

(O-99-121)

ORDINANCE NUMBER O- 18656 (NEW SERIES)

ADOPTED ON JUL 19 1999

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 33 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.3313; AMENDING CHAPTER III, ARTICLE 3, DIVISION 35 BY AMENDING SECTION 33.3540; AMENDING CHAPTER V, ARTICLE 4, DIVISION 3 BY AMENDING SECTION 54.0309; AMENDING CHAPTER VI, ARTICLE 1, DIVISION 22 BY AMENDING SECTION 61.2202; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 1, BY AMENDING SECTIONS 91.0101, 91.0104, 91.0106, 91.0107, AND 91.0108; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 15 BY AMENDING SECTION 91.1503; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 18 BY AMENDING SECTION 91.1804; AMENDING CHAPTER IX, ARTICLE 1 DIVISION 29 BY AMENDING SECTION 91.2902; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 34 BY AMENDING SECTION 91.3404; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 84 BY AMENDING SECTIONS 91.8402 AND 91.8403; AMENDING CHAPTER IX, ARTICLE 5, DIVISION 1 BY AMENDING SECTIONS 95.0112 AND 95.0113; AMENDING CHAPTER IX, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 96.0403; AMENDING CHAPTER IX, ARTICLE 8, DIVISION 1 BY AMENDING SECTIONS 98.0101 AND 98.0103; AMENDING CHAPTER IX, ARTICLE 8, DIVISION 2 BY AMENDING SECTION 98.0202; AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 101.0410; AMENDING CHAPTER X, ARTICLE 1, DIVISION 11 BY AMENDING SECTIONS 101.1101 AND 101.1122; AMENDING CHAPTER X, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 101.0570; AMENDING CHAPTER X, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 101.0620; AMENDING CHAPTER X, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 101.0702; AMENDING CHAPTER X, ARTICLE 3, DIVISION 14 BY AMENDING SECTION 103.1424; AMENDING CHAPTER X, ARTICLE 3, DIVISION 16 BY AMENDING SECTION 103.1606; AMENDING CHAPTER X, ARTICLE 3, DIVISION 17 BY AMENDING SECTION 103.1704; AMENDING CHAPTER X, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 103.0403; AMENDING

CHAPTER X, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 103.0959; AMENDING CHAPTER X, ARTICLE 3, DIVISION 20 BY AMENDING SECTIONS 103.2002 AND 103.2012; AND AMENDING CHAPTER 11, ARTICLE 1, DIVISION 13 BY AMENDING SECTION 111.1305, ALL RELATING TO THE CALIFORNIA BUILDING CODE.

WHEREAS, the California Building Code, 1998 Edition, has been published by the California Building Standards Commission, and amended by the State Department of Housing and Community Development, the Division of the State Architect/Access Compliance, the State Office of Statewide Health Planning and Development and the State Fire Marshal.

WHEREAS, Section 17958 of the California Health and Safety Code provides that the governing body of every city or county shall adopt ordinances or regulations imposing the same requirements as those contained in said California 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 California 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 California Building Code which are reasonably necessary to provide for uniformity in The City of San Diego 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 California Building Code, 1998 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 III, Article 3, Division 33, of the San Diego Municipal Code is amended by amending Section 33.3313 to read as follows:

SEC. 33.3313 - Peep Booth Construction

No person shall operate a peep show establishment unless peep booths are constructed of material which has a flame spread rating of Class III when tested in accordance with Standard 42- 1, California Building Code (1998 Edition), adopted and incorporated by reference herein.

Section 2. That Chapter III, Article 3, Division 35, of the San Diego Municipal Code is amended by amending Section 33.3540 to read as follows:

SEC. 33.3540 - Massage Establishments - Operating Requirements

[No change in first paragraph.]

(a) through (l) [No change.]

(m) All plumbing and electrical installations shall be installed under permit and inspection by the Development Services Department and such installations shall be installed in accordance with the California Building Code and the California Plumbing Code as adopted in Chapter IX of the Municipal Code.

(n) through (t) [No change.]

Section 3. That Chapter V, Article 4, Division 3, of the San Diego Municipal Code is amended by amending Section 54.0309 to read as follows:

SEC. 54.0309 - Entry or Interference with Notice Prohibited

(a) [No change.]

(b) It is unlawful for any person to remove or deface any notice posted pursuant to Section 54.0308(a)(8) of this Code until the required repairs or demolition have been completed or a Certificate of Occupancy has been issued in accordance with appropriate provisions of the California Building Code as adopted in Chapter IX of the Municipal Code.

Section 4. That Chapter VI, Article 1, Division 22, of the San Diego Municipal Code is amended by amending Section 61.2202 to read as follows:

SEC. 61.2202 - Definitions

Unless the context requires otherwise, the definitions set forth in this section apply to the following terms as used in this Division:

(a) and (b) [No change.]

(c) "Building Permit" means the permit issued or required for the construction of any structure in connection with the development of land pursuant to and as defined by the California Building Code, as adopted in Chapter IX of the Municipal Code;

(d) through (j) [No change.]

Section 5. That Chapter IX, Article 1, Division 1, of the San Diego Municipal Code is amended by amending Sections 91.0101, 91.0104, 91.0106, 91.0107, and

91.0108 to read as follows:

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 "California Building Code, 1998 Edition," published by the California Building Standards Commission, as amended by the State Department of Housing & Community Development [HCD]; the Division of the State Architect/Access & Compliance [DSA/AC]; the State Office of Statewide Health Planning & Development [OSHPD3]; and the State Fire Marshal [SFM], 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 California Building Code, 1998 Edition published by the California Building Standards Commission, as amended, is on file in the office of the City Clerk, as Document No. OO- 769840, and is adopted by reference and made a part of this Article as if fully set forth in this Article.

The adoption of the California Building Code, 1998 Edition, shall in no way limit, prohibit, impede or prevent the City Council from adopting ordinances limiting or pre-

venting 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 California Building Code, 1998 Edition.

101.1.2 Sections not Adopted. The following Sections or Subsections of the California Building Code, 1998 Edition, are not adopted:

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	FEES
SECTION 108	INSPECTIONS 108.4 Approval Required
TABLE 1-A	BUILDING PERMIT FEES
SECTION 1503	ROOFING 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. Appendix Chapters Adopted. The following Appendix Chapters of the

California Building Code, 1998 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 California Building Code, 1998 Edition has been adopted without change pursuant to Section 91.0101.1.1.

101.3 Scope. [No change in first two paragraphs.]

Wherever in the California Building Code, 1998 Edition, reference is made to the Appendix, the provisions in the Appendix shall not apply unless specifically adopted as shown in Section 91.0101.1.3.

SEC. 91.0104 Organization and Enforcement

104.1 [No change.]

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

104.2.1 through 104.2.3 [No change.]

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 California Building Code, 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

[No change to remainder of section.]

SEC. 91.0106 Permits

106.1 Permits Required. Section 106.1 of the California Building Code, 1998 Edition has been adopted without change pursuant to Section 91.0101.1.1.

106.2 [No change.]

106.3 Application for Permit. Section 106.3 of the California Building Code, 1998 Edition has been adopted without change pursuant to Section 91.0101.1.1.

106.4 [No change.]

SEC. 91.0107 Fees

107.1 General. Pursuant to Section 91.0101.1.2, Section 107.1 of the California Building Code, 1998 Edition has not been adopted.

107.2 through 107.5 [No change.]

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 applicable laws which are enforced by the City Manager.

For purpose of determining compliance with Sections 3103, 3402, 3404 and 3405 of the California Building Code, 1998 Edition, the Building Official may inspect any structure.

107.8 and 107.9 [No change.]

SEC. 91.0108 Inspections

108.1 General. through 108.3 Inspection Requests. Sections 108.1 through 108.3 of the California Building Code, 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

108.4 [No change.]

108.5 Required Inspections. through 108.8 Reinspections. Sections 108.5 through 108.8 of the California Building Code, 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

Section 6. That Chapter IX, Article 1, Division 15, of the San Diego Municipal Code is amended by amending Section 91.0503, to read as follows:

DIVISION 15

Roofing and Roof Structures

SEC. 91.1503 Roofing Requirements

1503. The roof covering or roofing assembly on any structure regulated by the Municipal Code shall be as specified in Table 15-A of the California Building Code, 1998 Edition, and as classified in Section 1504 of the California Building Code, 1998 Edition. Noncombustible roof covering as defined in Section 1504.2 of the California Building Code, 1998 Edition, may be applied in accordance with the manufacturer's requirements in lieu of a fire-retardant roofing assembly.

Single family residences (Group R, Division 3 Occupancies) and accessory structures (Group U, Division 1 Occupancies) shall have a minimum Class B roofing assembly for all new roofs and complete reroofs. Roofing shall be secured or fastened to the supporting roof construction and shall provide weather protection for the building at the roof.

Section 7. That Chapter IX, Article 1, Division 18, of the San Diego Municipal Code is amended by amending Section 91.1804, to read as follows:

DIVISION 18

Foundations and Retaining Walls

SEC. 91.1804 Foundation Investigation

1804.1 General. Section 1804.1 of the California Building Code, 1998 Edition has been adopted without change pursuant to Section 91.0101.1.1.

1804.2 Investigation. [No change.]

1804.3 Reports. through 1804.9 Geotechnical and Supplemental Ground-response Reports. Sections 1804.3 through 1804.9 of the California Building Code, 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

1804.10 Required Geologic Investigation.

1804.10.1 A geologic investigation shall be submitted when required by Table 18-I-E or the Building Official, for all new structures, non-exempt additions to existing structures or whenever the occupancy classification of a building changes to a higher relative hazard category (refer to Table 5-E of the current edition of the Uniform Code for Building Conservation) as a result of the proposed work, unless exempted by Section 1804.8.3.

1804.10.2 [No change.]

1804.10.3 Additions to detached one-and two-family dwellings are exempt from geologic investigation requirements for building permits, except when the site is located within Geologic Hazard Category 11 or 21, or when required by discretionary action. All new additions of less than five hundred (500) square feet of floor area, remodels and non-

structural tenant improvements (TI's) to existing structures 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.

1804.10.4 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 also be required when a 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 18-I-E
REQUIRED GEOLOGIC INVESTIGATION⁽⁵⁾

Hazard Category ⁽¹⁾	Geologic Reconnaissance	Geologic Investigation
11 ⁽³⁾ , 13 ⁽³⁾ , 21, 31 ⁽⁴⁾ , 41	----	A ⁽²⁾ , B ⁽²⁾ , C ⁽²⁾ , D ⁽²⁾
12 ⁽³⁾ , 22, 42, 43	C, D	A, B
23-27, 32 ⁽⁴⁾ , 54	B, C	A
44-48, 52, 53	B	A
51, 55	----	A

FOOTNOTES TO TABLE 18-I-E

1. [No change.]

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

A. Class A includes the following:

1) and 2) [No change.]

3) All buildings over three stories in height.

4) All buildings containing the following occupancies (Refer to California Building Code, 1998 Edition, Table 3-A):

- a. Group A, Divisions 1, 2, and 2.1.
- b. Group E, Division 1.
- c. Group H, Divisions 1,2,3,6 and 7.
- d. Group I, Divisions 1 and 3.

5) All buildings with an occupant load of more than three hundred (300) persons as determined by Table 10-A of the California Building Code, 1998 Edition.

6), 7), 8) and 9) [No change.]

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 California Building Code, 1998 Edition, Table 3-A):

- a., b. and c. [No change.]
- d. Group F, Divisions 1 and 2.
- e. Group H, Divisions 4 and 5.
- f. Group I, Division 2.
- g. Group M.
- h. Group R, Division 1.
- i. Group S, Divisions 1,2,3,4, and 5.

2), 3), 4) and 5) [No change.]

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

- 1) All buildings containing the following occupancies (refer to California Building Code, 1998 Edition, Table 3-A):
 - a. Group R, Division 3.

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

3. [No change.]
4. Liquefaction Potential - Hazard Category 31 and 32. When an investigation is required, adhere to Section 1804.5 of the California Building Code, 1998 Edition for minimum requirements.
5. [No change.]

END OF FOOTNOTES TO TABLE 18-I-E

Section 8. That Chapter IX, Article 1, Division 29, of the San Diego Municipal Code is amended by amending Section 91.2902, to read as follows:

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 California Building Code, 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

2902.7 [No change.]

Section 9. That Chapter IX, Article 1, Division 34, of the San Diego Municipal Code is amended by amending Section 91.3403, to read as follows:

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 California Building Code, 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

3403.5 Historic Buildings. Pursuant to Section 91.0101.1.2, Section 3403.5 of the California Building Code, 1998 Edition has not been adopted. Title 24, Part 8, California Code of Regulations governs restoration of historic buildings.

3403.6 [No change.]

Section 10. That Chapter IX, Article 1, Division 84, of the San Diego Municipal Code is amended by amending Section 91.8402, to read as follows:

DIVISION 84

Swimming Pools, Spas and Hot Tubs

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 eighteen (18) inches in depth. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

SEC. 91.8403 Barrier Requirements

[No change in first paragraph.]

1. through 6. [No change.]

7. Where the barrier is composed of diagonal members, 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 60 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. [No change.]

10. Hot tubs and spas located outdoors and not exceeding 64 square feet of water surface may have rigid locking safety covers that comply with American Society for Testing and Materials (ASTM) Standard F1346-91) in lieu of the barrier required by this Division.

11. Outdoor swimming pools may have a manually or power-operated safety pool cover that complies with all of the performance standards of ASTM F1346-91 in lieu of the barrier required by this division.

12. When the house forms part of the swimming pool barrier and the house wall has door openings that lead directly into the pool yard area, one of the following child safety features must be provided:

- a. The pool area must be isolated from the home by an additional barrier as described in this section,
- b. The pool must be equipped with an approved safety cover as described in Section 91.8403.10 above,
- c. The residence must have exit alarms on all doors leading from the house directly to the pool yard area,
- d. All doors leading to the pool yard area must have self-closing, self-latching door hardware with a release mechanism located no less than 54 inches above the floor.

13. 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 California Building Code, 1998 Edition.

Section 11. That Chapter IX, Article 5, Division 1, of the San Diego Municipal Code is amended by amending Sections 95.0112 and 95.0113, to read as follows:

SEC. 95.0112 - Structural Design

- (a) [No change.]

(b) Wind loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the California Building Code as adopted by the City.

(c) and (d) [No change.]

(e) Allowable stresses. The design of wood, concrete, aluminum, or steel members shall conform to the requirements of the California Building Code as adopted by the City. Vertical and horizontal loads exerted on the soil shall not produce stresses exceeding those specified in the California Building Code as adopted by the City. The working stresses of wire ropes and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

Working stresses for wind or seismic loads combined with dead loads may be increased as specified in the California Building Code as adopted by the City.

(f) [No change.]

SEC. 95.0113 - Construction Material and Installation Standards

(a) [No change.]

(b) Materials. Materials or construction for signs and sign structures shall be of a quality and grade allowed for buildings in the California Building Code as adopted by The City.

If the frame or cabinet of a sign is to be fabricated of steel, the steel shall be galvanized or painted with rust-inhibiting paint.

Anchors and supports of wood, when embedded in the soil or within six inches of the soil, shall be pressure-treated with an approved preservative. Such treated wood members shall be marked or branded by an approved agency.

Ground signs may be constructed of any material meeting the requirements of this Code.

(c) through (g) [No change.]

Section 12. That Chapter IX, Article 6, Division 4, of the San Diego Municipal Code is amended by amending Section 96.0403, to read as follows:

SEC. 96.0403 - Payment of Fees

Prior to the issuance of any building permit, the Building Official shall assure that fees are paid to the City for park and recreational facilities in accordance with the following schedule:

1. and 2. [No change.]

Fees collected shall be refunded to the individual making payment in event the building permit expires, within the meaning of Section 302(d) of the California Building Code. Requests for a refund of fees shall be in writing and shall set forth in full the facts showing that such permit has expired.

Section 13. That Chapter IX, Article 8, Division 1, of the San Diego Municipal Code is amended by amending Section 98.0101, to read as follows:

SEC. 98.0101 - Designation, Scope and Definitions of the San Diego Housing Code

(a) and (b) [No change.]

(c) Definitions. The definitions contained in the California Building Code as adopted in Section 91.0101, the Uniform Housing Code as adopted in Section 98.0103, the definitions contained in Chapters 1, IX and X of the Municipal Code, and the following definitions apply to the administration and enforcement of this Division:

[No change in definitions.]

SEC. 98.0103 State Housing Law Regulations Adopted

The provisions of Article 5, Division 1, Chapter 1, Subchapter 1, Title 25, California Code of Regulations, on file in the office of the City Clerk as Document No. 769796, together with the provisions of Chapter 8 and Section 201.3 of the Uniform Housing Code, 1997 Edition, a copy of which is on file in the office of the City Clerk as Document No. 769794 are hereby adopted and made a part of this Division as if fully set forth.

Section 14. That Chapter IX, Article 8, Division 2, of the San Diego Municipal Code is amended by amending Section 98.0202, to read as follows:

SEC. 98.0202 - Mobilehomes, Recreational Vehicles and Commercial Coaches Located Outside Licensed Mobilhome and Special Occupancy Parks - Special Permit - Fee

a) No person shall use or occupy any mobilehome, commercial coach or recreational vehicle on private property not licensed as a mobilehome park or special occupancy park except as follows:

1) and 2) [No change.]

3) For a business establishment, provided (1) the use is permitted by the zoning regulations applicable to the site on which the commercial coach is to be located; (2) the commercial coach bears a California Insignia of Approval (issued pursuant to Section 18025 et seq., California Health and Safety Code) for the type of use involved; (3) the commercial coach is located from site property lines the distances specified in the California Building Code, as adopted by the City, for buildings based upon type of use,

fire resistance of exterior walls, and openings in exterior walls.

4) through 6) [No change.]

Section 15. That Chapter X, Article 1, Division 4, of the San Diego Municipal Code is amended by amending Sections 101.0410 and 101.0451, to read as follows:

SEC. 101.0410 - R Zones (Multiple Family Residential)

A. through H. [No change.]

I. MAXIMUM BUILDING HEIGHTS, LOT COVERAGES, AND FLOOR AREA RATIOS (FAR)

1. through 5. [No change.]

6. Exception procedure for maximum lot coverages.

a. through c. [No change.]

d. Any exterior usable area described in this paragraph may be sited atop the roof or covering of a building or garage, and, further, that the portion of the roof or cover serving as an exterior usable area shall not have a slope exceeding five percent and must comply with all applicable requirements for exit and entrance. Further, any rooftop exterior usable area shall include a guardrail, as specified in the California Building Code, as adopted by the City, along the perimeter of all exterior walls and vertical drops. All roof-mounted heating, ventilating, air-conditioning, solar energy collecting or other mechanical or electrical equipment shall be completely and safely fenced and visually screened from the rooftop exterior usable area, and further, all standpipes, vents, drains or similar other rooftop appurtenances shall be either:

1) and 2) [No change.]

e. [No change.]

7. [No change.]

J. through Q. [No change.]

SECTION 101.0570 - Live Work Quarters (Lofts)

A. through D. [No change.]

E. ADMINISTRATION

1. and 2. [No change.]

3. Building Permit Required

Prior to the use of any building, or portion thereof, for live/work quarters, a building permit shall be obtained from the Development Services Department. A copy of the application for a live/work quarters permit, approved by the Development Services Director, shall accompany the building permit application. The prevailing California Building Code Regulations shall apply except as provided by Code interpretations as shown in a Development Services Department Newsletter.

F. [No change.]

Section 17. That Chapter X, Article 1, Division 6, of the San Diego Municipal Code is amended by amending Section 101.0620, to read as follows:

SEC. 101.0620 Fences

A. through F. [No change.]

G. FENCES- MAINTENANCES AND REPAIR

All fences (including retaining walls) shall be constructed of new or good used material and in accordance with the methods of construction which conform to the requirements of the California Building Code, as adopted in Chapter IX of the Municipal

Code. Additionally, they shall be maintained in a state of good repair. Any dilapidated, dangerous or unsightly fences or retaining walls shall be repaired or removed.

Section 18. That Chapter X, Article 1, Division 7, of the San Diego Municipal Code is amended by amending Section 101.0702, to read as follows:

SEC. 101.0702 - Administrative Regulations

[No change in first paragraph.]

This Division shall be applied to any construction, establishment, alteration, enlargement or change in use that results in the following:

A. and B. [No change.]

C. [No change in first two sentences.]

This Division shall also apply to any addition, alteration or repair to existing structures (Municipal Code Section 91.0106) which results in a change in the occupancy classification as listed in Table No. 5-A of the California Building Code. The Development Services Director may prorate the requirements herein, based upon the nature and extent of alterations and additions.

For projects as indicated above, no certificate of occupancy, demolition permit, or encroachment permit shall be issued unless:

A. and B. [No change.]

Section 19. That Chapter X, Article 1, Division 11, of the San Diego Municipal Code is amended by amending Sections 101.1101 and 101.1122, to read as follows:

SEC. 101. 1101 Definitions

101.1101.1 through 101.1101.130 [No change.]

101.1101.131 - Marquee

A building projection over a public right-of-way as defined in the California Building Code, as adopted in Chapter IX of the Municipal Code. When the structure does not extend over the public right-of-way, refer to "Architectural Projection," Section 101.110.1.4.

101.1101.132 through 101.1101.221 [No change.]

101.110.1.222 California Building Code

The current edition of the California Building Code, as adopted by The City of San Diego.

Hereinafter referred to as C.B.C.

101.1101.223 through 101.1101.250 [No change.]

SEC. 101.1122 Face-Lift

A. The provisions of this section apply to building frontages visible from a public right-of-way which are designed or redesigned so that all elements of the new building facade and signs are integrated into one unit and comply with the following requirements:

1. through 4. [No change.]

5. The face-lift area complies with the California Building Code requirements.

B. [No change.]

Section 20. That Chapter X, Article 3, Division 4, of the San Diego Municipal Code is amended by amending Section 103.0403, to read as follows:

SEC. 103.0403 - Procedures for Special Permit Application and Review

A. and B. [No change.]

C. DETERMINATION

Upon submittal by the applicant of basic concept drawings and review of those basic concept drawings by the City Architect, the Executive Vice President may approve, modify or disapprove any application for a special permit. In approving the special permit, the Executive Vice President may impose reasonable conditions to ensure compliance with these regulations. The Executive Vice President shall not approve an application for a special permit except upon determining that the building, structure or improvement and use for which the special permit was applied (1) is consistent with the California Building Code and Fire Code and the regulations contained herein, and (2) will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood or to the general welfare of the city and is not detrimental to implementation of the Gaslamp Quarter Redevelopment Plan. Action by the Executive Vice President shall include a statement that the Executive Vice President finds that the building, structure, or improvement or use for which the special permit was applied does or does not conform to the regulations contained herein. In the event the Executive Vice President does not approve an application for a special permit, the specific facts on which the determination is based shall be included in the written decision as provided for in Section 103.0403 D following.

[No change in second paragraph.]

D. through H. [No change.]

Section 21. That Chapter X, Article 3, Division 9, of the San Diego Municipal Code

is amended by amending Section 103.0959, to read as follows:

SEC. 103.0959 "Redevelopment Subdistrict" - Property Development Regulations

[No change in first paragraph.]

A. and B. [No change.]

C. MINIMUM SETBACK REQUIREMENTS

1. [No change.]

2. Nonresidential

a. through d. [No change.]

e. Canopies/awnings may encroach on the sidewalk area in conformance with Section 3206 of the California Building Code, 1998 Edition, and Section 91.3208 of the Municipal Code.

D. through J. [No change.]

Section 22. That Chapter X, Article 3, Division 14, of the San Diego Municipal Code is amended by amending Section 103.1424, to read as follows:

SEC. 103.1424 - Streetscape Development Regulations/Encroachment Permits

[No change in first two paragraphs.]

A. through C. [No change.]

D. PARKWAY LANDSCAPING AND STREET TREES

[No change in first three paragraphs.]

Trees shall be positioned and kept maintained so that any branches that extend out over dedicated street rights-of-way have a minimum of fourteen (14) feet six (6) inches of clearance above the surface of the street.

1. [No change.]

2. Tree Grates.

Tree grates shall meet safety requirements of Title 24 of the California Code of Regulations. The maximum size of grid opening shall be no larger than one half inch. All tree grates shall be installed flush with the sidewalk surface and shall be set a minimum of two inches above a gravel base. The grates shall be factory primed and painted black. Tree grates shall not be required if trees are planted in a landscaped parkway, provided no safety hazards are caused by this exception.

3. and 4. [No change.]

E. through I. [No change.]

Section 23. That Chapter X, Article 3, Division 16, of the San Diego Municipal Code is amended by amending Section 103.1606, to read as follows:

SEC. 103.1606 Property Development Regulations

[No change in first paragraph.]

A. [No change.]

B. Minimum Building Setbacks

The following minimum building setbacks shall be provided:

1. through 4. [No change.]

5. Courts Required for Dwelling Units or Guest Rooms:

a. Courts opposite Walls on Same Site. The minimum depth of a court opposite a window of a living room shall equal one-half the height of the opposite wall, but shall not be less than 18 feet. The minimum depth of a court opposite a window of

any other habitable room shall be 12 feet if there is a window of any habitable room in the opposite wall. All other depth dimensions shall be governed by the California Building Code, 1998 Edition. (Depth is measured perpendicular to subject window).

b. and c. [No change.]

d. Exceptions to Required Dimensions. On each lot with a single-room occupancy (SRO) residential hotel, a building designed for group residential use, or a building or portion thereof converted for live/work quarters, the dimensional requirements for courts prescribed by the California Building Code, 1998 Edition shall apply in lieu of the requirements of this section.

C. through J. [No change.]

Section 24. That Chapter X, Article 3, Division 17, of the San Diego Municipal Code is amended by amending Section 103.1704, to read as follows:

SEC. 103.1704 Residential Regulations

[No change to first paragraph.]

All manufactured or factory built housing and move-on structures and all institutional structures including churches are subject to the development criteria of the underlying Planned District zone unless otherwise stated in this Division. All move-on structures must obtain a Southeast San Diego Development Permit as specified in Section 103.1703.B. of the Municipal Code. For all manufactured and factory built housing, roof, siding and foundation treatments shall conform to the relevant sections of the California Building Code, including, but not limited to, Chapters 29 through 32 and roof overhang, roofing material and siding material shall be similar to types used for existing adjacent.

residential structures. Foundations and footings must be finished in a manner consistent with the structure for all housing types.

Section 25. That Chapter X, Article 3, Division 4, of the San Diego Municipal Code is amended by amending Section 103.2002, to read as follows:

SEC. 103.2002 Definitions

For purposes of Chapter X, Article 3, Division 20, the following terms are defined as:

[No change from "Atrium" through "Floor Area".]

"Floor Area Ratio (FAR)" means the ratio of total enclosed building area including parking at and above grade to the area of the site. The FAR is an indication of the intensity of development.

[No change in remainder of Definitions.]

Section 26. That Chapter X, Article 3, Division 20, of the San Diego Municipal Code is amended by amending Section 103.2012, to read as follows:

SEC. 103.2012 - Property Development Regulations

A. [No change.]

B. REGULATIONS

The following regulations shall apply to the specific areas as indicated:

1. Mixed Residential/Nonresidential Land Use Areas.

The major land use in the Marina Planned District shall be residential as illustrated on Figure 1. In the area designated eighty percent (80%) residential/twenty percent (20%) nonresidential (except in structures fifty (50) feet or less in height), at least eighty percent (80%) of the gross floor area shall be residential use and up to twenty percent (20%) of

the gross floor area may be nonresidential. Where structures are fifty (50) feet or less in height or meet the height requirements of the California Building Code, as adopted by Chapter IX of the San Diego Municipal Code, for Type V construction, gross floor area in nonresidential use may exceed twenty percent (20%) if the entire nonresidential use is accessible to and located at the street level of the project. The permitted uses are described in Municipal Code section 103.2011. Exceptions to the percentage ratio of eighty percent to twenty percent (80%-20%) for High-Rise structures are contained in Municipal Code section 103.2012(B) (4).

2. through 15. [No change.]

Section 27. That Chapter XI, Article 1, Division 13, of the San Diego Municipal Code is amended by amending Section 111.1305, to read as follows:

SEC. 111. 1305 - Building Permits

(a) Supplemental Provisions. The provisions of this section shall supplement the provisions of Municipal Code Chapter IX and the California Building Code as adopted in Chapter IX of the Municipal Code.

(b) [No change.]

(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 California Building Code in accordance with Section 104.2.7 of the 1998 California Building Code.

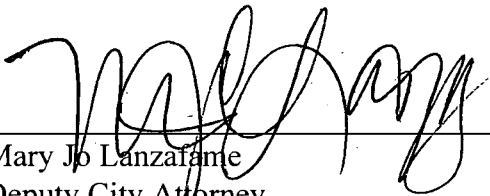
(d) through (f) [No change.]

Section 28. That a full reading of this ordinance is dispensed with prior to its final

passage, a written or printed copy having been available to the City Council and the public a day prior to its final passage.

Section 29. That this ordinance shall take effect and be in force on the thirtieth day from and after its passage.

APPROVED: CASEY GWINN, City Attorney

By 
Mary Jo Lanzafame
Deputy City Attorney

MJL:cdk
06/11/99
Or.Dept:Plan.&Dev.Rev.
O-99-121

STRIKEOUT ORDINANCE

OLD LANGUAGE: ~~Struck Out~~

NEW LANGUAGE: Underlined

(O-99-121)

ORDINANCE NUMBER O-_____ (NEW SERIES)

ADOPTED ON _____

AN ORDINANCE AMENDING CHAPTER III, ARTICLE 3, DIVISION 33 OF THE SAN DIEGO MUNICIPAL CODE BY AMENDING SECTION 33.3313; AMENDING CHAPTER III, ARTICLE 3, DIVISION 35 BY AMENDING SECTION 33.3540; AMENDING CHAPTER V, ARTICLE 4, DIVISION 3 BY AMENDING SECTION 54.0309; AMENDING CHAPTER VI, ARTICLE 1, DIVISION 22 BY AMENDING SECTION 61.2202; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 1, BY AMENDING SECTIONS 91.0101, 91.0104, 91.0106, 91.0107, AND 91.0108; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 15 BY AMENDING SECTION 91.1503; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 18 BY AMENDING SECTION 91.1804; AMENDING CHAPTER IX, ARTICLE 1 DIVISION 29 BY AMENDING SECTION 91.2902; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 34 BY AMENDING SECTION 91.3404; AMENDING CHAPTER IX, ARTICLE 1, DIVISION 84 BY AMENDING SECTIONS 91.8402 AND 91.8403; AMENDING CHAPTER IX, ARTICLE 5, DIVISION 1 BY AMENDING SECTIONS 95.0112 AND 95.0113; AMENDING CHAPTER IX, ARTICLE 6, DIVISION 4 BY AMENDING SECTION 96.0403; AMENDING CHAPTER IX, ARTICLE 8, DIVISION 1 BY AMENDING SECTIONS 98.0101 AND 98.0103; AMENDING CHAPTER IX, ARTICLE 8, DIVISION 2 BY AMENDING SECTION 98.0202; AMENDING CHAPTER X, ARTICLE 1, DIVISION 4 BY AMENDING SECTION 101.0410; AMENDING CHAPTER X, ARTICLE 1, DIVISION 11 BY AMENDING SECTIONS 101.1101 AND 101.1122; AMENDING CHAPTER X, ARTICLE 1, DIVISION 5 BY AMENDING SECTION 101.0570; AMENDING CHAPTER X, ARTICLE 1, DIVISION 6 BY AMENDING SECTION 101.0620; AMENDING CHAPTER X, ARTICLE 1, DIVISION 7 BY AMENDING SECTION 101.0702; AMENDING CHAPTER X, ARTICLE 3, DIVISION 14 BY AMENDING SECTION 103.1424; AMENDING CHAPTER X, ARTICLE 3, DIVISION

16 BY AMENDING SECTION 103.1606; AMENDING CHAPTER X, ARTICLE 3, DIVISION 17 BY AMENDING SECTION 103.1704; AMENDING CHAPTER X, ARTICLE 3, DIVISION 4 BY AMENDING SECTION 103.0403; AMENDING CHAPTER X, ARTICLE 3, DIVISION 9 BY AMENDING SECTION 103.0959; AMENDING CHAPTER X, ARTICLE 3, DIVISION 20 BY AMENDING SECTIONS 103.2002 AND 103.2012; AND AMENDING CHAPTER 11, ARTICLE 1, DIVISION 13 BY AMENDING SECTION 111.1305, ALL RELATING TO THE CALIFORNIA BUILDING CODE.

SEC. 33.3313 Peep Booth Construction

No person shall operate a peep show establishment unless peep booths are constructed of material which has a flame spread rating of Class III when tested in accordance with Standard 42-1, Uniform California Building Code (1988 Edition), adopted and incorporated by reference herein.

SEC. 33.3540 Massage Establishments - Operating Requirements

[No change in first paragraph.]

(a) through (l) [No change.]

(m) All plumbing and electrical installations shall be installed under permit and inspection by the Development Services Department and such installations shall be installed in accordance with the Uniform California Building Code and the Uniform California Plumbing Code, as adopted in Chapter IX of the Municipal Code.

(n) through (t) [No change.]

SEC. 54.0309 Entry or Interference with Notice Prohibited

(a) [No change.]

(b) It is unlawful for any person to remove or deface any notice posted pursuant to Section

54.0308(a)(8) of this Code until the required repairs or demolition have been completed or a Certificate of Occupancy has been issued in accordance with appropriate provisions of the California Uniform Building Code as adopted by the City in Chapter IX of the Municipal Code.

SEC. 61.2202 Definitions

Unless the context requires otherwise, the definitions set forth in this section apply to the following terms as used in this Division:

(a) and (b) [No change.]

(c) "Building Permit" means the permit issued or required for the construction of any structure in connection with the development of land pursuant to and as defined by the Uniform California Building Code, as adopted in Chapter IX of the Municipal Code;

(d) through (j) [No change.]

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 California Building Code, 1994 1998 Edition, Volumes 1, 2 & 3," published by the International Conference of Building Officials, is hereby adopted California Building Standards Commission, as amended by the State Department of Housing & Community Development [HCD]; the Division of the State Architect/Access & Compliance [DSA/AC]; the State Office of Statewide Health Planning & Development [OSHPD3]; and the State Fire Marshal [SFM], 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 California Building Code, 1994 1998 Edition published by the International Conference of Building Officials California Building Standards Commission, as amended, is on file in the office of the City Clerk, as Document No. 00-_____, and is referred to, adopted by reference and made a part of this Article as if fully set forth in this Article.

The adoption of the Uniform California Building Code, 1994 1998 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 California Building Code, 1994 1998 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.~~

101.1.32 Sections not Adopted. The following Sections or Subsections of the Uniform California Building Code, 1994 1998 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	FEES
SECTION 108	INSPECTIONS
	108.4 Approval Required
TABLE 1-A	BUILDING PERMIT FEES
SECTION 1503	ROOF COVERING ROOFING 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

101.1.42 Appendix Chapters Adopted. The following Appendix Chapters of the Uniform California Building Code, ~~1994~~ 1998 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 California Building Code, ~~1994~~ 1998 Edition has been adopted without change pursuant to Section 91.0101.1.1.

101.3 Scope. [No change in first two paragraphs.]

Wherever in the UniformCalifornia Building Code, ~~1994~~ 1998 Edition, reference is made to the Appendix, the provisions in the Appendix shall not apply unless specifically adopted as shown in Section 91.0101.1.43.

SEC. 91.0104 Organization and Enforcement

104.1 [No change.]

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

104.2.1 through 104.2.3 [No change.]

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 UniformCalifornia Building Code, ~~1994~~ 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

[No change to remainder of section.]

SEC. 91.0106 Permits

106.1 Permits Required. Section 106.1 of the UniformCalifornia Building Code, ~~1994~~ 1998 Edition has been adopted without change pursuant to Section 91.0101.1.1.

106.2 [No change.]

106.3 Application for Permit. Section 106.3 of the UniformCalifornia Building Code, ~~1994~~ 1998 Edition has been adopted without change pursuant to Section 91.0101.1.1.

106.4 [No change.]

SEC. 91.0107 Fees

107.1 General. Pursuant to Section 91.0101.1.32, Section 107.1 of the UniformCalifornia

Building Code, ~~1994~~ 1998 Edition has not been adopted.

107.2 through 107.5 [No change.]

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 applicable laws which are enforced by the ~~Development Services Department~~ City Manager.

For purpose of determining compliance with Sections 3103, 3402, 3404 and 3405 of the ~~Uniform~~ California Building Code, ~~1994~~ 1998 Edition, the Building Official may inspect any structure.

107.8 and 107.9 [No change.]

SEC. 91.0108 Inspections

108.1 General. through 108.3 Inspection Requests. Sections 108.1 through 108.3 of the ~~Uniform~~ California Building Code, ~~1994~~ 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

108.4 [No change.]

108.5 Required Inspections. through 108.8 Reinspections. Sections 108.5 through 108.8 of the ~~Uniform~~ California Building Code, ~~1994~~ 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

DIVISION 15

Roofs Roofing and Roof Structures

SEC. 91.1503 ~~Roof-Covering~~ Roofing Requirements

1503. ~~The roof covering on any structure regulated by the Building Code shall be as spec-~~

~~ified in Table 15-A of the Uniform Building Code, 1994 Edition and as classified in Section 1504 of the Uniform Building Code, 1994 Edition. The roof covering or roofing assembly on any structure regulated by the Municipal Code shall be as specified in Table 15-A of the California Building Code, 1998 Edition, and as classified in Section 1504 of the California Building Code, 1998 Edition. Noncombustible roof covering as defined in Section 1504.2 of the California Building Code, 1998 Edition, may be applied in accordance with the manufacturer's requirements in lieu of a fire-retardant roofing assembly.~~

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

Single family residences (Group R, Division 3 Occupancies) and accessory structures (Group U, Division 1 Occupancies) shall have a minimum Class B roofing assembly for all new roofs and complete reroofs.

~~The roof covering assembly includes the roof deck, underlayment, interlayment, insulation and covering which is assigned a roof covering classification. Roofing shall be secured or fastened to the supporting roof construction and shall provide weather protection for the building at the roof.~~

DIVISION 18

Foundations and Retaining Walls

SEC. 91.1804 Foundation Investigation

1804.1 General. Section 1804.1 of the ~~Uniform~~California Building Code, ~~1994~~ 1998 Edition has been adopted without change pursuant to Section 91.0101.1.1.

1804.2 Investigation. [No change.]

1804.3 Reports. through 1804.79 ~~Drainage~~Geotechnical and Supplemental Ground-response Reports. Sections 1804.3 through 1804.79 of the ~~Uniform~~California Building Code,

~~1994~~ 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

1804.~~810~~ Required Geologic Investigation.

1804.~~810~~.1 A geologic investigation shall be ~~made~~ submitted when required by Table 18-I-E or the Building Official, for all new structures, non-exempt additions to existing structures or whenever the occupancy classification of a building changes to a higher relative hazard category (refer to Table 5-E of the current edition of the Uniform Code for Building Conservation) as a result of the proposed work, unless ~~excepted~~ exempted by Section 1804.~~8.3~~.

1804.~~810~~.2 [No change.]

1804.~~810~~.3 Additions to detached one-and two-family dwellings are exempt from geologic investigation requirements for building permits, except when the site is located within Geologic Hazard Category 11 or 21, or when required by discretionary action. All new additions to existing structures of less than five hundred (500) square feet of floor area, remodels and non-structural tenant improvements (TI's) to existing structures 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.~~810~~.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 also be required when ~~the a~~ 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 18-I-E
REQUIRED GEOLOGIC INVESTIGATION⁽⁵⁾

Hazard Category ⁽¹⁾	Geologic Reconnaissance	Geologic Investigation
11 ⁽³⁾ , 13 ⁽³⁾ , 21, 31 ⁽⁴⁾ , 41	----	A ⁽²⁾ , B ⁽²⁾ , C ⁽²⁾ , <u>D⁽²⁾</u>
12 ⁽³⁾ , <u>22</u> , 42, <u>43</u> 44 , 54	C, <u>D</u>	A, B
22 <u>23-27</u> , 32 ⁽⁴⁾ , <u>54</u>	B, C	A
45 <u>44-48</u> , 52, 53	B	A
51, 55	----	A

FOOTNOTES TO TABLE 18-I-E

1. [No change.]
2. Building, Structure and Facility Classes A, B, ~~and C~~ and D.
 - A. Class A includes the following:
 - 1) Essential Facilities as defined in Section 16257 of the ~~Uniform California~~ Building Code, ~~1994~~ 1998 Edition.
 - 2) [No change.]
 - B. Class B includes the following developments, occupancy groups and structures provided they are not included in Class A:
 - 1) and 2) [No change.]
 - 3) All buildings over ~~two~~ three stories in height.
 - 4) All buildings containing the following occupancies (Refer to ~~1994 UBC~~ California Building Code, 1998 Edition, Table 3-A):
 - a. Group A, Divisions 1, 2, and 2.1.
 - b. Group E, Division 1.

- e. ~~Group F, Division 1 and 2.~~
- dc. Group H, Divisions 1, 2, 3, 6 and 7.
- ed. 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 California Building Code, 1994 1998 Edition.

6), 7), 8) and 9) [No change.]

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 California Building Code, 1998 Edition ~~UBC,~~ Table 3-A):

- a., b. and c. [No change.]
- d. ~~Group H, Divisions 4 and 5~~ Group F, Divisions 1 and 2.
- e. ~~Group I, Division 2.~~ Group H, Divisions 4 and 5.
- f. ~~Group M.~~ Group I, Division 2.
- g. ~~Group R, Divisions 1 and 3.~~ Group M.
- h. ~~Group S, Divisions 2, 3, 4, and 5.~~ Group R, Division 1.
- i. Group S, Divisions 1, 2, 3, 4, and 5.

2), 3), 4) and 5) [No change.]

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

1) All buildings containing the following occupancies (refer to California Building Code, 1998 Edition ~~1997 UBC,~~ Table 3-A):

- a. Group R, Division 3.

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

3. [No change.]

4. Liquefaction Potential - Hazard Category 31 and 32. When an investigation is required, adhere to Section 1804.5 of the Uniform California Building Code, 1994 1998 Edition for minimum requirements.

5. [No change.]

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 California Building Code, ~~1994~~ 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

2902.7 [No change.]

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 California Building Code, ~~1994~~ 1998 Edition have been adopted without change pursuant to Section 91.0101.1.1.

3403.5 Historic Buildings. Pursuant to Section 91.0101.1.32, Section 3403.5 of the Uniform California Building Code, ~~1994~~ 1998 Edition has not been adopted. Title 24, Part 8, California Code of Regulations governs restoration of historic buildings.

3403.6 [No change.]

DIVISION 84

Swimming Pools, Spas and Hot Tubs

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)~~ eighteen (18) inches in depth. This includes in-ground, aboveground and on-ground swimming pools, hot tubs and spas.

SEC. 91.8403 Barrier Requirements

[No change in first paragraph.]

1. through 6. [No change.]

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~~ 60 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. [No change.]
10. Hot tubs and spas located outdoors and not exceeding 64 square feet of water surface may have rigid ~~pool locking safety covers equipped with a permanent locking and latching device that comply with American Society for Testing and Materials (ASTM) Standard F1346-91~~ in lieu of the barrier required by this Division.
11. Outdoor swimming pools may have a manually or power-operated safety pool cover that complies with all of the performance standards of ASTM F1346-91 in lieu of the barrier required by this division.
12. When the house forms part of the swimming pool barrier and the house wall has door openings that lead directly into the pool yard area, one of the following child safety features must be provided:
 - a. The pool area must be isolated from the home by an additional barrier as described in this section.
 - b. The pool must be equipped with an approved safety cover as described in Section 91.8403.10 above.
 - c. The residence must have exit alarms on all doors leading from the house directly to the pool yard area.
 - d. All doors leading to the pool yard area must have self-closing, self-latching door

hardware with a release mechanism located no less than 54 inches above the floor.

~~11. 13.~~ 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 California Building Code, 1994 1998 Edition.

SEC. 95.0112 Structural Design

(a) [No change.]

(b) Wind loads. Signs and sign structures shall be designed and constructed to resist wind forces as specified in the Uniform California Building Code as adopted by ~~The City of San Diego.~~

(c) and (d) [No change.]

(e) Allowable stresses. The design of wood, concrete, aluminum, or steel members shall conform to the requirements of the Uniform California Building Code as adopted by ~~The City of San Diego.~~ Vertical and horizontal loads exerted on the soil shall not produce stresses exceeding those specified in the Uniform California Building Code as adopted by ~~The City of San Diego.~~ The working stresses of wire ropes and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

Working stresses for wind or seismic loads combined with dead loads may be increased as specified in the Uniform California Building Code as adopted by ~~The City of San Diego.~~

(f) [No change.]

SEC. 95.0113 - Construction Material and Installation Standards

(a) [No change.]

(b) Materials. Materials or construction for signs and sign structures shall be of a quality

and grade allowed for buildings in the ~~Uniform~~ California Building Code as adopted by ~~The City of San Diego~~.

If the frame or cabinet of a sign is to be fabricated of steel, the steel shall be galvanized or painted with rust- inhibiting paint.

Anchors and supports of wood, when embedded in the soil or within six inches of the soil, shall be pressure-treated with an approved preservative. Such treated wood members shall be marked or branded by an approved agency.

Ground signs may be constructed of any material meeting the requirements of this Code.

(c) through (g) [No change.]

SEC. 96.0403 Payment of Fees

Prior to the issuance of any building permit, the Building Official shall assure that fees are paid to the City for park and recreational facilities in accordance with the following schedule:

1. and 2. [No change.]

Fees collected shall be refunded to the individual making payment in event the building permit expires, within the meaning of Section 302(d) of the ~~Uniform~~ California Building Code. Requests for a refund of fees shall be in writing and shall set forth in full the facts showing that such permit has expired.

SEC. 98.0101 Designation, Scope and Definitions of the San Diego Housing Code

(a) and (b) [No change.]

(c) Definitions. The definitions contained in the ~~Uniform~~ California Building Code as adopted in Section 91.0101, the Uniform Housing Code as adopted in Section 98.0103, the definitions contained in Chapters 1, IX and X of the Municipal Code, and the

following definitions apply to the administration and enforcement of this Division:

[No change in definitions.]

SEC. 98.0103 State Housing Law Regulations Adopted

The provisions of Article 5, Division 1, Chapter 1, Subchapter 1, Title 25, California Code of Regulations, on file in the office of the City Clerk as Document No. 769796, together with the provisions of Chapter 8 and Section ~~201(e)~~201.3 of the Uniform Housing Code, 1994~~7~~ Edition, a copy of which is on file in the office of the City Clerk as Document No. _____ are hereby adopted and made a part of this Division as if fully set forth.

SEC. 98.0202 - Mobilehomes, Recreational Vehicles and Commercial Coaches Located Outside Licensed Mobilhome and Special Occupancy Parks - Special Permit - Fee

a) No person shall use or occupy any mobilehome, commercial coach or recreational vehicle on private property not licensed as a mobilehome park or special occupancy park except as follows:

1) and 2) [No change.]

3) For a business establishment, provided (1) the use is permitted by the zoning regulations applicable to the site on which the commercial coach is to be located; (2) the commercial coach bears a California Insignia of Approval (issued pursuant to Section 18025 et seq., California Health and Safety Code) for the type of use involved; (3) the commercial coach is located from site property lines the distances specified in the Uniform California Building Code, as adopted by the City, for buildings based upon type of use, fire resistance of exterior walls, and openings in exterior walls.

4) through 6) [No change.]

SEC. 101.0410 - R Zones (Multiple Family Residential)

A. through H. [No change.]

I. MAXIMUM BUILDING HEIGHTS, LOT COVERAGES, AND FLOOR AREA RATIOS (FAR)

1. through 5. [No change.]

6. Exception procedure for maximum lot coverages.

a. through c. [No change.]

d. Any exterior usable area described in this paragraph may be sited atop the roof or covering of a building or garage, and, further, that the portion of the roof or cover serving as an exterior usable area shall not have a slope exceeding five percent and must comply with all applicable requirements for exit and entrance. Further, any rooftop exterior usable area shall include a guardrail, as specified in the Uniform California Building Code, as adopted by the City, along the perimeter of all exterior walls and vertical drops. All roof-mounted heating, ventilating, air-conditioning, solar energy collecting or other mechanical or electrical equipment shall be completely and safely fenced and visually screened from the rooftop exterior usable area, and further, all standpipes, vents, drains or similar other rooftop appurtenances shall be either:

1) and 2) [No change.]

e. [No change.]

7. [No change.]

J. through Q. [No change.]

SECTION 101.0570 - Live/Work Quarters (Lofts)

A. through D. [No change.]

E. ADMINISTRATION

1. and 2. [No change.]

3. Building Permit Required

Prior to the use of any building, or portion thereof, for live/work quarters, a building permit shall be obtained from the Development Services Department. A copy of the application for a live/work quarters permit, approved by the Development Services Director, shall accompany the building permit application. The prevailing Uniform California Building Code regulations shall apply except as provided by Code interpretations as shown in a Development Services Department Newsletter.

F. [No change.]

SEC. 101.0620 Fences

A. through F. [No change.]

G. FENCES- MAINTENANCES AND REPAIR

All fences (including retaining walls) shall be constructed of new or good used material and in accordance with the methods of construction which conform to the requirements of the Uniform California Building Code, as adopted in Chapter IX of the Municipal Code. Additionally, they shall be maintained in a state of good repair. Any dilapidated, dangerous or unsightly fences or retaining walls shall be repaired or removed.

SEC. 101.0702 - Administrative Regulations

[No change in first paragraph.]

This Division shall be applied to any construction, establishment, alteration, enlargement or change in use that results in the following:

A. and B. [No change.]

C. [No change in first two sentences.]

This Division shall also apply to any addition, alteration or repair to existing structures (Municipal Code Section 91.0106) which results in a change in the occupancy classification as listed in Table No. 5-A of the ~~Uniform~~ California Building Code. The Development Services Director may prorate the requirements herein, based upon the nature and extent of alterations and additions.

For projects as indicated above, no certificate of occupancy, demolition permit, or encroachment permit shall be issued unless:

A. and B. [No change.]

SEC. 101.1101 Definitions

101.1101.1 through 101.1101.130 [No change.]

101.1101.131 Marquee

A building projection over a public right-of-way as defined in the California Building Code, as adopted by ~~The City~~ in Chapter IX of the Municipal Code of San Diego. When the structure does not extend over the public right-of-way, refer to "Architectural Projection," Section 101.1101.4.

101.1101.132 through 101.1101.221 [No change.]

101.1101.222 - ~~Uniform~~ California Building Code

The current edition of the ~~Uniform~~ California Building Code, as adopted by ~~The City of~~ San Diego. Hereinafter referred to as UC.B.C.

101.1101.223 through 101.1101.250 [No change.]

SEC. 101.1122 Face-Lift

A. The provisions of this section apply to building frontages visible from a public right-of-way which are designed or redesigned so that all elements of the new building

facade and signs are integrated into one unit and comply with the following requirements:

1. through 4. [No change.]

5. The face-lift area complies with the ~~Uniform~~ California Building Code requirements.

B. [No change.]

SEC. 103.0403 Procedures for Special Permit Application and Review

A. and B. [No change.]

C. DETERMINATION

Upon submittal by the applicant of basic concept drawings and review of those basic concept drawings by the City Architect, the Executive Vice President may approve, modify or disapprove any application for a special permit. In approving the special permit, the Executive Vice President may impose reasonable conditions to ensure compliance with these regulations. The Executive Vice President shall not approve an application for a special permit except upon determining that the building, structure or improvement and use for which the special permit was applied (1) is consistent with the ~~Uniform~~ California Building Code and Fire Code and the regulations contained herein, and (2) will not be detrimental to the health, safety, peace, morals, comfort and general welfare of persons residing or working in the neighborhood or injurious to property and improvements in the neighborhood or to the general welfare of the city and is not detrimental to implementation of the Gaslamp Quarter Redevelopment Plan. Action by the Executive Vice President shall include a statement that the Executive Vice President finds that the building, structure, or improvement or use for which the special permit was applied does or does not conform to the regulations contained herein. In the event the

Executive Vice President does not approve an application for a special permit, the specific facts on which the determination is based shall be included in the written decision as provided for in Section 103.0403 D following.

[No change in second paragraph.]

D. through H. [No change.]

SEC. 103.0959 "Redevelopment Subdistrict" - Property Development Regulations

[No change in first paragraph.]

A. and B. [No change.]

C. MINIMUM SETBACK REQUIREMENTS

1. [No change.]

2. Nonresidential

a. through d. [No change.]

e. Canopies/awnings may encroach on the sidewalk area in conformance with Section ~~4506 of the Uniform Building Code (1988 Edition)~~ Section 3206 of the California Building Code, 1998 Edition, and Section 91.3208 of the Municipal Code.

D. through J. [No change.]

SEC. 103.1424 Streetscape Development Regulations/Encroachment Permits

[No change in first two paragraphs.]

A. through C. [No change.]

D. PARKWAY LANDSCAPING AND STREET TREES

[No change in first three paragraphs.]

Trees shall be positioned and kept maintained so that any branches that extend out over dedicated street rights-of-way have a minimum of fourteen (14) feet six (6) inches of

clearance above the surface of the street.

1. [No change.]

2. Tree Grates.

Tree grates shall meet safety requirements of Title 24 of the ~~Uniform~~ California Building Code of Regulations. The maximum size of grid opening shall be no larger than one half inch. All tree grates shall be installed flush with the sidewalk surface and shall be set a minimum of two inches above a gravel base. The grates shall be factory primed and painted black. Tree grates shall not be required if trees are planted in a landscaped parkway, provided no safety hazards are caused by this exception.

3. and 4. [No change.]

E. through I. [No change.]

SEC. 103.1606 Property Development Regulations

[No change in first paragraph.]

A. [No change.]

B. Minimum Building Setbacks

The following minimum building setbacks shall be provided:

1. through 4. [No change.]

5. Courts Required for Dwelling Units or Guest Rooms:

a. Courts opposite Walls on Same Site. The minimum depth of a court opposite a window of a living room shall equal one-half the height of the opposite wall, but shall not be less than 18 feet. The minimum depth of a court opposite a window of any other habitable room shall be 12 feet if there is a window of any habitable room in the opposite wall. All other depth dimensions shall be governed by the ~~Uniform~~ California Building

Code, 1998 Edition. (Depth is measured perpendicular to subject window).

b. and c. [No change.]

d. Exceptions to Required Dimensions. On each lot with a single-room occupancy (SRO) residential hotel, a building designed for group residential use, or a building or portion thereof converted for live/work quarters, the dimensional requirements for courts prescribed by the ~~Uniform~~ California Building Code, 1998 Edition shall apply in lieu of the requirements of this section.

C. through J. [No change.]

SEC. 103.1704 Residential Regulations

[No change to first paragraph.]

All manufactured or factory built housing and move-on structures and all institutional structures including churches are subject to the development criteria of the underlying Planned District zone unless otherwise stated in this Division. All move-on structures must obtain a Southeast San Diego Development Permit as specified in Section 103.1703.B. of the Municipal Code. For all manufactured and factory built housing, roofing and foundation treatments shall conform to the relevant sections of the ~~Uniform~~ California Building Code, 1998 Edition, including, but not limited to, Chapters 29 through 32 and roof overhang, roofing material and siding material shall be similar to types used for existing adjacent residential structures. Foundations and footings must be finished in a manner consistent with the structure for all housing types.

SEC. 103.2002 Definitions

For purposes of Chapter X, Article 3, Division 20, the following terms are defined as:

[No change from "Atrium" through "Floor Area".]

"Floor Area Ratio (FAR)" means the ratio of total enclosed building area including parking at and above grade to the area of the site. The FAR is an indication of the intensity of development.

[No change in remainder of Definitions.]

SEC. 103.2012 Property Development Regulations

A. [No change.]

B. REGULATIONS

The following regulations shall apply to the specific areas as indicated:

1. Mixed Residential/Nonresidential Land Use Areas.

The major land use in the Marina Planned District shall be residential as illustrated on Figure 1. In the area designated eighty percent (80%) residential/twenty percent (20%) nonresidential (except in structures fifty (50) feet or less in height), at least eighty percent (80%) of the gross floor area shall be residential use and up to twenty percent (20%) of the gross floor area may be nonresidential. Where structures are fifty (50) feet or less in height or meet the height requirements of the Uniform California Building Code, as adopted by Chapter IX of the San Diego Municipal Code, for Type V construction, gross floor area in nonresidential use may exceed twenty percent (20%) if the entire nonresidential use is accessible to and located at the street level of the project. The permitted uses are described in Municipal Code section 103.2011. Exceptions to the percentage ratio of eighty percent to twenty percent (80%-20%) for High-Rise structures are contained in Municipal Code section 103.2012(B) (4).

2. through 15. [No change.]

SEC. 111.1305 Building Permits

(a) Supplemental Provisions. The provisions of this section shall supplement the provisions of Municipal Code Chapter IX and the ~~Uniform~~ California Building Code as adopted by the ~~City in Chapter IX of the Municipal Code.~~

(b) [No change.]

(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~~ California Building Code in accordance with Section 104.2.7 of the 1994 ~~8~~ Uniform California Building Code.

(d) through (f) [No change.]

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