

Updates to - 2016 Construction Permit Procedures

Proposed Updates to Administrative, Permit Application/Permit Procedures

The City of San Diego does not adopt Ch 1 Division 2 of the California Building Standards Code and codifies equivalent regulations in Chapters 9, 11, 12 and 14 of the Municipal Code to administer the Construction Permit review and approval process. The proposed amendments are necessary for consistent code application as amended:

- **Issue 1.** Update Section 111.0207 (d) 2 and 3 to update the scope of authority of the Board of Building appeals and Advisors to include the Existing Building Regulations.
- **Issue 2.** Update Sections 121.0308, 129.0104, 129.0105, 129.0109, 129.0110 and 129.011(d) to reference the Existing Building Regulations.
- **Issue 3.** Update Sections 121.0403 and 121.0404 to generalize Official that can deem a structure to be Dangerous or Unsafe since it may be the Code Enforcement Official or Building Official.
- **Issue 4.** Revise Section 129.0104 (a) 5, 6, 7 and 13 and 129.0109 to include the Fire Code for new construction and remodels to be within the scope of authority of the Building Official.
- **Issue 5.** Update the rules for required inspections in section 129.0111 and add section 129.0220 and update 129.0415 and 129.0513 to delete reference to Land Development Manual and incorporate model code requirements from Ch 1 Division II that is not adopted.
- **Issue 6.** Modify Section 129.0203 (a) to not exempt from a building permit proposed alterations URM buildings. The replacement of roof coverings for example is not exempt on URM buildings for consistency with IEBC Section 403.5 requiring wall bracing. Also update above ground pool exemption and exemption for shelving and low height partitions.
- **Issue 7.** Revise the building permit application extension rules in Section 129.0211 to make clear it is a onetime extension. Update Section 129.0219 (a) to make clear that the building permit extension is from the date of the expiration and not from the date of application.
- **Issue 8.** Revise the Plumbing/Mechanical expiration rules In Ch12 Art 9 Div 4 to make the format/layout to be similar and consistent with Building Permits in Division 2 and update required inspections.
- **Issue 9.** Update the Building Permit expiration rules for permits to relocate buildings and to delete surety bond requirements.
- **Issue 10.** Repeal LDC Sections 129.0508, 129.0509 that require a surety bond for demolition building permits and update demolition/removal permit expiration rules.

The Land Development Code encompasses chapters 11 through 15 of the San Diego Municipal Code and can be found at www.sandiego.gov.

For questions or comments regarding the proposed amendments please contact Ali Fattah, Senior Research Engineer, at 619-446-5092 and via e-mail at afattah@sandiego.gov.

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The proposed amendment to Chapter 11 and 12 of the Land Development Code (LDC) are necessary since the City of San Diego does not adopt the Administrative regulations in the State codes typically found in Chapter 1 Division II.

1. Issue 1 : Modify the Scope of Authority- Board of Building Appeals and Advisors

Text as it would appear in the Land Development Code

§111.0207 Board of Building Appeals and Advisors

- (a) Authority. The Board of Building Appeals and Advisors is established by the City Council in accordance with the City Charter, Section 43.

Sub-section (b) and (c) no change

- (d) Powers and Duties. The powers and duties of the Board of Building Appeals and Advisors are as follows:

Sub-section (1) no change

- (2) The Board of Building Appeals and Advisors shall recommend reasonable interpretations of the Fire, Building, ~~Residential Building~~, Electrical, Plumbing, Mechanical, Residential Building, and Green Building ~~and Existing Building~~ the provisions of Title 24 of the California Code of Regulations and other matters that may be referred to the Board by the Building Official. The Board shall have no authority to recommend interpretations of other provisions of the Land Development Code.
- (3) The Board of Building Appeals and Advisors may recommend minor deviations from the provisions of the Fire, Building, ~~Residential Building~~, Electrical,

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Plumbing, Mechanical, Residential Building, and Green Building and the Existing Building Regulations in the following circumstances:

- (A) When strict application, operation, or enforcement would result in practical difficulty or unnecessary hardship; and
- (B) When for the purpose intended, the alternate materials or type of construction proposed is at least equivalent to the requirements of the applicable Fire, Building, ~~Residential Building~~, Electrical, Plumbing, Mechanical, ~~or~~ Green Building or the Existing Building Regulations or in quality, strength, effectiveness, fire resistance, and durability, and is equivalent in providing for the public health and safety.

Remainder of Section no change.

Reason: This proposed code change adopts by transcription portions of CPC and CMC Section 105 Inspections and Testing to inform permit holders of required inspections for plumbing and mechanical systems necessary to verify compliance with the Plumbing Regulations and the Mechanical Regulations in the Land Development Code.

2. Issue 2: UPDATE LDC CH 12 TO INCLUDE THE PROPOSED NEW EXISTING BUILDING REGULATIONS WHEN OTHER REGULATIONS REFERENCED

Text as it would appear in the Land Development Code

§121.0308 No Permission to Violate Codes

- (a) The issuance or granting of any *development permit* or *construction permit* or any plan, specifications, computations, or inspection approval does not constitute a permit for, or an approval of, any violation of any of the provisions of the Land Development Code, including the Building, Electrical, Plumbing, Mechanical, Residential Building, or Green Building Regulations, Existing Building Regulations or any other ordinance of the City. *Development permits, construction permits, or inspections* presuming to give authority to violate or cancel the provisions of the Land Development Code, Building, Electrical, Plumbing, Mechanical, Residential Building, or Green Building Regulations or other ordinances of the City are not valid.

Remainder of Section no change.

§129.0104 Construction Permit Authorities

- (a) The powers and duties of the Building Official are as follows:
- (1) To administer and enforce the Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and~~ Green Building ~~and~~ Existing Building Regulations of the San Diego Municipal Code.

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Sub-section (2) no change.

- (3) To determine if proposed work is in compliance with the Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and Green Building~~ and Existing Building Regulations, and the Fire Protection and Prevention provisions, of the San Diego Municipal Code, 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 Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and 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 Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and 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 Building, Electrical, Plumbing, Mechanical, Residential Building and Green Building Regulations of the San Diego Municipal Code.

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- (6) To grant modifications for individual cases when there are practical difficulties involved in carrying out the provisions of the Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and~~ Green Building and Existing Building Regulations of the San Diego Municipal Code. The Building Official shall find the following:
- (A) That a special individual reason makes the strict application of the Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and~~ Green Building and Existing Building Regulations of the San Diego Municipal Code impractical, ~~and~~ and
 - (B) That the modification is in conformance with the purpose and intent of the Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and~~ Green Building and Existing Building Regulations of the San Diego Municipal Code, ~~and~~ 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 the Building, Electrical, Plumbing, and Mechanical, Residential Building, ~~and~~ Green Building and Existing Building Regulations of the

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San Diego Municipal Code, or the suitability of any alternate material, design, or construction method from the Board of Building Appeals and Advisors.

Sub-section (8) through (12) no change.

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

Remainder of Section no change.

§129.0105 How to Apply for Construction Permit Review

Sub-section (a) through (c) no change.

- (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 Building, Electrical, Plumbing, ~~or Mechanical, Residential Building, Green Building and~~ Existing Building Regulations of the San Diego Municipal Code.

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

- (a) The provisions of the Fire, Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and Green Building~~ and Existing Building Regulations of the San Diego Municipal Code

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are not intended to prevent the use of any alternate material, design, or construction method not specifically prescribed by the Fire, Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and~~ 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 would comply with the Fire, Building, Electrical, Plumbing, Mechanical, and Residential Building, ~~and~~ Green Building and Existing Building Regulations of the San Diego Municipal Code;

Remainder of Section no change.

§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 Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and~~ 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 Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and~~ Green Building and Existing Building Regulations of the San Diego Municipal Code, or by other recognized test

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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.

Remainder of Section no change.

§129.0111 General Rules for Construction Permit Inspections

All work for which Building Permits, Electrical Permits, Plumbing Permits, Demolition/Removal Permits, Fire Permits and Mechanical Permits are issued 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.

Sub-section (a) through (c) no change.

- (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 or an agent of the permit holder that the inspected portion fails to comply with the Building, Electrical, Plumbing, Mechanical, Residential Building, ~~and~~ Green Building and Existing Building Regulations of the San Diego Municipal Code, or with other applicable regulations of the Municipal Code.

Remainder of Section no change.

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Reason: This is an editorial revision to address proposed adoption of the new Existing Building Regulations.

3. Issue 3: UPDATE OFFICIAL WHO MAY DECLARE UNSAFE/DANGEROUS STRUCTURES

Text as it would appear in the Land Development Code

§121.0403 Criteria for Determining That a Structure Is Unsafe

The City Manager or designated ~~Code Enforcement~~ Official may determine that a structure is unsafe if any of the following conditions exists to the extent that it threatens the life, health, safety, or property of its occupants:

§121.0404 Criteria for Determining That a Structure Is Dangerous

The City Manager or designated ~~Code Enforcement~~ Official may determine that a structure is dangerous if any of the following conditions exists to the extent that it threatens the health, safety, or property of its occupants or the public:

Reason: This code change reflects current practice where staff engineers and building inspectors in the Building Construction Safety Division, and that report to the Building Official, make the determination as to whether a structure is unsafe according to the criteria in Section §121.0403. The determination may also be made by inspection staff in the Code Enforcement Division.

4. Issue 4: UPDATE BUILDING OFFICIAL AUTHORITY TO ENFORCE THE CALIFORNIA FIRE CODE

Text as it would appear in the Land Development Code

§129.0104 Construction Permit Authorities

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

Subsection 1 through 4 no change

- (5) To make interpretations of, and develop policies and procedures for, the Building, Electrical, Plumbing, Mechanical, Fire Code, Residential Building and Green Building Regulations of the San Diego Municipal Code. The interpretations, rules, and regulations shall be in conformance with the intent and purposes of the Building, Electrical, Plumbing, Mechanical, Fire Code, Residential Building and Green 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 Building, Electrical, Plumbing, Mechanical, Fire Code, Residential Building and Green Building Regulations of the San Diego Municipal Code. The Building Official shall find the following:
- (A) That a special individual reason makes the strict application of the Building, Electrical, Plumbing, Mechanical, Residential Building and Green Building Regulations of the San Diego Municipal Code impractical; and

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- (B) That the modification is in conformance with the purpose and intent of the Building, Electrical, Plumbing, Mechanical, Fire Code, Residential Building and Green 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.

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 the Building, Electrical, Plumbing, and Mechanical, Fire Code, Residential Building and Green 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.

Subsection 8 through 12 no change

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

Subsection 14 no change

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

- (a) The provisions of the Fire Code, Building, Electrical, Plumbing, Mechanical, Residential Building and Green Building Regulations of the San Diego Municipal Code are not intended to prevent the use of any alternate material, design, or construction method not specifically prescribed by the Fire Code, Building, Electrical, Plumbing, Mechanical, Residential Building or Green 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 would comply with the Fire Code, Building, Electrical, Plumbing, Mechanical, and Residential Building and Green Building Regulations of the San Diego Municipal Code;

Reason: Staff in the Development Services Department review construction plans and other associated construction documents for new construction, additions and alterations and changes of occupancy remodels in existing buildings. Reviews can include verification of compliance with regulations in the California Fire Code. Furthermore, it has occurred that applicants have requested deviations from the fire protection, fire notification and hazardous materials regulations. The Building Official has granted these deviations with the concurrence of the Fire Marshal, who reports to the Fire Chief who is known as the Fire Code official for the City of San Diego in the fire code.

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5. Issue 5: UPDATE THE RULES FOR REQUIRED INSPECTIONS IN SECTION 129.0111 AND ADD SECTION 129.0220 AND UPDATE 129.0415 AND 129.0513

Text as it would appear in the Land Development Code

§129.0104 Construction Permit Authorities

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

(Item # 1 through 14 No Change)

(15) To accept reports of approved inspection agencies, provided such agencies are determined to satisfy the requirements by the Building Official as to qualifications and reliability.

(Remainder of Section No Change)

§129.0111 General Rules for Construction Permit Inspections

All work for which Building ~~Permits~~, Electrical ~~Permits~~, Plumbing ~~Permits~~, Demolition/Removal Permits, Fire Permits and Mechanical Permits are ~~issued~~ 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 or their authorized agents shall comply with Section §129.0112.

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- (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* or an agent of the *permit holder* that the inspected portion fails to comply with the Building, Electrical, Plumbing, Mechanical, Residential Building or Green 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) 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, when it is determined that an existing survey monument will be removed, altered or destroyed due to construction, demolition, grading, or other construction activities.

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- (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) Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of Land Development Code or other local or State building regulations. Inspections presuming to give authority to violate or cancel the provisions of the Building Regulations or other local or State regulations shall not be valid.

§129.0112 Responsibilities of Permit Holder or Authorized Agent 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. It shall be the responsibility of the *permit holder* or the person doing the work authorized by a *construction permit* to ~~The person requesting any inspection required by the Building, Electrical, Plumbing, Mechanical, Residential Building or Green Building Regulations of the San Diego Municipal Code or any other provision of the San Diego Municipal Code shall be responsible for providing~~ provide access to, and means for inspection of, the work to be

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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) Functional testing. When required by the Building Official, it shall be the responsibility of the *permit holder* or the person doing the work authorized by a *construction permit* to perform installation testing, or functional testing, to demonstrate code compliance. Tests shall be conducted in the presence of the Building Official or a duly appointed representative.

~~(c)~~(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.

~~(d)~~(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.

~~(e)~~(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.

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§129.0220 Required Inspections for a Building Permit

- (a) All construction work and equipment authorized by a Building Permit shall be inspected by the Building Official in accordance with Section 129.0111.
- (b) The Building Official may revoke final inspection approval, upon notice, if it is determined that Building Permit was approved in error or if the inspection approval has been granted in error or that the approved work is unsafe, dangerous, or a hazard to life or property.

~~§129.0220~~ 0221 Issuance of a Building Permit for Relocation of a Structure

(Remainder of Section No Change)

~~§129.0224~~ 0222 Expiration of a Building Permit for Relocation of a Structure

(Remainder of Section No Change)

§129.0314 Required Inspections for an Electrical Permit

- (a) All construction work and equipment authorized by an Electrical Permit shall be inspected by the Building Official in accordance with Section 129.0111. Inspections that may be required are established by the Building Official.;
- (b) The Building Official may revoke final inspection approval, upon notice, if the Official finds that the electrical wiring, device, appliance, or equipment fail in any respect to comply with the Electrical Regulations or that the installation is unsafe, dangerous, or a hazard to life or property.

§129.0415 Required Inspections for a Plumbing/Mechanical Permit

- (a) All construction work and equipment authorized by a Plumbing/Mechanical Permit shall be inspected by the Building Official in accordance with Section 129.0111 ~~and the inspection requirements of the Land Development Manual.~~
- (b) No equipment regulated by the Plumbing and Mechanical Regulations shall be connected to the fuel, water or power supply until it complies with all applicable Plumbing and Mechanical Regulations and a final inspection approval has been issued, except when approved otherwise by the Building Official for construction or test purposes.
- (c) The Building Official may revoke final inspection approval, upon notice, if the Official finds that the plumbing, heating, ventilating, comfort cooling, or refrigeration systems fail in any respect to comply with the Plumbing and Mechanical Regulations or that the installation is unsafe, dangerous, or a hazard to life or property.
- (d) Required Inspections. New plumbing and mechanical work and such portions of existing systems as affected by new work, or changes, shall be inspected by the Authority Having Jurisdiction Building Official to insure compliance with the requirements of this code and to ensure that the installation and construction of the plumbing and mechanical system is in accordance with the approved construction plans. The following inspections shall be required as well as other additional inspections as determined necessary by the Building Official. The permit

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holder or the permit holder's authorized agent shall be responsible for the scheduling of such inspections as follows:

- (e) Final inspection shall be made upon completion of the installation and after it has been tested, inspected, and approved.
- (f) Other Inspections. In addition to the inspections required by this code, the Building Official may require other additional inspections to ascertain compliance with the provisions of the Plumbing Regulations and the Mechanical Regulations of the Land Development Code.
- (g) It shall be the duty of the permit holder to make sure that the work will stand the test prescribed before giving the notification. The equipment, material, and labor necessary for inspection or tests shall be furnished by the person to whom the permit is issued or by whom inspection is requested.

§129.0513 Required Inspection for a Demolition/Removal Permit

All work authorized by a Demolition/Removal Permit shall be inspected by the Building Official in accordance with Section 129.0111 and the inspection requirements of the Land Development Manual.

§129.0909 Required Inspections for a Fire Permit

- (a) All construction work and equipment authorized by a Fire Permit shall be inspected by the Building Official in accordance with Section 129.0111.
- (b) The Building Official may revoke final inspection approval, upon notice, if the Official finds that the fire suppression systems, fire alarm system, or component of such systems or

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equipment fail in any respect to comply with the adopted Fire Sprinkler and Fire Alarm regulations or that the installation is unsafe, dangerous, or a hazard to life or property.

Reason: **Section 129.0111 updates.** The proposed editorial changes modify the general rules for permit inspections in Section 129.0111 to include portions CBC Section 110, CFC Section 106, and CPC and CMC Section 105 respectively.

- The trigger for inspections is proposed to be changed from issued permits to when permits are required to accommodate solar inspections and after the fact inspections on code enforcement cases.
- Subsection (g) has been added to address missing monuments and in response to a San Diego County Grand Jury report.

Section 129.0112 updates. The responsibilities of permit holders are proposed to be editorially modified. Subsection (c) is added to reflect the current practice with fire alarm systems, fire sprinklers systems, plumbing systems and smoke control systems where verification can only be done through a test.

Building Permits. New Section 129.0220 is proposed to be added to the Building Permit Procedures to reflect required inspections in Section 129.0111. Subsection (b) is added to address cases where a final inspection needs to be revoked to allow a deficiency to be addressed. A permit revocation does not address the deficiency since it closes the permit.

Electrical Permits. No changes are proposed to require inspection for electrical permits since Section 129.0111 as proposed is complete.

Subsection (b) is added to address cases where a final inspection needs to be revoked to allow a deficiency to be addressed. A permit revocation does not address the deficiency since it closes the permit.

Plumbing/Mechanical. Section 129.0415 is proposed to be modified to delete reference to the Land Development Manual and inspection requirements of the Building Official since Section 129.0111 includes necessary requirements as will section 129.0415 as proposed. Portions of Section 105.2 are proposed to be adopted with modification into proposed sub-Section (d) through (g).

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Fire. No changes are proposed to require inspection for fire permits since Section 129.0111 as proposed is complete.

Demolition/Removal Permit. Delete reference to the Land Development Manual.

6. Issue 6: BUILDING PERMIT EXEMPTION FOR REPLACEMENT OF ROOF COVERINGS ON URM BUILDINGS AND UPDATE ABOVE GROUND POOL EXEMPTION

Text as it would appear in the Land Development Code

§129.0203 Exemptions from a Building Permit

- (a) A Building Permit is not required for the following *structures* and activities, except when the *development* would involve alterations, repairs, or improvements to a *historical resource* as described in Section 143.0220, or when *development* on a *premises* containing *environmentally sensitive lands* requires a *development permit* in accordance with Section 143.0110 or when a building is constructed with unreinforced masonry (URM) bearing walls or exterior wall parapets:

(Subsection 1 through 10 no change)

- (11) Prefabricated swimming pools accessory to a Group R, Division 3 Occupancy ~~in which~~ when: the pool is supported directly upon grade; and the pool walls are entirely above the adjacent grade; and the capacity of the pool does not exceed 5,000 gallons.

Remainder of Section no change.

Reason: This code change is necessary for consistency with Existing Building Code (IEBC) Section 403.5 that requires the installation of parapet braces on buildings containing unreinforced masonry parapets when reroofing involves the removal of roof coverings over 25% of the area of the roof. Additionally,

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Building Regulations Section §145.3710 (a) 1 only required the installation of parapet braces and roof to wall anchors on URM walls that were critically placed due to proximity to the public right of way or lower adjacent buildings or property with a minimum height differential of 6 feet. Further modifications will be proposed to renumbered and relocated to the proposed Existing Building Regulations Section 1411.1710 in the proposed Existing Building Regulations to address this in issue # 13 therein.

Item # 11 is proposed to be updated to make clear that the exemption applies to above ground pools installed directly on grade, otherwise the exemption can exempt a spa supported on a second story deck for example.

7. Issue 7: UPDATE BUILDING PERMIT APPLICATION AND BUILDING PERMIT EXTENSION RULES

Text as it would appear in the Land Development Code

§129.0211 Closing of Building Permit Application

Subsections (a) and (b) no change

- (c) The Building Official may extend a Building Permit application one time, for a period not exceeding 180 calendar days, if the Building Official determines that circumstances beyond the control of the *applicant* prevented issuance of the Building Permit.

No change Section 129.0211 through 129.0218

§129.0219 Extension of Time for the Utilization of a Building Permit

- (a) Except for relocation of *structures*, a *permit holder* may submit to the Building Official an application for an extension of time to utilize the Building Permit. The application shall be filed no later than one month in advance of the end of the 180 day utilization period. The Building Official may extend the time in which the *permit holder* may utilize the Building Permit one time, for a period not exceeding 180 calendar days from the end of the 180 day utilization period, if the Building Official determines that circumstances beyond the control of the *permit holder* prevented completion of the work. All Electrical,

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Plumbing, or Mechanical Permits associated with a Building Permit shall be extended concurrently with the utilization period of the Building Permit.

No change sub-section (b)

- (c) If more than one month has lapsed since the expiration of the Building Permit ~~expired~~ before an application is submitted for an extension of time for the utilization of a Building Permit, no extension shall be granted. If the previous *permit holder* or any other *applicant* wants to proceed with the same *development*, a new application is required and the application is treated in all respects as a new application.

No change remainder of the Section

Reason: Currently the regulation do not allow for an applicant to apply for permit extension after the expiration date. However, DSD regularly accepts and processes permit extension requests submitted after the expiration date.

The modification to 129.0219 (a) makes clear that the extension is 180 days from the date of expiration and not the date of application. Additionally the rules do not make clear that the extension of time should be from the actual expiration date and not from the application date for the extension.

The building permit application rule modification clarifies that only one time extension is permitted.

8. Issue 8. REVISE THE PLUMBING/MECHANICAL EXPIRATION RULES IN CH12 ART 9 DIV 4 TO MAKE THE FORMAT/LAYOUT TO BE SIMILAR AND CONSISTENT WITH BUILDING PERMITS IN DIVISION 2 AND UPDATE REQUIRED INSPECTIONS.

Text as appears in the Land Development Code

§129.0411 Plumbing/Mechanical Permit Expiration

- (a) A Plumbing/Mechanical Permit shall ~~expire if the work authorized by the Plumbing/Mechanical Permit has not begun within 180 calendar days of the date of permit issuance.~~ become void if substantial work authorized by the permit has not been completed and validated by an inspection within 180 calendar days of the date of permit issuance.
- (b) A Plumbing/Mechanical Permit ~~shall expire~~ become void if, after initial utilization of a permit pursuant to Section 129.0411(a), work authorized by the Plumbing/Mechanical Permit is suspended or the structure is abandoned for a continuous period of 180 calendar days.
- (c) A Plumbing/Mechanical Permit shall expire 2 years after the date of permit issuance if the work authorized by the Plumbing/Mechanical Permit has not received final inspection approval by the permit expiration date.
- (d) If the work authorized by the Plumbing/Mechanical Permit has not received final inspection approval by the permit expiration date, all work shall stop until a new permit is issued.
- (e) Any Plumbing/Mechanical Permit associated with a Building Permit shall expire concurrently with the Building Permit.

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- (f) An expired Plumbing/Mechanical Permit may be extended by the Building Official concurrently with the extension of a Building Permit.

Reason: This editorial code change cleans up the existing language to use terms such as void. Section 129.0415 has been updated to delete reference to the required inspections in the Land Development Manual since they are not published there; Section 129.0111 will reference the inspection plan which more accurately reflects where the information can be found. No change in regulatory effect is proposed

9. ISSUE 9. UPDATE THE PERMIT EXPIRATION RULES FOR PERMITS TO RELOCATE BUILDINGS AND TO DELETE SURETY BOND REQUIREMENTS.

Text as appears in the Land Development Code

§129.0221 Expiration of a Building Permit for Relocation of a Structure

- (a) A Building Permit for relocation of a *structure* shall not be extended. If a A Building Permit for relocation of a *structure* expires or otherwise shall become become void in accordance with the provisions of Sections 129.0216, 129.0217 and shall not be extended in accordance with Section 129.0219, or 129.0218, a default shall be deemed to have occurred.
- (b) ~~The Building Official shall, in accordance with the notice provisions of Municipal Code Chapter 1, notify the surety of the occurrence of a default. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtaining of a new Building Permit and timely completion of the work.~~

~~129.0220 Issuance of a Building Permit for Relocation of a Structure~~

- ~~(a) Before the Building Official issues a Building Permit for relocation of a structure, a surety bond issued by a surety company authorized to do business in the State of California or other form of security approved by the Building Official, shall be deposited with the City of San Diego, except that no security shall be required from the State of California, its political subdivisions, or any governmental agency. The surety bond or other form of security shall be in an amount equal to the actual~~

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~~cost of the work to be performed plus 25 percent of that amount to insure the satisfactory performance and completion of the work. The actual cost of the work shall be determined by the Building Official. The surety or other form of security shall be on a form that has been approved by the City Attorney.~~

~~(b) If the performance of the work is secured by a surety bond, the bond shall be conditioned as follows:~~

~~(1) That upon the occurrence of a default the surety is obligated to obtain a Building Permit within 30 calendar days of the date of the default and the surety is obligated to complete the work in accordance with the permitted set of plans;~~

~~(2) The bond shall be in joint and several form and shall inure to the benefit of the City of San Diego;~~

~~(3) All permitted work shall be completed in accordance with the approved plans and the requirements of this section;~~

~~(4) The permit holder, owner, and surety shall hold harmless the City, its officers, employees, agents, and contractors from any liability in connection with the proposed work or the abatement of the structure and any related work;~~

~~(5) The bond shall obligate the permit holder, owner, and surety to repair damage occurring on the public right-of-way as a result of removing, transporting, or relocating a structure; and~~

~~(6) The bond shall contain any other provisions that the Building Official and City Attorney deem necessary and~~

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~~proper to secure the satisfactory completion of the permitted work, which may include the abatement of the structure or condition in accordance with, but not limited by, the provisions contained in Municipal Code Chapter 1.~~

~~(c) If the performance of the work is secured by any other form of security, as approved by the Building Official, the security shall also be conditioned as required by Section 129.0204(b) and (c).~~

~~(d) If the surety does not timely perform its obligations, the Building Official may elect not to proceed against the bond, but rather to abate the structure or condition and recover the City's costs in accordance with, but not limited by, the provisions contained in Municipal Code Chapter 1.~~

Reason: This code change cleans up the existing language to use terms such as void for cases when a permit can be extended if it expires due to utilization requirements. It also proposes updates to make the regulations consistent with the format of the Building Permit procedures.

Section 129.0220 requires a surety bond prior to issuance of a building permit for the relocation of a structure (mostly single family dwellings on lots where a new building is to be constructed). Similarly to demolition permits, Code enforcement has abatement means to addresses nuisances and abandonment during the preparation for relocation and placement on a lot to where the structure is moved.

Transportation permit Section 85.22 (a) of the SDMC seems to address what subsection (b) 5 is trying to address in terms of damage to the public right of way. The Building Official does not have authority in the public right of way and this section is in the Building Permit Procedures. Section §129.0202 (a) requires a building permit to permanently relocate a building so this section is not needed to trigger a building permit.

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10. Issue 10: REPEAL LDC SECTIONS 129.0508, 129.0509 REQUIRING SURETY BOND FOR DEMOLITION PERMITS AND UPDATE EXPIRATION RULES

Text as appears in the Land Development Code

~~§129.0508~~ ~~Surety Required Prior to Demolition~~

- ~~(a) — A security in the amount of \$10,000, either in the form of a surety bond issued by a surety company authorized to do business in the State of California or in cash, or the equivalent amount in other security approved by the Building Official, is required to be filed with the City of San Diego before a Demolition/Removal Permit is issued, except that no surety shall be required from the following:~~
- ~~(1) Any owner of, or contractor for, a demolition of a structure that is less than 6,000 square feet in floor area;~~
 - ~~(2) Any owner required to demolish a structure that is two stories or less in height and has been declared by a governmental authority to be unsafe or a public nuisance;~~
 - ~~(3) The State of California, its political subdivisions, or any governmental agency.~~
- ~~(b) The surety bond or other security shall be joint and several in form and inure to the benefit of the City of San Diego, conditioned upon the completion of the demolition and associated work in accordance with the terms of the sections regulating demolition of structures and within the period of time as provided in Sections 129.0511 and 129.0512. A surety bond or other security shall be conditioned upon the payment~~

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~~to the City of any costs incurred by the City in completing the work in accordance with the terms of the sections regulating wrecking of structures or in employing a private contractor to complete the work.~~

- (c) ~~Whenever the City Manager determines that a default has occurred in the performance of any term or condition of the work authorized by the permit, the City Manager shall give written notice of the default to the principal and the surety on the bond, or any other party standing in the capacity of a surety to the principal. The notice shall identify the work remaining to be done, the estimated cost of completion of the work, and the period of time deemed by the City Manager to be reasonably necessary for the completion of the work.~~
- (d) ~~After receipt of the notice, the principal or the surety on the bond must, within the time specified, either cause the required work to be performed or deposit with the City of San Diego the estimated cost of doing the work as set forth in the notice, plus an additional sum equal to 10 percent of the cost; however, this amount shall not exceed the amount of the bond that was posted. The principal and any surety shall be jointly and severally liable for the cost of completing the work.~~
- (e) ~~If the principal or surety fails to complete the work within the time specified in the notice, the City Manager shall proceed by any method deemed convenient to cause the required work to be completed.~~
- (f) ~~Any unexpended deposits shall be returned to the depositor at the completion of the work, together with an itemized accounting of the cost.~~

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- (g) ~~The principal and surety on the bond shall hold the City harmless from any liability in connection with the work so performed by the City, its authorized agent, or a contractor employed by the City. The City shall not be liable in connection with the work other than for the expenditure of the money.~~
- (h) ~~If a cash deposit or equivalent security has been posted, notice of default as provided above shall be given to the principal and, if compliance is not achieved within the time specified, the City Manager shall proceed without delay and without further notice of proceedings to use the cash deposit or equivalent to cause the required work to be done by contract or otherwise in the City Manager's discretion. The balance, if any, of the cash deposit or equivalent shall, upon completion of the work, be returned or released to the depositor or to its successors or assigns after deducting the cost of the work.~~

§129.0509 Insurance Requirements for Demolition Work

- (a) ~~Every person demolishing a *structure* or causing the same to be done shall take out and maintain public liability insurance to protect against loss from liability for damages on account of bodily injury, including death, and to protect against loss for liability or damages to any property caused directly or indirectly by the demolition or associated work of the structure except that:~~
 - (1) ~~A policy of insurance shall not be required from the State of California, its political subdivision, or any governmental agency; or~~

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- (2) ~~Any owner required to demolish a structure that is two stories or less in height and has been declared by a governmental authority to be unsafe or a public nuisance.~~
- (b) ~~The amount of insurance shall be not less than \$50,000 for one person injured in one accident, not less than \$100,000 for more than one person injured in one accident, and not less than \$5,000 with respect to any property damage. The insurance policy shall be maintained in full force and effect during the demolition and associated work on the structure and site. Proof of insurance acceptable to and approved by the Building Official shall be filed with the City of San Diego and shall provide that copies of all cancellation notices shall be sent to the City. The provisions of this section shall not be construed as limiting in any way the extent to which the permittee may be held responsible for the payment of damages.~~
- (c) ~~Upon expiration of the Demolition/Removal Permit, the Building Official shall notify the permittee, owner, and surety that the Demolition/Removal Permit has expired. Service of the notice shall be made in accordance with the notice provisions of Municipal Code Chapter 1. Failure to do so, however, shall not extend the permit nor otherwise validate an expired permit.~~
- (d) ~~The permittee, owner, or surety may extend the permit in accordance with Section 129.0512.~~
- (e) ~~If the permittee, owner, or surety fails to extend the Demolition/Removal Permit and the work is not completed, or~~

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~~if the permit is extended once and the work is not completed when the extended permit expires, a default shall be deemed to have occurred.~~

- (f) ~~The Building Official shall, in accordance with the notice provisions of Municipal Code Chapter 1, notify the surety of the occurrence of a default. Upon notification, the surety shall be obligated to comply with the conditions of the bond that require timely obtainment of a Demolition/Removal Permit and timely completion of the work.~~

§129.0510 Initial Utilization of a Demolition/Removal Permit

A Demolition/Removal Permit shall become void if the work authorized and required by the permit has not begun within 60 calendar days of the date of permit issuance and validated by an inspection.

§129.0511 Expiration of a Demolition/Removal Permit

A Demolition/Removal Permit shall expire ~~and become void~~ if all the work authorized has not been completed and has not received final inspection approval ~~approved~~ within 90 calendar days of the date of permit issuance unless an extension has been granted pursuant to Section 129.0512.

§129.0512 Extension of Time for a Demolition/Removal Permit

- (a) Before the expiration date of a Demolition/Removal Permit, a ~~permittee~~ permit holder may submit an application for an extension of time.
- (b) The Building Official may approve one time the extension of time for a Demolition/Removal Permit if the Official determines that circumstances beyond the control of the *applicant* prevented completion of the work.

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- (c) The permit extension shall provide an additional 60 calendar days, starting from the original permit expiration date, to complete the work authorized by the permit.

§129.0513 Required Inspection for a Demolition/Removal Permit

All work authorized by a Demolition/Removal Permit shall be inspected by the Building Official in accordance with Section 129.0111 ~~and the inspection requirements of the Land Development Manual.~~

Reason: The regulations requiring the issuance of a surety bond for surety bond for building demolition projects is proposed to be repealed since the regulations are out of date and not reflective of the City's other abatement powers and remedies.

Also proposed is an update the demolition/removal expiration rules to clarify that an inspection is required to validate initial utilization or maintaining utilization of the permit.