

(0-92-130 Cor. Copy)

ORDINANCE NUMBER 0- 17773 (NEW SERIES)

ADOPTED ON MAY 26 1992

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, SECTIONS 91.0101, 91.0103, 91.0104 AND 91.0106; BY AMENDING DIVISION 2, SECTIONS 91.0202, 91.0203, 91.0204 AND 91.0205; BY AMENDING DIVISION 3, SECTIONS 91.0301, 91.0302, 91.0303 AND 91.0304 AND BY ADDING SECTION 91.0305; BY AMENDING DIVISION 7, SECTION 91.0710; BY ADDING DIVISION 12, SECTION 91.1205; BY AMENDING DIVISION 18, SECTION 91.1807; BY AMENDING THE TITLE TO DIVISION 23 AND BY RENUMBERING AND AMENDING SECTION 91.2312; BY AMENDING DIVISION 29, SECTIONS 91.2903 AND 91.2905 AND BY ADDING SECTION 91.2918; BY AMENDING DIVISION 32, SECTION 91.3203; BY ADDING DIVISION 38, SECTIONS 91.3803 AND 91.3805; BY ADDING DIVISION 45, SECTION 91.4508; BY AMENDING THE TITLE TO DIVISION 84 AND AMENDING SECTIONS 91.8401, 91.8402, 91.8403, 91.8404, 91.8405, 91.8406 AND 91.8407; BY AMENDING DIVISION 86, SECTIONS 91.8602 AND 91.8604; BY AMENDING DIVISION 88, BY AMENDING SECTIONS 91.8801 AND 91.8802 AND BY REPEALING SECTIONS 91.8803, 91.8804, 91.8805, 91.8806 AND 91.8807, RELATING TO THE UNIFORM BUILDING CODE, 1991 EDITION.

WHEREAS, the Uniform Building Code, 1991 Edition, has been published by the International Conference of Building Officials; and

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 said 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 to the requirements contained in the Uniform Building Code as it determines are reasonably necessary because of specified local conditions; and

WHEREAS, certain amendments have been recommended by the City of San Diego Board of Appeals and Advisors as changes or modifications in the requirements of the Uniform Building Code which are reasonably necessary to provide for uniformity in San Diego County and to provide for local conditions and needs; and

WHEREAS, the Council of The City of San Diego finds and declares in accordance with Section 17958.5 of the California Health and Safety Code that the recommended amendments, additions, or deletions incorporate changes and modifications which are reasonably necessary because of specified local conditions; and

WHEREAS, the Council of The City of San Diego expressly finds and declares that each section of the Uniform Building Code, 1991 Edition, which has not been adopted by the City of San Diego, and each addition or amendment to the San Diego Municipal Code contained in this ordinance is needed to provide for such specified local conditions; NOW, THEREFORE,

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

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Section 1. That Chapter IX, Article 1, Division 1, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 91.0101, 91.0103, 91.0104 and 91.0106, to read as follows:

SEC. 91.0101 TITLE AND ADOPTION

(a) Title and Adoption. Subject to the exceptions listed in Section 91.0101(b) through (e), the "Uniform Building Code, 1991 Edition," and the Uniform Building Code Standards, 1991 Edition, insofar as applicable to the Uniform Building Code, 1991 Edition, both published by the International Conference of Building Officials, are hereby adopted and, taken together with the provisions of Chapter IX, Article 1 of the San Diego Municipal Code, shall be known as the Building Code of The City of San Diego, California (hereinafter "This Code"). This Code shall: regulate the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy, equipment, use, height, area and maintenance of all privately owned buildings or structures in the City of San Diego, California; provide for the issuance of permits and collection of fees therefor; and provide penalties for violations of This Code. Each of the regulations, provisions, penalties, conditions and terms of the "Uniform Building Code, 1991 Edition, and the Uniform Building Code Standards, 1991 Edition insofar as applicable to the Uniform Building Code, 1991 Edition, published by the International Conference

of Building Officials," are on file in the office of the City Clerk, as Documents No. 00-~~17773-1~~ and 00-~~17773-2~~ respectively, and are referred to, adopted and made a part of this Article as if fully set forth in this Article.

The adoption of the Uniform Building Code, 1991 Edition, shall in no way limit, prohibit, impede or prevent the City Council from adopting ordinances limiting or preventing the issuance of any type, number, or geographical distribution of permits for construction or demolition of any facility for which a permit is required.

(b) Chapters not Adopted. Chapter 31, entitled "Accessibility", of the Uniform Building Code, 1991 Edition, is not adopted by The City of San Diego.

(c) Sections not Adopted. The following Sections or Subsections of the Uniform Building Code, 1991 Edition, are not adopted by The City of San Diego:

SECTION 101 TITLE

SECTION 103 SCOPE

SECTION 104 APPLICATION TO EXISTING BUILDINGS AND STRUCTURES

(b) Additions, Alterations or Repairs

(c) Existing Installations

(e) Moved Buildings and Temporary Buildings

(f) Historic Buildings

SECTION 106 MODIFICATIONS

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SECTION 202 POWERS AND DUTIES OF BUILDING OFFICIAL

(c) Right of Entry

SECTION 203 UNSAFE BUILDINGS OR STRUCTURES

SECTION 204 BOARD OF APPEALS

SECTION 205 VIOLATIONS

SECTION 301 PERMITS

(b) Exempted Work

SECTION 302 APPLICATION FOR PERMIT

(b) Plans and Specifications

SECTION 303 PERMITS ISSUANCE

SECTION 304 FEES

SECTION 305 INSPECTIONS

(d) Approval Required

TABLE 3-A BUILDING PERMIT FEES

SECTION 2903 EXCAVATION AND FILLS

(a) General

SECTION 3203 ROOF COVERING REQUIREMENTS

SECTION 3803 SPRINKLER SYSTEM SUPERVISION ALARMS

SECTION 3805 STANDPIPES

(b) Where Required

TABLE 38-A STANDPIPE REQUIREMENTS

(d) Appendix Chapters Adopted. The following Appendix Chapters of the Uniform Building Code, 1991 Edition, are adopted by The City of San Diego. The remaining Appendix Chapters have not been adopted.

- CHAPTER 11 AGRICULTURAL BUILDINGS
- CHAPTER 29 WATERPROOFING AND DAMPPROOFING FOUNDATIONS
- CHAPTER 38 BASEMENT PIPE INLETS
- CHAPTER 49 PATIO COVERS
- CHAPTER 55 MEMBRANE STRUCTURES

(e) Appendix Sections not Adopted. The following Sections of the Uniform Building Code Appendix, 1991 Edition, are not adopted by The City of San Diego:

SECTION 2918 FLOOR WATERPROOFING

(b) Waterproofing Materials

(f) The last four digits of the section numbers adopted in This Code correspond to the Uniform Building Code, 1991 Edition, sections they replace.

SEC. 91.0103 SCOPE

The provisions of This Code shall apply to the construction, alteration, moving, demolition, repair and use of any privately owned building or structure within this jurisdiction, except work located primarily in a public way, public utility towers and poles, mechanical equipment not specifically regulated in This Code, and hydraulic flood control structures. The standards of This Code shall also apply to City-owned buildings.

Where in any specific case different sections of This Code specify different materials, methods of construction or other

requirements, the most restrictive shall govern. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall apply.

Wherever in the Uniform Building Code, 1991 Edition, reference is made to the Appendix, the provisions in the Appendix shall not apply unless specifically adopted as shown in Section 91.0101(d).

SEC. 91.0104 APPLICATION TO EXISTING BUILDINGS AND STRUCTURES

(a) Section 104(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Additions, Alterations, or Repairs.

(1) Except as provided in Section 91.0104(b)(2), additions, alterations, or repairs may be made to any building or structure without requiring the existing building or structure to comply with all the requirements of This Code, provided the addition, alteration, or repair conforms to that required for a new building or structure. Additions or alterations shall not be made to an existing building or structure which will cause the existing building or structure to be in violation of any of the provisions of This Code or to become unsafe. An unsafe condition is created when an addition or alteration would: cause the existing building or structure to become structurally unsafe or overloaded; not provide adequate egress in compliance

with the provisions of This Code; obstruct existing exits; create a fire hazard; reduce required fire resistance; or, otherwise create conditions dangerous to human life. Any alteration to an existing building which involves a change in its use or occupancy shall not be permitted if it would exceed the height, number of stories and area permitted for new buildings for that type of use or occupancy. Any building plus new additions shall not exceed the height, number of stories and area specified for new buildings for that type of use or occupancy. No additions or alterations shall be made to an existing building or structure when such existing building or structure is not in full compliance with the provisions of This Code, except when such addition or alteration will not result in the existing building or structure being any more hazardous based on life safety, fire safety and sanitation, than before such additions or alterations are to be undertaken. [See also Section 911(c), 1991 Uniform Building Code, for Group H, Division 6 Occupancies.]

(2) Exceptions:

(A) Alterations and repairs of existing buildings may allow for the replacement, retention, and extension of original materials and the continued use of original methods of construction, provided the building does not become or continue to be a substandard building as defined in Section 17920.3 of the California Health and Safety Code

and the alterations or repairs do not adversely affect any structural member or any part of the building or structure having required fire resistance.

(B) The addition of floors in existing buildings may be permitted if all of the following conditions are met to the satisfaction of the Building Official:

- (i) The building must be used for live/work quarters as defined in Section 17958.11 of the California Health and Safety Code, and the specific area of the floor addition shall be used only for living areas for live/work quarters.
- (ii) The floor area addition shall not exceed ten percent (10%) of the existing building's floor area and shall be located entirely within the existing building.
- (iii) A report of structural survey shall be submitted to the Building Official establishing that the building with the proposed floor additions is not subject to any greater risk of earthquake damage than it would have been under a previously permitted use without the floor additions.
- (iv) The owner of the building, binding its successors in interest, agrees in writing on a form provided by the Building Official to not hold the City liable for the expense of any alterations completed pursuant to this section if the City later

determines that a general structural reinforcement of the building is required. Such agreement shall be recorded with the County Recorder.

(v) The owner of the building, binding its successors in interest, agrees in writing on a form provided by the Building Official to remove all floors that have been added pursuant to this section if the building ceases to be used for live/work purposes. Such agreement shall be recorded with the County Recorder.

(C) On existing buildings the materials for replacement of glass and roof coverings and their installation shall meet the requirements for new installation on new buildings.

(c) Existing Installations. Buildings in existence at the time of the adoption of This Code may continue an existing use or occupancy if such use or occupancy was legal at the time of the adoption of This Code, provided such continued use is not dangerous to life.

Any change in the use or occupancy of any existing building or structure shall comply with the provisions of Sections 308 and 502 of the 1991 Uniform Building Code.

(d) Section 104(d) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(e) Moved Buildings and Temporary Buildings.

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(1) Except as provided in Section 91.0104(e)(2), buildings or structures moved into or relocated within the jurisdiction shall comply with the provisions of This Code for new buildings or structures.

(2) Exception for moved buildings. In moved dwellings, apartments, hotel buildings, and buildings or structures accessory thereto, the replacement, retention, and extension of original materials and the continued use of original methods of construction shall be allowed, provided the building is not, does not become, or does not continue to be a substandard building as defined in Section 17920.3 of the California Health and Safety Code. However, the on-site construction necessary for the foundation and utility connections shall comply with applicable requirements for new construction.

(3) Temporary buildings or structures such as reviewing stands and other miscellaneous structures, sheds, canopies or fences used for the protection of the public around and in conjunction with construction work may be erected by special permit from the Building Official for a limited period of time. Temporary buildings or structures need not comply with the type of construction or fire-resistive time periods required by This Code. Temporary buildings or structures shall be completely removed upon the expiration of the time limit stated in the permit.

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(f) Pursuant to Section 91.0101(b), Section 104(f) of the 1991 Uniform Building Code has not been adopted. Title 24, Part 8, California Code of Regulations govern restoration of historic buildings.

SEC. 91.0106 MODIFICATIONS OR DEVIATIONS

Whenever there are practical difficulties involved in carrying out the provisions of This Code, the Building Official may grant modifications or minor deviations for individual cases. The Building Official shall first find that a special individual reason makes the strict letter of This Code impractical and that the modification or deviation is in conformity with the intent and purpose of This Code and that such modification or deviation does not lessen any fire protection requirements or any degree of structural integrity. The details of any action granting modifications or deviations shall be recorded and entered in the files of the Building Inspection Department.

The Building Official may require the recordation of documents with the County Recorder as necessary to effectively enforce the requirements of This Code.

Section 2. That Chapter IX, Article 1, Division 2, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 91.0202, 91.0203, 91.0204 and 91.0205, to read as follows:

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SEC. 91.0202 POWERS AND DUTIES OF BUILDING OFFICIAL

(a) Section 202(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Section 202(b) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(c) Right of Entry. The Building Official or authorized representative may enter the building or premises at reasonable times to inspect or to perform the duties required by This Code:

- (1) when it is necessary to make an inspection to enforce the provisions of This Code; or,
- (2) when the Building Official or authorized representative has reasonable cause to believe that a condition exists in a building or upon a premises which is contrary to or in violation of This Code, or which makes the building or premises unsafe, substandard, dangerous or hazardous; or,
- (3) for the purpose of determining if a building is of unreinforced masonry bearing wall construction.

If such building or premises is occupied, credentials shall be presented to the occupant and entry requested. If such building or premises is unoccupied, the Building Official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the Building

Official, or authorized representative, shall have recourse to the remedies provided by law to secure entry.

(d) Section 202(d), (e), (f) and (g) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

**SEC. 91.0203 UNSAFE, SUBSTANDARD OR DANGEROUS
BUILDINGS OR STRUCTURES**

(a) Declaration and Purpose. The Council finds and declares that unsafe, substandard and dangerous buildings or structures, as defined in Section 91.0203, are public nuisances by virtue of their conditions or defects to the extent that the life, health, property or safety of the public or its occupants are endangered. The Council further finds and declares that immediate abatement of unsafe, substandard or dangerous buildings or structures by repair, rehabilitation, demolition or removal is necessary to protect and preserve the safety of the citizens and communities where such structures are found. The procedures established in this section shall be in addition to any other legal remedy, criminal or civil, established by law which may be pursued to address violations of this Municipal Code. This section does not affect or alter other nuisance abatement procedures established in this Municipal Code.

(b) Definitions. For purposes of Section 91.0203, the following terms are defined below:

"Dangerous Building" or "Dangerous Structure" means any building, structure, or portion thereof, which threatens the life, health, safety or property of the public or its occupants by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.

"Substandard Building" or "Substandard Structure" means any building or structure as defined within Health and Safety Code Section 17920.3.

"Unsafe Building" or "Unsafe Structure" means any building or structure which satisfies, in whole or in part, any or all of the conditions listed in Section 91.0203(c) (2).

(c) Conditions Causing a Dangerous or Unsafe Building or Structure.

(1) The physical or structural conditions which may cause a structure to be classified as a "dangerous building" or "dangerous structure" include, but are not limited to, the following conditions:

(A) The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe as to not provide a safe and adequate means of exit in case of fire or panic;

(B) Any portion, member or appurtenance of the building or structure has been damaged by fire, earthquake, wind, flood or by any other cause, to such an extent that it

is likely to partially or completely collapse, fail, detach or dislodge;

- (C) The building or structure, or any portion thereof, is likely to partially or completely collapse because of:
- (i) dilapidation, deterioration or decay;
 - (ii) faulty construction;
 - (iii) the removal, movement or instability of any portion of the ground necessary for the purpose of supporting such building;
 - (iv) the deterioration, decay or inadequacy of its foundation; or,
 - (v) any other cause;
- (D) The building or structure has been so damaged by fire, wind, earthquake or flood or has become so dilapidated or deteriorated as to become an attractive nuisance or a harbor for transients, vagrants, or criminals or to enable persons to commit unlawful acts;
- (E) A building or structure used or intended to be used for dwelling purposes which, because of inadequate maintenance, dilapidation, decay, damage, faulty construction or arrangement, inadequate light, air or sanitation facilities or otherwise, is unsanitary, unfit for human habitation or in a condition likely to cause sickness or disease;
- (F) The building or structure creates a fire hazard by virtue of its obsolescence, dilapidated condition, deterioration, damage, inadequate exiting, lack of sufficient fire-resistive construction, faulty electric

wiring, gas connections or heating apparatus, or other cause;

(G) The building or structure constitutes a public nuisance as defined by law;

(H) A portion of a building or structure (including the foundation and slab on grade) remains on a site after the demolition or destruction of the building or structure, or any building or structure which has been abandoned for a period in excess of six (6) months in such a manner so as to constitute an attractive nuisance or hazard to the public;

(I) The exits of the building or means of exiting do not conform with the applicable provisions of the Municipal Code regarding the number of exits, their width or any other features which may cause a hazard to the life or safety of the occupants or general public;

(J) The presence of defective or overloaded electrical systems, faulty or leaking fuel piping systems, or deteriorated fuel combustion equipment or combustion product vents;

(K) The existing use or occupancy violates the fire, health or building regulations of the Municipal Code.

(2) The conditions which may cause a structure to be classified as an "unsafe building" or "unsafe structure"

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include, but are not limited to, any one of the following conditions:

- (A) It contains one or more structural components which cannot withstand 100 percent of the vertical design loads specified in This Code for the actual use of the building. For buildings constructed prior to 1951, the vertical load-carrying capacity shall meet the design criteria set forth in either the 1949 Edition of the Uniform Building Code, or a more recent edition. For buildings constructed or altered in 1951 or later the vertical load-carrying capacity shall meet the design criteria set forth in either the applicable edition of the Uniform Building Code in effect when the building was constructed or altered, or a more recent edition. In lieu of engineering analysis, the load-carrying capacity for flexural floor or roof members may be demonstrated by a load test, provided the amount of load and procedure used are first approved by the Building Official;
- (B) It contains one or more structural components of the lateral load resisting system which cannot withstand 25 percent of the wind or earthquake forces specified in This Code. The lateral load-carrying capacity for buildings constructed prior to 1951 shall meet the design criteria set forth in either the 1949 Edition of the Uniform Building Code, or a more recent edition. For

buildings constructed or altered in 1951 or later, the lateral load-carrying capacity shall meet the design criteria set forth in either the applicable edition of the Uniform Building Code in effect when the building was constructed or altered, or a more recent edition;

(C) It contains parapet walls or other building appendages which are not capable of resisting the wind or earthquake forces specified in This Code. The lateral load-carrying capacity shall be determined in the same manner for structural components as specified in Section 91.0203(c)(2)(B).

(d) Procedures: Notice and Order.

(1) Whenever the Building Official determines that a building, structure or any portion thereof is an unsafe, substandard or dangerous building or structure as defined in Section 91.0203, the Building Official may issue a written Notice and Order to the record owner or the person in possession of the building to abate this public nuisance.

(2) The Notice and Order shall contain a description of the property in general terms reasonably sufficient to identify the location of the property.

(3) The Notice and Order shall refer to San Diego Municipal Code Section 91.0203 and list the conditions of the property which render the structure or building an unsafe, substandard or dangerous building.

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(4) The Notice and Order shall describe the action required to abate the public nuisance, which may include the following:

- (A) Repair and Rehabilitation: If the Building Official determines that the building or structure can be reasonably repaired, the written Notice and Order shall require that all necessary permits be obtained and the work physically commenced within a reasonable time under the circumstances, not to exceed sixty (60) days from the date of this notice. The Building Official shall also establish a deadline to complete all repairs within a reasonable time.
- (B) Demolition: If the Building Official determines that the building or structure cannot be reasonably repaired, the Notice and Order shall require that all necessary permits be secured within thirty (30) days of this notice and that demolition shall be completed within a reasonable period of time not to exceed sixty (60) days from the date of this notice.
- (C) Vacation of Tenants: If the Building Official determines that vacation of the structure is necessary for demolition or repairs, the Notice and Order shall require the vacation of the structure within a reasonable period of time not to exceed sixty (60) days from the date of this notice; that all necessary permits be secured within sixty (60) days from the

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date of this notice; and, that demolition or repairs be completed within a reasonable time as determined by the Building Official.

(D) Clean and Secure: Until the owner starts actual repairs, rehabilitation or demolition, and after vacation is complete, the Notice and Order shall require the owner to immediately clean and secure the property according to the procedures and standards enacted in San Diego Municipal Code Sections 55.0311.0601 and 55.0102.0201.

(5) Statement of Intent: This Notice and Order shall require the owner, within ten (10) calendar days from the date this notice is mailed, to provide the Building Official with a written statement of the owner's intent to abate the public nuisance or file a notice of appeal as provided for in this section.

(6) The Notice and Order shall also explain the consequences should the owner fail to comply with the terms of this notice as prescribed in this section.

(7) The Notice and Order shall notify the owner of all hearing and appeal rights, which shall include: the right to notice; the right to be present or be represented; to present and examine all evidence and testimony, provided, however, that the formal rules of evidence shall not apply. Hearsay is admissible if corroborated or is of the nature

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that normally prudent persons would rely upon in carrying out their business affairs.

(8) The Notice and Order, and any amended or supplemental Notice and Order, shall be served upon the record owner or their agent or the person in possession of the property by any one of the following means:

- (A) Personal service;
- (B) Certified mail, postage prepaid, return receipt requested; or
- (C) Posting the Notices and Order conspicuously on or in front of the property.

The failure of any person with an interest in the property to receive actual notice shall not affect the validity of any proceedings taken under Section 91.0203. Service by certified mail in the manner described above shall be effective on the date of mailing.

(e) Failure to Comply. If the required work or demolition is not commenced within the time specified in the Notice and Order or is not performed in compliance with all applicable regulations, the Building Official may:

- (1) Order the building vacated and posted to prevent further occupancy until the work is completed; and
- (2) Clean and secure the building or structure in accord with the standards and procedures enacted in San Diego

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Municipal Code Sections 55.0311.0601 and 55.0102.0201;
and

(3) Schedule a Demolition Hearing before a City Manager's Hearing Officer to declare the structure a public nuisance and order its demolition by city work forces or a private contractor; and

(4) Make such minimal emergency repairs as necessary to eliminate any imminent life safety hazard.

(f) Recordation of Notice and Order. If the owner fails to comply with the Notice and Order within the time specified, and no appeal has been properly and timely filed, the Building Official shall file in the Office of the County Recorder a certificate describing the property and certifying that: (i) the building is an unsafe, substandard or dangerous building or structure, as applicable; and (ii) notice has been provided to the owner or person in possession of the property.

Whenever the corrections ordered in the Notice and Order have been completed or the building is demolished the Building Official shall file a new certificate with the County Recorder certifying that the building is no longer an unsafe, substandard or dangerous building or structure.

(g) Repair, Vacation and Demolition.

(1) Standards: The Building Official shall apply the following standards in ordering the repair, vacation or

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demolition of any unsafe, substandard or dangerous building or structure:

- (A) The building or structure shall be repaired in accordance with the most recent building code. No building designated as historical may be demolished pursuant to Section 91.0203. The owner shall ensure that any historical building corrective action complies with all applicable state and local regulations and ordinances.
- (B) The owner of the property, in cooperation with the Building Official, shall assist in the relocation of any tenants which are displaced as a result of this abatement process.

(2) Posting of Signs:

- (A) Once the Building Official orders the vacation of tenants or once the building is secured pursuant to the regulations in Municipal Code Sections 55.0311.0601 and 55.0102.0201, signs in substantially the following form shall be posted at or near each entrance of the building:

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DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this
building

or to remove or deface this notice

(SDMC SEC.91.0203)

Director of Building Inspection

City of San Diego

- (B) Order: The notice of vacation shall also be posted and it shall recite the conditions in the notice issued by the Building Official under Section 91.0203(d).
- (C) Trespass: No person shall remain in or enter any building which has been so posted, except that entry may be made to repair or demolish such building under proper permit.
- (D) Defacement: No person shall remove or deface any such sign or notice after it is posted until the required repairs have been completed and a Certificate of Occupancy issued pursuant to the provisions of the

Building Code or until demolition is finished and all debris removed pursuant to the demolition permit.

(h) Appeal of Building Official's Notice. Any person having any record title or legal interest in the property, building or structure may appeal from the Notice and Order or any action or determination made by the Building Official. The notice to appeal must be made in writing and filed with the Building Official within ten (10) calendar days from the date the first Notice and Order is mailed.

(1) Processing of Appeal: As soon as practicable after receiving the written notice of appeal, the Building Official shall refer the matter to the City Manager who shall appoint a Hearing Officer and fix a date, time and place for the hearing. Written notice of the time and place of the hearing shall be served at least seven (7) calendar days prior to the date of the hearing to each party having a legal interest in the property by any of the methods listed in Section 91.0203(d)8.

(2) Effect of Failure to Appeal: Failure of any person to file an appeal in accordance with the provisions of Section 91.0203(h) shall constitute a waiver of his or her right to an administrative hearing and adjudication of the Notice and Order or any portion thereof.

(3) Scope of Hearing on Appeal: The City Manager's Hearing Officer shall consider any written or oral evidence

consistent with its rules and procedures for public hearings regarding the following issues:

- (A) The Building Official shall present information relating to the condition of the property, the respective health and safety hazards and the appropriate means of abatement.
- (B) The owner or agent or person in possession of the property or any other interested person may present testimony or evidence concerning the condition of the property, existence of a public nuisance and means and time frame for correction. If the owner provides a structural survey, it must conform with applicable standards promulgated by the Building Inspection Department and submitted on their approved form.

(4) Stay of Order Pending Appeal: Except where the circumstances require emergency action to abate an imminent hazard or vacate the tenants or secure the building, enforcement of any Notice and Order of the Building Official issued under Section 91.0203 shall be stayed during the pendency of a proper and timely filed appeal.

(5) Procedures for Conducting Hearings: The City Manager shall establish and promulgate all appropriate rules and procedures for conducting hearings and rendering decisions pursuant to this section.

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(6) Final Administrative Order: The decision of the City Manager's Hearing Officer regarding any appeal is the final administrative order and decision.

(i) Demolition Hearing. Upon the failure of the owner or their agent to demolish the property by the date specified in the Notice and Order, the Building Official shall refer the matter to the City Manager for a Demolition Hearing.

(1) Notice: As soon as practicable after the deadline expires in the Building Official's Notice and Order, the City Manager shall fix a date, time and place for the Demolition Hearing. The hearing date shall be not less than ten (10) calendar days nor more than sixty (60) calendar days from the date the Building Official requests the Demolition Hearing. Written notice of the time and place of the hearing shall be given at least ten (10) calendar days prior to the hearing date to each party having an interest in the property. The notice of the Demolition Hearing shall be served in the same manner as described in Section 91.0203(d)8.

(2) Scope: The City Manager's Hearing Officer shall consider any written or oral evidence consistent with its rules and procedures for public hearings regarding the issues of whether the building or structure is a public nuisance and whether demolition is a reasonable remedy to abate the nuisance under the circumstances.

(A) The Building Official shall present information relating to the condition of the property, the respective health and safety hazards and the justifications for demolition.

(B) The owner or agent or person in possession of the property or any other person with a legal interest may present testimony or evidence concerning the existence of a public nuisance and whether demolition is necessary. If the owner provides a structural survey, it must conform with applicable standards promulgated by the Building Inspection Department and submitted on their approved form.

(3) Decision: The City Manager's Hearing Officer may confirm the determination of the Building Official that a public nuisance exists by virtue of the status as an unsafe, substandard or dangerous building or structure and that demolition is the appropriate remedy under the circumstances. The decision of the City Manager's Hearing Officer is the final administrative order.

(4) Owner's Response: The owner or agent or person in possession of the premises, however, may obtain proper permits and demolish the building or structure within seven (7) calendar days after the Hearing Officer orders demolition.

(5) Demolition: In the event the owner or agent or person in possession of the property does not abate the conditions determined to be a public nuisance, the building or

structure shall be demolished by personnel designated by the City Manager or by the City's private contractor.

(j) Enforcement of Notice and Order.

(1) Failure to Obey: Once any Notice and Order of the Building Official or the City Manager's Hearing Officer made pursuant to Section 91.0203 becomes final, it is unlawful for any person to whom the order is directed to fail, neglect or refuse to obey any such order. If, after any such Notice and Order of the Building Official or decision by the City Manager's Hearing Officer is served pursuant to Section 91.0203, the person to whom such order is directed fails, neglects or refuses to obey the order, the Director may: (i) cause the person to be prosecuted under Section 91.0203; or (ii) institute any appropriate action to abate such building as a public nuisance; or both.

(2) Failure to Commence Work: Whenever the required repair or demolition is not commenced within thirty (30) calendar days after any final Notice and Order is issued under This Code:

(A) The Building Official may cause the building described in such Notice and Order to be vacated by giving reasonable notice to the tenants and by posting at each entrance a sign in substantially the following form:

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DO NOT ENTER

UNSAFE TO OCCUPY

It is a misdemeanor to occupy this
building

or to remove or deface this notice

(SDMC SEC.91.0203)

Director of Building Inspection

City of San Diego

- (B) Except as authorized by the Building Official for repair work or inspection, no person shall enter or occupy any building which has been posted as specified in Section 91.0203(j) (2). No person shall remove or deface any notice so posted until the repairs ordered by the Building Official have been completed and a Certificate of Occupancy is issued pursuant to the provisions of the Building Code or until demolition is finished and all debris removed pursuant to a demolition permit.
- (C) The Building Official may, in addition to any other remedy provided in Section 91.0203, temporarily

correct only those conditions which render the building dangerous, substandard or unsafe as set forth in the Notice and Order; or, if the notice required demolition, schedule a demolition hearing as specified in Section 91.0203(i).

(3) Extensions of Time: Upon receipt of a written request from the person required to obey the Notice and Order and a written agreement by such person that he or she will comply with the Notice and Order if allowed additional time, the Building Official may grant an extension of time, not to exceed an additional one hundred and twenty (120) calendar days, to complete the repairs, rehabilitation or demolition, provided the Building Official determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property and that the circumstances which justify the delay are beyond the direct control of the applicant. The Building Official's authority to extend time is limited to situations involving the physical repair, rehabilitation or demolition of the premises. The Building Official may not authorize or affect the time to appeal any Notice and Order or previously scheduled hearings.

(4) Interference with Repair or Demolition Work Prohibited: No person shall obstruct, impede or interfere with any officer, employee or contractor or authorized representative of the City of San Diego or any person who owns or holds any

estate or interest in a building while conducting repairs, vacation of tenants or demolition pursuant to the provisions of Section 91.0203.

(k) Performance of Work of Repair or Demolition. Repair or demolition to be done by the City following service of the Notice and Order of the Building Official shall be accomplished by City work crews or by private contractor.

(l) Administrative Costs. All administrative and physical work costs incurred by the City Manager or by the Building Official or their agents in the implementation of this Notice and Order, including the costs for appeals or demolition hearings, shall be assessed against the owner as a personal obligation or against the property pursuant to Government Code Section 38773.5.

(m) Recovery of Cost of Repair or Demolition.

(1) Accounting Report: The Building Official shall keep an itemized account of the expenses incurred in the repair or demolition of any unsafe, substandard or dangerous building or structure. Upon completion of the repair or demolition, the Building Official shall prepare a report specifying the work done, the itemized and total cost of the work, a description of the real property upon which the building or structure is or was located, and the names and addresses of the persons entitled to notice pursuant to Section 91.0203(d).

(2) Confirmation of Costs Hearing: Upon completion of this report, the City Manager shall fix a date, time and place for a confirmation of costs hearing before a Hearing Officer regarding this report and any protests or objections. The Building Official shall cause notice of this hearing to be served upon the owner and the occupant or person in possession pursuant to the requirements of Section 91.0203(d)8. This notice shall be given at least ten (10) calendar days prior to the date set for the hearing and shall specify the day, hour and place when the Hearing Officer will consider and pass upon the Building Official's report.

(3) Protests and Objections: Any person affected by the proposed assessment may file written protests or objections with the Building Official at least forty-eight (48) hours prior to the time set for the hearing. Each protest or objection must contain a description of the property in which the signer has an interest and the grounds of the protest or objection. The Building Official shall present the protests or objections to the Hearing Officer at the hearing.

(4) Hearing: Upon the day and hour set for the hearing the Hearing Officer shall hear and pass upon the Building Official's report together with any such oral or written objections or protests. The Hearing Officer may make any revisions, corrections or modifications in the report or the

charge as the Hearing Officer may deem just. The decision of the Hearing Officer on the report and the charge and on all protests or objections shall exhaust the administrative remedies available.

(5) Personal Obligation or Special Assessment:

- (A) General: The Hearing Officer shall order this charge as a personal obligation of the property owner or assess it against the abated property.
- (B) Personal Obligation: If the Hearing Officer orders the charge as a personal obligation of the property owner, the Hearing Officer shall direct the Building Official to collect this obligation by use of all appropriate legal means, including referral to the City Treasurer's Office.
- (C) Special Assessment: If charged as an assessment against the property, the Hearing Officer's decision shall direct the Building Official to cause a Notice of Special Assessment to be recorded and direct the assessment to be placed on the County Assessment Roll pursuant to Government Code Section 38773.5.
- (D) Recordation of Notice: After the confirmation of costs hearing, the Building Official shall record a Notice of Special Assessment describing the abatement action and the total costs with the County Recorder to place any subsequent purchasers or owners on notice about this abatement action.

The Building Official shall file a withdrawal of this notice with the County Recorder once: (1) the owner or person responsible pays in full the abatement cost; or (2) the County Auditor or Tax Collector posts the lien on the property pursuant to Government Code Section 38773.5.

(6) Report to Assessor and Tax Collector: After the costs are confirmed against the property, the City Manager shall transmit a copy of the report and itemized accounting to the County Auditor who shall add the amount of the assessment to the next regular tax bill levied against the parcel in the same manner as ordinary municipal taxes. The provisions of Government Code Sections 38772 through 38773.5 are hereby incorporated by reference and made part of this section.

(7) Collection of Assessment-Penalties for Foreclosure: The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes and shall be subject to the same penalties and procedure and sale in case of delinquency as provided for ordinary municipal taxes. All laws applicable to the levy, collection and enforcement of property taxes shall be applicable to such assessment.

(8) Repayment to Nuisance Abatement Superfund: All monies recovered by payment of the charge or assessment or from the sale or transfer of the property to cover the abatement

costs shall be paid to the City Treasurer who shall credit the same to the Nuisance Abatement Superfund.

(n) Summary Emergency Abatement of Imminent Hazards.

Notwithstanding the notice and procedures specified in Section 91.0203(d) through (e) for the abatement of a public nuisance, whenever the Building Official determines that a building or structure is an unsafe, substandard or dangerous building or structure which creates an imminent hazard to the life and safety of its occupants or the general public, the Building Official may order the immediate vacation of the premises and may post them as unsafe without prior notice to the owner, agent, occupants or other parties.

The Building Official may order that the premises not be reoccupied until the necessary repairs or corrections are completed. The Building Official may require the premises to be boarded, fenced or secured, as appropriate, if the situation requires such action to protect public health and safety. If the premises are in a state of collapse, the Building Official may raze that portion necessary to prevent further collapse and hazard to the general public.

Costs incurred by the City during this summary emergency abatement process shall be chargeable to the property owner.

Once the Building Official has determined that the premises have been appropriately vacated, posted, mitigated and secured so as to no longer pose an imminent hazard to public

health and safety, the Building Official shall then follow the procedures specified in Section 91.0203 to the extent applicable in pursuing further abatement actions against the premises.

The Building Official shall have the authority to take any and all actions that are reasonable and necessary in order to implement Section 91.0203(n) in summarily abating imminent hazards on an emergency basis.

SEC. 91.0204 BOARD OF APPEALS

(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. At least two (2) members shall be licensed by the State of California as Civil Engineers duly authorized to use the title Structural Engineer and one (1) member each shall be from the electrical and mechanical industries or professions. The members of the Board shall be appointed in accordance with Section 43 of the Charter of the City of San Diego for two (2) 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 (5) terms shall expire in any year. The Building Official, the Chief of the Fire Department and the City Attorney shall be ex officio members of the Board. The Planning Director shall be

an ex officio member of the Board in matters pertaining to historic buildings. The Building Official, or appointed representative, shall act as Secretary to the Board. The Board shall select a chairperson from its membership annually, unless a chairperson is appointed by the Mayor. Five (5) members shall constitute a quorum for the transaction of business and a majority vote, but not less than four (4) affirmative votes, shall be necessary to pass any recommendations.

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

(b) Duties of Board. On its own motion, or at the request of an applicant for Board action, or when requested by the Building Official, the Fire Chief, the Planning Director, or the Historical Site Board, the Board shall investigate and advise the Building Official as to the suitability of alternate materials and types of construction and shall recommend reasonable interpretations of This Code, the provisions of Title 24, California Code of Regulations, and such other matters as may be referred to it by the Building Official. 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.

The Board may recommend approval of minor deviations from the provisions of This Code upon demonstration:

- (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 This Code in quality, strength, effectiveness, fire resistance and durability, and also in providing for the public health and safety.

Findings by the Board regarding hardship in connection with application of requirements for accessibility to the physically handicapped in Part 2 of Title 24, California Code of Regulations, may be appealed to the Public Services and Safety Committee of the City Council. Appeals must be submitted in writing to the Consultant of the Public Services and Safety Committee of the City Council within ten (10) calendar days after the date of the Board's action.

Under circumstances specified therein, Section 18960 of the California Health and Safety Code provides for appeals to the State Historical Building Code Board for matters related to Part 8 of Title 24, California Code of Regulations. The Building Official is hereby authorized to recover from the

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appellant all costs, fees and expenditures incurred by the City, or which may be incurred, for any matter appealed to the State Historical Building Code Board.

(c) Limitations of Authority. The Board of Appeals shall have no authority to interpret the administrative provisions of This Code nor shall the Board be empowered to waive requirements of This Code.

SEC. 91.0205 VIOLATIONS

It is unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any privately owned building or structure in the City, or cause the same to be done, contrary to or in violation of any of the provisions of This Code.

Section 3. That Chapter IX, Article 1, Division 3, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 91.0301, 91.0302, 91.0303 and 91.0304, and by adding Section 91.0305, to read as follows:

SEC. 91.0301 PERMITS

(a) Section 301(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Exempted Work. A building permit will not be required for the following:

- (1) One-story detached accessory buildings used as tool and storage sheds, playhouses and similar uses, provided the projected roof area does not exceed 120 square feet.
- (2) Fences not over 6 feet high.
- (3) Oil derricks.
- (4) Cases, counters and partitions not over 69 inches in height.
- (5) Retaining walls which are not over 3 feet in height measured from the top of the footing to the top of the wall unless supporting a surcharge or impounding flammable liquids.
- (6) Water tanks supported directly upon grade if the capacity does not exceed 5,000 gallons and the ratio of height to diameter or width does not exceed two to one.
- (7) Platforms, walks and driveways not more than 30 inches above grade and not over any basement or story below.
- (8) Painting, papering and similar finish work.
- (9) Temporary motion picture, television and theater stage sets and scenery.
- (10) Window awnings supported by an exterior wall of Group R, Division 3 and Group M Occupancies when projecting not more than 54 inches.
- (11) Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy in which the pool walls are

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entirely above the adjacent grade and if the capacity does not exceed 5000 gallons.

- (12) Patio cover structures up to three hundred (300) square feet of projected roof area and at least six (6') feet from any other building on the same property.
- (13) Antennas supported on the roof.
- (14) Awnings projecting horizontally out to 6 feet and attached to the exterior walls of buildings of Group R, Division 3 (dwellings) or Group M, Division 1 (residential accessory structures) Occupancies.
- (15) Electrolier standards, flag poles and antennas not over 30 feet in height above finish grade when fully extended.
- (16) Exterior walking decks supported on grade and extending not more than 30 inches above grade which are accessory to buildings of Group R, Division 3 (dwellings) and Group M, Division 1 (residential accessory structures) Occupancies.
- (17) Renewal of roof coverings on any buildings.
- (18) Repairs which involve only the replacement of component parts or existing work with similar materials only for the purpose of maintenance and which do not aggregate over \$500.00 in valuation and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements

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shall not include any addition, change or modification in construction, exit facilities or permanent fixtures or equipment. Specifically exempt from permit requirements without limit to valuation are:

- (A) Painting and decorating.
 - (B) Installation of floor covering.
 - (C) Cabinet work.
 - (D) Outside paving.
- (19) Hospital buildings as defined in Section 15026 of Division 12.5 of the California Health and Safety Code.
- (20) Specific buildings or structures as may be determined by the Building Official for a particular and justifiable reason.

Section 91.0301 shall not be construed to require separate building permits for a dwelling and auxiliary buildings or structures on the same property which are described in the building permit application, plot plan and other drawings.

Unless otherwise exempted by This Code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

Exemption from the permit requirements of This Code does not authorize any work to be done in any manner in violation of the provisions of This Code or any other applicable local or state regulations.

(c) Section 301(c) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

SEC. 91.0302 APPLICATION FOR PERMIT

(a) Application. Section 302(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Plans and Specifications. Plans, engineering calculations, diagrams and other data shall be submitted in four or more sets with each application for a permit. When such plans are not prepared by an architect or engineer, the Building Official may require any applicant submitting such plans or other data to demonstrate that state law does not require that the plans be prepared by a licensed architect or engineer. The Building Official may require plans, computations and specifications to be prepared and designed by an engineer or architect licensed by the state to practice as such even if not required by state law. Submittals shall include construction inspection requirements as defined in Section 302(c) of the 1991 Uniform Building Code.

Exception: The Building Official may waive the submission of plans, calculations, construction inspection requirements and other data if it is found that the nature of the work applied for is such that reviewing of plans is not necessary to obtain compliance with This Code.

(c) Section 302(c) and (d) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

SEC. 91.0303 PERMITS ISSUANCE

(a) Issuance. The application, plans and specifications and other data filed by an applicant for permit shall be reviewed by the Building Official. Such plans may be reviewed by other departments of this City to verify compliance with any applicable laws under their jurisdiction. If the Building Official finds that the work described in an application for a permit and the plans, specifications and other data filed therewith conform to the requirements of This Code and other pertinent laws and ordinances, and that the fees specified in Section 91.0304 have been paid, a permit therefor shall be issued to the applicant.

When the Building Official issues the permit where plans are required, the Building Official shall endorse in writing or stamp the plans and specifications "APPROVED." Approved plans and specifications shall not be changed, modified or altered without authorization from the Building Official. All work regulated by This Code shall be done in accordance with the approved plans.

The Building Official may issue a permit for the construction of part of a building or structure before the entire plans and specifications for the whole building or

structure have been submitted or approved, provided adequate information and detailed statements have been filed complying with all pertinent requirements of This Code. As a condition of issuance, the holder of such permit shall agree that they proceed at their own risk without assurance that the permit for the entire building or structure will be granted. The applicant for a permit for construction of a part of a structure must comply with This Code and any other ordinance, statute or regulation in effect on the date the complete permit application is submitted to and accepted by the Building Inspection Department.

No building permit will be issued by the City of San Diego for a project or development located within the "Coastal Zone" of the California Coastal Commission as established by the California Coastal Act of 1976 until such time as a development permit or exemption certificate has been obtained pursuant to the provisions of Section 105.0201, et seq. of the Municipal Code. Procedures to be followed when an application is submitted for a building permit in the "Coastal Zone" are as follows: The application, plans and specifications filed by an applicant for a permit shall be reviewed by the Building Official and other City departments to ensure compliance with the laws and ordinances under their jurisdiction. If the Building Official is satisfied that the work described in an application for a permit and the plans and specifications filed therewith conform to the

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requirements of This Code and other pertinent laws and ordinances, the Building Official shall issue a letter to the applicant stating that the Building Official is prepared to issue a permit to the applicant when the appropriate fees have been paid and the applicant presents an approved development permit or certificate of exemption authorizing construction for which the application was filed. Upon presentation of such permit or exemption certificate and payment of the fee as specified by Section 91.0304, the Building Official shall issue a building permit to the applicant provided that the application, plans and specifications comply with the development permit or certificate of exemption.

(b) Retention of Plans. One set of approved plans, specifications and computations shall be retained by the Building Official for a period of not less than ninety (90) days from date of completion of the work covered therein, and one (1) set of approved plans and specifications shall be returned to the applicant. The applicant's set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

(c) Validity of Permit. The issuance or granting of a permit or approval of plans, specifications and computations shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of This Code or of any other City ordinance. Permits presuming to give authority to

violate or cancel the provisions of This Code or other City ordinances shall not be valid.

The issuance of a permit based upon plans, specifications and other data submitted shall not prevent the Building Official from thereafter requiring the correction of errors in said plans, specifications and other data, nor from preventing building operations being carried on thereunder when in violation of This Code or of any other City ordinances.

(d) Expiration. Every permit issued by the Building Official under the provisions of This Code shall expire by limitation and become null and void if the building or work authorized by the permit is not commenced within one hundred eighty (180) calendar days from the date of permit issuance or if the building or work authorized by such permit is suspended or abandoned for a period of one hundred eighty (180) calendar days at any time after the work is commenced. Work authorized by a permit shall be diligently performed to completion. If the Building Official determines that a permittee has failed to complete a substantial amount of work authorized by the permit within the time limits set forth in Section 91.0303, the permit shall expire by limitation and become null and void. If the Building Official determines that an entire foundation or an equivalent amount of work for the permitted structure is not completed within three hundred sixty (360) calendar days from the date of permit issuance,

the permit shall expire by limitation and become null and void. The Building Official may extend the time period for completion of the foundation upon determining that circumstances beyond the control of the permittee have prevented the completion of the foundation, provided the permittee prior to the expiration of the permit had requested an extension in writing and set forth the circumstances.

For good cause shown, the Building Official is also authorized to extend a permit with reasonable terms and conditions in cases not otherwise provided for in Section 91.0303(d), provided the permittee pays any differential for increased fees and plan check costs.

Any permittee holding an unexpired permit may apply for one extension of the permit, provided the requirements of Section 91.0303(d)(1) or (d)(2) are satisfied.

(1) Where work has not commenced and the permit has not expired, if the permittee requests a permit extension, the following provisions shall apply:

(A) The Building Official may grant an extension of the permit upon written request by the permittee showing that circumstances beyond the control of the permittee have prevented the permitted work from commencing.

(B) The permit extension shall provide an additional one hundred eighty (180) calendar days starting from the expiration date of the original permit.

(C) The permittee must request the extension prior to the permit expiration date.

(D) The permittee shall revise the plans, specifications, and other data which define the work permitted, as necessary, to show compliance with This Code and all applicable ordinances, statutes or regulations in effect at the time the extension is granted.

(E) The permittee shall pay additional fees, if any, in an amount equal to the increases in all applicable fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted. In addition, notwithstanding any other provision of law which provides to the contrary, the permittee shall pay any newly created fee, cost, assessment, deposit, penalty or other charge that is applicable and in effect on the date the permit extension is granted. Supplemental plan check fees shall be paid when required pursuant to Section 91.0304(b).

(F) Only one (1) extension may be granted for any permit.

(2) Where work has commenced and the permit has not expired, if the permittee requests a permit extension, the following provisions shall apply:

(A) The Building Official may grant an extension of the permit upon written request by the permittee showing that

circumstances beyond the control of the permittee have prevented the permitted work from continuing.

(B) The permit extension shall provide an additional one hundred eighty (180) calendar days starting from the original permit expiration date.

(C) The permittee must request the extension prior to the permit expiration date.

(D) Only one (1) extension may be granted for any permit.

(E) If the Building Official determines that an entire foundation or an equivalent amount of work has been completed under the permit, the permittee need not revise the plans, specifications or other data which define the work permitted to show compliance with any revisions to This Code or any other ordinance or regulation which became effective subsequent to the date of permit issuance, nor pay any fees or charges.

(F) If the Building Official determines that an entire foundation or equivalent amount of work has not been completed, then notwithstanding any other provision of law which provides to the contrary, the permittee shall pay a permit extension fee in an amount equal to the increases in all applicable fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted, together with any newly created fee, cost, assessment, deposit, penalty or other charge that is applicable and in effect on the date the

permit extension is granted. The permittee shall also comply with This Code and all new ordinances, statutes, or regulations in effect at the time the extension is granted.

(3) Where work has not commenced and the permit has expired, no extension shall be granted. If the permittee desires to proceed with the project, the following provisions shall apply:

(A) The permittee shall obtain a new permit.

(B) The permittee shall pay a full permit fee for the new permit, and, notwithstanding any other provision of law which provides to the contrary, pay all other applicable fees in effect at the time the new permit is issued.

(C) The permittee must comply with This Code and all ordinances, statutes, or regulations in effect at the time the new permit is issued.

(4) Where work has commenced and the permit has expired, no extension shall be granted. If the permittee desires to continue with the project, the following provisions shall apply:

(A) The permittee shall obtain a new permit.

(B) The permittee must pay a permit fee for the new permit based upon a valuation of the work remaining to complete the project in an amount equal to the increases (if any) in all applicable fees, costs, assessments, deposits, penalties, or other charges that are in effect on

the date the new permit is issued, and, in addition, any newly created fees, costs, assessments, deposits, penalties, or other charges that are applicable and in effect on the date the new permit is issued.

(C) If the Building Official determines that the entire foundation or an equivalent amount of work has been completed under the original permit, the permittee need not revise the plans, specifications, or other data which define the work permitted to show compliance with any revisions to This Code or any other ordinance, statute, or regulation which became effective subsequent to the date of original permit issuance. If the amount of work completed under the original permit is less than the entire foundation or an equivalent amount of work for a structure, then notwithstanding any other provision of law which provides to the contrary, the permittee shall comply with This Code and all ordinances, statutes, or regulations in effect at the time the permit is issued.

(D) The permittee must obtain the new permit within five hundred forty (540) calendar days from the date of issuance of the original permit for the project if the provisions of Section 91.0303(d)(4) of This Code are to be utilized. If the permittee does not obtain the permit within the five hundred forty (540) calendar days, the permittee shall be required to proceed under the provisions of Section 91.0303(d)(3), as if no work had commenced.

(e) Suspension or Revocation. The Building Official may, in writing, suspend or revoke a permit issued under the provisions of This Code whenever the Building Official finds that the permit was issued in error either on the basis of incorrect information, or in violation of law.

The Building Official may suspend work under an issued permit which is being performed in violation of the laws, ordinances, or conditions governing the permit or performance of work, or both.

Following a suspension or prior to revoking a permit, the Building Official shall offer the permittee a reasonable opportunity to show cause why the suspension should not be continued or modified or the permit be revoked.

SEC. 91.0304 FEES

(a) Pursuant to Section 91.0101(b), Section 304(a) of the 1991 Uniform Building Code has not been adopted.

(b) Permit Fees. A fee for each building permit shall be paid in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

The Building Official shall compute the building permit and building plan review fees based on the total value of all construction work for which the permit is issued, including all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing

systems and any other permanent work or permanent equipment installed or constructed.

Where work for which a permit is required by This Code is started or completed prior to obtaining said permit, a penalty fee as established by the City Council and filed in the office of the City Clerk shall also be paid. The payment of the penalty fee shall not relieve any person from fully complying with the requirement of This Code in the execution of the work or from any other penalties prescribed in Section 91.0304.

If a permit has been cancelled or has expired and no work was commenced and no required inspections have been made, a portion of the permit fee paid may be refunded by the Building Official upon application for refund by the permittee within one (1) year from the date of permit issuance.

(c) Plan Review Fees. When a plan or other data is required to be submitted by Section 91.0302(b), a plan review fee shall be paid at the time of submitting plans and specifications for review. Said plan review fee shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

The plan review fees specified in Section 91.0304(c) are separate fees from the permit fees specified in Section 91.0304(b).

Where plans are incomplete, or changed so as to require additional plan review, an additional plan review fee shall be charged in accordance with the fee schedule established by the City Council and filed in the office of the City Clerk.

(d) Expiration of Plan Review. Applications on file for which the applicant has not requested a permit be issued within three hundred sixty (360) calendar days following the date of application shall expire by limitation and no permit may thereafter be issued under that application. Plans and other data submitted for review may thereafter be returned to the applicant or destroyed by the Building Official. In order to institute plan review action on an expired application, the applicant shall resubmit the plans and pay a new plan review fee, at which time the application shall be considered submitted and be subject to all applicable regulations in effect as of the date of the new submittal.

(e) Reinspection Fee. The fee for each reinspection shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

(f) Other Inspections. In addition to the inspections specified above, the Building Official may make or require

any other inspections of any construction work to ascertain compliance with This Code and other laws which are enforced by the Building Inspection Department.

For purpose of determining compliance with Sections 104(d) and 502 of the 1991 Uniform Building Code, and Section 91.0104(e), the Building Official may inspect any structure.

(g) Factory-Built Housing.

(1) Building Permit Fees. A permit fee for installation of each Factory Built Housing shall be paid to the City of San Diego. The fee shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk.

(2) Plan Review Fees. A plan review fee shall be paid at the time of submitting plans and specifications for the proposed installation work. The plan review fee shall be determined in accordance with the fee schedule established by the City Council and filed in the office of the City Clerk.

(3) Plans and Specifications. With each application three (3) sets of plans and specifications for the work to be performed at the job site shall be submitted with such other information as may be necessary to determine that the Factory Built Housing complies with local and State laws and regulations, including proof that the Factory Built Housing

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bears a State inspection insignia and has not been modified so as to void the inspection certification.

(4) Definition. For the purpose of Section 91.0304(g), "Factory-Built-Housing" means one or more factory-assembled components comprising a single structure suitable for human occupancy which is brought to the job site for connection to a foundation.

(h) Energy Conservation Fee. In addition to any other applicable fees, an energy conservation fee shall be paid for each building permit which authorizes the construction of a new building or the addition to or alteration of an existing building, if such building or addition or alteration is subject to the provisions of Chapter 2-53, Part 2, Title 24, of the California Code of Regulations. The energy conservation fee shall be determined in accordance with the fee schedule established by the City Council and filed in the office of the City Clerk. The energy conservation fee shall be paid at the time the building permit is issued.

(i) Document Reproduction Fee. The fee for requests for reproduction of documents shall be determined in accordance with the fee schedule established by resolution of the City Council and filed in the office of the City Clerk. The fee for the actual costs of duplication shall include the full cost of assembling, filing, finding, preparation for reproduction and making of photocopies of documents filed as public records.

SEC. 91.0305 INSPECTIONS

(a) Section 305(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Section 305(b) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(c) Section 305(c) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(d) Approval Required. No work shall be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official. The Building Official, upon notification, shall make the requested inspections and shall either indicate that that portion of the construction is satisfactory as completed, or shall notify the permittee or an agent of the permittee where the same fails to comply with This Code. Any portions which do not comply shall be corrected and such portion shall not be covered or concealed until inspected and authorized by the Building Official.

There shall be a final inspection and approval of all buildings and structures when completed and ready for occupancy and use.

Newly constructed Group R, Division 3 and Group M Occupancies shall not be used or occupied prior to the final inspection and approval, except that existing Group R, Division 3 and Group M Occupancies may be used or occupied

during the construction of any addition or remodel to the existing structure.

(e) Section 305(e) through (g) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

Section 4. That Chapter IX, Article 1, Division 7, of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.0710, to read as follows:

SEC. 91.0710 HELISTOPS

(a) Section 710(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Section 710(b) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(c) Section 710(c) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(d) Section 710(d) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(e) Section 710(e) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(f) Emergency Helicopter Landing Facilities.

(1) General. Emergency helicopter landing facilities may be erected on buildings or other locations if they are constructed in accordance with this section, with Section

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2308(c) of the 1991 Uniform Building Code, and with Article 24 of the Uniform Fire Code as adopted by the City of San Diego pursuant to Municipal Code Section 55.0101.0001.

(2) Design.

(A) Helicopter landing area and the supports therefor on the roof of a building shall be of noncombustible construction. If the landing area is not designed for, and is not used for other building purposes it may be of a nonfire-protected construction and shall not be considered a floor for floor area ratio purposes. Landing areas shall be designed to confine any flammable liquid spillage to the landing area itself and provision shall be made to drain such spillage away from any exit or stairway serving the helicopter landing area or from a structure housing such exit or stairway. This design shall be reviewed and approved by the Fire Department.

(B) A landing and takeoff pad area shall be at least twenty (20) feet by twenty (20) feet in size. The slope of the touchdown surface shall be no more than three (3) degrees. The landing pad area shall be designed for the loads imposed by a five thousand (5,000) pound helicopter equipped with skid-type landing gear in accordance with Section 2308(c) of the 1991 Uniform Building Code.

(C) An area surrounding the landing pad clear of vertical obstructions above the horizontal plane thirty-one and one-half (31.5) feet in radius from the center of the landing

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area shall be provided. Vertical projections for federally required clearance lights and for an access ladder, provided that the ladder does not protrude over ten (10) inches, are permitted.

(D) Provisions shall be made for minimum approach and departure slope angles of 7.125 degrees. The approach paths shall continue in a straight direction for a minimum of three hundred (300) feet, measured from the edge of the landing pad, and shall provide for a total approach/departure path length sufficient to reach three hundred (300) feet of altitude above the ground level. The approach/departure paths shall be a minimum of sixty-three (63) feet in width over the building and seventy (70) feet thereafter. The preferable approach/departure paths should be oriented ninety (90) degrees and two hundred seventy (270) degrees magnetic. If either direction is obstructed or likely to not remain clear of obstructions, then the approach/ departure paths should be oriented so as to provide at least ninety (90) degrees of separation.

Should these approach and departure routes not be possible because of existing buildings on adjacent properties, the owner of the building shall file a proposed approach plan for review by the Chief of the San Diego Fire Department. An approach plan, when approved, will be kept by the Fire Department. Nothing herein shall be interpreted to establish air rights on the property of another. It

shall be the responsibility of the owner to maintain the approach plan in an up-to-date status. Should new construction on or adjacent to the building site affect the approach plan, the owner shall file a new plan for review by the Fire Department.

The Fire Department shall review all approach plans and shall be empowered to require the plans to be modified to the best path available in the department's opinion. The owner may request a review of the requirements of Section 91.0710 under the process contained in Section 91.0204.

(E) Access to any emergency helicopter landing facility shall be controlled by a barrier or fence five (5) feet high. Alternate barriers of equivalent effectiveness may be approved by the Building Official. The barrier shall have only one access point located in a position which is in front of the helicopter in its normal landing position. The barrier access point shall be locked and shall automatically open upon activation of the building's fire alarm system, when activated from a central control station, or manually by the building security staff.

(F) If the landing pad is at the same elevation as the main building roof and the building has no parapet wall a substantial safety net shall be provided around the perimeter of the roof in such a manner that it will not restrict or reduce the required landing and takeoff area. Parapet wall for purposes of this section must be at least

three feet, six inches (3'6") high and of solid construction without open guardrails.

(G) If any portion of the landing pad is within five (5) feet of the edge of the building a Substantial Safety Net shall be provided at that location. All safety nets shall extend a minimum of five (5) feet from the edge of the roof or landing pad. For purposes of Section 91.0710(b)(2)(G), "Substantial Safety Net" means any net or mesh material capable of catching and supporting a five hundred (500) pound weight dropped from a height of ten (10) feet. The maximum mesh opening allowed shall be four (4) inches. The net shall be constructed of noncombustible materials which will not deteriorate when exposed to exterior weather conditions.

(H) Emergency helicopter landing areas may be located more than thirty (30) inches above the elevation of the surrounding roof without the requirement for a guardrail provided that access to the raised area is restricted by a fence or barrier at the roof level or other location of equivalent effectiveness. The stair from the roof level to the landing pad shall have handrails which comply with the provisions of Chapter 33 of the 1991 Uniform Building Code. If the handrails would project above the area required to be unobstructed by Section 91.0710(f)(2), the top portion of the handrails shall be truncated so that they do not project above the elevation of the landing pad.

(I) A wet standpipe and outlet shall be provided having one and one-half (1-1/2) inch national standard thread and located in such a manner that it will not restrict or reduce the required landing and takeoff area. Sufficient pressure shall be available to afford a good fog pattern.

(J) The landing pad shall be marked with a standard helicopter landing area designator and the words "Emergency Only." The initial direction of the departure routes shall be indicated on the landing pad.

(3) Exits and Stairways. Exits and stairways from helistops and emergency helicopter landing facilities shall comply with Section 710(d) of the 1991 Uniform Building Code except that secondary exits may be by means of a fire escape or ladder leading to the floor below, notwithstanding roof size or dimensions.

Section 5. That Chapter IX, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 12 entitled **REQUIREMENTS FOR GROUP R OCCUPANCIES**, and adding Section 91.1205, to read as follows:

DIVISION 12

REQUIREMENTS FOR GROUP R OCCUPANCIES

SEC. 91.1205 LIGHT, VENTILATION AND SANITATION

(a) Section 1205(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Section 1205(b) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(c) Section 1205(c) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(d) Section 1205(d) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(e) Sanitary Facilities for Temporary Worker Camps.

Temporary Worker Camps regulated by a Conditional Use Permit granted by the City of San Diego may have sanitary facilities in buildings which are separate from other related buildings used for living, sleeping, cooking, eating or other habitable functions.

Section 6. That Chapter IX, Article 1, Division 18, of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.1807, to read as follows:

**SEC. 91.1807 SPECIAL PROVISIONS FOR GROUP B, DIVISION
2, OFFICE BUILDINGS AND GROUP R,
DIVISION 1, OCCUPANCIES**

(a) Section 1807(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Section 1807(b) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

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(c) Section 1807(c) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(d) Section 1807(d) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(e) Section 1807(e) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(f) Section 1807(f) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(g) Section 1807(g) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(h) Section 1807(h) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(i) Section 1807(i) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(j) Section 1807(j) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(k) Section 1807(k) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(l) Emergency Access by Helicopters.

(1) Except as provided in Section 91.1807(1)(2), all buildings constructed in accordance with Section 91.1807 or Sections 1807 and 1733 of the California Code of Regulations, Title 24, Part 2, entitled State Building Code, shall provide areas for the emergency access of helicopters pursuant to the

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provisions of Section 91.0710 of the San Diego Municipal Code.

(2) Emergency helicopter access areas need not be provided if all required exit stairways are smokeproof enclosures constructed in accordance with Section 3310 of the 1991 Uniform Building Code. Each smokeproof enclosure and stairway must extend to the roof surface. The exception noted in Section 3310(b) of the 1991 Uniform Building Code shall not apply when smokeproof enclosures are provided in lieu of emergency helicopter areas.

Section 7. That Chapter IX, Article 1, Division 23, of the San Diego Municipal Code be and the same is hereby amended by amending the title of Division 23, to read as follows:

DIVISION 23

EARTHQUAKE DESIGN

Section 8. That Chapter IX, Article 1, Division 23, of the San Diego Municipal Code be and the same is hereby amended by renumbering Section 91.2312 to 91.2340 and amending it to read as follows:

SEC. 91.2340 SOIL LIQUEFACTION

(a) General. The requirements in Section 91.2340 apply to "potential liquefaction" areas identified in the City of San Diego Seismic Safety Study maps. These maps are on file in

the Mapping Section in the City Engineer's offices. An evaluation of the liquefaction potential and appropriate mitigation measures is required for any site, regardless of location, if an "essential facility", as defined in Section 2331 of the 1991 Uniform Building Code, is to be located at that site.

(b) Investigation. An investigation of subsurface soils shall be made to evaluate their susceptibility to liquefaction from earthquake induced ground shaking when required by Table No. 29-E of Section 91.2905(h). The investigation shall conform to the requirements of Section 91.2905(g).

(c) Mitigation. Where the evaluation indicates that liquefaction is likely, the hazards that reasonably might be caused by liquefaction shall be mitigated. Mitigation measures shall be suitable for the particular circumstances and hazards of the site and the proposed construction. Possible mitigation measures may include, but not be limited to, one (1) or more of the following:

(1) Treatment of Liquefaction-Susceptible Materials.

(A) Removal of susceptible materials and replacement, as appropriate, with materials of low susceptibility.

(B) In place densification of susceptible materials by means of vibroflotation, compaction piles, dynamic

consolidation, surcharging or other suitable methods.

(C) Controlling pore water pressures in susceptible materials by means of subsurface drains or water table level control.

(2) Provision of retention structures to contain liquefied soils subject to mass lateral displacement.

(3) Structural considerations for the proposed construction consisting of:

(A) Piles and batter piles;

(B) Other deep foundations;

(C) A structural frame or system that can accommodate the anticipated differential ground displacements.

Section 9. That Chapter IX, Article 1, Division 29, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 91.2903 and 91.2905, and by adding Section 91.2918, to read as follows:

SEC. 91.2903 EXCAVATIONS AND FILLS

(a) General. Excavation or fills for buildings or structures shall be so constructed or protected that they do not endanger life or property.

No fill or other surcharge loads shall be placed adjacent to any building or structure unless such building or structure

is capable of withstanding the additional loads caused by the fill or surcharge.

Existing footings or foundations which may be affected by any excavation shall be underpinned adequately or otherwise protected against settlement and shall be protected against lateral movement.

Fills to be used to support the foundations of any building or structure shall be placed in accordance with accepted engineering practice. A soil investigation report and a report of satisfactory placement of fill, both acceptable to the Building Official, shall be submitted.

(b) Protection of Adjoining Property. Section 2903(b) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

SEC. 91.2905 FOUNDATION INVESTIGATION

(a) Section 2905(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Section 2905(b) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(c) Section 2905(c) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(d) Section 2905(d) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

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(e) Section 2905(e) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(f) Section 2905(f) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(g) Soil Liquefaction.

(1) Investigation. Section 91.2905 applies to "potential liquefaction" areas as identified in the City of San Diego Seismic Safety Study maps. These maps are on file in the Mapping Section in the City Engineer's offices. When an investigation for potential earthquake induced soil liquefaction is required by Table No. 29-E of Section 91.2905, either a site specific seismic exposure analysis shall be performed or a peak ground surface acceleration equal to ZI_g and earthquake ground shaking characteristics typical of a magnitude 6.5 earthquake shall be assumed as a minimum seismic exposure level. The symbols "Z" "I" and "g" are defined in Section 2332 of the 1991 Uniform Building Code.

The use of the assumed magnitude 6.5 earthquake and the acceleration levels above for the purpose of this analysis is not to be construed to mean this exposure level should be used for other engineering purposes, including building design.

(2) Mitigation. If mitigation of liquefaction hazards is required the report shall contain appropriate recommendations.

(3) Qualification. The Building Official may require that any or all of the work described in Section 91.2905(g) (1) and (2) be made and reported by a civil engineer, engineering geologist, or geologist licensed by the State to practice as such for each portion of the work applicable to their discipline.

(h) Required Geologic Investigations.

(1) A geologic investigation shall be made when required by Table No. 29-E of Section 91.2905, unless excepted by Section 91.2905(h) (3).

(2) A report of the geologic investigation shall be submitted to the Building Official. When geologic hazards are identified the report shall contain appropriate recommendations for mitigation of the hazards, and such recommendations shall be incorporated in the design of the project prior to issuance of a building permit. No building permit shall be issued for new construction where the geologic investigation establishes that construction of buildings or structures would be unsafe because of the geologic hazards on the site. Issuance of a building permit does not constitute a representation that the site or construction is safe.

(3) Additions to existing structures which are to contain less than 500 square feet of floor area are exempt from geologic investigation requirements. Consecutive additions to the same structure which total 500 square feet or more in any 12 month period may require a geologic investigation.

The Building Official may waive the geologic investigation requirement for non-exempt additions to "Class C structures" defined in Table No. 29-E of Section 91.2905 provided that the addition is less than 50 percent of the area of the existing structure and a "NOTICE OF POSSIBLE GEOLOGIC HAZARD" is executed, recorded with the San Diego County Recorder and filed with the City of San Diego Building Inspection Department. See Table No. 29-E of Section 91.2905, footnote 7.

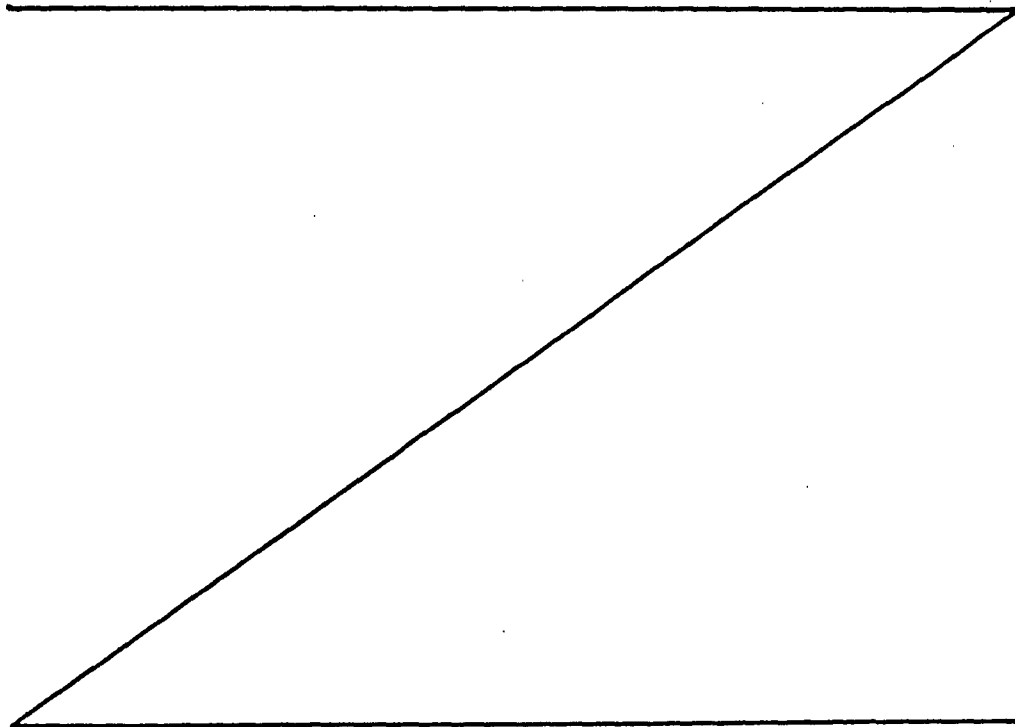


TABLE No. 29-E
of Section 91.2905
REQUIRED GEOLOGIC INVESTIGATIONS ⁷

Building, Structures & Facility Classes ¹	Hazard Categories and Fault Zones ^{5,6}					
	Active or Potentially Active Faults or Fault Zones ²	21	22-24	25	26,27	31 ⁴
A	G	G	G	G	G	G
B	G	G	GR	GR	GR	G
C	G ³ or GR	G	GR	N	GR	G
D	N	N	N	N	N	N
Building, Structures & Facility Classes ¹	Hazard Categories and Fault Zones ^{5,6}					
	Active or Potentially Active Faults or Fault Zones ²	32	41-44	45-48	51	52
A	G	G	G	G	G	G
B	G	GR	G	GR	N	GR
C	G ³ or GR	GR	GR	N	N	N
D	N	N	N	N	N	N

FOOTNOTES TO TABLE No. 29-E

of Section 91.2905

1. Building, Structure and Facility Classes:

A. Class A includes the following:

- 1) Essential Facilities as defined in Section 2331 of the 1991 Uniform Building Code.
- 2) Any building, structure or facility where, in the opinion of the Building Official, significant generation or storage of toxic, hazardous or flammable materials will occur. Quantities of these materials will be assessed in accordance with the risks they present.

B. Class B includes the following occupancy groups and structures provided they are not included in Class A.

- 1) All buildings over two stories in height.
- 2) All buildings containing the following occupancies:
 - a. Group A, Divisions 1, 2, and 2.1.
 - b. Group E, Division 1.
 - c. Group H, Divisions 1, 2, 3, 6 and 7.
 - d. Group I, Divisions 1 and 3.
- 3) All buildings with an occupant load of more than three hundred (300) persons as determined by Table No. 33-A of the 1991 Uniform Building Code.
- 4) Tanks, bins, hoppers, silos and other storage structures of more than twenty thousand (20,000)

gallons capacity intended to store toxic, hazardous or flammable contents which are not associated with a building, structure or facility in Class A.

- 5) Tanks, bins, hoppers, silos and similar structures over thirty-five (35) feet high.
- 6) Towers over thirty-five (35) feet high.
- 7) Retaining walls associated with structures included in footnote 1.B.4.
- 8) Retaining walls (height is measured from the top of the footing to the top of the wall):
 - a. Retaining walls over 4 feet 10 inches in height supporting a surcharge or retaining toxic, hazardous or flammable contents.
 - b. Retaining walls over 8 feet 2 inches in height.

C. Class C includes the following occupancy groups and structures provided they are not included in Classes A or B:

- 1) All buildings containing the following occupancies:
 - a. Group A, Divisions 3 and 4.
 - b. Group B, Divisions 1, 2, 3, and 4.
 - c. Group E, Divisions 2 and 3.
 - d. Group H, Divisions 4, and 5.
 - e. Group I, Division 2.
 - f. Group R, Divisions 1 and 3.
- 2) Retaining walls (height is measured from the top of the footing to the top of the wall):

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- a. Retaining walls over 4 feet 10 inches in height.
 - b. Retaining walls of any height supporting a surcharge or retaining toxic, hazardous or flammable contents.
 - 3) Tanks, bins, hoppers, silos and other storage structures intended to store toxic, hazardous or flammable contents.
 - 4) Tanks, bins, hoppers, silos and similar structures over twenty (20) feet high.
 - 5) Towers over twenty (20) feet high.
- D. Class D includes Occupancy Group M, Division 1 and other structures of a similar minor nature provided they are not included in Classes A, B, or C.

2. Includes the Rose Canyon and La Nacion Fault zones and any other active and potentially active faults or fault zones as well as the area described as follows:

Beginning at the intersection of the centerline of Laurel Street and the centerline of Highway 163, thence in a general westerly and southwesterly direction along the centerline of Laurel Street to the intersection of the centerline of Harbor Drive, thence westerly to the intersection of the US Bulkhead line of San Diego Bay, thence in a general southerly and southeasterly direction along said Bulkhead line to an intersection of the southwesterly prolongation of the centerline of 28th Street, thence northerly along the centerline of 28th Street to the intersection of the centerline of Ocean View Boulevard,

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thence northwesterly along the centerline of Ocean View Boulevard to the intersection of the centerline of 25th Street, thence northerly along the centerline of 25th Street to the intersection of the centerline of Russ Boulevard, thence westerly along the prolongation of the centerline of Russ Boulevard to the intersection of the centerline of Highway I-5, thence in a general northerly and westerly direction along the centerline of Highway I-5 to the intersection of the centerline of Highway 163, thence generally northerly along the centerline of Highway 163 to the point or place of beginning.

Active and potentially active faults are defined in the most recent edition of "Fault-Rupture Hazard Zones in California," Special Publication 42, California Department of Conservation, Division of Mines and Geology, a copy of which is on file at the office of the City Clerk as Document No. 00-17773-4

Fault zones include five hundred (500) feet on both sides of the fault lines indicated on the Fault Location Maps of the current City of San Diego Seismic Safety Study, on file in the office of the City Engineer.

3. A geologic investigation shall be required for all Class C structures located within an Alquist-Priolo Special Studies Zone.

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4. In addition to the requirements of Table No. 29-E of Section 91.2905, the requirements of Section 91.2340 also apply.

5. Refer to the City of San Diego Seismic Safety Study maps. These maps are on file in the Mapping Section in the City Engineer's offices.

6. For buildings located in both a fault zone and a hazard category zone, the most restrictive requirement shall govern.

7. Designation G indicates that the project requires a geologic investigation report. Designation GR indicates that the project requires a geologic reconnaissance report.

The geologic investigation report and the geologic reconnaissance report shall include all pertinent requirements as established by the Building Official. All reports shall be prepared in accordance with the most recent edition of the City of San Diego "Technical Guidelines for Geotechnical Reports", on file with the City Clerk as Document No. 17773-5. These minimum requirements shall be augmented by geologic evaluations pertinent to the type of proposed project and anticipated method of construction, which elements should be described in the report.

Designation N indicates that no geologic investigation report or geologic reconnaissance report is necessary. Regardless of the requirements of Table No. 29-E of Section 91.2905, the Building Official may require a geologic investigation report

or a geologic reconnaissance report for any site if the Building Official has reason to believe that a geologic hazard may exist at the site.

The Building Official may require that a "NOTICE OF POSSIBLE GEOLOGIC HAZARD" be executed by the property owner as a condition to the issuance of a building permit for any structure to be located over a suspected fault or other geologic hazard. The "NOTICE OF POSSIBLE GEOLOGIC HAZARD" may be required when the geologic investigation cannot conclusively establish that buildings or structures located on the site would either be safe or unsafe, or when a waiver of the geologic report requirement is requested by the applicant for non-exempt additions. The form of notice shall be as provided by the Building Official, and be executed by the owner of the property, recorded with the San Diego County Recorder and filed with the City of San Diego Building Inspection Department as a condition to issuance of the permit. The notice shall identify the nature of the possible geologic hazard and attest to the owner's knowledge and acceptance of the risks and responsibility of the geologic hazard relating to construction on the site.

--- END OF FOOTNOTES TO TABLE 29-E ---

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SEC. 91.2918 FLOOR WATERPROOFING

(a) Section 2918(a) of the 1991 Uniform Building Code Appendix has been adopted without change pursuant to Section 91.0101(a).

(b) Waterproofing Materials. Waterproofing of floors shall be accomplished by placing under the slab a membrane of rubberized asphalt, polymer-modified asphalt, butyl rubber, or other approved materials capable of bridging nonstructural cracks. Joints in the membrane shall be lapped not less than six (6) inches and sealed in an approved manner.

Section 10. That Chapter IX, Article 1, Division 32, of the San Diego Municipal Code be and the same is hereby amended by amending Section 91.3203, to read as follows:

SEC. 91.3203 ROOF COVERING REQUIREMENTS

The roof covering on any structure regulated by This Code shall be as specified in Table No. 32-A of the 1991 Uniform Building Code and as classified in Section 3204 of the 1991 Uniform Building Code.

All wood shingles and wood shakes shall have a Class C roof covering rating.

The roof-covering assembly includes the roofdeck, underlayment, interlayment, insulation and covering which is assigned a roof-covering classification.

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Section 11. That Chapter IX, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 38 entitled **FIRE-EXTINGUISHING SYSTEMS**, and by adding Sections 91.3803 and 91.3805, to read as follows:

DIVISION 38

FIRE-EXTINGUISHING SYSTEMS

SEC. 91.3803 SPRINKLER SYSTEM SUPERVISION ALARMS

All valves controlling the water supply for automatic sprinkler systems and water-flow switches on all sprinkler systems shall be electrically supervised when the number of sprinklers are 20 or more.

Valve supervision and water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote station or propriety supervising station as defined by national standards, or, when approved by the building official with the concurrence of the chief of the fire department, sound an audible signal at a constantly attended location.

Exception: Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be supervised.

SEC. 91.3805 STANDPIPES

(a) Section 3805(a) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

(b) Where Required. Standpipe systems shall be provided as set forth in Table No. 38-A of Section 91.3805.

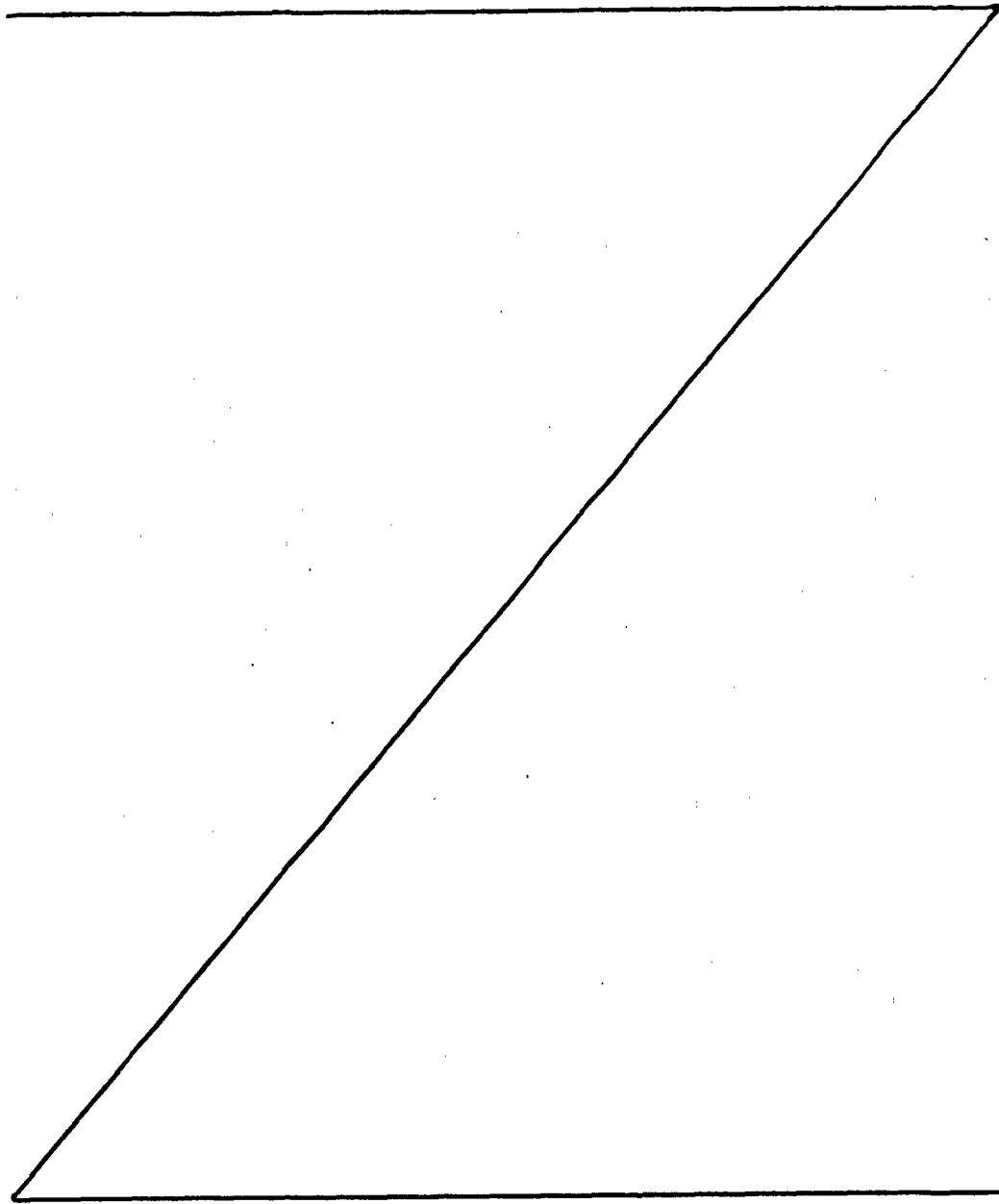


TABLE NO. 38-A

of Section 91.3805

STANDPIPE REQUIREMENTS

OCCUPANCY	NONSPRINKLERED BUILDING ¹		SPRINKLERED BUILDING ^{2 3}	
	Standpipe Class	Hose Requirement	Standpipe Class	Hose Requirement
1. Occupancies exceeding 75 ft. in height and more than one story	NA	NA	III Combined System	No
2. Occupancies 4 stories or more but less than 75 ft. in height, except Group R, Div.3	[I and II ⁴] (or III)	No	Combined System	No
3. Group A Occupancies with occupant load exceeding 1000 ⁵	II	Yes	No Requirement	No
4. Group A, Div. 2.1 Occupancies over 5000 square feet in area used for exhibition	II	Yes	II	Yes

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5. Groups I, H, B, Div. 1, 2 or 3 Occupancies less than 4 stories in height but greater than 20,000 square feet per floor	II ⁴	Yes	No Requirement	No
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¹Except as otherwise specified in Item 4 of this table, Class II standpipes need not be provided in basements having an automatic fire-extinguishing system throughout.

²The standpipe system may be combined with the automatic sprinkler system.

³Portions of otherwise sprinklered buildings which are not protected by automatic sprinklers shall have Class II standpipes installed as required for the unsprinklered portions.

⁴In open structures where Class II standpipes may be damaged by freezing, the building official may authorize the use of Class I standpipes which are located as required for Class II standpipes.

⁵Class II standpipes need not be provided in assembly areas used solely for worship.

--- END OF TABLE ---

(c) Section 3805(c) through (e) of the 1991 Uniform Building Code has been adopted without change pursuant to Section 91.0101(a).

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Section 12. That Chapter IX, Article 1, of the San Diego Municipal Code be and the same is hereby amended by adding Division 45 entitled **PERMANENT OCCUPANCY OF PUBLIC PROPERTY**, and by adding Section 91.4508, to read as follows:

DIVISION 45

PERMANENT OCCUPANCY OF PUBLIC PROPERTY

SEC. 91.4508 ENTRANCE CANOPIES

(a) Definition. As used in Section 91.4508 "Entrance canopies" means shelters entirely or partially self-supporting and attached to the exterior wall of a building entrance.

(b) Encroachment on public property. No entrance canopy shall be located upon or over public property or rights of way unless approved by the City Engineer.

An entrance canopy over public property shall be removed by the owner within thirty (30) calendar days following notice directing its removal issued by the City.

An entrance canopy shall not extend closer than two feet to the curb adjacent to the building entrance.

The width of an entrance canopy shall not exceed the width of the entrance to a building by more than two feet.

(c) Construction. Entrance canopy frames and supporting structural members shall be constructed of corrosion-

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resistant metal designed to support a live load of five pounds per square foot and a wind load of ten pounds per square foot. Canopies shall be covered with approved cloth, plastic or corrosion-resistant metal. Canopies shall be attached to the wall of the building with approved quick-release devices.

No canopy shall be less than eight feet above the underlying surface, except valances, which shall not be less than seven feet above the underlying surface. Valances shall not exceed one foot in width.

The covering material and height of an entrance canopy shall be approved by the Chief of the Fire Department prior to the issuance of a permit.

(d) Lights. Entrance canopies shall not be lighted or illuminated by any light source attached directly to the canopies.

(e) Maintenance. All entrance canopies shall be maintained in a safe and undamaged condition.

(f) Identification. Entrance canopies shall bear an identifying label giving the name and address of the manufacturer.

Section 13. That Chapter IX, Article 1, Division 84, of the San Diego Municipal Code be and the same is hereby amended by amending the title of Division 84, to read as follows:

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DIVISION 84

SWIMMING POOLS, SPAS AND HOT TUBS

Section 14. That Chapter IX, Article 1, Division 84, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 91.8401, 91.8402, 91.8403, 91.8404, 91.8405, 91.8406 and 91.8407, to read as follows:

SEC. 91.8401 GENERAL

The provisions of Division 84 establish regulations for private swimming pools, spas and hot tubs.

SEC. 91.8402 DEFINITIONS

For the purpose of Division 84, certain terms, words and phrases are defined as follows:

"Aboveground/On-ground pool" means the same thing as "Swimming Pool".

"Barrier" means a fence, wall, building wall or a combination thereof, which completely surrounds the swimming pool and obstructs access to the swimming pool.

"Grade" means the underlying surface, such as earth or a walking surface.

"Hot Tub" means the same thing as "Swimming Pool".

"Indoor Swimming Pool" means a swimming pool which is totally contained within a residential structure and surrounded on all four sides by walls of said structure.

"In-ground Pool" means the same thing as "Swimming Pool".

"Nonportable Spa" means the same thing as "Swimming Pool".

"Outdoor Swimming Pool" means any swimming pool which is not an indoor pool.

"Portable Spa" means a nonpermanent structure intended for recreational bathing, in which all controls, water-heating and water-circulating equipment are an integral part of the product and which is cord-connected (not permanently electrically wired).

"Private Swimming Pool" means any constructed swimming pool, permanent or portable, which is intended for noncommercial use as a swimming pool by not more than three owner families and their guests.

"Swimming Pool" means any structure designed or intended to contain water for swimming or recreational bathing having 16 square feet or more of surface area and that can contain water over 24 inches in depth. This includes in-ground, above-ground and on-ground swimming pools, hot tubs and spas.

SEC. 91.8403 BARRIER REQUIREMENTS

An outdoor swimming pool, including an in-ground, aboveground or on-ground pool, hot tub or spa shall be provided with a barrier which shall comply with the following:

(a) The top of the barrier shall be at least 60 inches above grade measured on the side of the barrier which faces away from the swimming pool. The maximum vertical clearance between grade and the bottom of the barrier shall be two (2) inches measured on the side of the barrier which faces away from the swimming pool. Where the top of the swimming pool is above grade, such as an aboveground pool, the barrier may be the pool's structure itself, or mounted on top of the pool structure. Where the barrier is mounted on top of the pool structure, the maximum vertical clearance between the top of the pool structure and the bottom of the barrier shall be four (4) inches.

(b) Openings in the barrier shall not allow passage of a four (4) inch diameter sphere.

(c) Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions except for tooled masonry joints.

(d) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than 45 inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed 1 3/4 inches in width.

(e) Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal

members is 45 inches or more, spacing between vertical members shall not exceed four (4) inches. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed 3/4 inches in width.

(f) Maximum mesh size for chain link fences shall be a 1 1/4-inch square unless the fence is provided with slats fastened at the top or the bottom which reduce the openings to no more than 1 3/4 inches. The wire shall not be less than 9 gauge.

(g) Where the barrier is composed of diagonal members, such as a lattice fence, the maximum opening formed by the diagonal members shall be no more than 1 3/4 inches.

(h) Access gates shall comply with the requirements of Section 91.8403(a) through (g) and shall be equipped to accommodate a locking device. Pedestrian-access gates shall open outward away from the pool and shall be self-closing and have a self-latching device. Gates other than pedestrian access gates shall have a self-latching device. Where the release mechanism of the self-latching device is located less than 54 inches from the bottom of the gate:

- (1) the release mechanism shall be located on the pool side of the gate at least three (3) inches below the top of the gate; and,

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(2) the gate and barrier shall have no opening greater than 1/2 inch within eighteen (18) inches of the release mechanism.

(i) Where an aboveground pool structure is used as a barrier or where the barrier is mounted on top of the pool structure, and the means of access is a ladder or steps, then:

- (1) the ladder or steps shall be capable of being secured, locked or removed to prevent access; or,
- (2) the ladder or steps shall be surrounded by a barrier which meets the requirements of Section 91.8403(a) through (i).

When the ladder or steps are secured, locked or removed, any opening created shall not allow the passage of a four (4) inch diameter sphere.

(j) When any such enclosing barrier, wall or structure would be located in a required front yard setback or street side yard, a zoning variance must be obtained by the property owner as a condition precedent to obtaining a building permit for the swimming pool.

SEC. 91.8404 INGRESS AND EGRESS

A barrier, gate or other protective device as required by Division 84 shall be installed to comply with state law and the fire exit requirements as contained in This Code. No swimming pool shall be installed in any court or yard area

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which is required for ingress or egress to any building or occupancy.

SEC. 91.8405 FRONT, SIDE AND REAR YARDS

Swimming pools which project three feet or less above grade shall be located at least three (3) feet from all front, side and rear property lines.

Swimming pools which project more than three feet above grade shall be located at least four feet from all rear property lines, and the distance from front and side property lines specified in Chapter X, Article 1 of the San Diego Municipal Code for front and side yard clearances for the zone in which the pool is located, but in no case less than three (3) feet.

All heating, filtering, pumping and accessory equipment constructed after (the effective date of this ordinance) shall be subject to a four (4) foot side and rear yard requirement.

All heating, filtering, pumping and accessory equipment used in connection with a swimming pool, if located entirely below the finished grade of the site and provided with a permanent, durable, protective cover, need not observe the front, side or rear yard requirements.

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SEC. 91.8406 ALTERNATIVE BARRIER PROVISIONS

The owner of any swimming pool may request approval of an alternative from the barrier requirements of Division 84 by submitting to the Building Official written application for the proposed alternative, setting forth a description of the proposed pool and an alternate safeguard or condition of the site by which entry into the pool may be restricted or prevented. The Building Official may approve an alternate safeguard or obstruction upon finding that one of the following conditions exists:

- (a) That physical conditions of the site would make the erection of a barrier, wall or other structure impractical.
- (b) That proposed limitation of access or conditions of control which would be continuously effective would satisfy the intent of the barrier requirements.

SEC. 91.8407 LOT COVERAGE

Swimming pools shall not be considered residential structures for purposes of computing lot coverage as set forth in Section 101.0601.1 of the San Diego Municipal Code.

Section 15. That Chapter IX, Article 1, Division 86, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 91.8602 and 91.8604, to read as follows:

**SEC. 91.8602 DEMOLITION OF STRUCTURES - PERMIT
REQUIRED**

(a) Purpose and Intent. It is the purpose and intent of the Council to protect the public safety and welfare by permitting only contractors licensed by the State of California to demolish structures and by requiring the filing of a policy of insurance protecting the public against personal injury and property damage and posting of a surety bond to insure completion of demolition and cleanup of the demolition site.

(b) Permit Required. No person may demolish in whole or in part any building or structure, or cause the same to be done, without first obtaining and having then in effect a valid demolition permit. The demolition permit shall be conspicuously posted on the premises while the demolition or associated work is in progress.

A demolition permit is not be required to demolish a minor building. For the purpose of Section 91.8602, a "minor building" means a one-story frame building not over 500 square feet in area, a temporary construction shed or office or a temporary tract or subdivision office, the construction of which had been authorized by the Planning Director.

The Building Official may issue a no-fee permit to any owner required to demolish a structure, not exceeding two stories

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in height, declared by a governmental authority to be unsafe or a public nuisance.

(c) No person may demolish a structure or building and a demolition permit may not be issued unless such person holds a valid State of California Contractor's License authorizing the work or is the owner of the real property on which the structure or building to be demolished is situated.

(d) Demolition Permit for Projects in the "Coastal Zone" as Defined in the California Coastal Act of 1976. No demolition permit will be issued by The City of San Diego for any project or development located within the "Coastal Zone" as established by the California Coastal Act of 1976 until such time as a development permit or certification of exemption has been obtained pursuant to the provisions of Sections 105.0201 et seq. of the Municipal Code. Procedures to be followed when application is submitted for a demolition permit in the "Coastal Zone" are as follows: (1) The application, completion bond and proof of insurance filed by an applicant for a permit shall be reviewed by the Building Official; and, (2) If the work described conforms to the requirements of This Code and other pertinent laws and ordinances, the Building Official shall issue a letter to the applicant stating that the Building Official is prepared to issue a demolition permit therefor to the applicant when the appropriate fees have been paid and the applicant presents an approved development permit or certificate of exemption

authorizing the demolition work for which the application was filed; and, (3) Upon presentation of a development permit or exemption certificate and payment of the fee specified in Section 91.8601 of This Code, the Building Official shall issue a demolition permit to the applicant.

SEC. 91.8604 DEMOLITION OF STRUCTURES - SURETY AND INSURANCE REQUIRED

(a) Surety Bond. No person may demolish a building or structure within the City, or cause the same to be done, unless they have first filed a security with The City of San Diego in the form of a surety bond issued by a surety company authorized to do business in the State of California, or cash or equivalent security approved by the Building Official, in principal amounts as follows:

Floor Area of Structure	Amount of Bond
Up to 2000 square feet	\$ 2,000.00
2000 - 6000 square feet	\$ 5,000.00
Over 6000 square feet	\$10,000.00

The surety bond or other security shall be joint and several in form and inure to the benefit of The City of San Diego, conditioned upon the completion of the demolition and associated work in accordance with the terms of the sections regulating wrecking of structures, and within the period of time or extension thereof as provided in Section 91.8602. A surety bond or other security shall be conditioned upon the

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payment to the City of any costs incurred by it in completing such work in accordance with the terms of the sections regulating wrecking of structures or in employing a private contractor to complete such work. Whenever the City Manager shall find that a default has occurred in the performance of any term or condition of the work authorized by the permit, the City Manager shall give written notice thereof to the principal and the surety on the bond, or any other party standing in the capacity of a surety to the principal. The notice shall state the work remaining to be done, the estimated cost of completion thereof and the period of time deemed by the City Manager to be reasonably necessary for the completion of such work. After receipt of such notice, the principal or the surety on the bond must, within the time specified, either cause the required work to be performed or deposit with The City of San Diego the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to ten percent of such cost. The principal and any surety shall be jointly and severally liable for the cost of completing such work.

In the event that the principal or surety fails to complete such work within the time specified in the notice the City Manager shall proceed by such method as deemed convenient to cause the required work to be performed and completed.

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Any unexpended deposits shall be returned to the depositor at the completion of such work, together with an itemized accounting of the cost.

The principal and surety on the bond shall hold the City harmless from any liability in connection with the work so performed by the City, its authorized agent or contractor employed by the City. The City shall not be liable in connection with such work other than for the expenditure of said money.

If a cash deposit or equivalent security has been posted, notice of default as provided above shall be given to the principal and, if compliance is not had within the time specified, the City Manager shall proceed without delay and without further notice of proceedings whatever to use the cash deposit or equivalent to cause the required work to be done by contract or otherwise in the City Manager's discretion. The balance, if any, of such cash deposit or equivalent shall, upon completion of the work, be returned or released to the depositor or to its successors or assigns after deducting the cost of the work.

No performance bond shall be required from the State of California, any political subdivision thereof, any governmental agency, or from any owner required to demolish a structure not exceeding two stories in height declared by governmental authority to be unsafe or a public nuisance.

(b) Insurance. Every person demolishing a structure or building or causing the same to be done shall take out and maintain public liability insurance to protect against loss from liability for damages on account of bodily injury, including death, and to protect against loss for liability or damages to any property caused directly or indirectly by the demolition or associated work of the building or structure. Such insurance policy shall be maintained in full force and effect during the demolition and associated work of the building or structure in amounts of not less than \$50,000 for one person injured in one accident, not less than \$100,000 for more than one person injured in one accident, and in an amount of not less than \$5,000 with respect to any property damage aforesaid. Proof of insurance acceptable to and approved by the Building Official shall be filed with The City of San Diego and shall provide that copies of all cancellation notices shall be sent to the City. The provisions of Section 91.8604 as to insurance shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages. A policy of insurance shall not be required from the State of California, any political subdivision thereof, or any governmental agency, nor from any owner required to demolish a structure not exceeding two stories in height declared by a governmental authority to be unsafe or a public nuisance.

Section 16. That Chapter IX, Article 1, Division 88, of the San Diego Municipal Code be and the same is hereby amended by amending Sections 91.8801 and 91.8802, to read as follows:

SEC. 91.8801 PURPOSE AND ADOPTION

Appendix Chapter 1, entitled "Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings", of the 1991 Edition of the Uniform Code for Building Conservation, as published by the International Conference of Building Officials and adopted by the State of California as a part of the California Building Standards Code, a copy of which is on file in the office of the City Clerk, as Document No. 00- 17773-3, is hereby adopted. Adoption of this appendix is for the purpose of providing allowable stresses, methods and materials of construction for the repair, alteration or rehabilitation of unreinforced masonry bearing wall buildings constructed prior to March 24, 1939.

The document adopted in Division 88 sets minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury. Adoption of these standards will not necessarily prevent loss of life or injury or prevent earthquake damage to an existing building which complies with these standards.

SEC. 91.8802 SCOPE

The provisions of Division 88 may be applied to all buildings constructed or under construction prior to March

24, 1939 or for which a building permit was issued prior to March 24, 1939, which on (the effective date of this ordinance) have unreinforced masonry bearing walls as defined by Appendix Chapter 1 of the Uniform Code for Building Conservation, in lieu of the provisions of the Uniform Building Code, 1991 Edition..

Section 17. That Chapter 1X, Article 1, Division 88, of the San Diego Municipal Code be and the same is hereby amended by repealing the following sections:

- SEC. 91.8803 DEFINITIONS**
- SEC. 91.8804 RATING CLASSIFICATION**
- SEC. 91.8805 ANALYSIS AND DESIGN**
- SEC. 91.8806 MATERIALS OF CONSTRUCTION**
- SEC. 91.8807 ADDITIONAL REQUIREMENTS**

Section 18. This ordinance shall apply to building permit applications filed with the City of San Diego on and after the effective date of this ordinance.

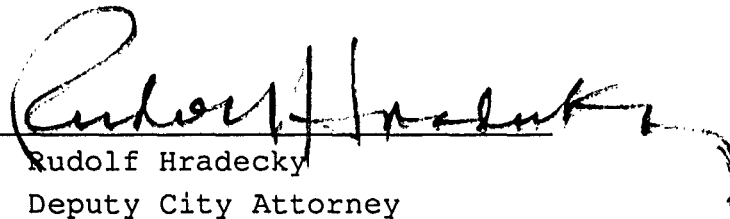
Section 19. The City Clerk is directed to transmit a copy of this ordinance to the State Building Standards Commission for filing pursuant to Health and Safety Code Section 17958.7 and to advise the Building Official when such has been accomplished.

Section 20. The City Clerk is hereby instructed to insert the effective date of this ordinance wherever the phrase "(the effective date of this ordinance)" appears in text.

Section 21. This ordinance shall take effect and be in force on July 1, 1992, but in no event any sooner than the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By


Rudolf Hradecky
Deputy City Attorney

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Passed and adopted by the Council of The City of San Diego on MAY 26 1992
by the following vote:

Council Members	Yeas	Nays	Not Present	Ineligible
Abbe Wolfsheimer	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Ron Roberts	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
John Hartley	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
George Stevens	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Tom Behr	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Valerie Stallings	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Judy McCarty	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Bob Filner	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Mayor Maureen O'Connor	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>

AUTHENTICATED BY: MAUREEN O'CONNOR
Mayor of The City of San Diego, California.

(Seal) CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Linda Luzano, 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 MAY 12 1992, and on MAY 26 1992.

~~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.

(Seal) CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, California.

By Linda Luzano, Deputy.

Office of the City Clerk, San Diego, California	
Ordinance Number	<u>0-17773</u>
Adopted	<u>MAY 26 1992</u>

CERTIFICATE OF PUBLICATION

RECEIVED
CITY CLERK'S OFFICE
92 JUN 12 AM 9:50
SAN DIEGO, CALIF. *RS*

OFFICE OF THE CITY CLERK
CITY ADMINISTRATION BUILDING, 2ND FLOOR
202 C STREET
SAN DIEGO, CA 92101

IN THE MATTER OF

NO.

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1,
OF THE SAN DIEGO MUNICIPAL CODE...

ORDINANCE NUMBER O-17773 (NEW SERIES)

AN ORDINANCE AMENDING CHAPTER IX, ARTICLE 1, OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING DIVISION 1, SECTIONS 91.0101, 91.0103, 91.0104 AND 91.0106; BY AMENDING DIVISION 2, SECTIONS 91.0202, 91.0203, 91.0204 AND 91.0205; BY AMENDING DIVISION 3, SECTIONS 91.0301, 91.0302, 91.0303 AND 91.0304 AND BY ADDING SECTION 91.0305; BY AMENDING DIVISION 7, SECTION 91.0710; BY ADDING DIVISION 12, SECTION 91.1203; BY AMENDING DIVISION 18, SECTION 91.1807; BY AMENDING THE TITLE TO DIVISION 23 AND BY RENUMBERING AND AMENDING SECTION 91.2312; BY AMENDING DIVISION 29, SECTIONS 91.2903 AND 91.2905 AND BY ADDING SECTION 91.2918; BY AMENDING DIVISION 32, SECTION 91.3203; BY ADDING DIVISION 38, SECTIONS 91.3803 AND 91.3805; BY ADDING DIVISION 45, SECTION 91.4508; BY AMENDING THE TITLE TO DIVISION 84 AND AMENDING SECTIONS 91.8401, 91.8402, 91.8403, 91.8404, 91.8405, 91.8406 AND 91.8407; BY AMENDING DIVISION 88, SECTIONS 91.8802 AND 91.8804; BY AMENDING DIVISION 88, BY AMENDING SECTIONS 91.8801 AND 91.8802 AND BY REPEALING SECTIONS 91.8803, 91.8804, 91.8805, 91.8806 AND 91.8807 RELATING TO THE UNIFORM BUILDING CODE, 1991 EDITION.

I, Corey Donahue, am a citizen of the United States and a resident of the county aforesaid; I am over the age of eighteen years, and not a party to or interested in the above-entitled matter. I am the principal clerk of the San Diego Daily Transcript, a newspaper of general circulation, printed and published daily, except Saturdays and Sundays, in the City of San Diego, County of San Diego and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of San Diego, State of California, under the date of January 23, 1909, Decree No. 14894; and the

This ordinance adopts the 1991 editions of the Uniform Building Code and the Uniform Building Code Standards, by amending Chapter IX, Article 1 of the Municipal Code to incorporate those provisions together with local amendments as the Building Code of the City of San Diego, effective July 1, 1992.

ORDINANCE NUMBER O-17773 (NEW SERIES)

is a true and correct copy of which the annexed is a printed copy and was published in said newspaper on the following date(s), to wit:

The adoption of the Building Code replaces the 1988 Building Code provisions previously in effect.

JUNE 9

The amendments make a number of technical revisions to the administration provisions governing, among other things, abatement of unsafe, dangerous or substandard buildings, cost recovery, jurisdiction of the Board of Appeals and Advisors, and the expiration of building permits.

I certify under penalty of perjury that the foregoing is true and correct.

Division 23 of Chapter IX, Article 1, is revised to add references to the City of San Diego Seismic Safety Study Maps and to clarify the regulations governing the issuance of building permits in areas of geologic hazard.

Dated at San Diego, California this 9th day of JUNE, 1992.

Division 38 is amended to require central station monitoring of fire sprinkler systems and to require standpipes in buildings exceeding 75 feet in height.

Corey Donahue
(Signature)

Division 84 is amended to clarify regulations governing construction and safety barriers for swimming pools.

Division 88 is revised to incorporate the provisions of Appendix Chapter 1 of the Uniform Code for Building Construction as the applicable regulations governing unreinforced masonry bearing wall buildings.

A complete text of the Uniform Codes and this ordinance are on file in the office of the City Clerk and available for public inspection.

A complete copy of this ordinance is available for inspection in the office of the City Clerk, City Administration Building, 202 C Street, 2nd floor, San Diego, CA 92101.

INTRODUCED ON MAY 12, 1992
Passed and Adopted by the Council of the City of San Diego on MAY, 26 1992.

AUTHENTICATED BY:
MAUREEN O'CONNOR
Mayor of The City of San Diego, CA
CHARLES G. ABDELNOUR
City Clerk of The City of San Diego, CA

(SEAL) By Linda Lugano, Deputy
Pub. June 9 248597

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