

**18245**

ORDINANCE NUMBER O-\_\_\_\_\_ (NEW SERIES)

ADOPTED ON JAN 08 1996

AN ORDINANCE AMENDING CHAPTER IX, OF THE SAN DIEGO MUNICIPAL CODE BY REPEALING ARTICLE 1, DIVISION 1, SECTIONS 91.0101, 91.0103, 91.0104 AND 91.0106; DIVISION 2, SECTIONS 91.0201, 91.0202, 91.0203, 91.0204 AND 91.0205; DIVISION 3, SECTIONS 91.0301, 91.0302, 91.0303, 91.0304 AND 91.0305; DIVISION 4, SECTIONS 91.0404, 91.0405, 91.0406 AND 91.0408; DIVISION 5, SECTIONS 91.0501, 91.0502, 91.0503, 91.0504, 91.0506, 91.0507, 91.0508, 91.0509 AND 91.0510; DIVISION 6, SECTIONS 91.0601, 91.0602, 91.0603, 91.0604, AND 91.0605; DIVISION 7, SECTION 91.0710; DIVISION 8, SECTIONS 91.0801, 91.0802, 91.0803, 91.0804, 91.0805, 91.0806 AND 91.0807; DIVISION 12, SECTION 91.1205; DIVISION 18, SECTION 91.1807; DIVISION 23, SECTIONS 91.2312 AND 91.2340; DIVISION 29, SECTIONS 91.2903, 91.2905 AND 91.2918; DIVISION 32, SECTION 91.3203; DIVISION 38, SECTIONS 91.3803 AND 91.3805; DIVISION 45, SECTION 91.4508; DIVISION 84, SECTIONS 91.8401, 91.8402, 91.8403, 91.8404, 91.8405, 91.8406 AND 91.8407; DIVISION 85, SECTIONS 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508 AND 91.8509; DIVISION 86, 91.8601, 91.8602, 91.8603, 91.8604 AND 91.8605; DIVISION 88 SECTION 91.8801, 91.8802, 91.8803, 91.8804, 91.8805, 91.8806, 91.8807, 91.8808, 91.8809, 91.8810, 91.8811, 91.8812 AND 91.8813; AND DIVISION 89, SECTION 91.8901; AND ENACTING A NEW ARTICLE 1, DIVISION 1, SECTIONS 91.0101, 91.0102, 91.0103, 91.0104, 91.0105, 91.0106, 91.0107 AND 91.0108; DIVISION 15, SECTION 91.1503; DIVISION 18, SECTION 91.1804; DIVISION 29, SECTION 91.2902; DIVISION 32, SECTION 91.3208; DIVISION 34, SECTION 91.3403; DIVISION 84, SECTIONS 91.8401, 91.8402, 91.8403 91.8404, 91.8405 AND 91.8406; DIVISION 85, SECTIONS 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508 AND 91.8509; DIVISION 86, SECTIONS 91.8601, 91.8602, 91.8602.4, 91.8603, 91.8604 AND 91.8605; DIVISION 88, SECTIONS 91.8801, 91.8802, 91.8803, 91.8804, 91.8805, 91.8806, 91.8807, 91.8808, 91.8809,

91.8810, 91.8811 AND 91.8812; AND DIVISION 89, SECTION 91.8901; AND BY AMENDING CHAPTER IX, ARTICLE 8, DIVISION 1, SECTION 98.0108; CHAPTER X, ARTICLE 1, DIVISION 4, SECTION 101.0435.3 AND DIVISION 7, SECTION 101.0702; CHAPTER IX, ARTICLE 6, DIVISION 4, SECTION 96.0402; CHAPTER X, ARTICLE 3, DIVISION 21, SECTION 103.2104; AND CHAPTER XI, ARTICLE 1, DIVISION 13, SECTION 111.1305, ALL RELATING TO THE UNIFORM BUILDING CODE

WHEREAS, the Uniform Building Code, 1994 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 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 California Health and Safety Code section 17958.5 that the recommended amendments, additions, or

deletions incorporate changes and modifications which are reasonably necessary because of local conditions; and

WHEREAS, the Council of The City of San Diego expressly finds and declares that each section of the Uniform Building Code, 1994 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 local conditions; NOW, THEREFORE,

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

**Section 1.** That Chapter IX, of the San Diego Municipal Code be and the same is hereby amended by repealing the existing Article 1, Division 1, 91.0101, 91.0103, 91.0104 and 91.0106; Division 2, Sections 91.0201, 91.0202, 91.0203, 91.0204 and 91.0205; Division 3, Sections 91.0301, 91.0302, 91.0303, 91.0304 and 91.0305; Division 4, Sections 91.0404, 91.0405, 91.0406 and 91.0408; Division 5, Sections 91.0501, 91.0502, 91.0503, 91.0504, 91.0506, 91.0507, 91.0508, 91.0509 and 91.0510; Division 6, Sections 91.0601, 91.0602, 91.0603, 91.0604, and 91.0605; Division 7, Section 91.0710; Division 8, Sections 91.0801, 91.0802, 91.0803, 91.0804, 91.0805, 91.0806 and 91.0807; Division 12, Section 91.1205; Division 18, Section 91.1807; Division 23, Sections 91.2312 and 91.2340; Division 29, Sections 91.2903, 91.2905 and 91.2918; Division 32, Section 91.3203; Division 38, Sections 91.3803 and 91.3805; Division 45, Section 91.4508; Division 84, Sections 91.8401, 91.8402, 91.8403, 91.8404, 91.8405, 91.840 6 and 91.8407; Division 85, Sections 91.8501,

91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508 and 91.8509; Division 86, 91.8601, 91.8602, 91.8603, 91.8604 and 91.8605; Division 88, Section 91.8801, 91.8802, 91.8803, 91.8804, 91.8805, 91.8806, 91.8807, 91.8808, 91.8809, 91.8810, 91.8811, 91.8812 and 91.8813; and Division 89, Section 91.8901.

**Section 2.** That Chapter IX, of the San Diego Municipal Code be and the same is hereby amended by enacting Article 1, Division 1, Sections 91.0101, 91.0102, 91.0103, 91.0104, 91.0105, 91.0106, 91.0107 and 91.0108; Division 15, Section 91.1503; Division 18, Section 91.1804; Division 29, Section 91.2902; Division 32, Section 91.3208; Division 34, Section 91.3403; Division 84, Sections 91.8401, 91.8402, 91.8403, 91.8404, 91.8405 and 91.8406; Division 85, Sections 91.8501, 91.8502, 91.8503, 91.8504, 91.8505, 91.8506, 91.8507, 91.8508 and 91.8509; Division 86, Sections 91.8601, 91.8602, 91.8602.4, 91.8603, 91.8604 and 91.8605; Division 88, Sections 91.8801, 91.8802, 91.8803, 91.8804, 91.8805, 91.8806, 91.8807, 91.8808, 91.8809, 91.8810, 91.8811 and 91.8812, to read as follows:

**DIVISION 1**

**TITLE, SCOPE AND ADOPTION**

**SEC. 91.0101 TITLE AND ADOPTION**

**101.1.1 Title and Adoption.** Subject to the exceptions listed in Sections 101.1.2 through 101.1.4, the "Uniform Building Code, 1994 Edition, Volumes 1, 2 & 3," published by the International Conference of Building Officials, is 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 (the "Building Code" or this "Article"). The Building Code together with any applicable provisions of the San Diego Municipal 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 Article. Each of the regulations, provisions, penalties, conditions and terms of the Uniform Building Code, 1994 Edition published by the International Conference of Building Officials, is on file in the office of the City Clerk, as Document No. 00-18245, and is 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, 1994 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.

Numbering of subsections in this Article is designed to be consistent with numbers of sections in the Uniform Building Code, 1994 Edition.

**101.1.2 Chapters not Adopted.** Chapter 11, entitled "Accessibility", of the Uniform Building Code, 1994 Edition, is not adopted by The City of San Diego.

**101.1.3 Sections not Adopted.** The following Sections or Subsections of the Uniform Building Code, 1994 Edition, are not adopted by The City of San Diego:

SECTION 101	TITLE, PURPOSE AND SCOPE
	101.1 Title
	101.3 Scope
SECTION 102	UNSAFE BUILDINGS OR STRUCTURES
SECTION 103	VIOLATIONS
SECTION 104	ORGANIZATION AND ENFORCEMENT
	104.1 Creation of Enforcement Agency
	104.2.1 General
	104.2.2 Deputies
	104.2.3 Right of Entry
SECTION 105	BOARD OF APPEALS
SECTION 106	PERMITS
	106.2 Work Exempt from Permit
	106.4 Permits Issuance
SECTION 107	FEEES
SECTION 108	INSPECTIONS
	108.4 Approval Required
TABLE 1-A	BUILDING PERMIT FEES
SECTION 1503	ROOF COVERING REQUIREMENTS
SECTION 1804	FOUNDATION INVESTIGATION
	1804.2 Investigation

SECTION 3301 EXCAVATION AND FILLS

3301.1 General

SECTION 3403 ADDITIONS, ALTERATIONS OR REPAIRS

3403.5 Historic Buildings

**101.1.4 Appendix Chapters Adopted.** The following Appendix Chapters of the Uniform Building Code, 1994 Edition, are adopted by The City of San Diego. The remaining Appendix Chapters are not adopted.

CHAPTER 3, Division II AGRICULTURAL BUILDINGS

CHAPTER 9 BASEMENT PIPE INLETS

CHAPTER 18 WATERPROOFING AND DAMPPROOFING  
FOUNDATIONS

CHAPTER 31, Division II MEMBRANE STRUCTURES

CHAPTER 31, Division III PATIO COVERS

**101.2 Purpose.** Section 101.2 of the Uniform Building Code, 1994 Edition has been adopted without change pursuant to Section 91.0101.1.1.

**101.3 Scope.** The provisions of the Building 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 the Building Code, and hydraulic flood control structures. The standards of the Building Code shall also apply to City-owned buildings.

Where in any specific case different sections of the Building 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, 1994 Edition, reference is made to the Appendix, the provisions in the Appendix shall not apply unless specifically adopted as shown in Section 91.0101.1.4.

**SEC. 91.0102 UNSAFE, SUBSTANDARD OR DANGEROUS BUILDINGS OR STRUCTURES**

**102.1 Declaration of Purpose.** The Council finds that Unsafe, Substandard and Dangerous Buildings or Structures, as defined in this Section, are public nuisances by virtue of their conditions or defects to the extent that the life, health, property or safety of the public or their occupants are endangered. The Council further finds 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 Division are in addition to any other administrative, criminal or civil remedy established by law which may be pursued to address violations of the Municipal Code. This Division does not affect or alter other nuisance abatement procedures established in the Municipal Code.

**102.2 Definitions.** For purposes of Section 91.0102:



"Director" means the Director of the Development Services Department or Neighborhood Code Compliance Department or their designated Enforcement Officials.

"Dangerous Building" or "Dangerous Structure" means any building, structure, or portion thereof, in which there exists any one of the conditions listed in Section 91.0102.3 to an extent that the life, health, safety or property of the public or its occupants is threatened by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment.

"Responsible Person" means the person responsible for causing or maintaining a violation as defined in Municipal Code section 11.0210.

"Substandard Building" or "Substandard Structure" means any building or structure as defined in California Health and Safety Code section 17920.3.

"Unsafe Building" or "Unsafe Structure" means any building or structure in which there exists any one of the conditions listed in Section 91.0102.4.

**102.3 Conditions Causing a Dangerous Building or Structure.** Physical or structural conditions which may cause a structure to be classified as a Dangerous Building or Dangerous Structure include any one of the following conditions:

1. The walking surface of any aisle, passageway, stairway or other means of exit is so warped, worn, loose, torn or otherwise unsafe that it does

- not provide a safe and adequate means of exit in case of fire or panic;
2. Any portion, member or appurtenance of a 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;
  3. Any portion of a building or structure, that 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 the building; (iv) the deterioration, decay or inadequacy of its foundation; or, (v) any other cause;
  4. 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;
  5. Any 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, is

- unsanitary, unfit for human habitation or in a condition likely to cause sickness or disease;
6. The building or structure creates a fire hazard by virtue of its obsolescence, dilapidated condition, deterioration, damage, inadequate exits, lack of sufficient fire-resistive construction, faulty electric wiring, gas connections or heating apparatus, or other cause;
  7. The building or structure constitutes a public nuisance as defined by law;
  8. A portion of a building or structure (including the foundation and slab or 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 a manner that it constitutes an attractive nuisance or hazard to the public;
  9. The exits of the building or the means to exit 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;
  10. Defective or overloaded electrical systems, faulty or leaking fuel piping systems, or deteriorated

fuel combustion equipment or combustion product vents are present;

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

**102.4 Conditions Causing an Unsafe Building or**

**Structure.** The conditions which may cause a structure to be classified as an Unsafe Building or Unsafe Structure include any one of the following conditions:

1. The building contains one or more structural components which cannot withstand one hundred percent (100%) of the vertical design loads as required by the current version of the Uniform Building Code.
2. The building contains one or more structural components of the lateral load resisting system which cannot withstand twenty-five percent (25%) of the wind or earthquake forces as required by the current version of the Uniform Building Code.
3. The building contains parapet walls or other building appendages which are not capable of resisting the wind or earthquake forces as required by the current version of the Uniform Building Code.

**102.5 Procedures for Notice and Order.**

**102.5.1** Whenever the Director determines that a building, structure or any portion thereof is unsafe,

substandard or dangerous as defined in this Section, the Director may commence administrative abatement proceedings by issuing a written Notice and Order to the Responsible Person to abate a public nuisance.

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

102.5.3 The Notice and Order shall refer to the conditions listed in this Section, which render the property or structure unsafe, substandard or dangerous.

102.5.4 The Notice and Order shall describe the action required to abate the public nuisance, which may include any or all of the following measures:

1. Repair and Rehabilitation. If the Director determines that the building or structure can be reasonably repaired, the Notice and Order shall require that all necessary permits be obtained immediately and the work physically commenced within a specified time. The Director shall establish reasonable time frames to obtain permits and complete all repairs.
2. Demolition. If the Director determines that the building or structure cannot be reasonably repaired within the guidelines established in California Health and Safety Code section 17980, the Notice and Order shall require that all necessary permits be immediately obtained and that

demolition shall be completed within a specified period of time as established by the Director.

3. Vacation and Notice to Tenants. If the Director determines that vacation of the structure is necessary for demolition or repairs, the Notice and Order shall require the expeditious vacation of the structure consistent with applicable laws and within a reasonable period of time as established by the Director.
4. Clean and Secure. If the building or structure is vacant or abandoned before or during repairs, rehabilitation or demolition, or after vacation of the tenants is complete, the Notice and Order may require the Responsible Person to immediately clean and secure the property according to the procedures and standards enacted in Division 3, Article 4 of Chapter V of the Municipal Code.

102.5.5 The Notice and Order shall also explain the consequences should the Responsible Person fail to comply with the terms of the Notice and Order.

102.5.6 The Notice and Order shall identify all hearing rights.

102.5.7 The Notice and Order, and any supplemental Notice and Order, shall be served by one of the methods of service set forth in Municipal Code section 11.0301.

102.5.8 If the building or structure is rented or leased for residential occupancy, the Notice and Order shall

contain a provision notifying the Responsible Person about the possible denial of state income tax benefits pursuant to definitions and procedures found in California Health and Safety Code section 17980(d).

**102.5.9** A copy of the Notice and Order shall be provided to all tenants of a residential building pursuant to California Health and Safety Code section 17980(c).

**102.5.10** The Notice and Order shall require the Responsible Person, within ten (10) calendar days from the date the notice is served, to provide the Director with a written statement of his or her intent to abate the public nuisance.

**102.6 Extensions of Time.** Upon receipt of a written request for an extension from the Responsible Person and a written agreement that the Responsible Person will comply with the Notice and Order if allowed additional time, the Director may grant an extension of time. The extension shall not exceed an additional one hundred and twenty (120) calendar days to complete the repairs, rehabilitation or demolition. The Director may grant the extension only if it is determined that such an extension of time will not create or perpetuate a situation dangerous to life or property and that the circumstances which justify the delay are beyond the direct control of the Responsible Person.

**102.7 Failure to Comply with Notice and Order.** The Director shall schedule an administrative enforcement hearing as provided in Division 4, Article 2 of Chapter I of

the Municipal Code when any of the following situations occur:

1. The Responsible Person served with the Notice and Order fails to comply with any of its terms; or
2. The required work or demolition is not commenced or finished within the time specified in the Notice and Order or is not performed in compliance with all applicable regulations; or
3. The Responsible Person served with the Notice and Order files a written request for a hearing with the Director within ten (10) calendar days of the service of the Notice and Order.

**102.8 Recordation of Notice and Order.** At any time after the Notice and Order is served upon the Responsible Person the Director may file in the Office of the County Recorder a copy of the Notice and Order describing the location of the property and the conditions that cause the building to be unsafe, substandard or dangerous.

Whenever the Responsible Person or the City completes the repairs or demolition as required by the Notice and Order, the Director shall file a notice with the County Recorder that certifies that the building is no longer unsafe, substandard or dangerous. This shall have the effect of canceling the recorded Notice and Order.

**102.9 Repair, Vacation and Demolition Requirements.** The Director shall apply the following standards in ordering the



repair, vacation or demolition of any Unsafe, Substandard or Dangerous Building or Structure:

1. The building or structure shall be repaired in accordance with the most recent edition of the Uniform Building Code, as adopted by the City of San Diego.
2. No building designated as historical pursuant to the procedures set forth in Division 2, Article 6 of Chapter II of the Municipal Code may be demolished pursuant to this Section. The Responsible Person shall ensure that any and all repairs and corrective actions to an historical building will comply with all applicable state and local regulations and ordinances.
3. The Responsible Person is primarily responsible for the relocation and associated costs of any tenants displaced as a result of an abatement action pursuant to this Section and must follow applicable requirements of state law. If relocation costs are incurred, the Responsible Person must provide necessary and reasonable financial assistance to cover the costs of relocating the tenant.
4. If relocation costs are paid by the City, the costs shall be assessed against the Responsible Person as an abatement cost and may be recovered pursuant to procedures set forth in Division 3,

Article 3 of Chapter I of the Municipal Code. The Director shall coordinate applicable public assistance to help in the relocation of any tenants.

**102.10 Posting of Signs.** Once the Director orders the vacation of tenants or once the building is secured pursuant to the regulations in Municipal Code section 54.0306, the Director shall post signs in substantially the following form at or near each entrance of the building:

DO NOT ENTER  
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building  
or to remove or deface this notice

(SDMC SEC.91.0102)

City of San Diego

1. Trespass. It is unlawful for any person to remain in or enter any building which has been posted in accordance with this Section, except that entry may be made to repair or demolish such building under proper permit.
2. Defacement. It is unlawful for any person to remove or deface any sign or notice after it is posted until the required repairs have been completed or until demolition is finished and all debris removed pursuant to the demolition permit.

**102.11 Abatement Hearing.** Whenever the Director schedules an abatement hearing pursuant to this Section, the Enforcement Hearing Officer shall determine whether the structure is a public nuisance and if so order its repair, rehabilitation, vacation, or demolition by the Responsible Person, City work crews or a private contractor. The abatement hearing shall be conducted according to the administrative enforcement hearing procedures set forth in Division 4, Article 2 of Chapter I of the Municipal Code.

The Enforcement Hearing Officer shall consider evidence that is relevant to the following issues only:

1. Whether the conditions of the building or structure listed in the Notice and Order constitute a public nuisance; and
2. Whether the time frame and method of abatement by repair, rehabilitation, vacation or demolition as listed in the Notice and Order are reasonable under the circumstances; and
3. Whether the City may abate the conditions causing the public nuisance if the Responsible Person fails to do so.

**102.12 Enforcement Hearing Officer Decision.** Once all evidence and testimony is completed, the Enforcement Hearing Officer shall affirm, reject or modify the Director's decision. If the Enforcement Hearing Officer confirms the existence of a public nuisance, the Enforcement Hearing Officer may issue an order that compels the Responsible

Person to abate and permits the City to abate the conditions causing the public nuisance pursuant to the procedures set forth in Division 6, Article 2 of Chapter I of the Municipal Code.

**102.13 Failure to Comply with Administrative Enforcement Order.** If the Responsible Person served with an Enforcement Hearing Officer's order fails to comply with the terms of the order, the Responsible Person may be prosecuted under Municipal Code section 12.0413 and the Director may commence appropriate abatement action following the procedures set forth in this Section.

**102.14 Interference with Repair or Demolition Work Prohibited.** It is unlawful for any person to 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 they conduct repairs, vacate tenants or demolish pursuant to the provisions of this Section.

**102.15 Performance of Work.** Any repair, demolition, work or vacation of tenants done by the City following service of the Administrative Enforcement Order may be accomplished by City work crews or by private contractor.

**102.16 Recovery of Repair, Demolition or Vacation Costs.** All costs incurred by the City to implement the Administrative Enforcement Order, including the costs for all administrative processing, physical work and abatement hearings, shall be assessed and collected pursuant to the

procedures provided in Division 3, Article 3 of Chapter I of the Municipal Code.

**102.17 Summary Abatement.** Notwithstanding the administrative procedures specified in this Section for the abatement of a public nuisance, whenever a Director determines that a building or structure is unsafe, substandard or dangerous and that it creates an imminent hazard to the life, health and safety of its occupants or the general public, a Director may exercise any of the summary abatement powers and follow the procedures provided in Division 7, Article 2 of Chapter I of the Municipal Code.

Once the Director has taken the appropriate summary abatement action, the Director may then follow the administrative procedures as specified in this Section, or pursue any other judicial or administrative remedy available under the law.

**102.18** The City's Nuisance Abatement Superfund, as established by Municipal Code section 13.0308, may be used to pay for all costs incurred during the course of the administrative and summary abatement, including relocation costs and other special costs as determined by the Director.

**SEC. 91.0103 VIOLATIONS AND ENFORCEMENT REMEDIES**

**103.1** 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 building or structure, or cause the same to be done, in violation of any provision of the

Building Code or contrary to any order or permit issued by the Director of the Neighborhood Code Compliance Department or Building Official.

**103.2** Violations of the Building Code may be prosecuted as misdemeanors subject to the penalties provided in Municipal Code section 12.0201. The Director of Neighborhood Code Compliance or Building Official may also seek injunctive relief and civil penalties in the Superior Court pursuant to Municipal Code section 12.0202 or pursue any administrative remedy provided in Chapter I of the Municipal Code.

**103.3** Violations of the Building Code shall be treated as strict liability offenses regardless of intent.

**SEC. 91.0104 ORGANIZATION AND ENFORCEMENT**

**104.1 Creation of Enforcement Agency.** The Neighborhood Code Compliance Department as established in Municipal Code section 22.1801 shall have the primary responsibility for the enforcement of the Building, Electrical, Plumbing and Mechanical Codes as they apply to existing structures within the City of San Diego. The Director of the Neighborhood Code Compliance Department together with the Building Official shall coordinate and develop programs and policies for the consistent and uniform enforcement of these codes.

**104.2 Enforcement Powers and Duties of Building Official and Neighborhood Code Compliance Director**

**104.2.1 General.** The Building Official and Director of the Neighborhood Code Compliance Department are authorized

to enforce all provisions of the Building, Electrical, Plumbing and Mechanical Codes and appoint inspectors, technical experts, Enforcement Officials and other employees as may be necessary to carry out enforcement functions.

**104.2.2 Interpretation and Administrative Rules.** Only the Building Official shall have the power to render interpretations of the Building, Electrical, Plumbing and Mechanical Codes. The Director of Neighborhood Code Compliance Department and Building Official have the power to adopt policies and regulations reasonably necessary to clarify the application of these codes. The interpretations, rules and regulations shall be in conformity with the intent and purposes of the Building, Electrical, Plumbing and Mechanical Codes.

**104.2.3 Enforcement Authority.**

**104.2.3.1** Whenever the Director of the Neighborhood Code Compliance Department or Building Official determine that a building or structure violates any of the provisions of Articles 1, 2, or 3 of this Chapter, the Director or Building Official and their designated Enforcement Officials may exercise any of the enforcement powers as set forth in Division 1, Article 2 of Chapter I of the Municipal Code.

**104.2.3.2** In addition to the general authority to inspect private property provided in Municipal Code sections 12.0102 and 12.0104, the Director or Building Official has the authority to enter a building, structure or premises to determine:

1. whether a building is unsafe, substandard, dangerous as defined in this Division; and
2. whether a building is of unreinforced masonry bearing wall construction.

**104.2.3.3.** The Building Official or Director of the Neighborhood Code Compliance Department may report relevant violations of Articles 1, 2, or 3 of this Chapter to the State Contractors License Board or other appropriate licensing or regulatory agency.

**104.2.3.4** The Building Official or Director of the Neighborhood Code Compliance Department may issue a stop work notice pursuant to Section 91.0104.2.4 where appropriate.

**104.2.4 Stop Orders through 104.2.10 Cooperation of Other Officials and Officers.** Sections 104.2.4 through 104.2.10 of the Uniform Building Code, 1994 Edition have been adopted without change pursuant to Section 91.0101.1.1.

**104.2.11 Restoration and Mitigation.** In addition to the remedies provided in Chapter I of the Municipal Code the Building Official or Director of the Neighborhood Code Compliance Department may order the reasonable restoration of a building, premises and any adjacent and affected site to its lawful condition or require reasonable mitigation. These requirements can be attached as conditions to applicable permits or enforcement actions and orders as appropriate.



1. Any restoration or mitigation imposed by the Building Official or Director shall be at the sole cost of the Responsible Person.
2. Mitigation may be appropriate where the Building Official or Director determines that restoration of the building, premises or adjacent site to its lawful condition is not feasible or that irreparable damage has been done to a structure, environmentally sensitive area or habitat or historical structure.
3. Mitigation may include the purchase or exchange of like-kind real property and structures of a similar or greater quality and value.
4. The Building Official or Director may require a combination of restoration and mitigation of the building, premises or site depending upon the circumstances.
5. The Building Official or Director may promulgate additional administrative guidelines and regulations to implement and clarify the authority to require restoration and mitigation.

**SEC. 91.0105 BOARD OF APPEALS**

**105.1 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.

**105.2 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 the Building 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 the Building 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 the Building 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 Safety and Neighborhood Services Committee of the City Council. Appeals must be submitted in writing to the Consultant of the Public Safety and Neighborhood Services Committee of the City Council within ten (10) calendar days after the date of the Boards action.

The Building Official is hereby authorized to recover from the appellant all costs, fees and expenditures incurred by the City, or which may be incurred, for any matter appealed to the State Historical Building Safety Board pursuant to California Health and Safety Code section 18960.

**105.3 Limitations of Authority.** The Board of Appeals shall have no authority to interpret the administrative provisions of the Building Code nor shall the Board be empowered to waive requirements of the Building Code.

**SEC. 91.0106 PERMITS**

**106.1 Permits Required.** Section 106.1 of the Uniform Building Code, 1994 Edition has been adopted without change pursuant to Section 91.0101.1.1.

**106.2 Work Exempt From Permit.** 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 U 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 entirely above the adjacent grade and if the capacity does not exceed 5000 gallons.
12. Patio cover structures attached to or detached from single family dwellings in the R-1 zone provided, however, the patio structure:

1. does not exceed three hundred (300) square feet of projected roof area, and
2. is not located in any required yard, as defined in Municipal Code section 101.0101.50, and
3. is not located in any established setback area, as defined in Municipal Code section 101.0602, and
4. does not exceed twelve (12) feet above grade as defined in Municipal Code section 101.0101.24.

The building permit exemption provided by Section 91.0106.2.12 shall not apply in the "Coastal Zone" or to Planned Residential Developments, as defined in Municipal Code section 101.0901, or Planned Infill Residential Developments, as defined by Municipal Code section 101.0930.

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 U, 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 U, 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 \$1000.00 in valuation and do not affect any electrical or mechanical installations. Repairs exempt from permit requirements 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 California Health and Safety Code section 15026.
20. Specific buildings or structures as may be determined by the Building Official for a particular and justifiable reason.

This Section 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 the Municipal Code, separate plumbing, electrical and mechanical permits will be required for the above exempted items.

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

**106.3 Application for Permit.** Section 106.3 of the Uniform Building Code, 1994 Edition has been adopted without change pursuant to Section 91.0101.1.1.

**106.4 Permits Issuance**

**106.4.1 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 the Building Code and other pertinent laws and ordinances, and that the fees specified in Section 91.0107 have been paid, a permit therefor shall be issued to the applicant in accordance with Sections 111.0304(b) and



111.1305(b). The provisions of Division 13, Article 1, Chapter XI of the Municipal Code supplement this Section.

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 the Building 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 the Building 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 the Building Code and any other ordinance, statute or regulation in effect on the date the complete permit application is submitted to and accepted by the Development Services 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 Chapter XI, Article 1, Division 12. 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 requirements of the Building 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 91.0107, 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.

**106.4.2 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.

**106.4.3 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 the Building Code or of any other City ordinance. Permits presuming to give authority to violate or cancel the provisions of the Building 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 the Building Code or of any other City ordinances.

**106.4.4 Expiration.** Every permit issued by the Building Official under the provisions of the Building Code shall expire by limitation and become null and void if and when any of the following occur:

1. The building or work authorized by a permit is not commenced within one hundred eighty (180) calendar days after the date the permit is issued; or
2. The building or work authorized by a permit is suspended or abandoned for a period of one hundred eighty (180) consecutive calendar days; or
3. The entire foundation or an equivalent amount of work is not completed within three hundred sixty-five (365) calendar days after the date the permit is issued. Work authorized by a permit shall be diligently performed to completion.

**106.4.5 Extension of time.**

**106.4.5.1** The expiration of a permit that was issued under the provisions of the Building Code may be extended once by the Building Official in accordance with the provisions of Sections 91.0106.4.5.1.1 or 91.0106.4.5.1.2. One additional extension may be granted by the Building Official in accordance with Section 91.0106.4.5.3.

**106.4.5.1.1** If the work has not commenced, the following provisions shall apply:

1. The applicant must file a written request for an extension with the Building Official prior to the expiration of the permit.
2. The Building Official may extend the expiration of a permit if the Building Official finds that circumstances beyond the control of the applicant prevented the authorized work from commencing.

3. The permit extension shall provide an additional one hundred eighty (180) calendar days, starting from the original permit expiration date, to commence work and an additional three hundred sixty-five (365) calendar days, starting from the original permit expiration date, to complete the entire foundation or an equivalent amount of work on the permitted structure.
4. The applicant shall revise the plans, specifications, and other data which define the work permitted, as necessary, to show compliance with the Building Code and all applicable ordinances, statutes, or regulations in effect at the time the extension is granted.
5. The applicant shall pay the increase in all applicable fees, costs, assessments, deposits, penalties or other charges together with any newly created fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted. Supplemental plan check fees shall be paid when required by Section 91.0107.2.

106.4.5.1.2 If the work has commenced, the following provisions shall apply:

1. The applicant must file written request for the extension with the Building Official prior to the expiration of the permit.

2. The Building Official may extend the expiration of a permit if the Building Official finds that circumstances beyond the control of the permittee prevented the completion of the foundation or an equivalent amount of work or caused the work authorized by such permit to be suspended or abandoned for a period of one hundred eighty (180) consecutive calendar days.
3. The permit extension shall provide an additional one hundred eighty (180) calendar days, starting from the original permit expiration date, to restart the work authorized by the permit, and an additional three hundred sixty-five (365) calendar days, starting from the original permit expiration date, to complete the foundation or an equivalent amount of work.
4. If the Building Official determines that an entire foundation or an equivalent amount of work has been completed under the permit, the applicant need not revise the plans, specifications or other data which define the work permitted to show compliance with any revisions to the Building Code or any other ordinance or regulation which became effective after the permit is issued, nor pay any additional or subsequent fees or charges.
5. If the Building Official determines that the entire foundation or equivalent amount of work has

not been completed, the applicant shall pay the increases in all applicable fees, costs, assessments, deposits, penalties or other charges, together with any newly created fees, costs, assessments, deposits, penalties or other charges that are in effect on the date the permit extension is granted. The applicant shall also comply with the Building Code and all new ordinances, statutes, or regulations in effect at the time the extension is granted.

106.4.5.2 After a permit has expired no extension shall be granted. If the applicant desires to proceed with the project, the following provisions shall apply:

1. The permittee shall obtain a new permit.
2. The permittee shall pay a full permit fee for the new permit and pay all other applicable fees in effect at the time the new permit is issued.
3. The permittee must comply with the Building Code and all ordinances, statutes, or regulations in effect at the time the new permit is issued.

106.4.5.3 If an extension has been previously approved in accordance with Section 91.0106.4.5.1.1 or 91.0106.4.5.1.2, the Building Official may extend the expiration of a permit one additional time if the Building Official finds that: there has not been a significant change in the regulations applicable to the site from when the permit was initially approved, the additional extension is

in the public interest, and circumstances beyond the control of the applicant prevented the authorized work from proceeding.

**106.4.5.4** If an application for an extension of time has been filed in accordance with this Section, the permit shall be automatically extended until the Building Official has made a decision on the application.

**106.4.6 Suspension or Revocation.** The Building Official may, in writing, suspend or revoke a permit issued under the provisions of the Building 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. 91.0107 FEES**

**107.1 General.** Pursuant to Section 91.0101.1.3, Section 107.1 of the Uniform Building Code, 1994 Edition has not been adopted.

**107.2 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 the Building Code is started or completed prior to obtaining the required 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 the Building Code in the execution of the work or from any other penalties prescribed in this Section.

If a permit has been canceled 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.

**107.3 Plan Review Fees.** When a plan or other data is required to be submitted by the Building Code, 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 91.0107.3 are separate fees from the permit fees specified in Section 91.0107.2.

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.

**107.4 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 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.

**107.5 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.

**107.6 Other Inspections.** In addition to the inspections specified above, the Building Official may make or require any other inspections of any construction work to determine compliance with the Building Code and other laws which are enforced by the Development Services Department.

For purpose of determining compliance with Sections 3103, 3402, 3404 and 3405 of the Uniform Building Code, 1994 Edition, the Building Official may inspect any structure.

**107.7 Factory-Built Housing.**

**107.7.1 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.

**107.7.2 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.

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

**107.7.4 Definition.** For the purpose of Section 91.0107.7, "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.

**107.8 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.

**107.9 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. 91.0108 INSPECTIONS**

**108.1 General. through 108.3 Inspection Requests.**

Sections 108.1 through 108.3 of the Uniform Building Code, 1994 Edition have been adopted without change pursuant to Section 91.0101.1.1.

**108.4 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 the Building Code. Any portion which does 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 U Occupancies shall not be used or occupied prior to the final inspection and approval, except that existing Group R, Division 3 and Group U Occupancies may be used or occupied during the construction of any addition or remodel to the existing structure.

**108.5 Required Inspections. through 108.8**

**Reinspections.** Sections 108.5 through 108.8 of the Uniform Building Code, 1994 Edition have been adopted without change pursuant to Section 91.0101.1.1.

**DIVISION 15**

**ROOFS AND ROOF STRUCTURES**

**SEC. 91.1503 ROOF - COVERING REQUIREMENTS**

**1503.** The roof covering on any structure regulated by the Building Code shall be as specified in Table 15-A of the Uniform Building Code, 1994 Edition and as classified in Section 1504 of the Uniform Building Code, 1994 Edition.

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

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

**DIVISION 18**

**FOUNDATIONS AND RETAINING WALLS**

**SEC. 91.1804 FOUNDATION INVESTIGATION**

**1804.1 General.** Section 1804.1 of the Uniform Building Code, 1994 Edition has been adopted without change pursuant to Section 91.0101.1.1.

**1804.2 Investigation.** The classification shall be based on observation and any necessary tests of the materials disclosed by borings or excavations made in appropriate locations. Additional studies may be necessary to evaluate soil strength, the effect of moisture variation on soil-

bearing capacity, compressibility, liquefaction and expansiveness.

When required by Section 1804.8 or the Building Official, the potential for seismically induced soil liquefaction and soil instability shall be evaluated as described in Section 1804.5.

**EXCEPTIONS:** 1. The building official may waive this evaluation upon receipt of written opinion of a qualified civil engineer or engineering geologist that liquefaction is not probable.

2. A detached, single-story dwelling of Group R, Division 3 Occupancy.
3. Group U, Division 1 Occupancies.
4. Retaining walls less than 12 feet in height.
5. Fences.

**1804.3 Reports. through 1804.7 Drainage.** Sections 1804.3 through 1804.7 of the Uniform Building Code, 1994 Edition have been adopted without change pursuant to Section 91.0101.1.1.

**1804.8 Required Geologic Investigation.**

**1804.8.1** A geologic investigation shall be made when required by Table 18-I-E or the Building Official, unless excepted by Section 91.1804.

**1804.8.2** When required, 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 construction where the geologic investigation establishes that construction of buildings or structures would be unsafe because of the geologic hazards. Issuance of a building permit does not constitute a representation that the site or construction is safe.

**1804.8.3** Additions to existing structures of less than five hundred (500) square feet of floor area are exempt from geologic investigation requirements. Consecutive additions to the same structure which total five hundred (500) square feet or more in any twelve-month period may require a geologic investigation.

**1804.8.4** The Building Official may require that a "NOTICE OF GEOLOGIC AND GEOTECHNICAL CONDITIONS" 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. A "NOTICE OF GEOLOGIC AND GEOTECHNICAL CONDITIONS" may be required when the geologic investigation cannot conclusively establish that buildings or structures located on the site would either be safe or unsafe. 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 as a condition to issuance of the permit.



TABLE

TABLE 18-I-E

REQUIRED GEOLOGIC INVESTIGATION <sup>5</sup>

Hazard Category <sup>1</sup>	Geologic Reconnaissance	Geologic Investigation
11 <sup>3</sup> , 13 <sup>3</sup> , 21, 31 <sup>4</sup> , 41	————	A <sup>2</sup> , B <sup>2</sup> , C <sup>2</sup>
12 <sup>3</sup> , 42-44, 54	C	A, B
22-27, 32 <sup>4</sup>	B, C	A
45-48, 52, 53	B	A
51, 55	————	A

FOOTNOTES TO TABLE 18-I-E

1. **Hazard Category.** The Hazard Category describes the geologic feature or condition suspected at the site. The Hazard Category is determined by reference to the current City of San Diego Seismic Safety Study (SDSSS) maps.

2. **Building, Structure and Facility Classes A, B and C.**

A. Class A includes the following:

- 1) Essential Facilities as defined in Section 1625 of the Uniform Building Code, 1994 Edition.
- 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 developments, occupancy groups and structures provided they are not included in Class A:

- 1) All developments consisting of four (4) or more structures.
- 2) All new structures requiring deep foundations (piers or pilings).
- 3) All buildings over two stories in height.
- 4) All buildings containing the following occupancies (Refer to 1994 UBC, Table 3-A):

- a. Group A, Divisions 1, 2, and 2.1.
  - b. Group E, Division 1.
  - c. Group F, Division 1 and 2.
  - d. Group H, Divisions 1, 2, 3, 6 and 7.
  - e. Group I, Divisions 1 and 3.
  - f. Group S, Division 1.
- 5) All buildings with an occupant load of more than three hundred (300) persons as determined by Section 10-22, Table 10-A of the Uniform Building Code, 1994 Edition.
- 6) 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.
- 7) Tanks, bins, hoppers, silos and similar structures over thirty-five (35) feet high.
- 8) Towers over thirty-five (35) feet high.
- 9) Retaining walls (height is measured from the top of the footing to the top of the wall):
- a. Retaining walls over 12 feet in height.
  - b. Retaining walls over 8 feet in height supporting a surcharge or retaining toxic, hazardous or flammable contents.
  - c. Retaining walls associated with structures included in footnote 1.B.4.

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 (Refer to 1994 UBC, Table 3-A):
  - 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 M.
  - g. Group R, Divisions 1 and 3.
  - h. Group S, Divisions 2, 3, 4, and 5.
- 2) Retaining walls (height is measured from the top of the footing to the top of the wall):
  - a. Retaining walls over 8 feet 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.

**Note:** *No geologic investigations are required for occupancy Group U, Division 1, or any other structures of a similar minor nature.*

**3. Faults and Fault Zones - Hazard Category 11, 12, and 13.** 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 define the limits within which faults are suspected. Fault zones include the Alquist-Priolo Earthquake Fault Zones, The Downtown Special Fault Zone, as well as the area one hundred (100) feet on both sides of the fault lines indicated on the current San Diego Seismic Safety Study (SDSSS) maps. Refer to SDSSS maps for location of faults and fault zones.

**4. Liquefaction Potential - Hazard Category 31 and 32.**

When an investigation is required, adhere to Section 1804.5 of the Uniform Building Code, 1994 Edition for minimum requirements.

**5. Geologic Investigation.** An investigation of the geologic condition is required for sites where geologic hazards are suspected, prior to obtaining a building permit. The investigation will either consist of a preliminary study, a "Geologic Reconnaissance", or an in-depth study including field work and analysis, a "Geologic Investigation". The geologic reconnaissance report and the geologic investigation 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. 00-17773-5. 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. For buildings located in both a fault zone and a hazard category zone, the most restrictive requirement shall govern.

Regardless of the requirements of Table 18-I-E, the Building Official may require a geologic reconnaissance report or a geologic investigation report for any site if the Building Official has reason to believe that a geologic hazard may exist at the site.

END OF FOOTNOTES TO TABLE 18-I-E

**DIVISION 29**

**PLUMBING SYSTEMS**

**SEC. 91.2902 NUMBER OF FIXTURES**

**2902.1 General. through 2902.6 Group R Occupancies.**

Sections 2902.1 through 2902.6 of the Uniform Building Code, 1994 Edition have been adopted without change pursuant to Section 91.0101.1.1.

**2902.7 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.

**DIVISION 32**

**CONSTRUCTION IN THE PUBLIC RIGHT OF WAY**

**SEC. 91.3208 ENTRANCE CANOPIES**

**3208.1 Definition.** As used in this Section "Entrance canopies" means shelters entirely or partially self-supporting and attached to the exterior wall of a building entrance.

**3208.2 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 (2) 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 (2) feet.

**3208.3 Construction.** Entrance canopy frames and supporting structural members shall be constructed of corrosion-resistant metal designed to support a live load of five (5) pounds per square foot and a wind load of ten (10) 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 (8) feet above the underlying surface, except valances, which shall not be less than seven (7) feet above the underlying surface. Valances shall not exceed one (1) 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.

**3208.4 Lights.** Entrance canopies shall not be lighted or illuminated by any light source attached directly to the canopies.

**3208.5 Maintenance.** All entrance canopies shall be maintained in a safe and undamaged condition.



**3208.6 Identification.** Entrance canopies shall bear an identifying label giving the name and address of the manufacturer.

#### DIVISION 34

#### EXISTING STRUCTURES

#### SEC. 91.3403 ADDITIONS, ALTERATIONS OR REPAIRS

##### **3403.1 General through 3403.4 Glass Replacement.**

Sections 3403.1 through 3403.4 of the Uniform Building Code, 1994 Edition have been adopted without change pursuant to Section 91.0101.1.1.

**3403.5 Historic Buildings.** Pursuant to Section 91.0101.1.3, Section 3403.5 of the Uniform Building Code, 1994 Edition has not been adopted. Title 24, Part 8, California Code of Regulations governs restoration of historic buildings.

##### **3403.6 Exceptions.**

**3403.6.1 Substandard.** 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 California Health and Safety Code section 17920.3 and the alterations or repairs do not adversely affect any structural member or any part of the building or structure having required fire resistance.

**3403.6.2 Live/Work.** 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:

1. The building must be used for "joint living and work quarters" ("live/work quarters") as defined in California Health and Safety Code section 17958.11, and the specific area of the floor addition shall be used only for living areas for live/work quarters.
2. 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.
3. 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.
4. 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. The agreement shall be recorded with the County Recorder.

5. 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. The agreement shall be recorded with the County Recorder.

#### **DIVISION 84**

#### **SWIMMING POOLS, SPAS AND HOT TUBS**

#### **SEC. 91.8401 GENERAL**

The provisions of this Division establish regulations for private swimming pools, spas and hot tubs located on the premises of Group R, Division 3 Occupancies.

#### **SEC. 91.8402 DEFINITIONS**

For the purpose of this Section, certain terms, words and phrases are defined as follows:

"Aboveground pool, In-ground pool and On-ground pool" each mean 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.

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

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

"Swimming Pool" means any structure intended for swimming or recreational bathing that can contain water over twenty-four (24) inches in depth. This includes in-ground, aboveground 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:

1. The top of the barrier shall be at least sixty (60) inches above grade measured on the side of the barrier which faces away from the swimming pool and shall be constructed to withstand the forces contained in the Building Code. The maximum vertical clearance between grade and the bottom of the barrier shall be four (4) inches measured to a hard surface such as concrete or two (2) inches measured to earth. This measurement shall be taken 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.

2. Openings in the barrier shall not allow passage of a four (4) inch diameter sphere.
3. Solid barriers which do not have openings, such as masonry or stone walls, shall not contain indentations or protrusions except for tooled masonry joints.
4. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is less than forty-five (45) inches, the horizontal members shall be located on the swimming pool side of the fence. Spacing between vertical members shall not exceed two (2) inches in width. Where there are decorative cutouts within vertical members, spacing within the cutouts shall not exceed two (2) inches in width.
5. Where the barrier is composed of horizontal and vertical members and the distance between the tops of the horizontal members is forty-five (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 two (2) inches in width.

6. Maximum mesh size for chain link fences shall be a two-inch square. The wire shall not be less than 11-1/2 gauge.
7. 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 two (2) inches.
8. Access gates shall comply with the requirements of Section 91.8403, items 1. through 7., and shall be equipped to accommodate a locking device no less than 54 inches above grade. 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 comply with the requirements of Section 91.8403, items 1. through 7., and shall be equipped with a locking device.
9. 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:
  - a. the ladder or steps shall be capable of being secured, locked or removed to prevent access;  
or,
  - b. the ladder or steps shall be surrounded by a barrier which meets the requirements of Section 91.8403 items 1. through 8.

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.

10. Hot tubs and spas located outdoors and not exceeding sixty-four (64) square feet may have rigid pool covers equipped with a permanent locking and latching device in lieu of the barrier required by this Division.

11. Where unusual circumstances exist that make strict enforcement of this Division impractical, the Building official may grant modifications for individual cases per Section 104.2.7 of the Uniform Building Code, 1994 Edition.

**SEC. 91.8404 INGRESS AND EGRESS**

A barrier, gate or other protective device as required by this Division shall be installed to comply with State law and the fire exit requirements as contained in the Building Code. No swimming pool shall be installed in any court or yard area 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 (3) 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 (3) feet above grade shall be located at least four (4) 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.

**SEC. 91.8406 LOT COVERAGE**

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

**DIVISION 85**

**REMOVAL, RELOCATION, AND TRANSPORTATION OF STRUCTURES**

**SEC. 91.8501 PURPOSE AND INTENT**

The purpose and intent of this Division is to provide for the protection of the public health and safety by establishing procedures and requirements regulating the removal, transportation, and relocation of structures within the City of San Diego. The provisions of Municipal Code section 111.1304 supplement the provisions of this Division.



**SEC. 91.8502 DEFINITIONS**

For purposes of this Division, the following definitions shall apply:

1. Relocate: The process of placing an existing structure, which has been transported from a different location, permanently onto real property for purposes other than storage.
2. Remove: To change location, position, station, or residence by pushing aside, shifting, raising, dislocating, dislodging or taking away by means other than demolition.
3. Structure: That which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
4. Transport: An act or process of conveyance or travel from place to another.

**SEC. 91.8503 PERMITS REQUIRED FOR REMOVAL, TRANSPORTATION AND RELOCATION OF STRUCTURES; EXEMPTION**

**8503.1 Removal Permit.** No structure shall be removed from its site until a separate Removal Permit for each structure has first been obtained from the Building Official.

The removal work shall include, but is not limited to, the following:

All water, sewer, gas, communication, and electrical connections to the structure must be dis-

connected and sealed or removed in a manner approved by the Building Official;

Abandoned sewers and private sewage disposal facilities shall be capped or removed in accordance with the Uniform Plumbing Code currently adopted by the City;

The foundation and other pieces or parts of the structure remaining after the removal of all or part of a structure shall be removed from the site and disposed of in a manner approved by the Building Official;

Any excavations or depressions remaining after the structure is removed and any attendant demolition work is completed shall be filled, compacted and restored to the level of the adjacent ground in a manner approved by the Building Official.

A Grading Review Permit or a grading permit may also be required for this work.

**8503.2 Transportation Permit.** No structure shall be transported on, across or over the public right-of-way until a Transportation Permit has been obtained from the City Engineer, in accordance with Municipal Code section 85.22, for each structure transported. When a Removal or Relocation Permit is required, the Transportation Permit shall not be issued until the Relocation or Removal Permit has first been issued by the Building Official.

**8503.3 Relocation Permit.** No structure shall be relocated to any site within the City of San Diego unless a

separate Relocation Permit for each structure has first been obtained from the Building Official.

The work authorized by the Relocation Permit shall include, but is not limited to, the construction of the foundation and other members needed to support the relocated structure, any necessary repairs to the structure and other work which the applicant wishes to perform on the structure.

**8503.4 Exemption.** A separate Removal Permit and a separate Relocation Permit will not be required to remove and relocate garages, carports and sheds that are accessory to a single family residential dwelling when a Removal Permit and a Relocation Permit have been obtained for that dwelling. However, the work associated with the foundation, repairs, and improvements to these structures shall be included with the Relocation Permit for the primary structure. A Removal Permit or a Relocation Permit will not be required for the structures listed in the Exempted Work subsection of Section 91.0106 for which a building permit is not required.

**SEC. 91.8504 EXAMINATION OF STRUCTURES AND FEES**

**8504.1 Examination of Non-Residential Structures.**

Relocation Permit applicants are required to obtain a pre-relocation examination for non-residential structures. The request for the pre-relocation examination shall be submitted with the application for the Relocation Permit. The Building Official shall examine the structure and the proposed site for the structure and shall review the plans

and specifications to determine if the structure will comply with the regulations applicable to a new structure.

The applicant shall be notified by mail of the results of the pre-relocation examination, the conditions imposed by the Building Official if it is determined that the structure may be relocated, and the amount of the security required by Section 91.8507.

**8504.2 Examination of Residential Structures.**

Relocation Permit applicants are required to have a pre-relocation examination performed for residential structures. The request for the pre-relocation examination shall be filed together with the application for the Relocation Permit. The Building Official shall examine the structure and the proposed site for the structure and shall review the plans and specifications to ensure that the structure is not substandard as defined in California Health and Safety Code section 17920.3.

The applicant shall be notified by mail of the results of the examination, the conditions imposed if it is determined that the structure may be relocated, and the amount of security required by Section 91.8507.

If it is determined that the structure is substandard, no permit shall be issued until the plans are revised to include additional work which will eliminate the substandard condition.

**8504.3 Examination of Structures to be Stored.** A pre-relocation examination will not be required for any

structure which is to be placed at an approved storage site. "Approved storage site," for the purposes of this Division, shall be defined as a location for which the storage of structures is a permitted use in accordance with Chapter X of the Municipal Code.

**8504.4 Departmental Review.** In addition to the examination requirements of this Section, the plans will also be reviewed by other City departments to verify compliance with any applicable laws under their jurisdiction, including those rules and regulations pertaining to Planned District Ordinances, historical structures, landmarks, and without limitation, any other applicable regulations.

**8504.5 General and Examination Fees.** All applicants requesting a Removal, Transportation, or Relocation Permit, pursuant to Section 91.8503, shall be required to pay to the City the applicable permit and other associated fees. In addition to the permit fees, an applicant requesting a pre-relocation examination, shall be required to pay a fee for the examination.

The plan check and pre-relocation examination fees shall be paid at the time the applicant files the permit application(s), plans, and specifications for review. The amount of the fees 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. If, after receipt of a written request for a refund, the Building

Official finds that an examination was not performed, the unexpended portion of the examination fee paid may be returned to the applicant. The Building Official shall determine the portion of the fee that is refundable.

**SEC. 91.8505 PERMIT ISSUANCE**

If the plans, specifications and application for a Removal or Relocation Permit comply with the applicable provisions of the Building Code, the Building Official shall issue the requested permit in accordance with Municipal Code section 111.1304(b).

**SEC. 91.8506 EXPIRATION OF PERMITS AND DEFAULT**

Notwithstanding any other provision of the Municipal Code which provides to the contrary, the following permit expiration provisions shall apply to Removal and Relocation Permits:

1. Permit extensions will not be granted for Removal and Relocation Permits.
2. When the proposed work authorized and required by a Removal or Relocation Permit has not commenced and the permit has expired the project shall be deemed to be abandoned. Upon receipt of written confirmation from the permittee that the proposed Removal or Relocation work has not commenced and will not be commenced, the Surety Bond required by Section 91.8507 may be returned to the permittee.
3. Removal Permit: A Removal Permit shall expire if all the work authorized and required by such

permit is not completed and approved within ninety (90) days from the date of permit issuance.

Upon expiration of the Removal Permit the Building Official shall notify the Permittee, Owner and Surety that the Removal Permit has expired. Service of such notice shall be made in accordance with the notice provisions of Chapter I of the Municipal Code. Failure to do so, however, shall not extend the permit nor otherwise validate an expired permit.

The Permittee, Owner or Surety shall obtain a new permit within thirty (30) days after the original permit has expired. The new Removal Permit is not renewable.

If the Permittee, Owner or Surety fails to obtain a new Removal Permit within thirty (30) days after the original permit has expired, or if the work is not completed when the new permit expires, a default shall be deemed to have occurred.

The Building Official shall, in accordance with the notice provisions of Chapter I of the Municipal Code notify the Surety of the occurrence of a default. Upon notification, the Surety shall be obligated to comply with the conditions of the bond which require timely obtaining a Relocation

or Removal Permit and timely completion of the work.

4. Relocation Permit: A Relocation Permit shall expire if all the work authorized and required by such permit is not completed and approved within one hundred eighty (180) days from the date of permit issuance.

Upon expiration of the Relocation Permit, the Building Official shall notify the Permittee, Owner and the Surety that the permit has expired. Service of such notice shall be made in accordance with the notice provisions of Chapter I of the Municipal Code. Failure to do so, however, shall not extend the permit or otherwise validate an expired permit.

The Permittee, Owner or Surety shall obtain a new permit within thirty (30) days after the original permit has expired. The new Relocation Permit is not renewable.

If the Permittee, Owner or Surety fails to obtain a new Relocation Permit within thirty (30) days after the original permit has expired, or if the work is not completed when the new permit expires, a default shall be deemed to have occurred.

The Building Official shall, in accordance with the notice provisions of Chapter I of the



Municipal Code notify the Surety of the occurrence of a default. Upon notification, the Surety shall be obligated to comply with the conditions of the bond which require timely obtaining a Relocation or Removal Permit and timely completion of the work.

**SEC. 91.8507 SECURITY REQUIREMENTS**

**8507.1** Before the Building Official issues a Removal or Relocation Permit the applicant shall first be required to deposit with the City of San Diego a Surety bond, issued by a Surety company authorized to do business in the State of California, or other form of security, approved by the Building Official. The surety bond or other form of security shall be on a form that has been approved by the City Attorney and shall be in an amount equal to the actual cost of the work to be performed plus twenty-five percent (25%) of that amount to insure the satisfactory performance and completion of such work. The actual cost of the work shall be determined by the Building Official.

**8507.2** If the performance of the work is secured by a Surety bond, such bond shall be conditioned that upon the occurrence of a default:

1. The Surety is obligated to obtain a Relocation or Removal Permit within thirty (30) days of the date of the default, and
2. The Surety is obligated to complete the work in accordance with the permitted set of plans.

8507.3 The Surety bond shall also be conditioned as follows:

1. The bond shall be in joint and several form and shall inure to the benefit of the City of San Diego.
2. All permitted work shall be completed in accordance with the approved plans and the requirements of Section 91.8506.
3. The Permittee, Owner and Surety shall hold harmless the City, its officers, employees, agents and contractors from any liability in connection with the proposed work or the abatement of the structure and any related work.
4. The bond shall obligate the Permittee, Owner and Surety to repair damage occurring on the public right-of-way as a result of removing, transporting, or relocating a structure.
5. The bond shall contain any other provisions that the Building Official and City Attorney shall deem necessary and proper to secure the satisfactory completion of the permitted work and which may include the abatement of the structure or condition, in accordance with, but not limited by the provisions contained in Chapter I of the Municipal Code.

8507.4 If the performance of the work is secured by any other form of security, such security shall be conditioned:

as required in the case of a Surety bond. The Surety bond or other form of security shall be approved by the Building Official.

**8507.5** No security shall be required from the State of California, political subdivisions thereof or any governmental agency.

**8507.6** If the Surety does not timely perform its obligations the Building Official at its option may elect not to proceed against the bond, but rather to abate the structure or condition, and recover the City's costs, in accordance with, but not limited by the provisions contained in Chapter I of the Municipal Code.

**SEC. 91.8508     ADDITIONAL REGULATIONS**

**8508.1** The removal, transportation and relocation of structures shall be subject to the following additional regulations:

1. No structure shall be transported, parked or placed on any public or private owned premises or right-of-way unless authorized to do so by a valid Removal, Transportation or Relocation Permit;
2. Structures shall not be stored on property which is not designated as an "approved storage site";
3. Any structure which has been damaged, had portions removed, been cut into sections or otherwise structurally altered subsequent to the examination required in Section 91.8504 may be considered a

substandard structure or a nuisance and may be abated in accordance with the Building Code;

4. All transported structures shall be posted with a valid original Transportation Permit near the main entrance of the structure;
5. All structures located upon any street shall have an illuminated warning device placed at each corner of such structure and at the end of any projection thereof at all times between sunset and sunrise;
6. The Building Official may also promulgate administrative regulations deemed necessary to effectively implement this Division 85.

**8508.2** All structures found to be in violation of Section 91.8508 may be abated in accordance with the Summary and Administrative Abatement provisions of the Municipal Code.

**SEC. 91.8509 PENALTIES**

In addition to any other applicable penalties and remedies provided by the Municipal Code, City Ordinance, or City policy, including the Summary and Administrative Abatement and the Civil Penalties Ordinance, any violation of this Division shall be subject to the following regulations:

It shall be unlawful for any person to violate any provision or fail to comply with any of the requirements of this Division. A violation of any of the provisions or

failing to comply with any of the mandatory requirements of this Division shall constitute a misdemeanor in accordance with Chapter I of the Municipal Code.

Each person shall be charged with a separate offense for each day during any portion of which any violation of any provision of this Division is committed, continued, or permitted by such person.

All of the penalties provided in and referenced by Section 91.8509 shall be cumulative and not exclusive.

## **DIVISION 86**

### **DEMOLITION OF STRUCTURES**

#### **SEC. 91.8601 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.

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

**8602.1 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 required to demolish a minor building. For the purpose of this Division, 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 in height, declared by a governmental authority to be unsafe or a public nuisance.

**8602.2 Who May Demolish.** 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.

**8602.3 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 Chapter XI, Article 1, Division 12. 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 the Building 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 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 91.8602.4, the Building Official shall issue a Demolition Permit to the applicant.

**8602.4 Permit Fees.** The permit fee prescribed in this Section shall be paid to the City Treasurer prior to the issuance of the demolition permit except as hereinafter prescribed.

The permit fee for demolishing a structure 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.

**SEC. 91.8603 FILING APPLICATIONS, NOTIFICATION TO TENANTS,  
EXPIRATION OF PERMIT**

The applicant shall file an application for a Demolition Permit on a form provided by the Development Services Department for that purpose. The applicant shall furnish all information to the Department as set forth on the application form.

The applicant shall certify on the application form that each tenant of a multi-family residential structure containing four units or more which is affected by the application has been notified of the owner's intent to apply for a Demolition Permit. The form of the notice shall be prescribed by the Building Official. Service of the notice shall be service consistent with service by U.S. Mail or by personal delivery.

The Demolition Permit shall expire and become null and void if the work authorized by the permit is not commenced within sixty (60) days or is not completed within ninety (90) days from the date the permit is issued. Upon application by the permittee, the Building Official is authorized to extend the completion date one additional sixty-day period if work is delayed for reasons beyond the permittee's control and the application for such extension is made prior to the expiration date of the permit.

**SEC. 91.8604 SURETY AND INSURANCE REQUIRED**

**8604.1 Surety Bond.** Except as otherwise provided in this Section 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.

The bond or surety amount required for buildings over 6000 square feet in floor area shall be \$10,000. A bond or other surety shall not be required for the demolition of a building or structure that is less than 6000 square feet in floor area.

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 91.8603. A surety bond or other security shall be conditioned upon the 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, however, this amount shall not exceed the amount of the bond that was posted. 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.

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.

**8604.2 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 this Section 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.

**SEC. 91.8605     ADDITIONAL REGULATIONS**

Every person demolishing a structure or building in whole or in part shall comply with the following additional regulations:

1. The remaining excavations or depressions shall be restored to the level of the adjacent ground.
2. All debris, including portions of the building or structure and contents, shall be removed from the site within ninety (90) days from the date the permit was issued, or one hundred fifty (150) days if an extension has been granted as provided heretofore in Section 91.8603.

3. Combustible material must be removed from the site as demolition proceeds.
4. Dry or dusty materials or debris must be wet down to allay the dust.
5. All glass must be removed from the building or structure before beginning demolition.
6. Street drainage, drainage structures, natural drainage or diversion must not be obstructed.
7. Demolition work must not be done on public easements without permission.
8. Notwithstanding plumbing code requirements for permits, all sewer, gas and water connections must be capped and approval obtained from the Building Official prior to covering such connections. Sewer, gas and water line capping shall be performed in the manner prescribed by the Uniform Plumbing Code; such capping shall be located within five (5) feet of the property line.
9. All damages or injuries arising from the demolition and associated work must be made good.
10. Debris or other combustibles shall not be burned on the site without a written burning permit issued by the Fire Marshal of The City of San Diego.
11. Electric or gas welding or gas cutting shall not be done on the site without written permit issued by the Fire Marshal of The City of San Diego.

**DIVISION 88**

**ARCHAIC MATERIALS AND METHODS OF CONSTRUCTION**

**SEC. 91.8801 PURPOSE AND INTENT**

The purpose of this Division is to promote public safety and welfare by identifying potential hazards associated with unreinforced masonry bearing wall buildings that meet the requirements set forth in Section 91.8803.1 and by establishing a voluntary mitigation program with some mandatory aspects for such buildings. Buildings that have unreinforced masonry bearing walls are widely recognized for sustaining life-hazardous damage as a result of partial or complete collapse during moderate to strong earthquakes.

The technical provisions of this Division establish minimum standards for structural seismic resistance, primarily to reduce the risk of loss of life or injury, but which will not necessarily prevent loss of life or injury or prevent earthquake damage to an existing building which complies with these standards. This Division provides systematic procedures and standards for identification and classification of unreinforced masonry bearing wall buildings based on their present use. Essential or Hazardous Facilities will be subject to a mandatory full seismic retrofit as outlined in Section 91.8804.1. Parapets and other External Hazards will be subject to mandatory mitigation measures as outlined in Section 91.8804.2. Triggering mechanisms are established under which floor-to-wall and roof-to-wall anchors are required to be provided or

under which a Structural Survey and Engineering Report is required to be submitted. If the Structural Survey and Engineering Report establishes that the building fails to meet the requirements of this Division, a Retrofit Guideline Document is required to be submitted and a full seismic retrofit must then be completed. Time periods and minimum standards are delineated for each of the above measures.

**SEC. 91.8802 DEFINITIONS**

For purposes of this Division the following definitions apply in addition to the definitions within the Uniform Building Code, 1994 Edition as adopted in Chapter IX, Article 1.

“Building” for the purpose of determining occupant load, means any contiguous or interconnected structure and for the purpose of engineering evaluation, means the entire structure or any portion thereof which will respond to seismic forces as a unit.

“Building Collapse or Partial Collapse” means the condition brought about by inadequate resistance to loading in which the actual structure of a building, including “External Hazards”, whether entire or localized, gives way internally, or onto lower adjacent buildings (with a minimum height differential of 6 (six) feet) or onto an adjacent exit or public way.

“Building Maintenance” means the act or process of applying preservation treatments to a building or structure. It includes housekeeping, routine and cyclic work scheduled

to mitigate wear and deterioration without altering the appearance of the building or structure, and the repair or replacement in kind of broken or worn-out elements, parts, or surfaces so as to keep the existing appearance. Building Maintenance includes stabilization work necessary to protect damaged historic fabric from additional damage and the actions taken to prevent damage and minimize deterioration of an object by practicing preventive conservation or by performing a suitable treatment on the object itself.

“Cumulative Value of Remodel or Renovation” means the “Value of Remodel or Renovation” accumulated from January 1, 1994 to the date an event regulated by Section 91.8804.3 occurs or as otherwise specified in this division. The Cumulative Value of Remodel or Renovation shall exclude the value of any nonstructural tenant improvements made or performed subsequent to the date a building owner provides floor-to-wall and roof-to-wall anchors under Section 91.8806.1.

“Date of Service” means the date the Building Official served an order requesting compliance with This Division, to an owner of a building either in person or by deposit in the U.S. Mail, postage prepaid and certified return requested.

“Essential Facility” means any building or structure classified in Occupancy Category I of Table 16-K of the Uniform Building Code, 1994 Edition adopted by this City.



“Existing Use or Occupancy” means any use or occupancy that was legally established in a building at any time since its original construction.

“External Hazards” means objects attached to or located on the roof structure or forming the exterior facade of a building which have the potential to give way internally or onto lower adjacent buildings (with a minimum height differential of six (6) feet) or onto an adjacent exit or public way. Examples include, but are not limited to, nonstructural exterior wall panels such as masonry infill or decorative precast concrete, parapets, masonry chimneys, tile roofing, fire escapes or balconies, tanks and masonry or stone wall veneers and wall ornamentation.

“Hazard Category” means the ranking assigned a use or occupancy as determined under Table 88-A of Section 91.8813 and based on degree of probable risk of loss of life or injury due to a seismic event.

“Hazardous Facility” means any building or structure classified in Occupancy Category II of Table 16-K of the Uniform Building Code, 1994 Edition adopted by the City.

“Historical Building” means any qualified Historical Building as defined by the State Historical Building Code (SHBC) under California Health and Safety Code sections 18950-18960. Historical Building includes any structure, collection of structures, historical landscape, artifacts, objects and their associated sites, and historic districts deemed of importance to the history, architecture, or

culture of an area by an appropriate local, state or federal governmental jurisdiction. Historical Building also includes, but shall not be limited to, designated contributing buildings listed in a historical district, structures on official federal, state or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest, and officially adopted city or county registers or inventories of historical or architecturally significant sites, places or landmarks. Structures included in inventories submitted to the Office of Historic Preservation shall be treated as Historical Buildings if they have been evaluated by the Office and given any rating other than ineligible.

“Remodel or Renovation” means any work requiring a permit pursuant to Section 91.0106 including, but not necessarily limited to, additions, alterations, interior improvements, electrical, mechanical and plumbing upgrading or replacement, or structural upgrading or replacement.

“Retrofit Guideline Document” means a document developed by the owner of a building detailing plans for a complete seismic retrofit of the building according to the technical provisions of this division.

“Seismic Retrofit (Complete)” means the mitigation of any deficiencies found to exist in the building’s lateral force- resisting system which could potentially cause collapse or partial collapse failure.

"Structural Survey and Engineering Report" means the investigation and subsequent preparation of a report by a civil or structural engineer or architect licensed in the State of California which addresses the existence, nature and extent of structural deficiencies which could result in collapse or partial collapse of a building and the existence, nature and extent of deficiencies in the anchoring of External Hazards.

"Unreinforced Masonry Bearing Wall" is defined in the 1991 Edition of the Uniform Code for Building Conservation (UCBC) Appendix Chapter 1, a copy of which is on file in the office of the City Clerk as Document No. O-17773-3.

"Value of the Building" means the valuation obtained using the then current building valuation schedule administered by the Building Official for new construction or an appraisal certified by a member of a recognized appraisal institute, whichever is greater, of the building itself.

"Value of Remodel or Renovation" means the valuation of work, requiring a permit, that is obtained by using the building valuation schedule administered by the Building Official for tenant improvements, additions or alterations in effect at the time of permit issuance or other evidence satisfactory to the Building Official of the valuation of work, whichever is less. If unpermitted work, for which a permit was required, is discovered after January 1, 1994, the valuation of the work is obtained by using the current

building valuation schedule administered by the Building Official for tenant improvements, additions or alterations.

**SEC. 91.8803 SCOPE**

**8803.1 Application of this Division.** Except as provided in Section 91.8803.2, the provisions of this Division apply to buildings constructed or under construction prior to March 24, 1939, or for which a building permit was issued prior to March 24, 1939, and to City of San Diego-owned buildings designated pursuant to Council resolution, which on January 1, 1994, have at least one Unreinforced Masonry Bearing Wall.

When structural seismic upgrading is required or is being voluntarily provided, the building elements regulated by this Division are listed in Table No. A-1-F of the UCBC Appendix Chapter 1.

This Division does not require alteration of existing electrical, plumbing, mechanical or fire safety systems unless their condition is such as to cause the building to be classified as a dangerous building under Section 91.0102. If the building is declared dangerous, abatement of the dangerous condition shall be initiated under Section 91.0102.

**8803.2 Exceptions.** This Division shall not apply to:

1. Detached one- or two-family dwellings and detached apartment houses containing five (5) or fewer

dwelling units used solely for residential purposes, and the accessory buildings for these occupancies.

2. Buildings which have been completely seismically retrofitted to earlier editions of this Division, of the San Diego Municipal Code (Division 88), or equivalent, prior to January 1, 1994. Complete seismic retrofit shall be as determined by the Building Official.

**8803.3 Exception to Section 91.8810 for Essential or Hazardous Facilities.** The technical provisions established by Section 91.8810 of this Division do not apply to the strengthening of Essential or Hazardous Facilities when located in Seismic Zone Nos. 3 or 4.

**8803.4 Applicability to Additions and Alterations.** In addition to the requirements set forth in this Division, the provisions of Chapter 34 of the Uniform Building Code, 1994 Edition shall also apply to alterations or additions made to buildings within the scope of this Division.

**8803.5 Compliance with Other San Diego Municipal Code Provisions.** Except as specifically provided for by Chapter 34 of the Uniform Building Code, 1994 Edition, alterations performed solely to achieve compliance with the requirements of this Division, or the value of such alterations, or both, shall not subject the owner to compliance with other provisions of the San Diego Municipal Code, such as, but not limited to, Section 101.0702

(landscaping), or Section 62.0206 (requirements to improve adjacent public right-of-way).

**SEC. 91.8804 ADMINISTRATION**

**8804.1 General Requirements for Essential or Hazardous Facilities.** The owner of each Essential or Hazardous Facility shall, upon being served an order by the Building Official in accordance with Section 91.8808 and within the time limits set forth in this Division, cause a Structural Survey and Engineering Report of the building to be completed. This Structural Survey and Engineering Report shall be submitted to the Building Official within one hundred twenty (120) calendar days after the Date of Service. If the Structural Survey and Engineering Report shows that the building meets the requirements of the State Historical Building Code, if applicable, or the 1994 Uniform Building Code as adopted by this City for new buildings of the same occupancy category, no further action is required. If it does not, the owner shall prepare and submit a Retrofit Guideline Document to the Building Official, and shall either demolish or strengthen the building to meet those requirements within a period of five (5) years after the Date of Service.

**8804.2 General Requirements for all other Regulated Buildings.** The owner of a building that is regulated by this Division and that is not an Essential or Hazardous Facility, shall within five (5) years after the Date of Service, cause the removal, stabilization or bracing of any

parapets and other External Hazards or exterior wall or roof appendages which meet both of the following criteria:

1. Critical Placement. Where the parapets and other External Hazards or exterior wall or roof appendages have the potential to give way internally or onto lower adjacent buildings (with a minimum height differential of six (6) feet) or property, or onto an adjacent exit or public way; and
2. Relative Height. Where the parapets and other External Hazards or exterior wall or roof appendages which extend above the lower of either the level of the closest adjacent roof-to-wall anchors or the roof sheathing do not meet the requirements of Sections A110(a) and A110(f) of the UCBC Appendix Chapter 1.

The removal, stabilization and bracing process shall include the provision of roof-to-wall anchors around the entire perimeter of the subject building. Existing roof-to-wall anchors must meet, or shall be upgraded to meet, the minimum requirements of Section A110(a) of the UCBC Appendix Chapter 1, or new anchors meeting the minimum requirements of Section A110(a) shall be installed. If the building is an Historical Building, this construction shall comply with the State Historical Building Code and parapet removal may not be used as a method to mitigate External Hazards.

**8804.3 Triggering Mechanisms.** No further action is required by the owner of a building covered under Section 91.8804.2 unless one of the following conditions occurs:

1. Remodel or Renovation Over a Certain Valuation.

The Value of Remodel or Renovation shall not include the value of any existing unpermitted work which is declared by the building owner to the Building Official no later than one hundred twenty (120) calendar days after January 1, 1994, provided no notice of violation has been issued against the building by the Building Official and the owner obtains a permit for the work. The owner shall be charged current permit fees, but no penalty will be charged for voluntary disclosure during this period. If existing unpermitted work is discovered or declared more than one hundred twenty (120) calendar days after January 1, 1994, a penalty as established by the City Council and filed in the office of the City Clerk shall also be paid as specified in Section 91.0107.2. This penalty shall not be included in the valuation of work.

a. Value of Remodel or Renovation over Fifty (50) Percent. When the Cumulative Value of Remodel or Renovation to a building, excluding the cost of seismic retrofit, or the removal, stabilization or bracing of



External Hazards, exceeds fifty (50) percent of the value of the building within any five (5)-year period subsequent to January 1, 1994, Section 91.8806.1 shall apply.

b. Value of Remodel or Renovation over One Hundred (100) Percent. When the Cumulative Value of Remodel or Retrofit to a building, excluding the cost of seismic retrofit or the removal, stabilization or bracing of External Hazards, exceeds one hundred (100) percent of the Value of the Building within any five (5)-year period subsequent to January 1, 1994, Section 91.8806.2 shall apply.

2. Change to a Higher Hazard Category. If more than 33 percent of the total floor area of the building changes from an Existing Use or Occupancy to a Higher Hazard category use or occupancy as determined by Table 88-A of Section 91.8813, see Section 91.8807.

**Exception:** If the use or occupancy of all or part of a building is changed to a higher relative hazard as determined by Table 88-A, but the occupant load of the building is not increased, then the building's hazard category will be considered to be unchanged. A Board of Appeals application must be completed and recorded to

ensure that subsequent owners adhere to the required base load.

3. Unsafe. If the building is declared structurally unsafe, abatement of the unsafe condition shall be initiated under Section 91.0102.

If any of the conditions specified in Section 91.8804.1, 91.8804.3.1.b, 91.8804.3.2 or 91.8804.3.3 occurs, the owner of the subject building shall upon being served an order by the Building Official in accordance with Section 91.8808 and within the time limits set forth in this division, cause a Structural Survey and Engineering Report of the building to be completed pursuant to Section 91.8805. This Structural Survey and Engineering Report and a Retrofit Guideline Document, when required, shall then be submitted to the Building Official by the building owner within the individual time limits set forth in Section 91.8804.4.

**8804.4 Time Limits for Required Submittals.** The owner of a building meeting one or more of the conditions listed in Section 91.8804.1, 91.8804.3.1.b, 91.8804.3.2 or 91.8804.3.3 shall submit to the Building Official the following within the stated time limits:

1. A Structural Survey and Engineering Report within one hundred twenty (120) calendar days after the Date of Service, and
2. If the Structural Survey and Engineering Report establishes that the building fails to meet the requirements of this Division, a Retrofit

Guideline Document within two hundred forty (240) calendar days after the Date of Service.

**SEC. 91.8805 STRUCTURAL SURVEY AND ENGINEERING REPORT**

8805 Buildings within the scope of this Division must be investigated and analyzed as individual cases without comparison to similar type or age buildings through the means of a Structural Survey and Engineering Report. Generalities or stereotypes are to be avoided in the evaluation process by focusing on the specifics of the structural system of the building in question and the local geology of the land on which the building is constructed.

**8805.1 General.** Building owners shall employ a structural or civil engineer or architect licensed in the State of California to perform a structural survey and prepare an engineering report. The purpose of this Structural Survey and Engineering Report is to investigate and evaluate, in a thorough and unambiguous fashion, a building's structural systems which resist the forces imposed by earthquakes and to determine if any individual portion or combination of these systems is inadequate to prevent a structural failure (collapse or partial collapse).

**8805.2 Level of Investigation.** Some buildings will require extensive testing and field investigation to uncover potential structural deficiencies, while others will allow the same level of overall evaluation by a less complicated process due to simplicity of design or the availability of original or subsequent alteration design and construction

documents. The level of investigation must be sufficient to produce a report which is complete and can serve as a sound basis for a conclusion on the collapse or partial collapse hazard a building may present.

**8805.3 Format of Report.** The report shall contain, at a minimum, the following information:

1. **General Information.** A description of the building including:
  - a. Street address.
  - b. Character of use or occupancy with plans indicating the square footage of each use.
  - c. Plans and elevations showing the location, type and extent of lateral force-resisting elements in the building, both horizontal and vertical.
  - d. A description of the construction materials used in the structural elements and information regarding their present condition.
  - e. The date of original construction, if known, and the date of any subsequent additions or substantial structural alterations, if known.
  - f. The name and address of the original designer and contractor, if known, and the name and address of the designer and contractor for any subsequent additions or structural alterations, if known.

2. **Investigation and Evaluation of Structural Systems.** All items to be investigated and the methods of investigation for each type of building under consideration.
3. **Test Reports.** All field and laboratory test results. Evaluation of the significance of these test results shall be made with regard to each structural system or typical connection being evaluated. This evaluation may be limited to a statement of the adequacy or inadequacy of the system or connection based on the lateral load demand it would be required to resist by calculation. If tests reveal inadequacy, a conceptual solution must be included in the report.
4. **Conclusions.** Based on the demand/capacity ratio and the specific evaluation items, a statement shall be provided explaining the overall significance of the deficiencies found to exist in the building's lateral force-resisting system regarding potential collapse or partial collapse failure.
5. **Recommendations.** An appropriate solution which could be used to strengthen the structure to alleviate any collapse or partial collapse threat shall be specified.

**8805.4 Exceptions and Alternatives.** Exceptions to the specific items required to be included in the Structural Survey and Engineering Report may be granted by the Building Official upon review of a written request from the engineer or architect preparing the report. Such a request shall provide evidence that adequate information concerning the required item(s) can be determined by alternate means or that a conclusion can be made about the item without following the solution called for in this Division. The purpose of granting such exceptions shall be to reduce the costs of disruption that would result from taking required actions, when it can be shown that they are unnecessary to provide information available by equivalent means. In no case will an exception be granted which would result in an item not being completely evaluated.

**8805.5 Review and Availability of Structural Survey and Engineering Report.**

**8805.5.1 Review.** The Building Official will review the submitted Structural Survey and Engineering Report for compliance with the requirements of Section 91.8805.3.

**8805.5.2 Cost of Review.** The cost of this review shall be covered by a fee assessed from the building owner based on the time required for review. This fee amount shall be credited to the plan checking fee collected for any future mitigation of structural inadequacies specified in the Structural Survey and Engineering Report.

**8805.5.3 Availability.** Copies of the Structural Survey and Engineering Report shall be available to the public for a standard fee or may be reviewed at the building department.

**SEC. 91.8806 CONDITIONS OF REMODEL OR RENOVATION REQUIRING SEISMIC STRENGTHENING OR RETROFIT**

**8806.1 Cumulative Value of Remodel or Renovation**

**Exceeding Fifty (50) Percent.** When the Cumulative Value of Remodel or Renovation to a building, excluding the cost of seismic retrofit or the removal, stabilization or bracing of External Hazards, exceeds fifty (50) percent of the value of the building within any five (5)-year period subsequent to January 1, 1994, the owner shall, within five (5) years after the Date of Service, provide floor-to-wall and roof-to-wall anchors around the perimeter of the entire building. Existing floor-to-wall and roof-to-wall anchors must meet, or shall be upgraded to meet, the minimum requirements of Section A 110(a) of the UCBC Appendix Chapter 1, or new anchors meeting those requirements shall be installed. If the building is an Historical Building, the installation shall comply with the State Historical Building Code. Installation will not be required if the owner establishes to the satisfaction of the Building Official through a Structural Survey and Engineering Report that the existing anchoring system meets those requirements.

**8806.2 Cumulative Value of Remodel or Renovation**

**Exceeding One Hundred (100) Percent.** When the Cumulative Value of Remodel or Renovation to a building, excluding the

cost of seismic retrofit or the removal stabilization or bracing of External Hazards, exceeds one hundred (100) percent of the value of the building within any five (5)-year period subsequent to January 1, 1994, the owner shall submit to the Building Official the following within the stated time limits:

1. A Structural Survey and Engineering Report as outlined in Section 91.8805 within one hundred twenty (120) calendar days after the Date of Service unless the document has previously been submitted under the requirements of this Division; and
2. If the Structural Survey and Engineering Report establishes that the building fails to meet the requirements of this Division, a Retrofit Guideline Document within two hundred forty (240) calendar days after the Date of Service detailing plans for a complete retrofit of the building to be completed according to the technical provisions of this Division within a ten (10)-year period from the date of permit issuance.

**8806.3 Historical Buildings.** If the building is an Historical Building, all items listed in the Structural Survey and Engineering Report requiring mitigation shall be thoroughly addressed under the provisions of the State Historical Building Code.



**8806.4 Time Schedule.** The time schedule shall specify completion dates for each phase of the seismic retrofit with the final date for completion of all items listed in the Structural Survey and Engineering Report to be a maximum of ten (10) years from the date of permit issuance for the portion of remodeling or renovation whose cost exceeds one hundred (100) percent of the value of the building.

**SEC. 91.8807 CONDITIONS OF CHANGE TO A HIGHER HAZARD CATEGORY REQUIRING SEISMIC RETROFIT**

**8807** Upon change in use or occupancy of thirty-three (33) percent or more of the floor area of the building from an Existing Use or Occupancy to a higher Hazard Category as determined by Section 91.8804.3.2, the following shall apply:

**8807.1 Structural Survey and Engineering Report.** The owner shall submit a Structural Survey and Engineering Report as outlined in Section 91.8805 unless the document has previously been submitted under the requirements of this Division. The Structural Survey and Engineering Report shall be submitted within one hundred twenty (120) calendar days after the Date of Service.

**8807.2 Retrofit Guideline Document.** The owner shall submit a Retrofit Guideline Document within two hundred forty (240) calendar days after the Date of Service, which shall detail plans for a complete retrofit of the building according to the technical provisions of this Division to be completed within a ten (10)-year period from the date of change in use or occupancy to the higher hazard category, if

the Structural Survey and Engineering Report establishes that the building fails to meet the requirements of this Division.

**8807.3 Historical Buildings.** If the building is an Historical Building, all items listed in the Structural Survey and Engineering Report requiring mitigation shall be thoroughly addressed under the provisions of the State Historical Building Code.

**8807.4 Time Schedule.** The time schedule shall specify completion dates for each phase of the seismic retrofit, with the final date for completion of all items listed in the Structural Survey and Engineering Report to be a maximum of ten (10) years from the date of change in use or occupancy to a higher hazard category.

**SEC. 91.8808 ADMINISTRATION OF ORDER**

**8808.1 Service of Order.** The Building Official may issue an order, as provided in Section 91.8808.2, to the owner of each Essential or Hazardous Facility or other building which is within the scope of this Division. The order shall be in writing and shall be served in person or by certified mail upon the owner of the building as shown on the last equalized assessment roll. The order may also be served upon the person in apparent charge or control of the building. The Building Official may at the written request of the owner, order that the building comply with this Division prior to the normal service date for such building.

**8808.2 Contents of Order.** The order shall be accompanied by a copy of Sections 91.8803, 91.8804, 91.8805, 91.8806 and 91.8807 and a copy of Sections A103 - A110 of Chapter 1 of the UCBC which set forth the owner's alternatives and time limits for compliance. The order shall specify that the Building Official has determined that the building is any of the following:

1. An Essential or Hazardous Facility requiring compliance with Section 91.8804.1; or
2. The building is within the scope of this Division and the owner is required to provide partial seismic mitigation in the form of External Hazard removal and stabilization or bracing within five (5) years after the Date of Service;
3. The building is within the scope of this Division due to the occurrence of the condition listed in Section 91.8804.3.1.a that requires the owner to provide partial seismic mitigation in the form of floor-to-wall and roof-to-wall anchors within a five (5)-year period after the Date of Service; or
4. The building is within the scope of this Division due to occurrence of one of the conditions listed in Section 91.8804.3.1.b, 8804.3.2 or 8804.3.3 that requires the owner to submit a complete Structural Survey and Engineering Report to the Building Official within one hundred twenty (120) calendar days and, if applicable, a Retrofit

Guideline Document within two hundred forty (240) calendar days after the Date of Service.

**8808.3 Appeal From Order.** The owner or person in charge or control of the building may appeal the Building Official's initial determination that the building is within the scope of this Division or request an extension of time to a Hearing Officer appointed by the City Manager pursuant to administrative hearing regulations promulgated by the City Manager. Any appeal shall be filed with the Building Official within ninety (90) calendar days after the Date of Service. Any appeal shall be decided by the Hearing Officer no later than sixty (60) calendar days after the date that the appeal is filed unless extended for good cause, and in that case, as reasonably quickly as possible thereafter. The appeal shall be made in writing upon appropriate forms provided by the Building Official and the grounds shall be stated clearly and concisely. If the appeal is decided adversely to the owner, the owner shall then comply with the Building Official's order, either as provided for in the Hearing Officer's order, or as specified in the original order with due allowance for the time the appeal was processed. Other appeals or requests for determination of alternate equivalency to, minor deviations from or interpretations of the provisions of this Division shall be made in accordance with the procedures established in Section 91.0105.

**8808.4 Enforcement.** If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Division within any of the time limits set forth in Section 91.8804.4, or following an appeal pursuant to Section 91.8808.3, the Building Official may pursue any administrative or judicial remedies provided for in Chapters I or IX of the Municipal Code. This may include an order that the entire building be vacated and remain vacated until such order has been complied with. If compliance with such order has not been accomplished within ninety (90) calendar days after the date the building has been ordered vacated or such additional time as may have otherwise been granted, the Building Official may order its demolition in accordance with the provisions of Section 91.0102 or by court order pursuant to the provisions of Chapter I of the Municipal Code.

**SEC. 91.8809 HISTORICAL BUILDINGS**

**8809.1 General.** Historical Buildings or structures as defined by Section 91.8802 of this Division shall comply with the minimum structural provisions of the State Historical Building Code (SHBC), Title 24, Part 8, California Code of Regulations. Provisions found within the SHBC for the seismic strengthening of Historical Buildings may be used to comply with this Division.

**8809.2 Archaic Materials.** Allowable stresses for archaic materials not specified in the Uniform Building

Code, 1994 Edition or Table No. A-1-C of the UCBC Appendix Chapter 1 may be based on substantiating research data or engineering judgement subject to the Building Official's satisfaction.

**8809.3 Alternative Materials and State Historical Building Safety Board (SHBSB) Review.** Alternative materials, design or methods of construction may be approved by the Building Official in accordance with the provisions of Section 104.2.8 of the Uniform Building Code, 1994 Edition. In addition, when a request for an alternative proposed design, material or method of construction is being considered, the Building Official may file a written request for review to the State Historical Building Safety Board for its consideration, advice or findings in accordance with the SHBC.

**8809.4 Demolition.** Demolition of Historical Buildings may not be allowed unless the demolition complies with the State Historical Building Code, California Health and Safety Code sections 18950 through 18961, and Sections 91.8601 through 91.8605 and any other Municipal Code provisions relating to historic preservation.

**SEC. 91.8810 TECHNICAL MATERIAL AND DESIGN REQUIREMENTS**

For technical, material and design requirements, refer to Sections A103 through A110 of the UCBC Appendix Chapter I, including all tables and figures (except Table A-1-E).

**SEC. 91.8811 BUILDINGS OF ARCHAIC UNREINFORCED MASONRY**

**8811.1 General.** A building or structure of archaic unreinforced masonry shall comply with the provisions set forth in this Division. A qualified Historical Building may comply with the State Historical Building Code in order to fulfill the requirements of this division.

**8811.2 Unburned Clay Masonry or Adobe and Stone.**

Existing or re-erected walls of adobe or stone shall conform to the following:

1. Exterior bearing walls of unreinforced stone masonry shall not exceed the height- or length-to-thickness ratio, and exterior walls of unreinforced adobe masonry shall not exceed the length-to-thickness ratio, specified in Table No. A-1- B of the UCBC Appendix Chapter 1. Exterior walls of unreinforced adobe masonry shall not exceed a height-to-thickness ratio of 6 to 1 for Seismic Zone No. 3, or 5 to 1 for Seismic Zone No. 4. Such walls shall be provided with a reinforced concrete bond beam at the top which interconnects all walls. The bond beam shall have a minimum depth of six (6) inches. The bond beam may have a width equal to the width of the wall less eight (8) inches, provided the resulting width is not less than eight (8) inches. Bond beams of other materials or seismic retrofit designs may be used with the approval of the Building Official.

Exterior bearing walls shall have a minimum wall thickness of eighteen (18) inches in Seismic Zone Nos. 3 and 4. Interior adobe partitions shall be a minimum of ten (10) inches in thickness. No adobe or stone structure may exceed one story in height unless the historic evidence, satisfactory to the Building Official, indicates a two-story height. In such cases the height-to-thickness ratio shall be as above for the first floor based on the total two-story height and the second floor wall thickness shall not exceed a ratio of 6 to 1. Bond beams shall be provided at the roof and second floor levels.

2. Foundations shall be reinforced concrete under newly reconstructed walls and shall be fifty percent (50%) wider than the wall above, soil conditions permitting, except that the foundation wall may be four (4) inches less in width than the wall if a rock, burned brick or stabilized adobe facing is necessary to provide authenticity.
3. New or existing unstabilized brick and adobe brick masonry shall test to seventy-five percent (75%) of the compressive strength required of new materials by the Uniform Building Code, 1994 Edition, as adopted by this City. Unstabilized brick shall only be used where existing brick is unstabilized and where the building is not



susceptible to flooding conditions or direct exposure. Adobe may be allowed a maximum value of three (3) pounds per square inch for shear with no increase of lateral forces.

4. Mortar may be of the same soil composition and stabilization as the brick in lieu of cement mortar if cement mortar is required for new materials under the Building Code.
5. Nominal tension forces due to seismic forces normal to the wall may be neglected if the wall meets thickness requirements and shear values allowed by this subsection.

**8811.3 Archaic Materials.** Allowable stresses for archaic materials not specified in the Uniform Building Code, 1994 Edition as adopted by the City or in this Division shall be based on substantiating research data or engineering judgement with the approval of the Building Official.

**SEC. 91.8812 ALTERNATE MATERIALS, DESIGNS AND METHODS OF CONSTRUCTION**

Methods of analysis and design, the design values themselves, and the materials and methods of construction must be in accordance with the Uniform Building Code, 1994 Edition as adopted by the City, except as modified by this Division.

Alternate materials, designs or methods of construction may be approved and their use authorized by the Building Official in accordance with the provisions of Section

104.2.8 of the Uniform Building Code, 1994 Edition. The proposed materials, designs or methods of construction must comply with the purposes of this division and be, for the use intended, at least the equivalent of that prescribed in this Division in suitability, strength, effectiveness, fire resistance, durability, safety and sanitation.

The Building Official may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate.

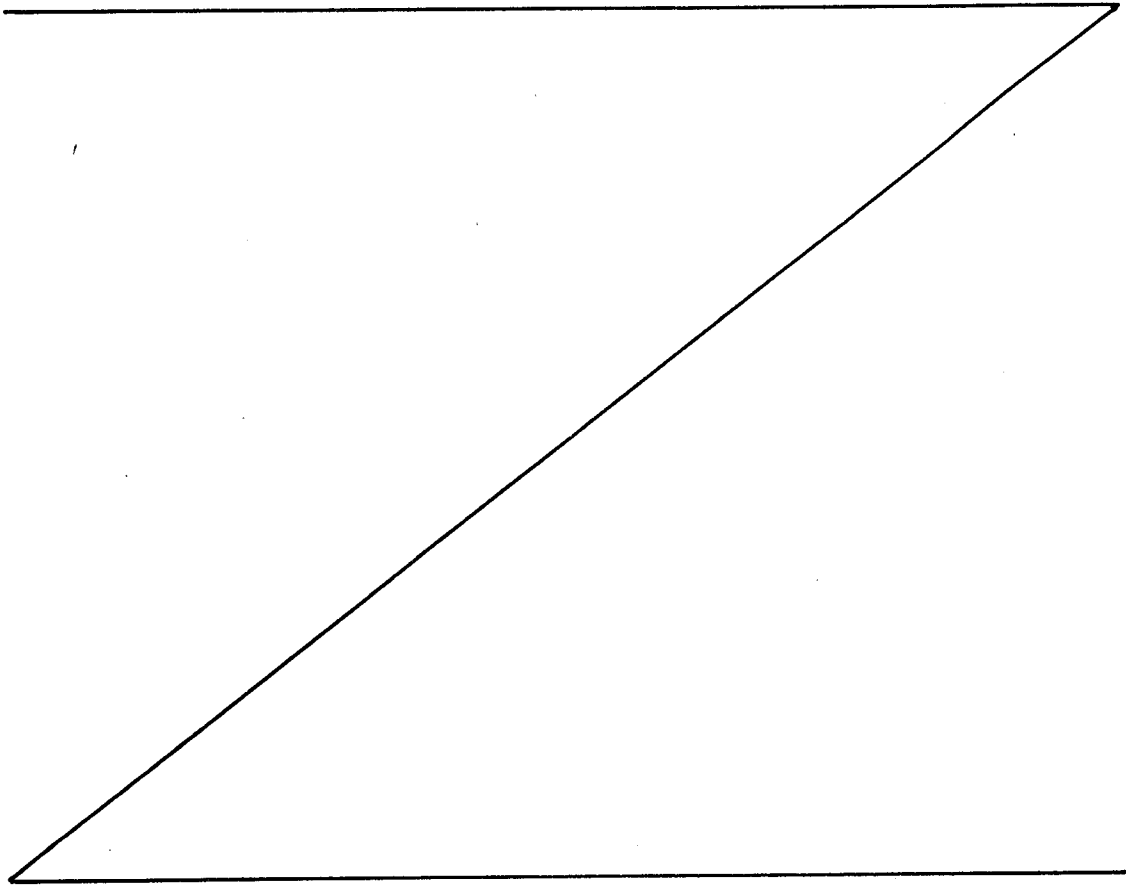


TABLE 88-A

HAZARD CATEGORIES AND CLASSIFICATIONS

RELATIVE HAZARD	OCCUPANCY/USE CLASSIFICATION
<p>1</p> <p>(Highest hazard)</p>	<p>A, E, I</p>
	<p>B</p> <p>(Drinking and dining establishments with a total occupant load in all drinking and dining establishments in the building of 50 or more)</p>
<p>2</p>	<p>R-1</p>
<p>3</p>	<p>H, S-4, S-5</p> <p>F-2 With noncombustible materials</p> <p>S-2 Low hazard storage</p>
<p>4</p>	<p>S-1 Gas stations, parking garages</p> <p>S-3 Repair garages</p> <p>S-1 Moderate hazard storage</p> <p>B, F-1, F-2, S-2, M</p>
<p>5</p> <p>(Lowest hazard)</p>	<p>R-3, U</p>

DIVISION 89

CREATING AREAS OF SPECIAL FLOOD HAZARD

SEC. 91.8901 CREATING AREAS OF SPECIAL FLOOD HAZARD

Areas of special flood hazard within the City of San Diego are hereby established in accordance with the report entitled "Flood Insurance Study, City of San Diego, California," dated April 18, 1983, published by the Federal Emergency Management Agency ("FEMA"), on file in the office of the City Clerk as Document No. 00-17251, including any supplements or amendments which are properly promulgated by FEMA or the Federal Insurance Administrator.

No structure shall be constructed or substantially improved within any area of special flood hazard prior to one of the following:

1. Completion of flood control works with a capacity to contain the 100-year flood peak flow.
2. It can be shown that a proposed structure or substantial improvement to an existing structure complies with the provisions for flood hazard reduction in Council Policy 600-14.

**Section 3.** That Chapter IX, Article 8, Division 1, of the San Diego Municipal Code, be and the same is hereby amended by amending Section 98.0108 by renumbering Section 91.0203 appearing within the text of that Section to read "Section 91.0102."

**Section 4.** That Chapter X, Article 1, Division 4, of the San Diego Municipal Code, be and the same is hereby amended by amending Section 101.0435.3 by renumbering Section 91.0301 et seq. appearing within the text of that Section to read "Section 91.0106 et seq.."

**Section 5.** That Chapter X, Article 1, Division 7, of the San Diego Municipal Code, be and the same is hereby amended by amending Section 101.0702 by renumbering Section 91.0104 appearing within the text of that Section to read "Section 91.3403."

**Section 6.** That Chapter IX, Article 6, Division 4, of the San Diego Municipal Code is hereby amended by amending Section 96.0402, to read as follows:

**SEC. 96.0402 Application**

The provisions of this Division shall apply to all building permits issued which create dwelling units for human habitation or add to the number of such units in any structure. The provisions of this Division shall not apply to a building permit issued for the purpose of reconstructing, repairing or replacing a building which has been or is hereafter damaged or destroyed by fire, explosion, act of God, or act of the public enemy, provided the number of dwelling units on the lot or parcel is not

increased by the reconstruction, repair or replacement to a number that exceeds the number of dwelling units that legally existed on the lot or parcel prior to the event that damaged or destroyed the building. The provisions of this paragraph shall apply to park fees which are required to be paid by this Division or any other section of this Code.

Fees prescribed herein are in addition to those required by Section 91.0107, Section 102.0805 and other sections of this Code.

**Section 7.** That Chapter X, Article 3, Division 21, be and the same is hereby amended by amending Section 103.2104, to read as follows:

**SEC. 103.2104 Permit Application, Review and Issuance**

A. and B. [No changes to these subsections]

**C. MINISTERIAL PERMIT REVIEW**

1. Applications for building permits shall be made pursuant to Chapter IX, Article 1, Division 1 to the Development Services Department and shall be reviewed by the Development Services Department for conformance with the development standards of this Division. Applications for variance to the development standards of this Division shall be made pursuant to Chapter X, Article 1, Division 5.

2, 3, 4 and 5. [No changes to these subsections]

D. E. F. G. and H. [No changes to these subsections]

**Section 8.** That Chapter XI, Article 1, Division 13, of the San Diego Municipal Code, be and the same is hereby amended by amending Section 111.1305 to read as follows:

**SEC. 111.1305 Building Permits**

(a) and (b) [No changes to these subsections]

(c) Modifications and Deviations. An "Applicant" may request in writing that the Building Official grant a modification or minor deviation from the relevant provisions of Municipal Code Chapter IX or Uniform Building Code in accordance with Section 104.2.7 of the 1994 Uniform Building Code.

(d) Expiration. A building permit shall expire if the building or work authorized is not commenced within one hundred eighty (180) calendar days from the date the permit is issued or if the building or work is abandoned for the same period. Once a building permit has expired, no extension shall be granted. In order to proceed with the project, the Permit Holder shall obtain a new permit and Municipal Code section 91.0106.4.

(e) Extension. Prior to the expiration of a building permit, the "Permit Holder" may apply for an extension from the Building Official in accordance with Municipal Code section 91.0106.4.

(f) Suspension or Revocation. The Building Official may suspend or revoke a permit in writing in accordance with Municipal Code section 91.0106.4.

Section 9. This ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: JOHN W. WITT, City Attorney

By Prescilla Dugard  
Prescilla Dugard  
Deputy City Attorney

PMD:ps:pev  
10/25/95  
Or.Dept:Dev.Svcs.  
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