

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 91.0701, 91.0703, 91.0704, AND 91.0705 RELATING TO SPECIAL BUILDING REGULATIONS PERTAINING TO DESIGNATED HISTORICAL BUILDINGS.

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

Section 1. That Chapter IX, Article 1, Division 7, of the San Diego Municipal Code be, and it is hereby amended by amending Sections 91.0701, 91.0703, 91.0704 and 91.0705 to read as follows:

SEC. 91.0701 PURPOSE AND SCOPE

The purpose of Sections 91.0701 through 91.0705 is to establish alternate building regulations to facilitate the restoration and productive use of designated historic buildings so as to preserve their original architectural elements and features, yet provide for the safety of the building occupants and the community.

SEC. 91.0702 LIMITATIONS

No provision of these sections shall be construed to authorize the development or use of any property in violation of any applicable provision of Chapter X of this Code.

SEC. 91.0703 DEFINITIONS

For the purpose of these sections, certain terms are defined as follows:

A. Historic Building is a building or structure designated by the City of San Diego Historical Site Board as a historic site.

B. Automatic Sprinkler System shall mean an automatic fire extinguishing system of a type conforming with Uniform Building Code Standard No. 38-1 and supervised by a central station approved by the Fire Chief.

C. Board means the Board of Appeals and Advisors, as provided for in Section 91.0704, except that for historic buildings or structures the Planning Director shall be an ex officio member of the Board, but shall have no vote.

SEC. 91.0704 REQUIREMENTS FOR RESTORATION, REHABILITATION, OR REPAIR OF HISTORIC BUILDINGS

A. Restoration, rehabilitation, or repair of Historic Buildings shall comply with all of the provisions of this chapter, or with deviations from such provisions, as provided herein.

B. Regardless of the location of a Historic Building, all requirements of this chapter pertaining to floor area, height, and fire-resistive construction, where applicable to such building, shall be those appropriate to buildings located in Fire Zone No. 3.

C. Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a Historic Building may be made without limitation on value and without conformance with other requirements of this chapter, to the extent authorized by the Board, provided:

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1. Any conditions which cause the building to be unsafe, as defined in Section 91.02.0203, are remedied as provided therein. For those buildings which may be unsafe because they are without the level of earthquake resistance specified in Section 91.02.0203, remedy of this particular condition may be deferred up to ten (10) years, provided the owner records an agreement acceptable to the City not to change the character of use of the building, as approved by the Board, so as to increase fire or life risk to the occupants during this period. The Board shall make the evaluation and determination of fire and life risk by considering those factors specified in Subsection D.

2. The number and total width of exits as required by this chapter, based upon the character of use, occupant load, and number of stories, are provided.

3. Corridors and shafts and other vertical openings through floors are enclosed as required by this chapter, or are provided with protection against the spread of fire and smoke determined by the Board to be reasonably equivalent.

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4. Exit signs and illumination, as required by this chapter, are provided.

5. Exit doors are openable from the inside without the use of a key or any special knowledge or effort, except as provided in this chapter.

6. Buildings that exceed the allowed height and/or area or do not meet the minimum fire resistance as required by this chapter, shall be provided with a complete automatic sprinkler system, or other suitable alternatives as determined by the Board.

7. Occupancy separations, reasonably equivalent to those required by this chapter, are provided.

8. Rooms or spaces containing boilers or central heating equipment are separated from the rest of the building, as required by this chapter.

9. Fire-detection, fire-alarm, and fire-extinguishing systems are provided when required by this chapter.

10. The building, when restored and rehabilitated, will, in the judgment of the Board, provide reasonable fire and life-safety to its occupants and the community.

D. The Board may, at its discretion, authorize a change in the character of use or occupancy of a Historic Building with such changes, alterations, or additions as it deems necessary to provide reasonable fire and life-safety, and under the conditions provided in paragraph C. In making its determination the Board shall consider the following:

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1. The occupant loads of the new use.
2. The probable mental and physical condition of the occupants in the new use.
3. The probable combustible material loadings for the new use.
4. The extent of hazardous operations and handling or use of flammable or explosive materials in the new use.
5. The vertical and lateral forces imposed on the building by materials and occupants in the new use.
6. Any other factors which are pertinent.

E. Discretionary decisions by the Board, made pursuant to this section, may be appealed to the Council.

SEC. 91.0705 PROCEDURE

A. Compliance Survey. An applicant requesting approval of restoration, rehabilitation, or repair of a Historic Building pursuant to these sections prior to submission of a building permit application, plans, and specifications, shall request a Compliance Survey Inspection as provided in this chapter.

B. Report of Structural Survey. If required by the Building Official, a report of structural survey shall be submitted by the applicant. Such report shall conform to the requirements of Section 91.02.0203(i) of this code, shall indicate clearly whether or not the building is an unsafe structure, and shall indicate any corrective measures where appropriate.

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C. Submission of Plans. Building plans and specifications defining the work necessary to make the Historic Building comply with the requirements of this chapter shall also be submitted to the Building Official with the permit application.

D. Completion of the Project. Upon satisfactory completion of all work required for rehabilitation pursuant to these sections, the Building Official may issue a Certificate of Occupancy.

E. Appeals. Authorization for discretionary deviations as provided for in Section 91.0704 C and D, shall be considered as appeals, and such appeals shall be made to the Board in accordance with the procedures and rules adopted by the Board. Appeals regarding Historic Buildings may be initiated by the Historical Site Board, the Planning Director, or the building owners.

APPROVED: JOHN W. WITT, City Attorney

By   
Frederick C. Conrad  
Chief Deputy City Attorney

FCC:clh  
REV. 10/26/77  
Or.Dept.:Planning  
634

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Passed and adopted by the Council of The City of San Diego on

**NOV 23 1977**

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 type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Leon L. Williams	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Floyd L. Morrow	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Tom Gade	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Joel M. Strobl	<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 checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY:

**PETE WILSON**

Mayor of The City of San Diego, California.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By Jan Johnson 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

**NOV 2 1977**

**NOV 23 1977**

, and on

~~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.

**CHARLES G. ABDELNOUR**

City Clerk of The City of San Diego, California.

(Seal)

By Jan Johnson Deputy

**MICROFILMED**

**OCT 5 1978**

Office of the City Clerk, San Diego, California

Ordinance  
Number

**12220**

Adopted

**NOV 23 1977**

*fw*

APPROVED BY(S)

San Diego, City of  
12th Floor, City Admin. Bldg.  
202 C St.  
San Diego, Ca 92101  
Attn: Jan Johnson

CERTIFICATE OF PUBLICATION

No. 12220

IN THE MATTER OF

SPECIAL BUILDING REGULATIONS

**ORDINANCE NO. 12220**

(New Section)

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, DIVISION 7, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTIONS 91.0701, 91.0703, 91.0704, AND 91.0705 RELATING TO SPECIAL BUILDING REGULATIONS PERTAINING TO DESIGNATED HISTORICAL BUILDINGS.

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**SEC. 91.0701 PURPOSE AND SCOPE**

The purpose of Sections 91.0701 through 91.0705 is to establish alternate building regulations to facilitate the restoration and productive use of designated historic buildings so as to preserve their original architectural elements and features, yet provide for the safety of the building occupants and the community.

**SEC. 91.0702 LIMITATIONS**

No provision of these sections shall be construed to authorize the development or use of any property in violation of any applicable provision of Chapter X of this Code.

**SEC. 91.0703 DEFINITIONS**

For the purpose of these sections, certain terms are defined as follows:

A. Historic Building is a building or structure designated by the City of San Diego Historical Site Board as a historic site.

B. Automatic Sprinkler System shall mean an automatic fire extinguishing system of a type conforming with Uniform Building Code Standard No. 28-1 and supervised by a central station approved by the Fire Chief.

C. Board means the Board of Appeals and Advisors, as provided for in Section 91.0704, except that for historic buildings or structures the Planning Director shall be an ex officio member of the Board, but shall have no vote.

I, **PATRICIA M. SPAULDING** hereby certify that the 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

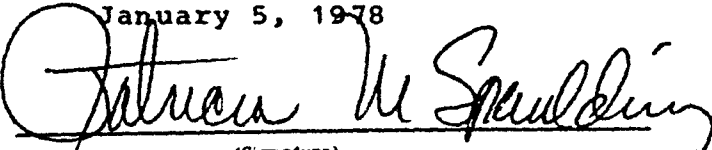
ORDINANCE NO. 12220

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

December 8, 1977

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

January 5, 1978

  
(Signature)

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**SECTION 91.0203. RESTORATION, REHABILITATION, OR REPAIR OF HISTORIC BUILDINGS**

shall comply with all of the provisions of this chapter, or with deviations from such provisions, as provided herein.

E. Regardless of the location of a Historic Building, all earthquake-resistant construction, where applicable to such building, shall be appropriate to buildings located in Fire Zone No. 3.

C. Repairs, alterations, and additions necessary for the preservation, restoration, rehabilitation, or continued use of a Historic Building may be made without limitation on value and without compliance with other requirements of this chapter, to the extent authorized by the Board, provided:

1. Any conditions which cause the building to be unsafe, as defined in Section 91.0203, are remedied as provided therein. For those buildings which may be unsafe because they are without the level of earthquake resistance specified in Section 91.0203, remedy of this particular condition may be deferred up to ten (10) years, provided the owner records an agreement with the City not to change the character of use of the building, as approved by the Board, so as to increase fire or life risk to the occupants during this period. The Board shall make the evaluation and determination of fire and life risk by considering those factors specified in Subsection D.

2. The number and total width of exits as required by this chapter, based upon the character of use, occupant load, and number of stories, are provided.

3. Corridors are protected and shafts and other vertical openings through floors are enclosed as required by this chapter, or are provided with protection against the spread of fire and smoke determined by the Board to be reasonably equivalent.

4. Exit signs and illumination, as required by this chapter, are provided.

5. Exit doors are openable from the inside without the use of a key or any special knowledge or effort, except as provided in this chapter.

6. Buildings that exceed the allowed height and/or area or do not meet the minimum fire resistance as required by this chapter, shall be provided with a complete automatic sprinkler system, or other suitable alternatives as determined by the Board.

7. Occupancy separations, reasonably equivalent to those required by this chapter, are provided.

8. Rooms or spaces containing boilers or central heating equipment are separated from the rest of the building, as required by this chapter.

9. Fire-detection, fire-alarm, and fire-extinguishing systems are provided when required by this chapter.

10. The building, when restored and rehabilitated, will, in the judgment of the Board, provide reasonable fire and life-safety to its occupants and the community.

D. The Board may, at its discretion, authorize a change in the character of use or occupancy of a Historic Building with such changes, alterations, or additions as it deems necessary to provide reasonable fire and life-safety, and under the conditions provided in paragraph C. In making its determination the Board shall consider the following:

1. The occupant loads of the new use.

2. The probable mental and physical condition of the occupants in the new use.

3. The probable combustible material loadings for the new use.

4. The extent of hazardous operations and handling or use of flammable or explosive materials in the new use.

5. The vertical and lateral forces imposed on the building by materials and occupants in the new use.

6. Any other factors which are pertinent.

E. Discretionary decisions by the Board, made pursuant to this section, may be appealed to the Council.

**SEC. 91.0704. PROCEDURE**

A. Compliance Survey. An applicant requesting approval of restoration, rehabilitation, or repair of a Historic Building pursuant to these sections prior to submission of a building permit application, plans, and specifications, shall request a Compliance Survey Inspection as provided in this chapter.

B. Report of Structural Survey. If required by the Building Official, a report of structural survey shall be submitted by the applicant. Such report shall conform to the requirements of Section 91.0203(B) of this code, shall indicate clearly whether or not the building is an unsafe structure, and shall indicate any corrective measures where appropriate.

C. Submission of Plans. Building plans and specifications defining the work necessary to make the Historic Building comply with the requirements of this chapter shall also be submitted to the Building Official with the permit application.

D. Completion of the Project. Upon satisfactory completion of all work required for rehabilitation pursuant to these sections, the Building Official may issue a Certificate of Occupancy.

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Introduced on November 2, 1977.  
Passed and adopted by the Council of The City of San Diego on November 23, 1977.

**AUTHENTICATED BY:**  
PETE WILSON,  
Mayor of The City of San Diego, California.  
CHARLES G. ABDELNOUR,  
City Clerk of The City of San Diego, California.  
By JAN JOHNSON, Deputy.

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FEB. DEC. 6. 1977

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