Article 9: Construction Permits

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

Division 1: General Construction Permit Authority and Procedures

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0101 Purpose of Construction Review Procedures

The purpose of these procedures is to establish a review process for construction plans before construction, demolition, or installation and for inspection of construction work before use or occupancy. The intent is to determine compliance with applicable codes and other regulations to safeguard public health, safety, and welfare.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0102 When Construction Permit Procedures Apply

The following permits require construction review, and the procedures for *construction permits* apply to these permits unless stated otherwise in this article: Building Permits, Electrical Permits, Plumbing or Mechanical Permits, Demolition/Removal Permits, Grading Permits, Public Right-of-Way Permits, and Sign Permits.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 3-1-2006 by O-19468 N.S.; effective 4-1-2006.)

§129.0103 Interpretation of Differing Regulations

Where different sections of the Building, Electrical, Plumbing, and Mechanical Regulations may 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.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0104 Construction Permit Authorities

(a) The powers and duties of the Building Official are as follows:

(1) To administer and enforce the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code.

(2) To review applications for Building Permits, Electrical Permits, Plumbing Permits, Demolition/Removal Permits, Fire Permits and Mechanical Permits including plans, specifications, and other data.

(3) To determine if proposed work is in compliance with the San Diego Fire Code, the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations, and other applicable provisions of the Municipal Code and to make the decision to approve and issue the appropriate *construction permit*.

(4) To inspect construction activity not located in *public rights-of-way* to determine if the construction activity is in compliance with the issued *construction permit*, the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations, and all other applicable provisions of the San Diego Municipal Code.

(5) To make interpretations of, and develop policies and procedures for, the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code. The interpretations, rules, and regulations shall be in conformance with the intent and purposes of the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code.

(6) To grant modifications for individual cases when there are practical difficulties involved in carrying out the provisions of the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code, when the Building Official finds the following:

(A) That a special individual reason makes the strict application of the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code impractical;

(B) That the modification is in conformance with the purpose and intent of the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code; and

(C) That the modification does not lessen any fire protection requirements or any degree of structural integrity.

The details of any action granting modification shall be in writing and entered in the project file.

(7) To request an interpretation of any provisions of Chapter 12, Article 9 or of the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code, or the suitability of any alternate material, design, or construction method from the Board of Building Appeals and Advisors.

(8) To keep complete records of all permits issued, inspections and reinspections made, and other official work performed in accordance with the provisions of the Land Development Code.

(9) To require the recordation of documents with the County Recorder as necessary to effectively enforce the requirements of the Land Development Code.

(10) To request and receive the assistance and cooperation of other City officials in carrying out these duties.

(11) To require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the State of California.

(12) To classify the occupancy of a building, or a portion of a building, based on the occupancies and uses in Chapter 3 of the California Building Code.

(13) To determine the type, frequency, and number of inspections necessary to inspect construction for compliance with the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code.

(14) To review applications for Grading Permits for, and to inspect grading on, private lots that do not include *public rights of way*, as well as associated plans, specifications, and other data to determine if an application is in compliance with the grading regulations in the California Building Code, other adopted City standards, and engineering standards of practice.

(15) To accept reports from approved inspection agencies.

(16) To review plans and specifications for water and sewer utilities and installations, and to inspect the utilities and installations, when located in private *streets* for compliance with the issued *construction permit*, the San Diego Fire Code, the San Diego Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations, and all other applicable provisions of the San Diego Municipal Code.

(b) The powers and duties of the City Engineer with respect to *construction permits* are as follows:

(1) To administer and enforce the applicable provision of the Land Development Code and Municipal Code Chapter 6, Article 2 (Public Rights-of-Way and Improvements).

(2) To review applications for Grading Permits and Public Right-of-Way Permits including plans, specifications, and other data to determine if an application is in compliance with the Municipal Code, adopted City standards, and engineering standards of practice.

(3) To inspect construction activity including *public improvements*, *grading*, *encroachments*, and traffic control in the *public rights-of-way* to determine if the construction activity is in compliance with the issued permit, the Municipal Code, and adopted City standards.

(4) To make interpretations of the applicable provisions of the Land Development Code. The interpretations shall be in conformance with the purpose and intent of the Land Development Code.

(5) To grant modifications for individual cases when there are practical difficulties involved in carrying out the applicable provisions of the Municipal Code. The City Engineer shall first find that a special individual reason makes the strict application of the Land Development Code impractical, that the modification is in conformance with the purpose and intent of the Municipal Code, and that the modification does not lessen any fire protection requirements or any degree of public safety. The details of any action granting modification shall be recorded and entered in the project files.

(6) To adopt policies and regulations reasonably necessary to clarify the application of the applicable provisions of the Land Development Code. The policies and regulations shall be in conformity with the purposes and intent of the Land Development Code.

(7) To request an interpretation of any provisions of this article or the suitability of alternate materials and types of construction from the Board of Engineering Appeals and Advisors.

(8) To require the recordation of documents with the County Recorder as necessary to effectively enforce the applicable provisions of the Land Development Code.

(9) To request and receive the assistance and cooperation of other City officials in carrying out these duties.

(10) To inspect any property within the City of San Diego to determine compliance with the applicable provisions of the Land Development Code.

(11) To require plans, computations, and specifications to be prepared and designed by an engineer or architect licensed by the State of California, even if not so required by state law.

(c) The powers and duties of the Development Services Director or a designee with respect to *construction permits* are as follows:

(1) To administer and enforce the applicable provisions of the Land Development Code and Municipal Code;

(2) To review applications for *construction permits* including plans, specifications, and other data to determine if an application is in compliance with the Municipal Code and adopted City zoning standards;

(3) To interpret the applicable provisions of the Land Development Code in conformance with the purpose and intent of the Land Development Code;

(4) To adopt policies reasonably necessary to clarify the application of development regulations in conformity with the purpose and intent of the Land Development Code; and

(5) To grant minor modifications for a *single dwelling unit development* when there are practical difficulties involved in carrying out the applicable development regulations of the Land Development Code, and the requested minor modification is the minimum modification necessary to address the practical difficulty. The details of any action granting a minor modification shall be documented in writing in the project file. To grant a minor modification, the Development Services Director must determine:

(A) That strict application of the Land Development Code is impractical;

(B) That the minor modification is in conformance with the purpose and intent of the Municipal Code and adopted *land use plans*;

(C) That the minor modification does not lessen any fire protection or public safety requirements; and

(D) That the minor modification does not involve a *substantial improvement*.

(Amended 9-24-2002 by O-19102 N.S.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)
(Amended 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)
(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)
(Amended 4-9-2020 by O-21181 N.S.; effective 5-9-2020.)

§129.0105 How to Apply for Construction Permit Review

(a) An *applicant* for a *construction permit* shall submit an application for one or more permits, as required, in accordance with Section 112.0102.

(b) If a proposed *development* requires one or more *development permits*, the required *development permits* must be issued before an application is submitted for a *construction permit* except as provided in Section 129.0105(c).

(c) The Building Official may waive the requirement that all *development permits* be issued before an application for a *construction permit* is accepted, if the Building Official determines that the *development permit* issues will not affect the *construction permit* review.

(d) The Building Official may waive submittal requirements for plans, specifications, designs, or computations; requirements for construction inspection; or other data if the Building Official determines that, because of the nature of the proposed work, review of plans or other submittal materials is not required to determine compliance with the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

§129.0106 Fees for Construction Permits

A fee for each *construction permit* application shall be paid at the time of application. The full *construction permit* fees shall be based on the reasonable cost of application, plan review, inspections, and other services as required for permit approval. The fees shall be paid in accordance with the schedule of fees established by resolution of the City Council and filed in the office of the City Clerk.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0107 Decision Process for Construction Permits

A decision on an application for a *construction permit* shall be made in accordance with Process One, except where state law requires an appeal hearing. The type of permit, decision maker, and appeal rights, if any, are described in Chapter 12, Article 9, Divisions 1 through 8.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 8-7-2015 by O-20555 N.S.; effective 9-6-2015.)

§129.0108 Issuance of a Construction Permit

Construction shall not begin until the required permits have been issued. After all required approvals, including any required *development permits*, have been obtained and all required fees have been paid, the Building Official or City Engineer may issue a *construction permit* as follows:

(a) The Building Official may issue Building Permits, Electrical Permits, Plumbing/Mechanical Permits, Demolition/Removal Permits, Grading Permits on private *lots* if the Grading Permit does not include *public rights-of-way*, and Fire Permits.

(b) The City Engineer may issue all other Grading Permits and Public Right-of-Way Permits.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 8-5-2024 by O-21859 N.S.; effective 9-4-2024.)

§129.0109 Use of Alternate Materials, Design, or Construction Methods

(a) The provisions of the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code are not intended to prevent the use or installation of any alternate material, or to prohibit any design or construction method not specifically prescribed by the San Diego Fire Code or the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations, provided the Building Official approves of their use.

(b) The Building Official may approve the use of any alternate material, design, or construction method if the Building Official determines the following:

(1) That the proposed alternate material, design, or construction method is satisfactory and would comply with the intent of the regulations in the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code;

(2) That the proposed alternate material, design, or construction method is at least equivalent to the standards prescribed in the applicable regulation in terms of suitability, quality, strength, effectiveness, fire resistance, durability, safety, and sanitation; and

(3) That sufficient evidence has been submitted to substantiate any claims that may be made regarding the use of any proposed alternate material, design, or construction method.

(c) The details of any action granting approval of an alternate material, design, or construction method shall be entered into the file for that individual permit and a record of the action shall be maintained in accordance with the procedures established by the City Manager.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)
(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)
(Amended 7-20-2018 by O-20958 N.S.; effective 8-19-2018.)

§129.0110 Testing of Materials, Designs, or Construction Methods

(a) Whenever the Building Official determines that the evidence submitted is insufficient to establish compliance with the applicable provisions of the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code, the Building Official may require tests to prove compliance. These tests shall be made at no expense to the City.

(b) Test methods shall be as specified by the applicable provisions of the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code, or by other recognized test standards. If there are no recognized and accepted test methods for the proposed alternate, the applicant shall propose test procedures to the satisfaction of the Building Official.

(c) All tests shall be made by an agency approved by the City. Reports of such tests shall be retained by the Building Official for the period required for the retention of public records.

(d) The Building Official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability as established by the Building Official.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)
(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

§129.0111 General Rules for Construction Permit Inspections

All work for which Building, Electrical, Plumbing, Demolition/Removal, Fire, and Mechanical Permits are required shall be subject to inspection by the Building Official. The Building Official is authorized to inspect, or cause to be inspected, the work prior to and subsequent to the issuance of the applicable permit or permits. Inspections shall be performed in accordance with the inspection procedures established by the Building Official, except as may be exempted by the Land Development Code. *Permit holders* shall comply with Municipal Code Section 129.0112.

(a) The *permit holder* shall be informed of the inspections and the sequence of inspections required.

(b) No work shall be done beyond the point indicated in each successive inspection without first obtaining the approval of the Building Official.

(c) No portion of any work shall be concealed until inspected and approved.

(d) After making the requested inspections, the Building Official shall either indicate that the inspected portion of the construction is satisfactory as completed or shall notify the *permit holder* that the inspected portion fails to comply with the San Diego Fire Code and the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building, and Existing Building Regulations of the San Diego Municipal Code, or with other applicable regulations of the Municipal Code.

(e) Any portions of work that do not comply with requirements shall be corrected and such portion shall not be covered or concealed until inspected and authorized by the Building Official.

(f) A survey of the *lot* may be required to verify that the *structure* is located in accordance with the approved plans.

(g) When the City Engineer determines that an existing survey monument will be removed, altered or destroyed due to construction, demolition, grading, or other construction activities, a survey shall be required to reestablish the property corner, or an offset to the property corner, and the proper documents shall be filed with the County Surveyor pursuant to the California Business and Professions Code. The survey shall be made at no expense to the City.

(h) A final inspection, with approval of all *structures* and installations, is required before occupancy and use, unless specifically excepted. If *grading* is involved, final inspection shall be after finish *grading*.

(i) The Building Official may revoke final inspection approval upon written notice served on the *permit holder*, if the Building Official determines that the Building Permit or inspection approval was approved in error, or that the approved work is unsafe, dangerous, or a hazard to life, health, safety, or property.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)
(Amended 4-6-2016 by O-20624 N.S.; effective 5-6-2016.)
(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

§129.0112 Responsibilities of Permit Holder Regarding Inspections

(a) Requesting an Inspection. It shall be the responsibility of the *permit holder* or the person doing the work authorized by a *construction permit* to notify the Building Official when work is ready for inspection. The request shall be in accordance with procedures established by the City Manager. The Building Official may require that every request for inspection be filed at least one *business day* before the inspection is desired.

(b) Providing Access for Inspections. The *permit holder* is responsible for providing access to, and means for inspection of, the work to be inspected. Neither the Building Official nor the City shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

(c) Installation or Functional Testing. When required by the Building Official, the *permit holder* is responsible for performing installation testing or functional testing to demonstrate compliance with the San Diego Fire Code, the Building, Electrical, Plumbing, Mechanical, Residential Building, Green Building and Existing Building Regulations of the Land Development Code or with other applicable regulation of the Municipal Code. Tests shall be conducted in the presence of the Building Official.

(d) Reinspection. A fee may be assessed for reinspection if the inspected work is determined to be incomplete. If reinspection fees have been assessed on a site, no additional inspection of the work will be performed until the required fees have been paid.

(e) Maintaining Inspection Record Card. Before beginning any permitted work, the *permit holder* shall post an inspection record card on the site or the card shall be otherwise conveniently accessible to the Building Official or City Engineer. The card shall be kept accessible by the *permit holder* until final inspection approval has been granted by the Building Official or City Engineer.

(f) One set of the approved plans, permits, and specifications shall be kept on the site of the *structure* or work at all times during which work authorized by those plans is in progress, and shall be made available to City officials upon request.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 11-28-2005 by O-19444 N.S.; effective 2-9-2006.)
(Retitled to "Responsibilities of Permit Holder or Authorized Agent Regarding Inspections" and amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)
(Retitled to "Responsibilities of Permit Holder Regarding Inspections" and amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

§129.0113 When a Certificate of Occupancy Is Required

(a) No *structure* or portion of a *structure* shall be used or occupied, and no change in the existing use or occupancy classification of a *structure* or portion of a *structure* shall be made until the Building Official has issued a Certificate of Occupancy approving that use or occupancy. A Certificate of Occupancy is not required for existing or new detached one and two family dwellings or townhouses as defined in the California Residential Code, and their *accessory structures*.

(b) Changes in the use or occupancy of a *structure* or portion of a *structure* shall not be made except as specified in the California Existing Building Code.

(Amended 9-24-2002 by O-19102 N.S.)
(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)
(Amended 4-6-2016 by O-20624 N.S.; effective 5-6-2016.)
(Amended 7-20-2018 by O-20958 N.S.; effective 8-19-2018.)
(Amended 5-8-2023 by O-21642 N.S.; effective 6-7-2023.)

§129.0114 Issuance of a Certificate of Occupancy

(a) The Building Official shall inspect the *structure* and if the Building Official finds no violations of the San Diego Municipal Code or other regulations that are enforced by the City's designated Code Enforcement Officials, the Building Official shall issue a Certificate of Occupancy. All work for which a Building Permit was issued must be complete and have had a final inspection before issuance of a Certificate of Occupancy, except in accordance with Section 129.0115. The Certificate of Occupancy must be signed by the Building Official. Issuance of a Certificate of Occupancy shall not be construed as an approval of a violation of any of the provisions of the San Diego Municipal Code or any other local, state or federal law or regulation.

(b) A Certificate of Occupancy shall contain the following information:

(1) The approval number;

(2) The address of the *structure*;

(3) The name and address of the *permit holder*;

(4) A description of that portion of the *structure* for which the certificate is issued;

(5) A statement that the described portion of the *structure* has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified;

(6) The signature of the Building Official or designated official;

(7) The edition of the California Building Code under which the permit was issued;

(8) The use and occupancy, in accordance with the provisions of the California Building Code;

(9) The type of construction as defined in the California Building Code;

(10) The design occupant load in rooms used for public assembly and classified in Occupancy Group A;

(11) Whether an automatic sprinkler system is provided and, if so, the reason that the automatic sprinkler system is provided; and

(12) Any special stipulations and conditions of the Building Permit.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

§129.0115 Issuance of a Temporary Certificate of Occupancy

If the Building Official finds that a *structure* or a portion of a *structure* can be occupied safely, and that no substantial hazard will result from occupancy of any *structure* or portion of a *structure* before all work is completed, a temporary Certificate of Occupancy may be issued for the use of a *structure*, or portion of a *structure* before the completion of the entire *structure*. A Certificate of Occupancy is required upon completion of the remainder of the work. The Building Official shall set a time period during which the temporary Certificate of Occupancy is valid.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)
(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

§129.0116 Posting of Certificate of Occupancy

The Certificate of Occupancy shall be posted in a conspicuous place on the *premises* and shall not be removed except by the Building Official.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0117 Temporary Construction Permit

The Building Official may issue a temporary *construction permit* in any zone for the construction of storage yards or temporary construction project offices. If a *development permit* has been issued for the site, the temporary *construction permit* shall be reviewed to determine that the proposed temporary construction is in accordance with the conditions of the *development permit*. The temporary uses may be allowed for a period not to exceed 9 months.
(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0118 Suspension or Revocation of a Certificate of Occupancy

The Building Official may suspend or revoke a Certificate of Occupancy if the certificate was issued in error, or on the basis of incorrect information, or if the Building Official determines that the *structure* or a portion of the *structure* is in violation of any ordinance, regulation, or provision of the Municipal Code.

(Added 12-9-1997 by O-18451 N.S.; effective 1-1-2000.)

§129.0119 Bond Required for Construction Permit for Grading or Public Improvements

(a) Persons performing work under Public Right-of-Way or Grading Permits issued in accordance with this Article shall furnish a bond in accordance with the following provisions:

(1) The bond shall be issued by a surety company authorized to do business in the State of California and shall be approved by the City. The bond shall be in favor of the City of San Diego and shall be conditioned upon the completion, free of liens, of the work authorized by the permit in accordance with the requirements of this article and the conditions prescribed by the permit. The bond shall be conditioned upon the surety company completing the required work or in employing a contractor to complete the work.

(2) Whenever the City Manager finds that a default has occurred in the performance of any term or condition of work authorized by a permit, the department shall give written notice of the default to the principal and surety of the bond. The notice shall state the work remaining to be done and the estimated cost of completion of the work. After receipt of the notice, the principal or the surety must, within 21 calendar days, notify the City of its intent to complete the construction or, within 35 calendar days, deposit with the City Manager an estimate of the completion cost plus an additional sum equal to 25 percent of the cost, not to exceed the amount of the required bond.

(3) If the principal or surety deposits the estimated cost plus 25 percent as set forth in the notice, the City Manager shall cause the required work to be completed. The unexpended money shall be returned to the depositor at the completion of the work, together with an itemized accounting of the cost. The principal and surety shall hold the City harmless from any liability in connection with the work so performed by the City or contractor employed by the City. The City shall not be liable in connection with the work other than for the expenditure of the money.

(4) If the principal or surety fails to deposit the estimated cost plus 25 percent with the City, the City Manager may cause the required work to be completed. The principal and the surety shall be liable for the cost of completing all necessary work including all administrative costs, and overhead incurred by the City to complete the work and collect the costs. The City shall reserve the right to accept bonds from the surety companies as related to the future project.

(5) If the principal or surety issues a notice of cancellation, the notice of cancellation shall be sent to the City Manager with sufficient information describing the project, permit type, permit number, date issued, and purpose of the permit.

(6) The amount of the bond covering a specific project shall be approved by the City Manager based on the amount of the estimate of the cost of work and the following schedule:

(A) Appurtenances: 100 percent of the estimated cost of private drainage *structures* or other *grading* appurtenances;

(B) Revegetation: 50 percent of the estimated cost of revegetation and irrigation systems;

(C) *Grading*: 100 percent of the estimated cost up to $5,000 and $5,000 plus 50 percent of the estimated cost above $5,000 and up to $50,000 and plus 25 percent of the estimated cost above $50,000;

(D) *Public Improvements*: 110 percent of the estimated cost of *public improvements* and *structures*;

(E) *Encroachments*: 110 percent of the estimated cost of repair and restoration of the *public right-of-way* to its original condition.

(F) Shoring Restoration: 100 percent of the estimated cost of restoring site to the original condition, together with removal of all tie backs and shoring.

(7) Projects with a completion cost, as estimated by the Building Official of $100,000 or less, shall be exempt from providing a bond unless required by the City Engineer.

(b) The *permit holder* may utilize an annual and continuing bond for more than one permit provided the total amount of the bond exceeds the aggregate bond amount of the permits outstanding. Annual and continuing bonds shall contain a clause providing the City Manager with 30 calendar days notice before cancellation.

(c) In lieu of a bond, the *permit holder* may post a cash deposit, or other security acceptable to the City Manager, with the City Treasurer in an amount equal to the required bond. In the event of a default, the notice of the default as provided above shall be given to the principal and if the default is not corrected within the time specified, the City Manager shall proceed without delay and without further notice of proceeding to use the cash deposit or other security or any portion of the deposit or security to complete the required work. The balance, if any, of the cash deposit shall, upon completion of the work, be returned to the *permit holder* after deducting the cost of the work.

(d) No bond, under the provisions of this article, shall be required from the State of California, its political *subdivisions*, or any governmental agency.

(e) Permits issued directly to a contractor pursuant to an approved application by the State of California, any of its political *subdivisions*, or any governmental agency shall require a bond unless proof is submitted that the work is covered by a bond inuring to the benefit of the state or agency.

(f) The City Manager may waive the requirement for a bond, unless otherwise required by Section 129.0119.

(Amended 6-12-2001 by O-18948 N.S.)
(Amended 8-4-2011 by O-20081 N.S.; effective 10-6-2011.)
(Amended 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)
(Amended 6-15-2026 by O-22109 N.S.; effective 7-15-2026.)

[Editors Note: Amendments as adopted by O-22109 N.S. will not apply within the Coastal Overlay Zone until the California Coastal Commission certifies it as a Local Coastal Program Amendment.
Click the link to view the Strikeout Ordinance highlighting changes to prior language http://docs.sandiego.gov/municode_strikeout_ord/O-22109-SO.pdf]

§129.0120 Lot Tie Agreements

(a) If a *lot* consists of two or more parcels held by the same *record owner* as set forth in Section 113.0237(a)(6), *construction permits* shall not be issued unless and until a Lot Tie Agreement is entered into to the satisfaction of the Building Official and City Engineer. The Lot Tie Agreement shall be recorded against the applicable properties in the Office of the San Diego County Recorder. The Lot Tie Agreement shall require the *record owner* to hold the applicable parcels as one and to maintain common ownership and control. The Lot Tie Agreement shall be binding upon, and the benefits of the Lot Tie Agreement shall inure to the parties and all successors in interest to the parties to the Lot Tie Agreement.

(b) Cancellation of a recorded Lot Tie Agreement shall be reviewed and approved by the Building Official and City Engineer in accordance with Process One if the need to hold the property as one parcel no longer exists. If approved, the City shall forward a written declaration of the cancellation of the Lot Tie Agreement to the County Recorder.

("Lot Tie Agreements" added 6-18-2013 by O-20261 N.S.; effective 7-19-2013.)

§129.0121 License and Insurance Requirements for Contractors and Subcontractors

(a) Applicability of this Section.

(1) This Section applies to *construction permits* listed in Section 129.0121(a)(1)(A) but only if the *development* involves any of the activities listed in Section 129.0121(a)(1)(B)-(D):

(A) Building Permits, Electrical Permits, Plumbing/Mechanical Permits, Demolition/Removal Permits, Grading Permits, Public Right-of-Way Permits, and Fire Permits.

(B) Residential and mixed-use *development* consisting of, or involving twenty or more *dwelling units*, including *single dwelling unit* and multi-family subdivisions.

(C) Commercial or industrial *development* that proposes 20,000 square feet or more of tenant improvements, or construction of 20,000 square feet of additional new *gross floor area*.

(D) Any *development* that requires a Public Right-of-Way Permit.

(2) This Section applies to all local, state, and federal agencies (unless exempt) except for the City of San Diego. The City of San Diego is subject to the requirements in Chapter 2, Article 2, Divisions 30, 31, 33, 34 and 36 of the San Diego Municipal Code.

(3) Any contractor that believes its work is exempt under California Business and Professions Code Division 3, Chapter 9, Article 3 (Exemptions) and therefore not subject this Section shall provide in writing the basis for the exemption to the City.

(b) Requirements of this Section.

(1) No person shall be issued, or utilize a *construction permit*, as specified in Section 129.0121(a), unless they are:

(A) A contractor licensed and insured pursuant to the applicable provisions of the California Business and Professions Code or agent; or

(B) The *record owner* or an agent of the *record owner* performing their own work, or

(C) Any other person who can demonstrate a legal right, interest, or entitlement to the use of the real property performing their own work.

(2) All work as specified in Section 129.0121(a) shall be performed by contractors and subcontractors licensed and insured pursuant to the applicable provisions of the California Business and Professions Code, except a *record owner* or person identified in Section 129.0121(b)(1)(c) performing their own work.

(c) Compliance with this Section.

(1) Prior to permit issuance, the *applicant* shall submit the following:

(A) A list of all project contractors and subcontractors that includes the following information for each contractor and subcontractor:

(i) Valid worker's compensation insurance information, including policy number and expiration date;

(ii) State contractor license number, license category, and license expiration date;

(iii) City business license number and expiration date;

(iv) State, and federal tax identification numbers; and

(v) Whether the contractor or subcontractor has any pending, or prior enforcement actions for any state, or federal labor violations, or paid any penalties to a government agency related to the provisions of the California Labor Code.

(B) For Public Right-of-Way Permits, the *applicant* shall state whether the work to be performed requires safety certifications, safety trainings, professional certifications, or professional licenses. If any of these apply, the *applicant* shall provide the following:

(i) A list of the certifications, trainings, and licenses required for the work; and

(ii) Confirmation that the *applicant's* employees, or the employees of the relevant contractor, subcontractor, or agent have the required certifications, trainings and licenses, specifying the contractor, subcontractor, or agent if applicable.

(2) If the *applicant* is unable to provide the information in Section 129.0121(c)(1)(A)-(B) prior to *construction permit* issuance, or in the event the *permit holder* adds or changes contractors or subcontractors following permit issuance, the *permit holder* shall provide the information required in Section 129.0121(c)(1)(A)-(B) prior to work being performed or the new contractor or subcontractor starting work.

(3) If any of the information required in Section 129.0121(c)(1)(A)-(B) changes for any of the contractors or subcontractors, the *permit holder* shall provide updated information prior to the contractor or subcontractor performing any further work under the *construction permit*.

(d) Violation of this Section. Failure to comply with this Section shall constitute performance of work without the required permit, pursuant to Section 121.0302. A violation of this Section is subject to all remedies available to the City under Chapter 12, Article 1, Division 3 of the San Diego Municipal Code.

("License and Insurance Requirements of Contractors and Subcontractors" added 9-21-2022 by O-21509 N.S.; effective 10-21-2022.)

§129.0122 Indemnification for Construction Permits

The *applicant* and *record owner* for any *development* shall defend, indemnify, and hold harmless the City, its agents, officers, and employees from any and all claims, actions, proceedings, damages, judgments, or costs, including attorney's fees, against the City or its agents, officers, or employees, relating to the issuance of any *construction permit* including, but not limited to, any action to attack, set aside, void, challenge, or annul the *construction permit* approval and any *environmental determination*. The City may elect to conduct its own defense, participate in its own defense, or obtain independent legal counsel in defense of any claim related to this indemnification. In the event of such election, the *applicant* and *record owner* for any *development* shall pay all of the costs related thereto, including without limitation reasonable attorney's fees and costs. In the event of a disagreement between the City and *applicant* and *record owner* for any *development* regarding litigation issues, the City shall have the authority to control the litigation and make litigation related decisions, including, but not limited to, settlement or other disposition of the matter. However, the *applicant* and *record owner* for any *development* shall not be required to pay or perform any settlement unless such settlement is approved by *applicant* and *record owner* for any *development*.

("Indemnification for Construction Permits" added 7-22-2024 by O-21836 N.S.; effective 10-5-2024.)