinance No. 1735 was adopted, staff did not realize that the new Appendix J "Grading" of the 2007 Edition of the California Building Code eliminated the sections contained in Appendix Chapter 33 "Excavation and Grading" of the 2001 Edition of the California Building Code which clarified the terms "engineered grading" and "regular grading". Therefore, staff is recommending that the City amend its adoption of the 2007 Edition of the California Building Code to incorporate Section 3309.3 "Grading Designation" and Section 3309.4 "Engineered Grading Requirements" of Appendix Chapter 33 "Excavation and Grading" of the 2001 Edition of the California Building Code, as previously amended by the City of Palm Springs, into Appendix J "Grading" of the 2007 Edition of the California Building Code.

Specifically, the amendment clarifies grading plan designations and requirements for the development community as follows:

- "Engineering Grading" – grading involving more than 2,000 cubic yards, a plan for which must be prepared by a California registered civil engineer and have all associated reports and data (soils report, hydrology report, etc.).
- "Regular Grading" – grading involving less than 2,000 cubic yards but more than 50 cubic yards, a plan for which must be prepared by an appropriately experienced design professional (engineer, architect, land surveyor, etc.) and have all associated reports and data (soils report, hydrology report, etc.) required for that particular grading plan. The City Engineer retains discretion to waive certain requirements if appropriate (i.e. soils report, hydrology study, etc.).
- Exempt Grading – grading involving less than 50 cubic yards, typical for construction of new single family homes on existing prepared pads on "in-fill" lots, requires no grading plan.


The Public Works and Engineering Department has been processing grading plans for private development in accordance with the general guidelines outlined above. Adoption of the proposed Ordinance will codify the Department's policy on designating grading and the associated requirements for grading plans.

FISCAL IMPACT:

None.

SUBMITTED:


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Attachments:

1. Section 8.04.015 "California Building Code – Additions, Amendments and Deletions" of the PSMC
2. Appendix Chapter 33 "Excavation and Grading" of the 2001 Edition of the California Building Code
3. Appendix J "Grading" of the 2007 Edition of the California Building Code
4. Ordinance

(22) Subsection 1509, Rooftop Structures, is amended by the addition of the following paragraph:

All roof top equipment, unless exempted by the building official, shall be provided with an approved six-inch high platform equipped with a sheet metal cover. Design of the platform shall be as per city detail or approved equal.

(23) Appendix Chapter 1, Administration, Subsection 105.2, Work Exempt from Permit is amended as follows: Under "Building" list, items 2, 3, 4, 5, 6, 8, 9, 10, 11 and 12 are deleted.

(24) The following is added to Appendix J, Grading:

For the purpose of administration and enforcement of this Appendix Chapter, Grading, the building official shall mean the director of public works or his or her designated representative.

(25) The following is added to Appendix J, Section J104.1:

Grading in excess of two thousand cubic yards shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than two thousand cubic yards shall be designated as "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case, grading shall conform to the requirements for engineered grading.

Exception: Grading in excess of two thousand cubic yards which is primarily of a landscaping and "fine grading" nature, where no flood hazard is present, may be termed "regular grading" at the discretion of the building official.

(26) The following paragraph is added to Appendix J, Section J104.2, Site Plan Requirements:

An effective means of dust control, which shall include provisions or adequate watering during the grading provisions for adequate watering during the grading process and provision for continuance of dust control after grading, until such time that the graded surface presents sufficient protective cover against wind or water erosion so that special dust control measures are no longer necessary.

(Ord. 1735 § 3, 2008; Ord. 1731 § 3, 2007; Ord. 1641 § 1, 2003; Ord. 1618 § 3, 2002; Ord. 1571 § 3, 1999; Ord. 1522 § 3, 1995; Ord. 1414 § 3, 1992; Ord. 1336 § 3, 1989; Ord. 1296 § 3, 1988)

## Appendix Chapter 33 EXCAVATION AND GRADING

### SECTION 3304 — PURPOSE

The purpose of this appendix is to safeguard life, limb, property and the public welfare by regulating grading on private property.

### SECTION 3305 — SCOPE

This appendix sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments; establishes the administrative procedure for issuance of permits; and provides for approval of plans and inspection of grading construction.

The standards listed below are recognized standards (see Sections 3503 and 3504).

#### 1. Testing.

- 1.1 ASTM D 1557, Moisture-density Relations of Soils and Soil Aggregate Mixtures
- 1.2 ASTM D 1556, In Place Density of Soils by the Sand-Cone Method
- 1.3 ASTM D 2167, In Place Density of Soils by the Rubber-Balloon Method
- 1.4 ASTM D 2937, In Place Density of Soils by the Drive-Cylinder Method
- 1.5 ASTM D 2922 and D 3017, In Place Moisture Contact and Density of Soils by Nuclear Methods

*The following California section replaces the corresponding model code section for applications specified by law for the Department of Housing and Community Development and the Office of Statewide Health Planning and Development.*

### SECTION 3305a — SCOPE

*[For HCD 1, OSHPD 1 & 2] This chapter sets forth rules and regulations to control excavation, grading and earthwork construction, including fills and embankments, and provides for approval of plans and inspection of grading construction.*

### SECTION 3306 — PERMITS REQUIRED

**3306.1 Permits Required.** Except as specified in Section 3306.2 of this section, no person shall do any grading without first having obtained a grading permit from the building official.

**3306.2 Exempted Work.** A grading permit is not required for the following:

1. When approved by the building official, grading in an isolated, self-contained area if there is no danger to private or public property.
2. An excavation below finished grade for basements and footings of a building, retaining wall or other structure authorized by a valid building permit. This shall not exempt any fill made with the material from such excavation or exempt any excavation having an unsupported height greater than 5 feet (1524 mm) after the completion of such structure.
3. Cemetery graves.

4. Refuse disposal sites controlled by other regulations.

5. Excavations for wells or tunnels or utilities.

6. Mining, quarrying, excavating, processing or stockpiling of rock, sand, gravel, aggregate or clay where established and provided for by law, provided such operations do not affect the lateral support or increase the stresses in or pressure upon any adjacent or contiguous property.

7. Exploratory excavations under the direction of soil engineers or engineering geologists.

8. An excavation that (1) is less than 2 feet (610 mm) in depth or (2) does not create a cut slope greater than 5 feet (1524 mm) in height and steeper than 1 unit vertical in 1½ units horizontal (66.7% slope).

9. A fill less than 1 foot (305 mm) in depth and placed on natural terrain with a slope flatter than 1 unit vertical in 5 units horizontal (20% slope), or less than 3 feet (914 mm) in depth, not intended to support structures, that does not exceed 50 cubic yards (38.3 m<sup>3</sup>) on any one lot and does not obstruct a drainage course.

Exemption from the permit requirements of this chapter shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this chapter or any other laws or ordinances of this jurisdiction.

### SECTION 3307 — HAZARDS

Whenever the building official determines that any existing excavation or embankment or fill on private property has become a hazard to life and limb, or endangers property, or adversely affects the safety, use or stability of a public way or drainage channel, the owner of the property upon which the excavation or fill is located, or other person or agent in control of said property, upon receipt of notice in writing from the building official, shall within the period specified therein repair or eliminate such excavation or embankment to eliminate the hazard and to be in conformance with the requirements of this code.

### SECTION 3308 — DEFINITIONS

For the purposes of this appendix, the definitions listed hereunder shall be construed as specified in this section.

**APPROVAL** shall mean that the proposed work or completed work conforms to this chapter in the opinion of the building official.

**AS-GRADED** is the extent of surface conditions on completion of grading.

**BEDROCK** is in-place solid rock.

**BENCH** is a relatively level step excavated into earth material on which fill is to be placed.

**BORROW** is earth material acquired from an off-site location for use in grading on a site.

**CIVIL ENGINEER** is a professional engineer registered in the state to practice in the field of civil works.

**CIVIL ENGINEERING** is 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.

**COMPACTION** is the densification of a fill by mechanical means.

**EARTH MATERIAL** is any rock, natural soil or fill or any combination thereof.

**ENGINEERING GEOLOGIST** is a geologist experienced and knowledgeable in engineering geology.

**ENGINEERING GEOLOGY** is 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.

**EROSION** is the wearing away of the ground surface as a result of the movement of wind, water or ice.

**EXCAVATION** is the mechanical removal of earth material.

**FILL** is a deposit of earth material placed by artificial means.

**GEOTECHNICAL ENGINEER.** See "soils engineer."

**GRADE** is the vertical location of the ground surface.

**Existing Grade** is the grade prior to grading.

**Finish Grade** is the final grade of the site that conforms to the approved plan.

**Rough Grade** is the stage at which the grade approximately conforms to the approved plan.

**GRADING** is any excavating or filling or combination thereof.

**KEY** is a designed compacted fill placed in a trench excavated in earth material beneath the toe of a proposed fill slope.

**PROFESSIONAL INSPECTION** is the inspection required by this code to be performed by the civil engineer, soils engineer or engineering geologist. Such inspections include that performed by persons supervised by such engineers or geologists and shall be sufficient to form an opinion relating to the conduct of the work.

**SITE** is any lot or parcel of land or contiguous combination thereof, under the same ownership, where grading is performed or permitted.

**SLOPE** is an inclined ground surface the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**SOIL** is naturally occurring superficial deposits overlying bedrock.

**SOILS ENGINEER (GEOTECHNICAL ENGINEER)** is an engineer experienced and knowledgeable in the practice of soils engineering (geotechnical) engineering.

**SOILS ENGINEERING (GEOTECHNICAL ENGINEERING)** is the application of the principles of soils mechanics in the investigation, evaluation and design of civil works involving the use of earth materials and the inspection or testing of the construction thereof.

**TERRACE** is a relatively level step constructed in the face of a graded slope surface for drainage and maintenance purposes.

## SECTION 3309 — GRADING PERMIT REQUIREMENTS

**3309.1 Permits Required.** Except as exempted in Section 3306 of this code, no person shall do any grading without first obtaining a grading permit from the building official. A separate permit shall be obtained for each site, and may cover both excavations and fills.

**3309.2 Application.** The provisions of Section 106.3.1 are applicable to grading. Additionally, the application shall state the estimated quantities of work involved.

**3309.3 Grading Designation.** Grading in excess of 5,000 cubic yards (3825 m<sup>3</sup>) shall be performed in accordance with the approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading." Grading involving less than 5,000 cubic yards (3825 m<sup>3</sup>) shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading.

**3309.4 Engineered Grading Requirements.** Application for a grading permit shall be accompanied by two sets of plans and specifications, and supporting data consisting of a soils engineering report and engineering geology report. The plans and specifications shall be prepared and signed by an individual licensed by the state to prepare such plans or specifications when required by the building official.

Specifications shall contain information covering construction and material requirements.

Plans shall be drawn to 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 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 that are within 15 feet (4572 mm) of the property or that may be affected by the proposed grading operations.
6. Recommendations included in the soils engineering report and the engineering geology report shall be incorporated in the grading plans or specifications. When approved by the building official, specific recommendations contained in the soils engineering report and the engineering geology report, which are applicable to grading, may be included by reference.
7. 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.

**3309.5 Soils Engineering Report.** The soils engineering report required by Section 3309.4 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 adequacy for the intended use of sites to be developed by the proposed grading as affected by soils engineering factors, including the stability of slopes.

**3309.6 Engineering Geology Report.** The engineering geology report required by Section 3309.4 shall include an adequate description of the geology of the site, conclusions and recommen-

dations 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.

**3309.7 Liquefaction Study.** The building official may require a geotechnical investigation in accordance with Sections 1804.2 and 1804.5 when, during the course of an investigation, all of the following conditions are discovered, the report shall address the potential for liquefaction:

1. Shallow ground water, 50 feet (15 240 mm) or less.
2. Unconsolidated sandy alluvium.
3. Seismic Zones 3 and 4.

**3309.8 Regular Grading Requirements.** Each application for a grading permit shall be accompanied by a plan in sufficient clarity to indicate the nature and extent of the work. The plans shall give the location of the work, the name of the owner and the name of the person who prepared the plan. The plan shall include the following information:

1. General vicinity of the proposed site.
2. Limiting dimensions and depth of cut and fill.
3. Location of any buildings or structures where work is to be performed, and the location of any buildings or structures within 15 feet (4572 mm) of the proposed grading.

**3309.9 Issuance.** The provisions of Section 106.4 are applicable to grading permits. The building official may require that grading

operations and project designs be modified if delays occur which incur weather-generated problems not considered at the time the permit was issued.

The building official may require professional inspection and testing by the soils engineer. When the building official has cause to believe that geologic factors may be involved, the grading will be required to conform to engineered grading.

**SECTION 3310 — GRADING FEES**

**3310.1 General.** Fees shall be assessed in accordance with the provisions of this section or shall be as set forth in the fee schedule adopted by the jurisdiction.

**3310.2 Plan Review Fees.** When a plan or other data are required to be submitted, a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be as set forth in Table A-33-A. Separate plan review fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. For excavation and fill on the same site, the fee shall be based on the volume of excavation or fill, whichever is greater.

**3310.3 Grading Permit Fees.** A fee for each grading permit shall be paid to the building official as set forth in Table A-33-B. Separate permits and fees shall apply to retaining walls or major drainage structures as required elsewhere in this code. There shall be no separate charge for standard terrace drains and similar facilities.

**TABLE A-33-A—GRADING PLAN REVIEW FEES**

50 cubic yards (38.2 m <sup>3</sup> ) or less	No fee
51 to 100 cubic yards (40 m <sup>3</sup> to 76.5 m <sup>3</sup> )	\$23.50
101 to 1,000 cubic yards (77.2 m <sup>3</sup> to 764.6 m <sup>3</sup> )	37.00
1,001 to 10,000 cubic yards (765.3 m <sup>3</sup> to 7645.5 m <sup>3</sup> )	49.25
10,001 to 100,000 cubic yards (7646.3 m <sup>3</sup> to 76 455 m <sup>3</sup> )—\$49.25 for the first 10,000 cubic yards (7645.5 m <sup>3</sup> ), plus \$24.50 for each additional 10,000 yards (7645.5 m <sup>3</sup> ) or fraction thereof.	
100,001 to 200,000 cubic yards (76 456 m <sup>3</sup> to 152 911 m <sup>3</sup> )—\$269.75 for the first 100,000 cubic yards (76 455 m <sup>3</sup> ), plus \$13.25 for each additional 10,000 cubic yards (7645.5 m <sup>3</sup> ) or fraction thereof.	
200,001 cubic yards (152 912 m <sup>3</sup> ) or more—\$402.25 for the first 200,000 cubic yards (152 911 m <sup>3</sup> ), plus \$7.25 for each additional 10,000 cubic yards (7645.5 m <sup>3</sup> ) or fraction thereof.	
<b>Other Fees:</b>	
Additional plan review required by changes, additions or revisions to approved plans (minimum charge—one-half hour)	\$50.50 per hour*

\*Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

TABLE A-33-B—GRADING PERMIT FEES<sup>1</sup>

50 cubic yards (38.2 m <sup>3</sup> ) or less	\$23.50
51 to 100 cubic yards (40 m <sup>3</sup> to 76.5 m <sup>3</sup> )	37.00
101 to 1,000 cubic yards (77.2 m <sup>3</sup> to 764.6 m <sup>3</sup> )—\$37.00 for the first 100 cubic yards (76.5 m <sup>3</sup> ) plus \$17.50 for each additional 100 cubic yards (76.5 m <sup>3</sup> ) or fraction thereof.	
1,001 to 10,000 cubic yards (765.3 m <sup>3</sup> to 7645.5 m <sup>3</sup> )—\$194.50 for the first 1,000 cubic yards (764.6 m <sup>3</sup> ), plus \$14.50 for each additional 1,000 cubic yards (764.6 m <sup>3</sup> ) or fraction thereof.	
10,001 to 100,000 cubic yards (7646.3 m <sup>3</sup> to 76 455 m <sup>3</sup> )—\$325.00 for the first 10,000 cubic yards (7645.5 m <sup>3</sup> ), plus \$66.00 for each additional 10,000 cubic yards (7645.5 m <sup>3</sup> ) or fraction thereof.	
100,001 cubic yards (76 456 m <sup>3</sup> ) or more—\$919.00 for the first 100,000 cubic yards (76 455 m <sup>3</sup> ), plus \$36.50 for each additional 10,000 cubic yards (7645.5 m <sup>3</sup> ) or fraction thereof.	
<b>Other Inspections and Fees:</b>	
1. Inspections outside of normal business hours (minimum charge—two hours)	\$50.50 per hour <sup>2</sup>
2. Reinspection fees assessed under provisions of Section 108.8	\$50.50 per hour <sup>2</sup>
3. Inspections for which no fee is specifically indicated (minimum charge—one-half hour)	\$50.50 per hour <sup>2</sup>

<sup>1</sup>The fee for a grading permit authorizing additional work to that under a valid permit shall be the difference between the fee paid for the original permit and the fee shown for the entire project.

<sup>2</sup>Or the total hourly cost to the jurisdiction, whichever is the greatest. This cost shall include supervision, overhead, equipment, hourly wages and fringe benefits of the employees involved.

### SECTION 3311 — BONDS

The building official may require bonds in such form and amounts as may be deemed necessary to ensure that the work, if not completed in accordance with the approved plans and specifications, will be corrected to eliminate hazardous conditions.

In lieu of a surety bond the applicant may file a cash bond or instrument of credit with the building official in an amount equal to that which would be required in the surety bond.

### SECTION 3312 — CUTS

**3312.1 General.** Unless otherwise recommended in the approved soils engineering or engineering geology report, cuts shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor cuts not intended to support structures.

**3312.2 Slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use and shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope) unless the permittee furnishes a soils engineering or an engineering geology report, or both, stating that the site has been investigated and giving an opinion that a cut at a steeper slope will be stable and not create a hazard to public or private property.

### SECTION 3313 — FILLS

**3313.1 General.** Unless otherwise recommended in the approved soils engineering report, fills shall conform to the provisions of this section.

In the absence of an approved soils engineering report, these provisions may be waived for minor fills not intended to support structures.

**3313.2 Preparation of Ground.** Fill slopes shall not be constructed on natural slopes steeper than 1 unit vertical in 2 units horizontal (50% slope). The ground surface shall be prepared to receive fill by removing vegetation, noncomplying fill, topsoil

and other unsuitable materials scarifying to provide a bond with the new fill and, where slopes are steeper than 1 unit vertical in 5 units horizontal (20% slope) and the height is greater than 5 feet (1524 mm), by benching into sound bedrock or other competent material as determined by the soils engineer. The bench under the toe of a fill on a slope steeper than 1 unit vertical in 5 units horizontal (20% slope) shall be at least 10 feet (3048 mm) wide. The area beyond the toe of fill shall be sloped for sheet overflow or a paved drain shall be provided. When fill is to be placed over a cut, the bench under the toe of fill shall be at least 10 feet (3048 mm) wide but the cut shall be made before placing the fill and acceptance by the soils engineer or engineering geologist or both as a suitable foundation for fill.

**3313.3 Fill Material.** Detrimental amounts of organic material shall not be permitted in fills. Except as permitted by the building official, no rock or similar irreducible material with a maximum dimension greater than 12 inches (305 mm) shall be buried or placed in fills.

**EXCEPTION:** The building official may permit placement of larger rock when the soils engineer properly devises a method of placement, and continuously inspects its placement and approves the fill stability. The following conditions shall also apply:

1. Prior to issuance of the grading permit, potential rock disposal areas shall be delineated on the grading plan.
2. Rock sizes greater than 12 inches (305 mm) in maximum dimension shall be 10 feet (3048 mm) or more below grade, measured vertically.
3. Rocks shall be placed so as to assure filling of all voids with well-graded soil.

**3313.4 Compaction.** All fills shall be compacted to a minimum of 90 percent of maximum density.

**3313.5 Slope.** The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes shall be no steeper than 1 unit vertical in 2 units horizontal (50% slope).

### SECTION 3314 — SETBACKS

**3314.1 General.** Cut and fill slopes shall be set back from site boundaries in accordance with this section. Setback dimensions shall be horizontal distances measured perpendicular to the site



boundary. Setback dimensions shall be as shown in Figure A-33-1.

**3314.2 Top of Cut Slope.** The top of cut slopes shall not be made nearer to a site boundary line than one fifth of the vertical height of cut with a minimum of 2 feet (610 mm) and a maximum of 10 feet (3048 mm). The setback may need to be increased for any required interceptor drains.

**3314.3 Toe of Fill Slope.** The toe of fill slope shall be made not nearer to the site boundary line than one half the height of the slope with a minimum of 2 feet (610 mm) and a maximum of 20 feet (6096 mm). Where a fill slope is to be located near the site boundary and the adjacent off-site property is developed, special precautions shall be incorporated in the work as the building official deems necessary to protect the adjoining property from damage as a result of such grading. These precautions may include but are not limited to:

1. Additional setbacks.
2. Provision for retaining or slough walls.
3. Mechanical or chemical treatment of the fill slope surface to minimize erosion.
4. Provisions for the control of surface waters.

**3314.4 Modification of Slope Location.** The building official may approve alternate setbacks. The building official may require an investigation and recommendation by a qualified engineer or engineering geologist to demonstrate that the intent of this section has been satisfied.

### SECTION 3315 — DRAINAGE AND TERRACING

**3315.1 General.** Unless otherwise indicated on the approved grading plan, drainage facilities and terracing shall conform to the provisions of this section for cut or fill slopes steeper than 1 unit vertical in 3 units horizontal (33.3% slope).

**3315.2 Terrace.** Terraces at least 6 feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris except that where only one terrace is required, it shall be at midheight. For cut or fill slopes greater than 60 feet (18 288 mm) and up to 120 feet (36 576 mm) in vertical height, one terrace at approximately midheight shall be 12 feet (3658 mm) in width. Terrace widths and spacing for cut and fill slopes greater than 120 feet (36 576 mm) in height shall be designed by the civil engineer and approved by the building official. Suitable access shall be provided to permit proper cleaning and maintenance.

Swales or ditches on terraces shall have a minimum gradient of 5 percent and must be paved with reinforced concrete not less than 3 inches (76 mm) in thickness or an approved equal paving. They shall have a minimum depth at the deepest point of 1 foot (305 mm) and a minimum paved width of 5 feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1254.2 m<sup>2</sup>) (projected) without discharging into a down drain.

**3315.3 Subsurface Drainage.** Cut and fill slopes shall be provided with subsurface drainage as necessary for stability.

**3315.4 Disposal.** All drainage facilities shall be designed to carry waters to the nearest practicable drainage way approved by the building official or other appropriate jurisdiction as a safe place to deposit such waters. Erosion of ground in the area of discharge shall be prevented by installation of nonerosive down-drains or other devices.

Building pads shall have a drainage gradient of 2 percent toward approved drainage facilities, unless waived by the building official.

**EXCEPTION:** The gradient from the building pad may be 1 percent if all of the following conditions exist throughout the permit area:

1. No proposed fills are greater than 10 feet (3048 mm) in maximum depth.
2. No proposed finish cut or fill slope faces have a vertical height in excess of 10 feet (3048 mm).
3. No existing slope faces steeper than 1 unit vertical in 10 units horizontal (10% slope) have a vertical height in excess of 10 feet (3048 mm).

**3315.5 Interceptor Drains.** Paved interceptor drains shall be installed along the top of all cut slopes where the tributary drainage area above slopes toward the cut and has a drainage path greater than 40 feet (12 192 mm) measured horizontally. Interceptor drains shall be paved with a minimum of 3 inches (76 mm) of concrete or gunite and reinforced. They shall have a minimum depth of 12 inches (305 mm) and a minimum paved width of 30 inches (762 mm) measured horizontally across the drain. The slope of drain shall be approved by the building official.

### SECTION 3316 — EROSION CONTROL

**3316.1 Slopes.** The faces of cut and fill slopes shall be prepared and maintained to control against erosion. This control may consist of effective planting. The protection for the slopes shall be installed as soon as practicable and prior to calling for final approval. Where cut slopes are not subject to erosion due to the erosion-resistant character of the materials, such protection may be omitted.

**3316.2 Other Devices.** Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

### SECTION 3317 — GRADING INSPECTION

**3317.1 General.** Grading operations for which a permit is required shall be subject to inspection by the building official. Professional inspection of grading operations shall be provided by the civil engineer, soils engineer and the engineering geologist retained to provide such services in accordance with Section 3317.5 for engineered grading and as required by the building official for regular grading.

**3317.2 Civil Engineer.** The civil engineer shall provide professional inspection within such engineer's area of technical specialty, which shall consist of observation and review as to the establishment of line, grade and surface drainage of the development area. If revised plans are required during the course of the work they shall be prepared by the civil engineer.

**3317.3 Soils Engineer.** The soils engineer shall provide professional inspection within such engineer's area of technical specialty, which shall include observation during grading and testing for required compaction. The soils engineer shall provide sufficient observation during the preparation of the natural ground and placement and compaction of the fill to verify that such work is being performed in accordance with the conditions of the approved plan and the appropriate requirements of this chapter. Revised recommendations relating to conditions differing from the approved soils engineering and engineering geology reports shall be submitted to the permittee, the building official and the civil engineer.

**3317.4 Engineering Geologist.** The engineering geologist shall provide professional inspection within such engineer's area of technical specialty, which shall include professional inspection of

the bedrock excavation to determine if conditions encountered are in conformance with the approved report. Revised recommendations relating to conditions differing from the approved engineering geology report shall be submitted to the soils engineer.

**3317.5 Permittee.** The permittee shall be responsible for the work to be performed in accordance with the approved plans and specifications and in conformance with the provisions of this code, and the permittee shall engage consultants, if required, to provide professional inspections on a timely basis. The permittee shall act as a coordinator between the consultants, the contractor and the building official. In the event of changed conditions, the permittee shall be responsible for informing the building official of such change and shall provide revised plans for approval.

**3317.6 Building Official.** The building official shall inspect the project at the various stages of work requiring approval to determine that adequate control is being exercised by the professional consultants.

**3317.7 Notification of Noncompliance.** If, in the course of fulfilling their respective duties under this chapter, the civil engineer, the soils engineer or the engineering geologist 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 permittee and to the building official.

**3317.8 Transfer of Responsibility.** If the civil engineer, the soils engineer, or the engineering geologist of record is changed during grading, the work shall be stopped until the replacement has agreed in writing to accept their responsibility within the area of technical competence for approval upon completion of the work. It shall be the duty of the permittee to notify the building official in writing of such change prior to the commencement of such grading.

## SECTION 3318 — COMPLETION OF WORK

**3318.1 Final Reports.** Upon completion of the rough grading work and at the final completion of the work, the following reports and drawings and supplements thereto are required for engineered grading or when professional inspection is performed for regular grading, as applicable.

1. An as-built grading plan prepared by the civil engineer retained to provide such services in accordance with Section 3317.5 showing original ground surface elevations, as-graded ground surface elevations, lot drainage patterns, and the locations and elevations of surface drainage facilities and of the outlets of subsurface drains. As-constructed locations, elevations and details of subsurface drains shall be shown as reported by the soils engineer.

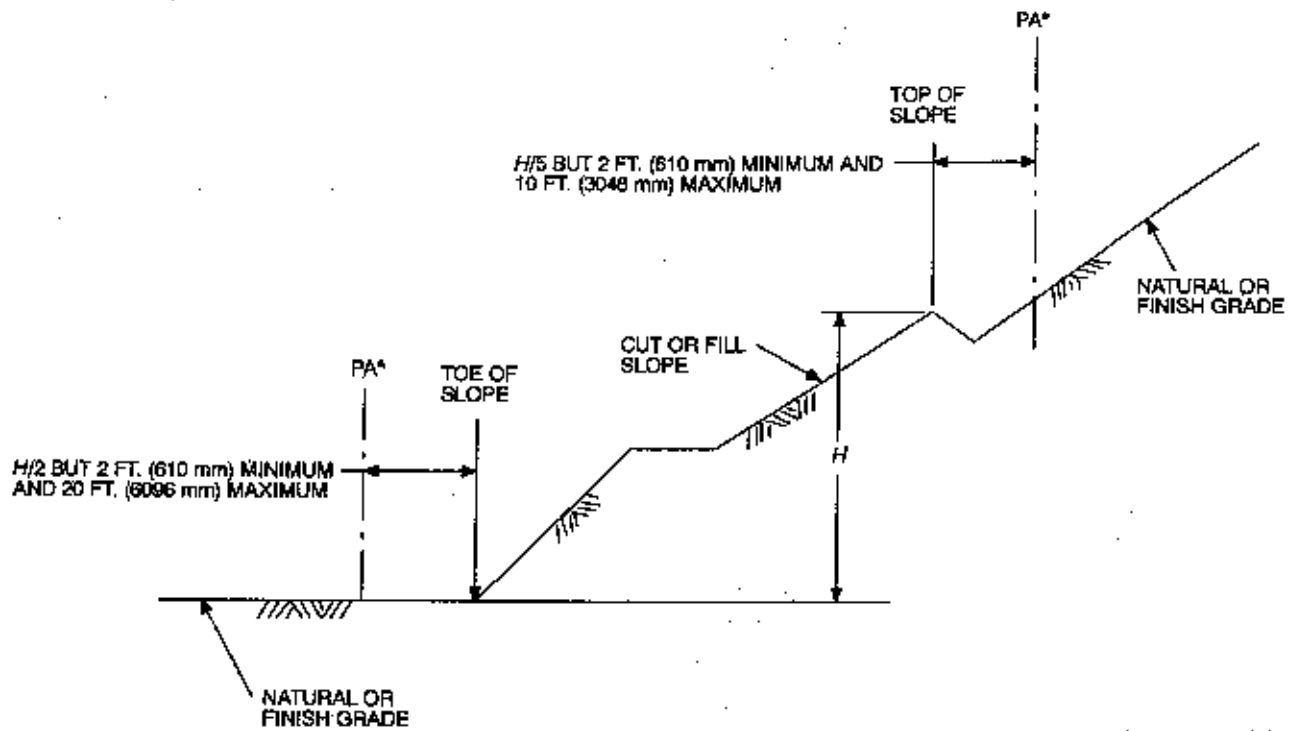
Civil engineers shall state that to the best of their knowledge the work within their area of responsibility was done in accordance with the final approved grading plan.

2. A report prepared by the soils engineer retained to provide such services in accordance with Section 3317.3, including locations and elevations of field density tests, summaries of field and laboratory tests, other substantiating data, and comments on any changes made during grading and their effect on the recommendations made in the approved soils engineering investigation report. Soils engineers shall submit a statement that, to the best of their knowledge, the work within their area of responsibilities is in accordance with the approved soils engineering report and applicable provisions of this chapter.

3. A report prepared by the engineering geologist retained to provide such services in accordance with Section 3317.5, including a final description of the geology of the site and any new information disclosed during the grading and the effect of same on recommendations incorporated in the approved grading plan. Engineering geologists shall submit a statement that, to the best of their knowledge, the work within their area of responsibility is in accordance with the approved engineering geologist report and applicable provisions of this chapter.

4. The grading contractor shall submit in a form prescribed by the building official a statement of conformance to said as-built plan and the specifications.

**3318.2 Notification of Completion.** The permittee shall notify the building official when the grading operation is ready for final inspection. Final approval shall not be given until all work, including installation of all drainage facilities and their protective devices, and all erosion-control measures have been completed in accordance with the final approved grading plan, and the required reports have been submitted.



\* PERMIT AREA BOUNDARY

FIGURE A-33-1—SETBACK DIMENSIONS

## APPENDIX J

# GRADING

*The provisions contained in this appendix are not mandatory unless specifically referenced in the adopting ordinance.*

### SECTION J101 GENERAL

**J101.1 Scope.** The provisions of this chapter apply to grading, excavation and earthwork construction, including fills and embankments. Where conflicts occur between the technical requirements of this chapter and the soils report, the soils report shall govern.

**J101.2 Flood hazard areas.** The provisions of this chapter shall not apply to grading, excavation and earthwork construction, including fills and embankments, in floodways within flood hazard areas established in Section 1612.3 or in flood hazard areas where design flood elevations are specified but floodways have not been designated, unless it has been demonstrated through hydrologic and hydraulic analyses performed in accordance with standard engineering practice that the proposed work will not result in any increase in the level of the base flood.

### SECTION J102 DEFINITIONS

**J102.1 Definitions.** For the purposes of this appendix chapter, the terms, phrases and words listed in this section and their derivatives shall have the indicated meanings.

**BENCH.** A relatively level step excavated into earth material on which fill is to be placed.

**COMPACTION.** The densification of a fill by mechanical means.

**CUT.** See Excavation.

**DOWN DRAIN.** A device for collecting water from a swale or ditch located on or above a slope, and safely delivering it to an approved drainage facility

**EROSION.** The wearing away of the ground surface as a result of the movement of wind, water or ice.

**EXCAVATION.** The removal of earth material by artificial means, also referred to as a cut.

**FILL.** Deposition of earth materials by artificial means.

**GRADE.** The vertical location of the ground surface.

**GRADE, EXISTING.** The grade prior to grading.

**GRADE, FINISHED.** The grade of the site at the conclusion of all grading efforts.

**GRADING.** An excavation or fill or combination thereof.

**KEY.** A compacted fill placed in a trench excavated in earth material beneath the toe of a slope.

**SLOPE.** An inclined surface, the inclination of which is expressed as a ratio of horizontal distance to vertical distance.

**TERRACE.** A relatively level step constructed in the face of a graded slope for drainage and maintenance purposes.

### SECTION J103 PERMITS REQUIRED

**J103.1 Permits required.** Except as exempted in Section J103.2, no grading shall be performed without first having obtained a permit therefor from the building official. A grading permit does not include the construction of retaining walls or other structures.

**J103.2 Exemptions.** A grading permit shall not be required for the following:

1. Grading in an isolated, self-contained area, provided there is no danger to the public, and that such grading will not adversely affect adjoining properties.
2. Excavation for construction of a structure permitted under this code.
3. Cemetery graves.
4. Refuse disposal sites controlled by other regulations.
5. Excavations for wells, or trenches for utilities.
6. Mining, quarrying, excavating, processing or stockpiling rock, sand, gravel, aggregate or clay controlled by other regulations, provided such operations do not affect the lateral support of, or significantly increase stresses in, soil on adjoining properties.
7. Exploratory excavations performed under the direction of a registered design professional.

Exemption from the permit requirements of this appendix shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

### SECTION J104 PERMIT APPLICATION AND SUBMITTALS

**J104.1 Submittal requirements.** In addition to the provisions of Section 105.3, *Appendix Chapter 1*, the applicant shall state the estimated quantities of excavation and fill.

**J104.2 Site plan requirements.** In addition to the provisions of Section 106, *Appendix Chapter 1*, a grading plan shall show the existing grade and finished grade in contour intervals of sufficient clarity to indicate the nature and extent of the work and show in detail that it complies with the requirements of this code. The plans shall show the existing grade on adjoining properties in sufficient detail to identify how grade changes will conform to the requirements of this code.

**J104.3 Soils report.** A soils report prepared by registered design professionals shall be provided which shall identify the nature and distribution of existing soils; conclusions and recommendations for grading procedures; soil design criteria for any structures or embankments required to accomplish the proposed grading; and, where necessary, slope stability studies, and recommendations and conclusions regarding site geology.

**Exception:** A soils report is not required where the building official determines that the nature of the work applied for is such that a report is not necessary.

**J104.4 Liquefaction study.** For sites with mapped maximum considered earthquake spectral response accelerations at short periods ( $S_1$ ) greater than 0.5g as determined by Section 1613, a study of the liquefaction potential of the site shall be provided, and the recommendations incorporated in the plans.

**Exception:**

1. A liquefaction study is not required where the building official determines from established local data that the liquefaction potential is low.
2. [OSHPD 1, 2 & 4] Exception 1 not permitted by OSHPD.

**SECTION J105  
INSPECTIONS**

**J105.1 General.** Inspections shall be governed by Section 109, Appendix Chapter 1, of this code.

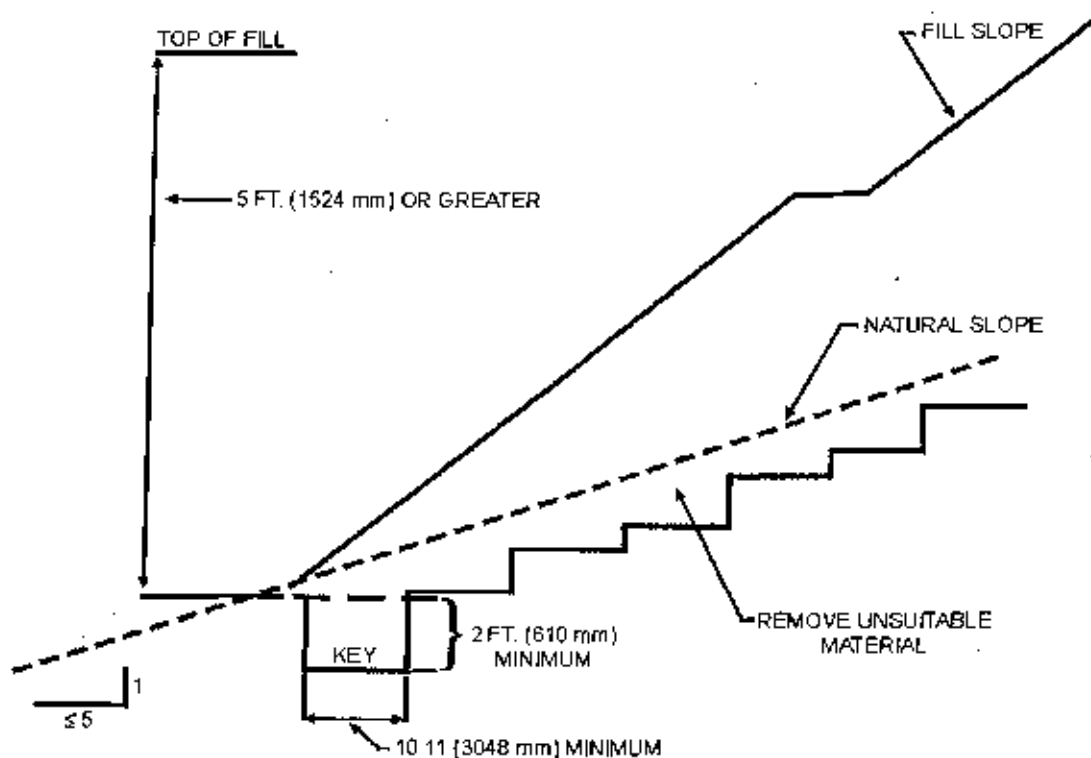
**J105.2 Special inspections.** The special inspection requirements of Section 1704.7 shall apply to work performed under a grading permit where required by the building official.

**SECTION J106  
EXCAVATIONS**

**J106.1 Maximum slope.** The slope of cut surfaces shall be no steeper than is safe for the intended use, and shall be no steeper than 2 horizontal to 1 vertical (50 percent) unless the applicant furnishes a soils report justifying a steeper slope.

**Exceptions:**

1. A cut surface may be at a slope of 1.5 horizontal to 1 vertical (67 percent) provided that all the following are met:
  - 1.1. It is not intended to support structures or surcharges.
  - 1.2. It is adequately protected against erosion.
  - 1.3. It is no more than 8 feet (2438 mm) in height.
  - 1.4. It is approved by the building official.
2. A cut surface in bedrock shall be permitted to be at a slope of 1 horizontal to 1 vertical (100 percent).



For SI: 1 foot = 304.8 mm.

**FIGURE J107.3  
BENCHING DETAILS**

## SECTION J107 FILLS

**J107.1 General.** Unless otherwise recommended in the soils report, fills shall conform to provisions of this section.

**J107.2 Surface preparation.** The ground surface shall be prepared to receive fill by removing vegetation, topsoil and other unsuitable materials, and scarifying the ground to provide a bond with the fill material.

**J107.3 Benching.** Where existing grade is at a slope steeper than 5 horizontal to 1 vertical (20 percent) and the depth of the fill exceeds 5 feet (1524 mm) benching shall be provided in accordance with Figure J107.3. A key shall be provided which is at least 10 feet (3048 mm) in width and 2 feet (610 mm) in depth.

**J107.4 Fill material.** Fill material shall not include organic, frozen or other deleterious materials. No rock or similar irreducible material greater than 12 inches (305 mm) in any dimension shall be included in fills.

**J107.5 Compaction.** All fill material shall be compacted to 90 percent of maximum density as determined by ASTM D 1557, Modified Proctor, in lifts not exceeding 12 inches (305 mm) in depth.

*[DSA-SS and OSHPD 1, 2 & 4] This section establishes minimum requirements only.*

**J107.6 Maximum slope.** The slope of fill surfaces shall be no steeper than is safe for the intended use. Fill slopes steeper than 2 horizontal to 1 vertical (50 percent) shall be justified by soils reports or engineering data.

## SECTION J108 SETBACKS

**J108.1 General.** Cut and fill slopes shall be set back from the property lines in accordance with this section. Setback dimensions shall be measured perpendicular to the property line and shall be as shown in Figure J108.1, unless substantiating data is submitted justifying reduced setbacks.

**J108.2 Top of slope.** The setback at the top of a cut slope shall not be less than that shown in Figure J108.1, or than is required to accommodate any required interceptor drains, whichever is greater.

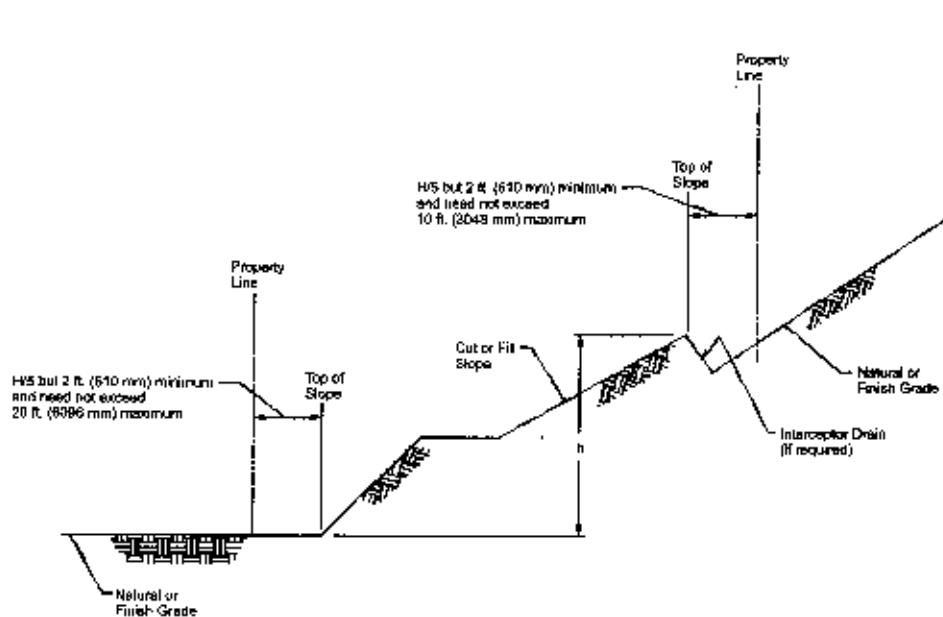
**J108.3 Slope protection.** Where required to protect adjacent properties at the toe of a slope from adverse effects of the grading, additional protection, approved by the building official, shall be included. Such protection may include but shall not be limited to:

1. Setbacks greater than those required by Figure J108.1.
2. Provisions for retaining walls or similar construction.
3. Erosion protection of the fill slopes.
4. Provision for the control of surface waters.

## SECTION J109 DRAINAGE AND TERRACING

**J109.1 General.** Unless otherwise recommended by a registered design professional, drainage facilities and terracing shall be provided in accordance with the requirements of this section.

**Exception:** Drainage facilities and terracing need not be provided where the ground slope is not steeper than 3 horizontal to 1 vertical (33 percent).



For SI: 1 foot = 304.8 mm.

FIGURE J108.1  
DRAINAGE DIMENSIONS

**J109.2 Terraces.** Terraces at least 6 feet (1829 mm) in width shall be established at not more than 30-foot (9144 mm) vertical intervals on all cut or fill slopes to control surface drainage and debris. Suitable access shall be provided to allow for cleaning and maintenance.

Where more than two terraces are required, one terrace, located at approximately mid-height, shall be at least 12 feet (3658 mm) in width.

Swales or ditches shall be provided on terraces. They shall have a minimum gradient of 20 horizontal to 1 vertical (5 percent) and shall be paved with concrete not less than 3 inches (76 mm) in thickness, or with other materials suitable to the application. They shall have a minimum depth of 12 inches (305 mm) and a minimum width of 5 feet (1524 mm).

A single run of swale or ditch shall not collect runoff from a tributary area exceeding 13,500 square feet (1256 m<sup>2</sup>) (projected) without discharging into a down drain.

**J109.3 Interceptor drains.** Interceptor drains shall be installed along the top of cut slopes receiving drainage from a tributary width greater than 40 feet (12 192 mm), measured horizontally. They shall have a minimum depth of 1 foot (305 mm) and a minimum width of 3 feet (915 mm). The slope shall be approved by the building official, but shall not be less than 50 horizontal to 1 vertical (2 percent). The drain shall be paved with concrete not less than 3 inches (76 mm) in thickness, or by other materials suitable to the application. Discharge from the drain shall be accomplished in a manner to prevent erosion and shall be approved by the building official.

**J109.4 Drainage across property lines.** Drainage across property lines shall not exceed that which existed prior to grading. Excess or concentrated drainage shall be contained on site or directed to an approved drainage facility. Erosion of the ground in the area of discharge shall be prevented by installation of nonerosive down drains or other devices.

## SECTION J110 EROSION CONTROL

**J110.1 General.** The faces of cut and fill slopes shall be prepared and maintained to control erosion. This control shall be permitted to consist of effective planting.

**Exception:** Erosion control measures need not be provided on cut slopes not subject to erosion due to the erosion-resistant character of the materials

Erosion control for the slopes shall be installed as soon as practicable and prior to calling for final inspection.

**J110.2 Other devices.** Where necessary, check dams, cribbing, riprap or other devices or methods shall be employed to control erosion and provide safety.

## SECTION J111 REFERENCED STANDARDS

ASTM D 1557-01	Test Method for Laboratory Compaction Characteristics of Soil Using Modified Effort [56,000 ft-lb/ft <sup>3</sup> (2,700kN-m/m <sup>3</sup> )].	J107.6
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ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PALM SPRINGS, CALIFORNIA, AMENDING SECTION 8.04.015 OF THE PALM SPRINGS MUNICIPAL CODE FOR THE PURPOSE OF AMENDING APPENDIX J "GRADING" OF THE 2007 EDITION OF THE CALIFORNIA BUILDING CODE TO CLARIFY GRADING DESIGNATIONS AND GRADING REQUIREMENTS.**

***City Attorney Summary***

*This Ordinance amends Ordinance No. 1735 and Section 8.04.015 of the Palm Springs Municipal Code to incorporate Sections 3309.3 "Grading Designation" and 3309.4 "Engineered Grading Requirements" of Appendix Chapter 33 "Excavation and Grading" of the 2001 Edition of the California Building Code.*

**WHEREAS**, the City Council of the City of Palm Springs, California, adopted Ordinance No. 1735 on February 20, 2008, an Ordinance to adopt and amend the 2007 Editions of the California Building Code; and

**WHEREAS**, Section 3 of Ordinance No. 1735 amended Section 8.04.015 "California Building Code – Additions, Amendments and Deletions" to incorporate references to grading plan designations; and

**WHEREAS**, Section 3309.3 "Grading Designation" and Section 3309.4 "Engineered Grading Requirements" of Appendix Chapter 33 "Excavation and Grading" of the 2001 Edition of the California Building Code were eliminated from Appendix J "Grading" of the 2007 Edition of the California Building Code; and

**WHEREAS**, it is necessary to incorporate Section 3309.3 "Grading Designation" and Section 3309.4 "Engineered Grading Requirements" of Appendix Chapter 33 "Excavation and Grading" of the 2001 Edition of the California Building Code, as previously amended by the City of Palm Springs, into Appendix J "Grading" of the 2007 Edition of the California Building Code.

**THE CITY COUNCIL OF THE CITY OF PALM SPRINGS DOES HEREBY ORDAIN AS FOLLOWS:**

**SECTION 1.** Section 8.04.015 "California Building Code – Additions, Amendments and Deletions" is hereby amended as follows:

Item (25) is hereby deleted and replaced with the following:

The following is added to Appendix J, Section J104.1 "Submittal Requirements":



**Grading Designation.** Grading in excess of 2,000 cubic yards shall be performed in accordance with an approved grading plan prepared by a civil engineer, and shall be designated as "engineered grading". Grading involving less than 2,000 but more than 50 cubic yards shall be performed in accordance with an approved grading plan prepared by an appropriate design professional as allowed by the building official, and shall be designated "regular grading" unless the permittee chooses to have the grading performed as engineered grading, or the building official determines that special conditions or unusual hazards exist, in which case grading shall conform to the requirements for engineered grading. Grading involving less than 50 cubic yards shall be exempt from the requirements for a grading plan, unless determined otherwise by the building official, in which case grading shall conform to the requirements for regular grading.

Exception: Grading in excess of 2,000 cubic yards which is primarily of a landscaping and "fine grading" nature, where no flood hazard is present, may be designated "regular grading" at the discretion of the building official.

The following is added to Appendix J, Section J104.2 "Site Plan Requirements":

**Engineered Grading Requirements.** Application for a grading permit shall be accompanied by sets of plans and specifications, and a soils report meeting the requirements of Section J104.3. The plans and specifications shall be prepared and signed by an individual licensed to practice as a civil engineer by the California Board of Professional Engineers and Land Surveyors.

Specifications, when required, shall contain information covering construction and material requirements.

Plans shall be drawn to scale 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. Specific requirements on the preparation of grading plans shall be established by the building official, which shall be published in a grading plan check sheet by the Public Works and Engineering Department.

**Regular Grading Requirements.** Application for a grading permit shall be accompanied by two sets of plans and specifications, and a soils report meeting the requirements of Section J104.3. The plans and specifications shall be prepared and signed by an individual appropriately licensed to practice civil engineering, architecture, or a similar field by the state of California, with experience preparing grading plans, or as allowed by the building official.

Plans and specifications for regular grading shall conform to the requirements for engineered grading; however, particular requirements in the grading plan check sheet published by the Public Works and Engineering Department may be waived at the

discretion of the building official given the particular nature of proposed grading designated as "regular grading".

**SECTION 2.** If any section or provision of this Ordinance is for any reason held to be invalid or unconstitutional by any court of competent jurisdiction, or contravened by reason of any preemptive legislation, the remaining sections and/or provisions of this ordinance shall remain valid. The City Council hereby declares that it would have adopted this Ordinance, and each section or provision thereof, regardless of the fact that any one or more section(s) or provision(s) may be declared invalid or unconstitutional or contravened via legislation.

**SECTION 3.** The Mayor shall sign and the City Clerk shall certify to the passage and adoption of this Ordinance and shall cause the same, or the summary thereof, to be published and posted pursuant to the provisions of law and this Ordinance shall take effect thirty (30) days after passage.

**[SIGNATURE PAGE FOLLOWS]**

ADOPTED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2010.

\_\_\_\_\_  
STEPHEN P. POUINET, MAYOR

ATTEST:

\_\_\_\_\_  
JAMES THOMPSON, CITY CLERK

APPROVED AS TO FORM:

\_\_\_\_\_  
DOUGLAS C. HOLLAND, CITY ATTORNEY

**CERTIFICATION**

STATE OF CALIFORNIA )  
COUNTY OF RIVERSIDE ) ss.  
CITY OF PALM SPRINGS )

I, JAMES THOMPSON, City Clerk of the City of Palm Springs, California, do hereby certify that Ordinance No. \_\_\_\_\_ is a full, true, and correct copy, and was introduced at a regular meeting of the Palm Springs City Council on \_\_\_\_\_, 2010, and adopted at a regular meeting of the City Council held on \_\_\_\_\_, 2010 by the following vote:

AYES:  
NOES:  
ABSENT:  
ABSTAIN:

\_\_\_\_\_  
James Thompson, City Clerk  
City of Palm Springs, California