

ORDINANCE NO. 11836  
(New Series)

MAY 5 1976

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1,  
OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING  
SECTION 91.02.0204 RELATING TO THE BOARD OF  
APPEALS AND ADVISORS.

WHEREAS, Sections 17922 and 17958 of the California Health and Safety Code provide that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in the most recent edition of The Uniform Building Code; and

WHEREAS, Sections 17958.5 and 17958.7 of the California Health and Safety Code provide that a city or county may make such changes or modifications in the requirements contained in The Uniform Building Code as it determines are reasonably necessary because of local conditions; and

WHEREAS, the Council of The City of San Diego expressly finds and declares that each amendment or change to The Uniform Building Code contained in this ordinance is needed to provide for local conditions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 1, of the San Diego Municipal Code be and it is hereby amended by amending Section 91.02.0204 to read as follows:

Revised  
4/14/76

**MICROFILMED**

MAY 10 1978

01485

SEC. 91.02.0204 SECTION 204 OF THE UNIFORM BUILDING  
CODE AMENDED

Section 204(a). General Provisions. There shall be a Board of Appeals and Advisors consisting of ten (10) members who are qualified by experience and training to pass upon matters pertaining to design and construction of buildings, fire prevention, and fire protection. The members of the Board shall be appointed in accordance with Section 43 of the Charter of The City of San Diego for two-year terms and until their successors have been appointed and qualified. However, appointments shall be scheduled so as to provide that no more than five terms shall expire in any year. The Director of Building Inspection, the Chief of the Fire Department and the City Attorney shall be ex officio members of the Board but they shall have no vote. The Director of Building Inspection or his appointed representative shall act as Secretary to the Board. The Board shall select a chairman from its membership annually, unless a chairman is appointed by the Mayor. Five members shall constitute a quorum for the transaction of business and a majority vote, but not less than four affirmative votes shall be necessary to pass any recommendation.

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(1) That strict application, operation or enforcement thereof would result in practical difficulty or unnecessary hardship; and

(2) The alternate materials or type of construction proposed is, for the purpose intended, at least equivalent to the requirements of these articles in quality, strength, effectiveness, fire resistance and durability, and also in providing for the public health and safety.

The Board may also conduct public hearings and make findings regarding unsafe structures.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Robert W. MacCartee  
Robert W. MacCartee  
Deputy City Attorney

RWM:lc:551  
2/18/76  
Or.Dept.:Fire

MICROFILMED

MAY 10 1978

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The Board shall adopt rules to govern its meetings and shall render its findings and recommendations in writing to the City Manager and to applicant for Board action. All officers and department heads of the City shall cooperate with the Board and render all reasonable assistance to it.

Section 204(b). Duties of the Board. On its own motion, or at the request of an application for Board action or where requested by the Director of Building Inspection or the Fire Chief, the Board shall investigate and advise as to the suitability of alternate materials and types of construction and shall recommend reasonable interpretations of the provisions of Chapter IX, Articles 1, 2, 3, and 4, and Chapter V, Article 5, of the San Diego Municipal Code. The Board may also conduct public hearings upon, and recommend to the City Council, the passage of new legislation pertaining to the design and construction of buildings, fire prevention and fire protection matters.

The Board may recommend approval of minor deviations from the provisions of Chapter IX, Articles 1, 2, 3, and 4, and Chapter V, Article 5, of the San Diego Municipal Code upon demonstration:

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MAY 10 1978

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MAY 5 1976

Passed and adopted by the Council of The City of San Diego on \_\_\_\_\_  
by the following vote:

Councilmen	Yeas	Nays	Excused	Absent
Gil Johnson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Maureen F. O'Connor	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Lee Hubbard	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jim Ellis	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Jess D. Haro	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Pete Wilson	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>

AUTHENTICATED BY:

PETE WILSON

Mayor of The City of San Diego, California.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

I HEREBY CERTIFY that the foregoing ordinance was not finally passed until twelve calendar days had elapsed between the day of its introduction and the day of its final passage, to wit, on

APR 21 1976

MAY 5 1976

~~I FURTHER CERTIFY that said ordinance was read in full prior to its final passage.~~

I FURTHER CERTIFY that the reading of said ordinance in full was dispensed with by a vote of not less than a majority of the members elected to the Council, and that there was available for the consideration of each member of the Council and the public prior to the day of its passage a written or printed copy of said ordinance.

EDWARD NIELSEN

City Clerk of The City of San Diego, California.

(Seal)

By Kathleen Martinez, Deputy.

RECEIVED  
CITY CLERK'S OFFICE  
1976 MAR -9 AM 10:18  
SAN DIEGO, CALIF.

MICROFILMED

MAY 10 1978

CC-1255-A (REV. 12-75)

Office of the City Clerk, San Diego, California

Ordinance  
Number

11836

Adopted

MAY 5 1976

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fw

ATTORNEY(S)

San Diego, City of  
202 C St., 12th Floor  
San Diego, CA 92101  
Attn: Kathleen Martinez

**CERTIFICATE OF PUBLICATION**

No.

IN THE MATTER OF

ORDINANCE AMENDING CHAPTER IX, ARTICLE 1

PATRICIA M. DUTRA

I, hereby certify  
that San Diego Daily Transcript is a daily newspaper of general  
circulation within the provisions of the Government Code of the  
State of California, printed and published in the City of San Diego,  
County of San Diego, State of California; that I am the principal  
clerk of said newspaper; and the

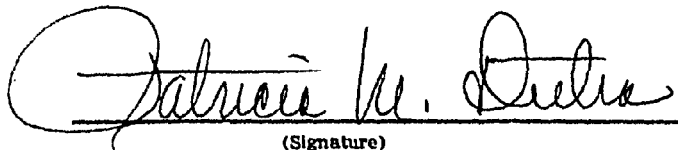
ORDINANCE NO. 11836

is a true and correct copy of which this certificate is annexed  
and was published in said newspaper on

May 20, 1976

I certify under penalty of perjury that the foregoing is true  
and correct, at San Diego, California, on

May 20, 1976



(Signature)

13 3/4" @ 4.84 = 66-55

01430

**ORDINANCE NO. 11836**

(New Series)

**AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 91.02.0201 RELATING TO THE BOARD OF APPEALS AND ADVISORS.**

WHEREAS, Sections 17922 and 17958 of the California Health and Safety Code provide that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in the most recent edition of The Uniform Building Code; and

WHEREAS, Sections 17958.5 and 17958.7 of the California Health and Safety Code provide that a city or county may make such changes or modifications in the requirements contained in The Uniform Building Code as it determines are reasonably necessary because of local conditions; and

WHEREAS, the Council of The City of San Diego expressly finds and declares that each amendment or change to The Uniform Building Code contained in this ordinance is needed to provide for local conditions; NOW, THEREFORE,

BE IT ORDAINED, by the Council of The City of San Diego, as follows:

Section 1. That Chapter IX, Article 1, of the San Diego Municipal Code be and it is hereby amended by amending Section 91.02.0201 to read as follows:

SEC. 91.02.0201 SECTION 201 OF THE UNIFORM BUILDING CODE AMENDED)

Section 201(a). General Provisions. There shall be a Board of Appeals and Advisors consisting of ten (10) members who are qualified by experience and training to pass upon matters pertaining to design and construction of buildings, fire prevention, and fire protection. The members of the Board shall be appointed in accordance with Section 13 of the Charter of The City of San Diego for two-year terms and until their successors have been appointed and qualified. However, appointments shall be scheduled so as to provide that no more than five terms shall expire in any year. The Director of Building Inspection, the Chief of the Fire Department and the City Attorney shall be ex officio members of the Board but they shall have no vote. The Director of Building Inspection or his appointed representative shall act as Secretary to the Board. The Board shall select a chairman from its membership annually, unless a chairman is appointed by the Mayor. Five members shall constitute a quorum for the transaction of business and a majority vote, but not less than four affirmative votes shall be necessary to pass any recommendation.

The Board shall adopt rules to govern its meetings and shall render its findings and recommendations in writing to the City Manager and to applicant for Board action. All officers and department heads of the City shall cooperate with the Board and render all reasonable assistance to it.

Section 201(b). Duties of the Board. On its own motion, or at the request of an applicant for Board action or where requested by the Director of Building Inspection or the Fire Chief, the Board shall investigate and advise as to the suitability of alternate materials and types of construction and shall recommend reasonable interpretations of the provisions of Chapter IX, Articles 1, 2, 3, and 4, and Chapter V, Article 5, of the San Diego Municipal Code. The Board may also conduct public hearings upon, and recommend to the City Council, the passage of new legislation pertaining to the design and construction, of buildings, fire prevention and fire protection matters.

The Board may recommend approval of minor deviations from the provisions of Chapter IX, Articles 1, 2, 3, and 4, and Chapter V, Article 5, of the San Diego Municipal Code upon demonstration:

- (1) That strict application, operation or enforcement thereof would result in practical difficulty or unnecessary hardship; and
- (2) The alternate material or type of construction proposed is, for the purpose intended, at least equivalent to the requirements of these articles in quality, strength, effectiveness, fire resistance and durability, and also in providing for the public health and safety.

The Board may also conduct public hearings and make findings regarding unsafe structures.

Section 2. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

Introduced on April 21, 1976.

Passed and adopted by the Council of The City of San Diego on May 5, 1976.

AUTHENTICATED BY:

PETE WILSON,  
Mayor of The City of San Diego, California.  
EDWARD NIELSEN,  
City Clerk of The City of San Diego, California.

By KATHLEEN MARTINEZ, Deputy

(SEAL)  
Pub. May 20, 1976

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Ord 11836 NS