

Amendments to - 2016 California Existing Building Code

Proposed Existing Building Regulations

The City of San Diego proposes to adopt the 2016 California Existing Building Code (CEBC) with local amendments codified in chapter 14 in a new Article 11 "Existing Building Regulations". The proposed amendments are necessary due to local geological conditions and necessary for consistent code application as amended:

- **Issue 1.** Update Section 121.0403 for consistency with the IEBC definition for Dangerous Buildings and re-title the Section "Criteria for Determining That a Structure Is Dangerous". Also clarify that an official designated by the City Manager (will be changed to Mayor by City Attorney code wide) will make the determination that a building is dangerous or unsafe. (Revised 9-16-16)
 - Update Sections 121.0308, 129.0104, 129.0105, 129.0109, 129.0110 and 129.011(d) to reference the Existing Building Regulations. **See 2016 Construction Permit Procedures updates.**
 - Modify Section 129.0203 (a) 17 exemption from a building permit for the replacement of roof coverings to not exempt URM buildings for consistency with IEBC Section 403.5 requiring wall bracing. **See administrative amendments.**
- **Issue 2.** Create Article 11 "Existing Building Regulations" and model after format of Article 5 "Building Regulations". Also do not adopt Sections 403.4.1 and 407.4.1 and adopt Appendix Ch A4. (Revised 9-22-16)
- **Issue 3.** Modify IEBC definition of Code Official to mean Building Official for consistency with Section §129.0104 (a). Also the definitions of Dangerous and Unsafe are aligned with the LDC.
- **Issue 4.** Modify Section 301.1 for consistency with the California Building Standards Commission decision to not publish IEBC chapters beyond Ch. 4. (added 9-22-16)
- **Issue 5.** Add Section 401.6 to adopt regulations from section 3401.2 of the 2013 CBC that requires buildings to be maintained. (added 5-4-17)
- **Issue 6.** Modify IEBC Section 404.1 to reference LDC Section 129.0203 since City does not adopt permit exemption list in CEBC Ch. 1.
- **Issue 7:** Modify the flood hazard area regulations in Section 402.2, 403.2, 404.5 to reference Building Regulation Section 145.1612 and Residential Building Regulations Section 149.0322 of the Land Development Code; these Sections reference LDC floor Sections 143.0146 and 143.0145.
- **Issue 8.** Relocate Division 37 in Ch 14 Article 5 to new Article 11 Division 17 and re-title to "Regulations for the Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings" and repeal existing regulations with the exception of the definition for URM and grandfathering prior retrofits. The renaming is more reflective of the subject and update for consistency with CEBC Ch. 4.

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

The proposed amendment to Chapter 14 of the Land Development Code (LDC) adds Article 11 necessary to adopt and amend the 2016 California Existing Building Code (CEBC) for consistency with existing regulations. Chapter 11 and 12 are updated to reference the Existing Building Regulations.

1. Issue 1: DETERMINATION WHEN A BUILDING IS UNSAFE OR DANGEROUS (Revised 9-16-16)

Modify Section 121.0403 of the LDC to incorporate criteria contained in the CEBC defined term Dangerous as well as substantial structural damage.

Text as it would appear in the Land Development Code

§121.0403 Criteria for Determining That a Structure Is ~~Unsafe~~ Dangerous

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

- (a) ~~The building contains one or more structural components that cannot withstand 100 percent of the vertical design standards as required by the prevailing edition of the California Building Code. The building or structure has collapsed, has partially collapsed, has moved off its foundation, or lacks the necessary support of the ground; or~~
- (b) ~~The building contains one or more structural components of the lateral load resisting system that cannot withstand 25 percent of the wind or earthquake forces as required by the~~

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~~prevailing edition of the California Building Code; or There exists a significant risk of collapse, detachment or dislodgement of any portion, member, appurtenance or ornamentation of the building or structure under service loads.~~

~~(c) The building contains parapet walls or other building appendages that are not capable of resisting the wind or earthquake forces as required by the prevailing edition of the California Building Code.~~

§121.0404 Criteria for Determining That a Structure Is ~~Dangerous~~ Unsafe

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

Remainder of Section no change.

Text as it would appear in CEBC

302.3 Existing materials. Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the building official to be unsafe per Section 121.0404 of the Land Development Code.

401.2.1 Existing materials. Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the building official to be unsafe ~~per Section 445~~ per Section 121.0404 of the Land Development Code.

Text as it would appear in the Land Development Code

Article 11: Existing Building Regulations

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Division 3: Additions and Modifications to Chapter 3 of the
California Existing Building Code

**§1411.0301 Local Modifications and Additions to Chapter 3 “Provisions for All
Compliance Methods” of the California Existing Building Code**

- (a) Chapter 3 of the 2016 California Existing Building Code is adopted by reference with modifications pursuant to Section 1411.0105 and additions pursuant to Section 1411.0106 of the Land Development Code.

**§1411.0302 Local Modifications and Deletions to Section 302 “General
Provisions” of the California Existing Building Code**

- (a) 302.3 Existing materials. Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the building official to be unsafe per Section 121.0404 of the Land Development Code

Article 11: Building Regulations

Division 4: Additions and Modifications to Chapter 4 of the
California Existing Building Code

**§1411.0401 Local Modifications and Additions to Chapter 4 “Prescriptive
Compliance Method” of the California Existing Building Code**

- (a) Chapter 4 of the 2016 California Existing Building Code is adopted by reference with modifications pursuant to Section

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1411.0105 and additions pursuant to Section 1411.0106 of the Land Development Code.

§1411.0402 Local Modifications to Section 401 “General” of the California Existing Building Code

(a) Section 401.2.1.5 Existing Materials is modified pursuant to Section 1411.0105 of the Land Development Code as follows:
401.2.1 Existing materials. Materials already in use in a building in compliance with requirements or approvals in effect at the time of their erection or installation shall be permitted to remain in use unless determined by the building official to be unsafe per Section 121.0404 of the Land Development Code.

Reason: Section 121.0403 and Section 121.0404 of the Land Development Code is being updated to be current with the CEBC. The regulations were initially developed as amendments to the 1973 UBC that differentiated buildings constructed prior to and after 1951. Buildings constructed prior to 1951 used the 1949 UBC vertical and lateral loads as a basis of the evaluation. Upon adoption of the 1988 UBC the distinction no longer appears in the regulations.

Section 302.3 and 401.2.1 are being modified to reference the definition for unsafe in the land Development Code.

2. Issue 2: ADD ARTICLE 11 TO CHAPTER 14 OF LAND DEVELOPMENT CODE (Revised 9-11-15-16)

Text as it would appear in the Land Development Code

Article 11: Existing Building Regulations

Division 1: Adoption and Applicability of the Existing Building Regulations

§1411.0101 Purpose of the Existing Building Regulations

- (a) The purpose of the Existing Building Regulations is to establish minimum standards to safeguard life and limb, health, property and public welfare and to satisfy the purpose of the California Existing Code as provided in Section 1.1.2 of the California Existing Building Code.
- (b) The purpose of this Section is not to create or otherwise establish or designate any particular class or group of persons who will or should be especially protected or benefited by the terms of this Section.

§1411.0102 When the Existing Building Regulations Apply

- (a) This article shall be known as the Existing Building Regulations of the City of San Diego and regulates the alteration, repair, maintenance, moving, removal, change of occupancy, and use of any privately owned building or structure or any appurtenances connected or attached to such building or structure within the City of San Diego, except work located primarily in a public right-of-way.

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public utility towers and poles, mechanical equipment not specifically regulated in the California Existing Building Code, and hydraulic flood control structures. The Existing Building Regulations shall also apply to City-owned buildings and structures.

- (b) Where in any specific case, different Sections of the Existing Building Regulations 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.

§1411.0103 Adoption of the 2016 California Existing Building Code

- (a) The 2016 California Existing Building Code, published and amended by the State Department of Housing and Community Development [HCD 1, HCD 1/AC]; and the State Fire Marshal [SFM] is adopted by reference, except as otherwise provided in this Article of the San Diego Municipal Code, Divisions 2 through 4 and Division 11. A copy of the 2016 California Existing Building Code is on file in the office of the City Clerk as Document No. OO-XXXXX-X
- (b) When reference is made to the California Existing Building Code, it shall be the 2016 California Existing Building Code, California Code of Regulations Title 24, Part 10, as published by the California Building Standards Commission.

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- (c) Each of the regulations, provisions, conditions, and terms of the 2016 California Existing Building Code is made a part of this Article as if fully set forth in this article except as otherwise provided in Divisions 2 through 4 and Division 17.
- (d) Numbering of Sections and Subsections in Divisions 2 through 4 and Division 17 of this Article is cross referenced to Sections in the 2016 California Existing Building Code.
- (e) The adoption of the 2016 California Existing Building Code shall in no way limit, prohibit, impede, or prevent the City Council from adopting ordinances limiting or preventing the issuance of any type, number, or geographical distribution of permits for construction or demolition of any facility for which a permit is required.
- (f) The Building Official is only authorized to enforce those amendments made by the following State agencies:
 - (1) The Department of Housing and Community Development for accessibility in privately funded housing and all housing (HCD 1 and HCD 1/AC).
 - (2) Office of the State Fire Marshal (SFM).
 - (3) Building Standards Commission (BSC), Appendix Ch. A1 only.

§1411.0104 Portions of the 2016 California Existing Building Code Not Adopted by the City of San Diego

The following Sections or Subsections of the 2016 California Existing Building Code have not been adopted by the City of San Diego:

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- (a) Chapter 1, Division II “Scope and Administration”.
- (b) Chapter 3, Section 301.1, Exception 1; Section 301.1.2 Work Area compliance Method; Section 301.1.3 Performance Compliance Method.)
- (c) Chapter 5 through 15.

§1411.0105 Modifications to the 2016 California Existing Building Code
Adopted by the City of San Diego

The following Sections or Subsections of the 2016 California Existing Building Code are modified by the City of San Diego:

- (a) Chapter 2, Section 202 Definitions for: Code Official; Dangerous; and Unsafe.
- (b) Chapter 4, Section 404.1, Repairs, General; Section 402.2, Flood Hazard Areas; Section 403.2, Flood Hazard Areas; Section 404.5 , Flood Hazard Areas.
- (c) Appendix Chapter A1, Section A102.1, Scope, General.

§1411.0106 Additions to the to the 2016 California Existing Building Code
Adopted by the City of San Diego

The following Sections and Subsections are added to the 2016 California Existing Building Code by the City of San Diego:

- (a) Chapter 2, Section 202, Definitions; Code Official.
- (b) Chapter 4, Section 401.6, Maintenance.

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- (c) Appendix Chapter A1, Section A102.3, Previously Conforming Retrofits; Section A102.3.1 Previously Conforming Existing roof-to-wall anchors and parapet braces.

§1411.0107 Adoption of Appendices to the 2016 California Existing Building Code

The following Appendix Chapters of the 2016 California Existing Building Code are adopted by the City of San Diego:

- (a) Chapter A1, Seismic Strengthening Provisions For Unreinforced Masonry Bearing Wall Buildings
- (b) Chapter A3, Prescriptive Provisions For Seismic Strengthening Of Cripple Walls and Sill Plate Anchorage of Light, Wood-Frame Residential Buildings.
- (c) Chapter A6, Referenced Standards.

Reason: The City does not adopt Chapter 1 Division II, Section 101.2 of the CBC and Section 101.2 of the CEBC and by creating a new Article 11 the Existing Building Regulations it is necessary to provide a road map to applicability of chapters and requirements and to identify modifications and deletions. This action is taken in conjunction with the State. Ch 5 through 15 are not adopted at this time to allow staff time to adjust to the CEBC and to allow additional revisions to the IEBC to be adopted in future editions of the CEBC by the State.

Due to the decision by the California State fire Marshal to adopt by Sections in Chapter 1 Division 2, it is necessary for the references to point to the applicable Sections in the Land Development Code. Section 107 for temporary structures is adopted into the Building Regulations since a Building Permit is issued for such construction.

The proposed amendment in Section §1411.0104 (b) is necessary due to the decision by the California Department of Housing and Community

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Development to not adopt ASCE 41 as an optional standard during the evaluation and strengthening of buildings undergoing alterations or a change in occupancy. Section 403.4 and 407.4 were adopted by HCD with modifications to preclude the use of ASCE 41 in the seismic evaluation and strengthening of existing buildings undergoing alterations or a change of occupancy. During the State code development process the City of San Diego opposed the action by HCD due to inconsistent application of the standards. HCD was not aware of requests that Development Services has received to use ASCE 41 and stated it took its action due to a lack of time and expertise to technically evaluate the standard. HCD amendments were limited to those statutorily required and as a consequences Section 403.4.1 and Section 407.4.1 were adopted and have the effect of excluding the use of ASCE 41 for all housing uses and transient lodging like hotels. The City proposes to not adopt Sections 403.4.1 407.4.1.

Chapter 15 is not adopted since the City of San Diego adopted Section §149.0333 in the Residential Building Regulations cross referencing Chapter 33 of the CBC and Section 145.3303 of the Building Regulations.

**3. Issue 3: DEFINITIONS- MODIFY THE TERM CODE OFFICIAL TO BUILDING OFFICIAL
AND DO NOT ADOPT UNSAFE AND DANGEROUS (editorially revised)**

Text as it would appear in CEBC

CODE OFFICIAL. Where the term Code Official is used in the California Existing Building Code it shall mean The officer or other designated authority the Building Official charged with the administration and enforcement of this code the Existing Building Regulations.

[BS] DANGEROUS. Any building, structure or portion thereof that meets any of the conditions described below shall be deemed dangerous:

1. ~~The building or structure has collapsed, has partially collapsed, has moved off its foundation, or lacks the necessary support of the ground.~~
2. ~~There exists a significant risk of collapse, detachment or dislodgement of any portion, member, appurtenance or ornamentation of the building or structure under service loads. in Section 121.0403 of the Land Development Code.~~

UNSAFE. ~~Buildings or structures or equipment that are unsanitary, or that are deficient due to inadequate means of egress facilities, inadequate light and ventilation, or that constitute a fire hazard, or in which the structure or individual structural members meet the definition of "Dangerous," or that are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance shall be deemed unsafe. A vacant structure that is not secured against entry satisfying the criteria in Section 121.0404 of the Land Development Code shall be deemed unsafe.~~

Text as it would appear in the Land Development Code

Article 11: Existing Building Regulations

Division 2: Additions and Modifications to Chapter 2 of the
California Building Code

§1411.0201 **Local Modifications to Chapter 2 Definitions of the California Existing Building Code**

Chapter 2 of the California Existing Building Code is adopted by reference with modifications pursuant to Section 1411.0105 of the Land Development Code.

§1411.0202 **Other Definitions**

- (a) Definitions in Chapter 11, Article 3, Division 1 of the Land Development Code do not apply to Chapter 14, Article 11, Divisions 3 through 4 of the Land Development Code where they conflict with the definitions contained in the California Existing Building Code.
- (b) Italicized text shall have the definitions set forth in Section 113.0103 of the Land Development Code, and all other text shall have the definitions set forth in the California Existing Building Code.
- (c) Chapter 2 of the California Existing Building Code is adopted by reference with modifications pursuant to Section 1411.0105 of the Land Development Code. Section 202 is adopted with modifications as follows:

 - (1) CODE OFFICIAL. Where the term Code Official is used in the California Existing Building Code it shall mean the Building Official charged with the administration and enforcement of Existing Building Regulations.

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- (2) DANGEROUS. Any building, structure or portion thereof that meets any of the conditions described in Section 121.0403 of the Land Development Code.
- (3) UNSAFE. Buildings or structures satisfying the criteria in Section 121.0404 of the Land Development Code shall be deemed unsafe.

Reason: This clarification is necessary since the CBC uses the term Building Official however the CEBC uses the more broad term Code Official. The code change makes the CEBC consistent with the Ch 12 Article 9 Division 1 of the LDC.

The criteria for determining when a building or structure is Unsafe and Dangerous is detailed in the Chapter 12 of the Land Development Code and the CEBC is being modified to be consistent. Sections 121.0403 and 121.0404 are being re-titled as well.

4. Issue 4: MODIFY SCOPE OF 301.1 TO EXCLUDE REFERENCE TO CH 5 THROUGH 14

Text as it would appear in CEBC

301.1 General. The *repair, alteration, change of occupancy, addition* or relocation of all *existing buildings* shall comply with ~~one of the methods listed in Sections~~ Section 301.1.1 through 301.1.3 as selected by the applicant. ~~Sections 301.1.1 through 301.1.3 shall not be applied in combination with each other.~~ Where this code requires consideration of the seismic force resisting system of an *existing building* subject to *repair, alteration, change of occupancy, addition* or relocation of *existing buildings*, the seismic evaluation and design shall be based on Section 301.1.4 ~~regardless of which compliance method is used.~~

Note exception # 1 will not be adopted

Text as it would appear in the Land Development Code

Article 11: Existing Building Regulations

Division 3: Additions and Modifications to Chapter 3 of the

California Existing Building Code

§1411.0301 Local Modifications and Additions to Chapter 3 “Provisions for All Compliance Methods” of the California Existing Building Code

- (a) Chapter 3 of the California Existing Building Code is adopted by reference with modifications pursuant to Section 1411.0105 and additions pursuant to Section 1411.0106 of the Land Development Code.

§1411.0303 Local Modifications and Additions to Section 301 “General” of the California Existing Building Code

(a) Section 301.1 including the exception 1 of the California Existing Building Code is adopted by reference with modifications pursuant to Section 1411.0105 of the Land Development Code.

(1) Section 301.1 is modified as follows: 301.1 General. The repair, alteration, change of occupancy, addition or relocation of all existing buildings shall comply with Section 301.1.1. Where this code requires consideration of the seismic force resisting system of an existing building subject to repair, alteration, change of occupancy, addition or relocation of existing buildings, the seismic evaluation and design shall be based on Section 301.1.4.

Reason: The proposed amendment is to resolve the decision by the California Building Standards Commission to not publish chapters 5 through 15 in the CEBC. Sections in Chapter 3 as published by the State references Sections in Ch. 7, 8 and 9 that are not adopted and published in the CEBC. Section 301.1. Exception 1 references Section 907.44 “Limited Structural alteration” and Section 701.3 “Flood hazard areas” that are not published in the CEBC. Section 907.4.4 in turn references Section 807.5 “Existing structural elements resisting lateral loads” which is also not published. Section 807.5 references Section 807.6 “Voluntary lateral force-resisting system alterations.” which is also not published. The missing regulations for rules on alterations chapter 7, 8 and 9.

After reviewing the prescriptive compliance method regulations in chapter 4 we determined that Section 403.4 is equivalent to Section 807.5 that was omitted; that Section 403.9 is equivalent to missing Section 807.6; that Section 402.2, 403.2, 404.5 similarly address regulations in Section 701.3. As a consequence exception # 1 to Section 301.1 of the

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CEBC is not required for consistent application and enforcement of the CEBC as published and adopted by the State of California and as a result will not be adopted.

This approach will not require the purchase of the IEBC for application of Section 301.1. The California Building Standards Commission does not intend to publish these missing regulations.

5. Issue 5: ADD SECTION 401.6 TO ADOPT REGULATIONS FROM SECTION 3401.2 OF THE 2013 CBC THAT REQUIRES BUILDINGS TO BE MAINTAINED.

Text as it would appear in CEBC

401.6 Maintenance. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the Building, Electrical, Plumbing, Mechanical, Residential, Green Building and Existing Building Regulations of the Land Development code shall be maintained in conformance with the code edition of the California Building Standards Code (California Code of Regulations Title 24) under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the Building Official shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

Text as it would appear in the Land Development Code

Article 11: Existing Building Regulations

Division 4: Additions and Modifications to Chapter 4

Of the California Existing Building Code

§1411.0401 Local Modifications and Additions to Chapter 4 “Prescriptive Compliance Method” of the California Existing Building Code

(a) Chapter 4 of the California Existing Building Code is adopted by reference with modifications and additions pursuant to Section 1411.0105 and 1411.0106 of the Land Development Code.

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(b) Section 401 of the California Existing Building Code is adopted by reference with additions pursuant to Section 1411.0106 of the Land Development Code. Section 401.6 is added as follows: 401.6 Maintenance. Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the Building. Electrical, Plumbing, Mechanical, Residential, Green Building and Existing Building Regulations of the Land Development code shall be maintained in conformance with the code edition of the California Building Standards Code (California Code of Regulations Title 24) under which installed. The owner or the owner's designated agent shall be responsible for the maintenance of buildings and structures. To determine compliance with this subsection, the Building Official shall have the authority to require a building or structure to be reinspected. The requirements of this chapter shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures.

Reason: The 2016 CEBC does not include requirements that buildings be maintained so that required elements remain functional. For example a building constructed with an elevator required for accessible means of egress or for an accessible route cannot chose to render the elevator inoperable since the elevator was required as a condition of approval. Text from Section 3401.2 of the 2013 CBC Chapter 34, which was repealed by the ICC when the IEBC was published, is proposed to be adopted to address this issue. The International Property Maintenance Code is not adopted by the State of California and addresses such issues as they were addressed in the 2013 CBC. Section 121.0302 clearly address this issue and it is felt that the requirement more appropriately belongs as a CEBC amendment. *(added 5-30-17)*

6. Issue 6: UPDATE REPAIR CRITERIA SECTION 404.1 TO REFERENCE SECTION 129.0203

Text as it would appear in CEBC

404.1 General. Buildings and structures, and parts thereof, shall be repaired in compliance with Sections 401.2 and 404. Work on nondamaged components that is necessary for the required repair of damaged components shall be considered part of the repair and shall not be subject to the requirements for alterations in this chapter. Routine maintenance required by Section 401.2, ordinary repairs exempt from permit in accordance with ~~Section 105.2~~ Section 129.0203 of the Land Development Code, and abatement of wear due to normal service conditions shall not be subject to the requirements for repairs in this section.

Text as it would appear in the Land Development Code

§1411.0404 Local Modifications and Additions to Section 404 “Repairs” of the California Existing Building Code

- (a) Section 404 of the California Existing Building Code is adopted by reference with modifications pursuant to Section 1411.0105 of the Land Development Code.
- (b) Section 404.1 is adopted with modifications as follows:
General. Buildings and structures, and parts thereof, shall be repaired in compliance with Sections 401.2 and 404. Work on non-damaged components that is necessary for the required repair of damaged components shall be considered part of the repair and shall not be subject to the requirements for alterations in this chapter. Routine maintenance required by Section 401.2, ordinary repairs exempt from permit in accordance with Section 129.0203 of the Land Development

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Code, and abatement of wear due to normal service conditions shall not be subject to the requirements for repairs in this section.

Reason: Section 404.1 is revised as follows to correctly reference the building permit exemptions in Section 129.0203 since Section 105.2 is not adopted.

7. Issue 7: MODIFY THE FLOOD HAZARD AREA REGULATIONS IN SECTION 402.2, 403.2, 404.5 FOR CONSISTENCY WITH THE LAND DEVELOPMENT CODE

Text as it would appear in CEBC

[BS] 402.2 Flood hazard areas. For buildings and structures in *flood hazard areas* established in ~~Section 1612.3 of the California Building Code~~ Section 145.1612 of the Land Development Code, or ~~Section R322 of the California Residential Code~~ Section 149.0322 of the Land Development Code, as applicable, any *addition* that constitutes *substantial improvement* of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established in ~~Section 1612.3 of the California Building Code~~ Section 145.1612 of the Land Development Code, or ~~Section R322 of the California Residential Code~~ Section 149.0322 of the Land Development Code, as applicable, any *additions* that do not constitute *substantial improvement* of the existing structure are not required to comply with the flood design requirements for new construction.

[BS] 403.2 Flood hazard areas. For buildings and structures in *flood hazard areas* established in ~~Section 1612.3 of the California Building Code~~ Section 145.1612 of the Land Development Code, or ~~Section R322 of the California Residential Code~~ Section 149.0322 of the Land Development Code, as applicable, any *alteration* that constitutes *substantial improvement* of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

[BS] 404.5 Flood hazard areas. For buildings and structures in *flood hazard areas* established in ~~Section 1612.3 of the California Building Code~~ Section 145.1612 of the Land Development Code, or ~~Section R322 of the California Residential Code~~ Section 149.0322 of the Land Development Code, as applicable, any repair that constitutes *substantial improvement* or repair of *substantial damage* of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

For buildings and structures in *flood hazard areas* established in ~~Section 1612.3 of the California Building Code~~ Section 145.1612 of the Land Development Code, or

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~~Section R322 of the California Residential Code~~ Section 149.0322 of the Land Development Code, as applicable, any repairs that do not constitute *substantial improvement* or repair of *substantial damage* of the existing structure are not required to comply with the flood design requirements for new construction.

Article 11: Existing Building Regulations

Division 4: Additions and Modifications to Chapter 4 of the
California Existing Building Code

**§1411.0402 Local Modifications to Section 402 “Additions” of the California
Existing Building Code**

- (a) Section 402.2 of the California Existing Building Code is adopted by reference with modifications pursuant to Section 1411.0105 of the Land Development Code.
- (b) Section 402.2 is adopted with modifications as follows: 402.2 Flood hazard areas. For buildings and structures in flood hazard areas established in Section 145.1612 of the Land Development Code, or Section 149.0322 of the Land Development Code, as applicable, any addition that constitutes substantial improvement of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design. For buildings and structures in flood hazard areas established in Section 145.1612 of the Land Development Code, or Section 149.0322 of the Land Development Code, as applicable, any additions that do not constitute substantial improvement of the existing structure are not required to

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comply with the flood design requirements for new construction.

§1411.0403 Local Modifications and Additions to Section 403 “Alterations” of the California Existing Building Code

- (a) Section 403 of the California Existing Building Code is adopted by reference with modifications pursuant to Section 1411.0105 of the Land Development Code.
- (b) Section 403.2 is adopted with modifications as follows: 403.2 Flood hazard areas. For buildings and structures in flood hazard areas established in Section 145.1612 of the Land Development Code, or Section 149.0322 of the Land Development Code, as applicable, any alteration that constitutes substantial improvement of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the existing structure shall be brought into compliance with the requirements for new construction for flood design.

Note: See Issue 6 for Section §1411.0404 (a) and (b)

- (c) Section 404.5 is adopted with modifications as follows: 404.5 Flood hazard areas. For buildings and structures in flood hazard areas established in Section 145.1612 of the Land Development Code, or Section 149.0322 of the Land Development Code, as applicable, any repair that constitutes substantial improvement or repair of substantial damage of the existing structure shall comply with the flood design requirements for new construction, and all aspects of the

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existing structure shall be brought into compliance with the requirements for new construction for flood design. For buildings and structures in flood hazard areas established in Section 145.1612 of the Land Development Code, or Section 149.0322 of the Land Development Code, as applicable, any repairs that do not constitute substantial improvement or repair of substantial damage of the existing structure are not required to comply with the flood design requirements for new construction.

Reason: Section 402.2, Section 403.2 and Section 404.5 address additions, alterations and repairs to buildings and structures in flood hazard areas, respectively, that do or that do not constitute a substantial improvement are either required to comply with requirements as new structures or not. The modification references adopted amendments to Section 1612.3 of the CBC and R322 of the CRC. The City of San Diego adopts local flood regulations in Sections 143.0145 and 143.0146 of the Land Development Code. The proposed modification is editorial in nature and seeks to link the State and local regulations. Subsection (d) in the proposed LDC update is added for clarity and is not directly related to flood regulations.

8. Issue 8: RELOCATE CH14 ART 05 DIVISION 37, ADDITIONAL BUILDING REGULATIONS FOR ARCHAIC MATERIALS AND METHODS OF CONSTRUCTION AND REPEAL REGULATIONS AND REPEAL REDUNDANT REGULATIONS

Text as it would appear in CEBC

[BS] A102.1 General. The provisions of this chapter shall apply to all existing buildings, that were constructed or were under construction before March 24, 1939, or for which a Building Permit was issued before March 24, 1939, and to City-owned buildings designated pursuant to Council resolution, which on January 1, 1994, ~~having had~~ at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the *alteration* of existing electrical, plumbing, mechanical or fire safety systems.

A102.3 Previously Conforming Retrofits. Buildings that have been completely seismically retrofitted to comply with earlier editions of these regulations as provided in San Diego Municipal Code Chapter 9, Division 88, (Archaic Materials and Method of Construction), or equivalent, Chapter 14, Article 5, Division 4 (Additional Building Regulations for Archaic Materials and Methods of Construction) before January 1, 2008 or Chapter 14, Article 5, Division 37 before January 2017. Complete seismic retrofit shall be as determined by the Building Official.

A102.3.1 Previously Conforming Existing roof-to-wall anchors and parapet braces. Existing roof-to-wall and parapet braces installed and approved to comply with earlier editions of these regulations shall be deemed to comply with the California Existing Building Code Sections 403.5, 403.6 and 403.7 if provided on all exterior walls of buildings that are within the scope of this division.

Add a new Division 17 in Chapter 14 Article 11 and relocate the existing regulations triggering requirements for URM buildings.

Text as it would appear in the Land Development Code

Article 11: Existing Building Regulations

Division 17: Additions and Modifications to Appendix Chapter A1 of the

California Building Code

Article 5: Building Regulations

Division 37: Additional Building Regulations for Archaic Materials and Methods of Construction

§145.3701 Purpose of the Archaic Materials and Methods of Construction Regulations for the Seismic Strengthening of Unreinforced Masonry Bearing Wall Buildings

The purpose of this division is to promote public safety and welfare by identifying potential hazards associated with “unreinforced masonry bearing wall” buildings that meet the requirements as described by this division and by establishing a mitigation program for these buildings. Buildings that have “unreinforced masonry bearing walls” are widely recognized for sustaining life-hazardous damage as a result of partial or complete collapse during moderate to strong earthquakes.

The technical provisions of this division establish minimum standards for structural seismic resistance, primarily to reduce the risk of loss of life or injury, but which will not necessarily prevent loss of life or injury or prevent earthquake damage to an existing building that complies with these standards.

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~~This division provides systematic procedures and standards for identification and classification of “unreinforced masonry bearing wall” buildings based on their present use.~~

**1411.1701 Local Modifications and Additions to Appendix Chapter A1
“Seismic Strengthening Provisions for Unreinforced Masonry
Bearing Wall Buildings” of the California Existing Building Code**

(a) Appendix Chapter A1 of the California Building Code is adopted by reference with modifications and additions pursuant to Sections 1411.0105 and 1411.0106 of the Land Development Code.

**1411.1702 Local Modifications and Additions to Section A102 “Scope” of the
California Existing Building Code**

- (a) Section A102 is adopted by reference with modifications and additions pursuant to Section 145.0105 and 145.0106 of the Land Development Code.
- (b) Section A102.1 is adopted with modifications as follows:
A102.1 General. The provisions of this chapter shall apply to all existing buildings, that were constructed or were under construction before March 24, 1939, or for which a Building Permit was issued before March 24, 1939, and to City-owned buildings designated pursuant to Council resolution, which on January 1, 1994, having had at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, other structural provisions of the building code shall apply. This chapter does not apply to the alteration of existing electrical, plumbing, mechanical or fire safety systems.

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- (b) Section A102.3 is added to Section A102 as follows: A102.3 Previously Conforming Retrofits. Buildings that have been completely seismically retrofitted to comply with earlier editions of these regulations as provided in San Diego Municipal Code Chapter 9, Division 88, (Archaic Materials and Method of Construction), or equivalent, Chapter 14, Article 5, Division 4 (Additional Building Regulations for Archaic Materials and Methods of Construction) before January 1, 2008 or Chapter 14, Article 5, Division 37 before January 2017. Complete seismic retrofit shall be as determined by the Building Official.
- (c) Subsection A102.3.1 is added to Section A102.3 as follows: A102.3.1 Previously Conforming Existing roof-to-wall anchors and parapet braces. Existing roof-to-wall and parapet braces installed and approved to comply with earlier editions of these regulations shall be deemed to comply with the California Existing Building Code Sections 403.5, 403.6 and 403.7 if provided on all exterior walls of buildings that are within the scope of this division.

~~§145.3702- When the Archaic Materials and Methods of Construction Regulations Apply~~

~~Except as provided in Section 145.3703, the provisions of this division apply to buildings constructed or under construction before March 24, 1939, or for which a Building Permit was issued before March 24, 1939, and to City-owned buildings designated pursuant to Council resolution, which on January 1, 1994, had at least one “unreinforced masonry bearing wall” as defined in this division.~~

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§145.3703 Exemptions from the Archaic Material and Methods of Construction Regulations

This division shall not apply to the following:

- (a) ~~Any detached single or two-family dwelling unit and detached apartment houses containing five or fewer units used solely for residential purposes and the accessory buildings for these occupancies. The exemption does not apply to buildings or structures containing mixed or nonresidential occupancies.~~
- (b) ~~Buildings that have been completely seismically retrofitted to comply with earlier editions of these regulations as provided in San Diego Municipal Code Chapter 9, Division 88, (Archaic Materials and Method of Construction), or equivalent, Chapter 14, Article 5, Division 4 (Additional Building Regulations for Archaic Materials and Methods of Construction) before January 1, 2008. Complete seismic retrofit shall be as determined by the Building Official.~~

§145.3704 Definitions for this Division Only

~~The following definitions apply to this division:~~

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

~~Building Collapse or Partial Collapse means the condition brought about by inadequate resistance to loading in which the actual structure of a building, including External Hazards, whether entire or~~

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localized, gives way internally, or onto lower adjacent buildings (with a minimum height differential of 6 feet) or onto an adjacent exit or public way.

Building Maintenance means the act or process of applying preservation treatments to a building or structure. It includes housekeeping; routine and cyclic work scheduled to mitigate wear and deterioration without altering the appearance of the building or structure; and the repair or replacement in kind of broken or worn-out elements, parts, or surfaces to keep the existing appearance. Building maintenance includes stabilization work necessary to protect damaged historic fabric from additional damage and the actions taken to prevent damage and minimize deterioration of an object by practicing preventive conservation or by performing a suitable treatment on the object itself.

California Building Code (CBC) shall mean the California Building Code, California Code of Regulations Title 24, Part 2 as published by the California Building Standards Commission.

California Existing Building Code (CEBC) shall mean the 2013 2016 California Existing Building Code, California Code of Regulations Title 24, Part 10 as published by the California Building Standards Commission.

Cumulative Value of Remodel or Renovation means the Value of Remodel or Renovation accumulated from January 1, 2001 to the date an event regulated by this division occurs. The Cumulative Value of Remodel or Renovation shall exclude the value of any nonstructural tenant improvements made or performed subsequent to the date a

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building owner provides floor-to-wall and roof-to-wall anchors under Section ~~145.3711~~ 1411.1711.

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

Essential Facility means any building or structure classified in Risk Category IV in accordance with Table 1604.5 of the California Building Code.

Existing Use or Occupancy means any use or occupancy that was legally established in a building at any time since its original construction immediately prior to an alteration or addition.

External Hazards means objects attached to or located on the roof structure or forming the exterior facade of a building that have the potential to give way internally or onto lower adjacent buildings (with a minimum height differential of 6 feet) or onto an adjacent exit or public way. Examples include nonstructural exterior wall panels such as masonry infill or decorative precast concrete, parapets, masonry chimneys, tile roofing, fire escapes or balconies, tanks and masonry, or stone wall veneers and wall ornamentation.

Hazard Category means the ranking assigned a use or occupancy as determined under Table ~~145-26A~~ Table 1411-17A of Section ~~145.3726~~ 1411.1726 and based on degree of probable risk of loss of life or injury due to a seismic event.

Historical Building means any qualified Historical Building as defined by the State Historical Building Code (SHBC) under California Health

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and Safety Code Sections 18950-18960. Historical Building includes any structure, collection of structures, historical landscape, artifacts, objects and their associated sites, and historic districts deemed of importance to the history, architecture, or culture of an area by an appropriate local, state, or federal governmental jurisdiction. Historical Building also includes designated contributing buildings listed in a historical district; structures on official federal, state, or local historical registers or official inventories, such as the National Register of Historic Places, State Historical Landmarks, State Points of Historical Interest; and officially adopted City or county registers or inventories of historical or architecturally significant sites, places, or landmarks. Structures included in inventories submitted to the Office of Historic Preservation shall be treated as Historical Buildings if they have been evaluated by the Office and given any rating other than ineligible.

Remodel or Renovation means any work requiring a Building permit pursuant to Sections 129.0202 and 129.0203 including additions; alterations; interior improvements; electrical, mechanical, and plumbing upgrading or replacement; or structural upgrading or replacement.

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

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

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~~State Historical Building Code shall mean the prevailing edition of the California State Historical Building Code, California Code of Regulations, Title 24 Part 8.~~

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

~~Value of Remodel or Renovation means the valuation of work, requiring a permit, that is obtained by using the building valuation schedule administered by the Building Official for tenant improvements, additions or alterations in effect at the time of permit issuance or other evidence satisfactory to the Building Official of the valuation of work, whichever is less. If unpermitted work, for which a permit was required, is discovered after January 1, 2001, the valuation of the work is obtained by using the current building valuation schedule administered by the Building Official for tenant improvements, additions or alterations.~~

~~Value of the Building means the valuation of the building itself, obtained using the building valuation schedule administered by the Building Official at the time of construction or an appraisal certified by a member of a recognized appraisal institute, whichever is greater.~~

~~§145.3705 General Regulations for Archaic Materials and Methods of Construction~~

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- (a) ~~When structural seismic upgrading is required or is being voluntarily provided, the building elements regulated by this division shall be those listed in Table No. A1-A of the California Existing Building Code.~~
- (b) ~~In addition to the requirements set forth in this division, the provisions of the California Existing Building Code, Chapter 34 2, 3 and 4, shall also apply to alterations or additions made to buildings within the scope of this division.~~
- (c) ~~This division does not require alteration of existing electrical, plumbing, mechanical, or fire safety systems unless their condition will cause the building to be classified as a dangerous building an unsafe building under Section 121.0404. If the building is declared dangerous, abatement of the dangerous condition shall be initiated under Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous, or Substandard Buildings or Structures).~~
- (d) ~~Except as specifically provided for by California Existing Building Code, Chapter 34 3 and 4, alterations performed solely to achieve compliance with the requirements of this division, or the value of such alterations, or both, shall not subject the owner to compliance with other provisions of the San Diego Municipal Code.~~
- (e) ~~For archaic material design values, refer to Sections A103 through A114 of the California Existing Building Code, including all tables and figures.~~
- (f) ~~The technical provisions established by Land Development Code Section 145.3705 1411.1705 (e) shall not apply to the strengthening of buildings or structures classified as~~

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~~Hazardous Facilities in Risk Category III when assigned to Seismic Design Category C, D, or E or buildings or structure structures classified as Essential Facilities in Risk Category IV in accordance with Table 1604.5 of the California Building Code.~~

- ~~(g) Methods of analysis and design, the design values themselves, and the materials and methods of construction must be in accordance with the California Building Code and the California Existing Building Code, except as modified by this division.~~
- ~~(h) Alternate materials, designs, or methods of construction may be approved and their use authorized by the Building Official in accordance with the provisions of Section 129.0109. The proposed materials, designs, or methods of construction must comply with the purposes of this division and be for the use intended.~~

~~§145.3706 Regulations for Essential or Hazardous Facilities~~

- ~~(a) The following buildings or structures shall be strengthened to meet the requirements of the California Building Code for new buildings or structures in the same risk category or other such criteria that have been established by this jurisdiction.~~
 - ~~(1) Buildings containing hazardous materials in Risk Category III when assigned to Seismic Design Category C, D, or E in accordance with Table 1604.5 of the California Building Code; or~~
 - ~~(2) Essential facilities in Risk Category IV in accordance with Table 1604.5 of the California Building Code.~~
- ~~(b) The Building Official may serve an order to comply with this~~

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division in accordance with Sections 145.3713, 145.3714, and 145.3715.

(c) ~~The order shall require preparation of a Structural Survey and Engineering Report of the building to be completed in accordance with Sections 145.3718, 145.3719, 145.3720, and 145.3721.~~

(d) ~~If the Structural Survey and Engineering Report shows that the building meets the requirements of the California Historical Building Code, if applicable, or the California Building Code as adopted by the City for new buildings of the same risk category, no further action is required. If the report shows otherwise, the owner shall prepare and submit a Retrofit Guideline Document to the Building Official.~~

(e) ~~The owner shall either demolish or strengthen the building to meet the technical provisions of the Retrofit Guideline Document within 5 years from the date of service of the order to comply.~~

~~§145.3707 Regulations for Remodels Exceeding 100 Percent of Valuation~~

(a) ~~The regulations of this section apply to buildings within the scope of this division that meet the following condition:~~

(1) ~~The Cumulative Value of Remodel or Renovation excluding the cost of seismic retrofit or the removal stabilization or bracing of External Hazards, exceeds 100 percent of the value of the building within any 5-year period after January 1, 2001.~~

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- (A) — ~~The 100 percent value shall exclude the value of any nonstructural tenant improvements made or performed after the date a building owner provides floor-to-wall and roof-to-wall anchors under this section;~~
- (B) — ~~The value of the remodel is the value of work requiring a permit that is obtained by using the building valuation schedule administered by the Building Official for tenant improvements, additions, or alterations in effect at the time of permit issuance, or other evidence satisfactory to the Building Official, whichever is less.~~
- (C) — ~~If unpermitted work, for which a permit was required, is discovered after January 1, 2001, the valuation of the work is obtained by using the current building valuation schedule administered by the Building Official.~~
- (b) — ~~The Building Official may serve an order to comply with this division in accordance with Sections 145.3713, 145.3714, and 145.3715.~~
- (c) — ~~The order shall require preparation of a Structural Survey and Engineering Report of the building to be completed in accordance with Sections 145.3718, 145.3719, 145.3720, and 145.3721.~~
- (d) — ~~If the Structural Survey and Engineering Report shows that the building meets the requirements of the California Historical~~

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Building Code, if applicable, or the California Building Code for new buildings of the same risk category, no further action is required. If the report shows otherwise, the owner shall prepare and submit a Retrofit Guideline Document to the Building Official.

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

~~§145.3708 Regulations for Change to a Higher Hazard Category~~

- (a) — The regulations of this section shall apply to buildings or structures within the scope of this division that meet the following conditions:
- (1) — If more than 33 percent of the total floor area of the building changes from an Existing Use or Occupancy to a Higher Hazard category use or occupancy as determined by Table 145-26A of Section 145.3726, except as provided in 145.3708.
- (b) — If the use or occupancy of part or all of a building is changed to a higher relative hazard as determined by Table 145-26A, but the occupant load of the building is not increased, the building's hazard category will still be considered unchanged and the following regulations do not apply.

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- (c) — ~~A Board of Appeals application must be completed and a notice shall be recorded with the Office of the San Diego County Recorder to ensure that subsequent owners adhere to the required base load.~~
- (d) — ~~The Building Official may serve an order to comply with this division in accordance with Sections 145.3713, 145.3714, and 145.3715.~~
- (e) — ~~The order shall require preparation of a Structural Survey and Engineering Report of the building to be completed in accordance with Sections 145.3718, 145.3719, 145.3720, and 145.3721.~~
- (f) — ~~If the Structural Survey and Engineering Report shows that the building meets the requirements of the California Historical Building Code, if applicable, or the California Building Code for new buildings of the same risk category, no further action is required. If the report shows otherwise, the owner shall prepare and submit a Retrofit Guideline Document to the Building Official.~~
- (g) — ~~The time schedule shall specify completion dates for each phase of the seismic retrofit with the final date for completion of all items listed in the Structural Survey and Engineering Report to be a maximum of 10 years from the date of change of use or occupancy to a higher hazard category.~~

~~§145.3709 Regulations for Unsafe Dangerous Buildings Within the Scope of this Division~~

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- (a) — ~~If the building is declared structurally unsafe dangerous, abatement of the unsafe condition shall be initiated in accordance with Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous or Substandard Structures).~~
- (b) — ~~The Building Official may serve an order to comply with this division in accordance with Sections 145.3713, 145.3714, and 145.3715.~~
- (c) — ~~The order shall require preparation of a Structural Survey and Engineering Report of the building to be completed in accordance with Sections 145.3718, 145.3719, 145.3720, and 145.3721.~~
- (d) — ~~If the Structural Survey and Engineering Report shows that the building meets the requirements of the California Historical Building Code, if applicable, or the California Building Code for new buildings of the same risk category, no further action is required. If the report shows otherwise, the owner shall prepare and submit a Retrofit Guideline Document to the Building Official.~~

§145.3710 Regulations for Wall Anchorage and Parapet Bracing

- (a) — ~~The regulations of this section, when required by Section 403.5 and Section 403.7 and Section 403.8 of the California Existing Building Code, apply to buildings that are within the scope of this division and are not Essential or Hazardous Facilities subject to the use limits of Section 145.3705(f) and that contain any parapets and other exterior wall or roof appendages or objects attached to or located on the roof~~

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structure or forming the exterior facade of a building that meet both of the following criteria:

- (1) ~~Critical Placement. Where the parapets, exterior wall, roof appendages, or any other external objects have the potential to give way internally or onto lower adjacent buildings (with a minimum height differential of 6 feet) or property, or onto an adjacent exit or public way; and~~
- (2) ~~Relative Height. Where the parapets and other External Hazards or exterior wall or roof appendages that extend above the lower of either the level of the closest adjacent roof-to-wall anchors or the roof sheathing do not meet the requirements of Sections A113.~~

(b) ~~Exterior wall or roof appendages or objects. Examples include, but are not limited to, nonstructural exterior wall panels such as masonry infill or decorative precast concrete, parapets, masonry chimneys, tile roofing, fire escapes or balconies, tanks and masonry or stone wall veneers and wall ornamentation.~~

(c) ~~The owner of a building regulated by this section shall, within 5 years after the Date of Service of an order to comply, provide partial seismic mitigation in the form of the removal stabilization, or bracing of all the building elements that meet both of the criteria of Section 145.3710 (a) (1) and (2).~~

(d) ~~The removal, stabilization, and bracing process shall include the provision of roof-to-wall anchors around the perimeter of the entire building. Existing roof-to-wall anchors must meet, or shall be upgraded to meet, the minimum requirements of Section A113.1 of the California Existing Building Code, or new anchors meeting the minimum requirements of Section A113.1 shall be installed..~~

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- (e) — ~~If the building is a Historical Building, the installation shall comply with the requirements of the California Historical Building Code and parapet removal may not be used as a method to mitigate External Hazards.~~
- (f) — ~~No further action is required by the owner of a building covered by this section, unless one of the actions covered by Sections 145.3707, 145.3708, 145.3709, or 145.3710 occurs.~~

§145.3711 Regulations for Remodels over 50 Percent of Building Value

- (a) — ~~The regulations of this section apply to buildings within the scope of this division that meet the following conditions:~~
 - (1) — ~~The buildings or structures are not Essential or Hazardous Facilities subject to the use limits of Section 145.3705 (f); and~~
 - (2) — ~~The Cumulative Value of Remodel or Renovation accumulated since January 1, 2001, excluding the cost of seismic retrofit, or the removal, stabilization, or bracing of External Hazards, exceeds 50 percent of the value of the building within any 5-year period after January 1, 2001.~~
 - (A) — ~~The 50 percent value shall exclude the value of any nonstructural tenant improvements made or performed after the date a building owner provides floor-to-wall and roof-to-wall anchors under this section.~~
 - (B) — ~~The value of the remodel is the valuation of work requiring a permit that is obtained by using the~~

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~~building valuation schedule administered by the building official for tenant improvements, additions, or alterations in effect at the time of permit issuance, or other evidence satisfactory to the Building Official whichever is less.~~

~~(C) — If unpermitted work, for which a permit was required, is discovered after January 1, 2001, the valuation of the work is obtained by using the current building valuation schedule administered by the Building Official.~~

~~(b) — The owner of a building regulated by this Section shall, within 5 years after the Date of Service of an order to comply, provide floor-to-wall and roof-to-wall anchors around the perimeter of the entire building. Existing floor-to-wall and roof-to-wall anchors must meet, or shall be upgraded to meet, the minimum requirements of Section A113.1 of the California Existing Building Code, or new anchors meeting those requirements shall be installed.~~

~~(c) — If the building is a Historical Building, the installation shall comply with the requirements of the California Historical Building Code.~~

~~(d) — The owner may have a Structural Survey and Engineering Report prepared. Installation will not be required if the owner establishes to the satisfaction of the Building Official, through a Structural Survey and Engineering Report, that the existing anchoring system meets those requirements.~~

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~~(e) The requirements in this Section shall be in addition to the requirements in Section 403.5 and 403.6 of the California Existing Building Code as is applicable.~~

~~§145.3712 Regulations for Historical Buildings Within the Scope of this Division~~

- ~~(a) Historical Buildings or structures as defined by San Diego Municipal Code Section 145.3704 shall comply with the minimum structural provisions of the California Historical Building Code, Title 24, Part 8, California Code of Regulations. Provisions found within the California Historical Building Code for the seismic strengthening of Historical Buildings may be used to comply with this division.~~
- ~~(b) Strength Values for existing materials are given in Table A1-D and for new materials in Table A1-E of the California Existing Building Code. Strength Values for new materials not specified in the California Building Code or Table No. A1-E of the California Existing Building Code may be based on substantiating research data or engineering judgment, subject to the approval of the Building Official.~~
- ~~(c) Alternative materials, design, or methods of construction may be approved by the Building Official in accordance with the provisions of San Diego Municipal Code Section 129.0109. In addition, when a request for an alternative proposed design, material, or method of construction is being considered, the Building Official may file a written request for review to the State Historical Building Safety Board for its consideration,~~

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~~advice, or findings in accordance with the California Historical Building Code.~~

- (d) ~~Demolition of Historical Buildings may not be allowed unless the demolition complies with Chapter 14, Article 3, Division 2 (Historical Resources Regulations) of the San Diego Municipal Code, any other provisions of the San Diego Municipal Code relating to historic preservation, and the California Historical Building Code.~~

~~§145.3713~~ Authority to Issue an Order to Comply with this Division

~~The Building Official may prepare and serve an order to comply with the procedures and regulations of this division to the owner of each building that is within the scope of this division.~~

~~§145.3714~~ Service of the Order to Comply

- (a) ~~The order shall be in writing and shall be served upon the owner of the building as shown on the last equalized property tax assessment roll of the San Diego County Assessor. The order may also be served upon the person in apparent charge or control of the building. The order shall be served in person or by certified mail, postage prepaid and return receipt requested.~~
- (b) ~~The Building Official may at the written request of the owner, order that the building comply with this division before the normal service date for the building.~~

§145.3715 — Contents of Order to Comply

The order shall reference this division which references Sections A102 through A114 of the California Existing Building Code, which set forth the owner's alternatives and time limits for compliance. The order shall specify that the Building Official has determined that the building is within the scope of this division and one of the following conditions applies:

- (a) The building is an Essential Services facility or a Hazardous Facility requiring compliance with Section 145.3706;
- (b) The owner is required to provide partial seismic mitigation in the form of External Hazard removal and stabilization or bracing within 5 years after the Date of Service in accordance with Section 145.3710;
- (c) The building is within the scope of this division due to the occurrence of the condition listed in Section 145.3711 that requires the owner to provide partial seismic mitigation in the form of floor-to-wall and roof-to-wall anchors within a 5-year period after the Date of Service;
- (d) The building is within the scope of this division due to occurrence of one of the conditions listed in Sections 145.3707, 145.3708, and 145.3709 that requires the owner to submit a complete Structural Survey and Engineering Report to the Building Official within 120 calendar days and, if applicable, a Retrofit Guideline Document within 240 calendar days after the Date of Service.

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§145.3716 ~~Appeal from Order to Comply~~

- (a) ~~The owner or person in charge or control of the building may appeal the Building Official's initial determination that the building is within the scope of this division or request an extension of time to a Hearing Officer appointed by the City Manager Mayor pursuant to administrative hearing regulations promulgated by the City Manager Mayor.~~
- (b) ~~Any appeal in accordance with this section shall be filed with the Building Official within 90 calendar days after the Date of Service of the Order to Comply. The appeal shall be made in writing upon appropriate forms provided by the Building Official and the grounds for the appeal shall be stated clearly and concisely.~~
- (c) ~~Any appeal in accordance with this section shall be decided by the Hearing Officer no later than 60 calendar days after the date that the appeal is filed unless extended for good cause and, in that case, as soon as reasonably possible thereafter. If the appeal is decided adversely to the owner, the owner shall then comply with the Building Official's order, either as provided for in the Hearing Officer's order or as specified in the original order with due allowance for the time the appeal was processed.~~
- (d) ~~Other appeals or requests f determination of alternate equivalency to, minor deviations from, or interpretations of the provisions of this division shall be made in accordance with the procedures established in Section 129.0104.~~

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§145.3717 Enforcement of an Order to Comply

~~If the owner or other person in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this division within any of the time limits of this section, or following an appeal pursuant to Section 145.3716, the Building Official may pursue any administrative or judicial remedies provided for in Municipal Code Chapters 1 or 12. This may include an order that the entire building be vacated and remain vacated until the order has been complied with. If compliance with the order has not been accomplished within 90 calendar days after the date the building has been ordered vacated or such additional time as may have otherwise been granted, the Building Official may order its demolition in accordance with the provisions of Chapter 12, Article 1, Division 4 (Procedures for Abatement of Unsafe, Dangerous or Substandard Structures), or by court order pursuant to the provisions of Municipal Code Chapter 1.~~

~~§145.3718~~1411.1718 Preparation and Content of a Structural Survey and Engineering Report

- ~~(a) The purpose of a Structural Survey and Engineering Report is to investigate and evaluate, in a thorough and unambiguous fashion, a building's structural systems that resist the forces imposed by earthquakes and to determine if any individual portion or combination of these systems is inadequate to prevent a structural failure (collapse or partial collapse).~~

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- (b) When required, a Structural Survey and Engineering Report shall be submitted to the Building Official within 120 calendar days after the Date of Service.
- (c) The Structural Survey and Engineering Report shall investigate and analyze buildings within the scope of this division as individual cases without comparison to similar type or age buildings. Generalities or stereotypes are to be avoided in the evaluation process by focusing on the specifics of the structural system of the building in question and the local geology of the land on which the building is constructed.
- (d) If the building is an Historical Building, all items listed in the Structural Survey and Engineering Report requiring mitigation shall be thoroughly addressed under the provisions of the State Historical Building Code.

§145.3719 Level of Investigation

Some buildings will require extensive testing and field investigation to uncover potential structural deficiencies, while others will allow the same level of overall evaluation by a less complicated process due to simplicity of design or the availability of original or subsequent alteration design and construction documents. The level of investigation must be sufficient to produce a report that is complete and can serve as a sound basis for a conclusion on the collapse or partial collapse hazard building may present.

§145.3720 Format of Report

The report shall contain, at a minimum, the following information:

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- (a) General Information. A description of the building including:
 - (1) Street address.
 - (2) Character of use or occupancy with plans indicating the square footage of each use.
 - (3) Plans and elevations showing the location, type, and extent of lateral force-resisting elements in the building, both horizontal and vertical.
 - (4) A description of the construction materials used in the structural elements and information regarding their present condition.
 - (5) The date of original construction, if known, and the date of any subsequent additions or substantial structural alterations, if known.
 - (6) The name and address of the original designer and contractor, if known, and the name and address of the designer and contractor for any subsequent additions or structural alterations, if known.
- (b) Investigation and Evaluation of Structural Systems. All items to be investigated and the methods of investigation for each type of building under consideration.
- (c) Test Reports. All field and laboratory test results. Evaluation of the significance of these test results shall be made with regard to each structural system or typical connection being evaluated. This evaluation may be limited to a statement of the adequacy or inadequacy of the system or connection based on the lateral load demand it would be required to resist by calculation. If tests reveal inadequacy, a conceptual solution must be included in the report.

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- (d) ~~Conclusions. Based on the demand/capacity ratio and the specific evaluation items, a statement shall be provided explaining the overall significance of the deficiencies found to exist in the building's lateral force-resisting system regarding potential collapse or partial collapse.~~
- (e) ~~Recommendations. An appropriate solution that could be used to strengthen the structure to alleviate any collapse or partial collapse threat shall be specified.~~

~~§145.372~~ ~~Exceptions and Alternatives to Content of Report~~

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

~~§145.3722~~ ~~Review and Availability of Structural Survey and Engineering Report~~

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- (a) ~~The Building Official will review the submitted Structural Survey and Engineering Report for compliance with the requirements of this division.~~
- (b) ~~The cost of this review shall be covered by a fee assessed from the building owner based on the time required for review. This amount shall be credited to the plan checking fee collected for any future mitigation of structural inadequacies specified in the Structural Survey and Engineering Report.~~
- (c) ~~Copies of the Structural Survey and Engineering Report shall be made available to the public for a standard fee or may be reviewed at the Development Services Department.~~

~~§145.3723~~ ~~Retrofit Guideline Document~~

~~When a Retrofit Guideline Document is required, it shall be submitted within 240 calendar days after the Date of Service of the Order to Comply.~~

~~§145.3724~~ ~~Regulations for Buildings of Archaic Unreinforced Masonry~~

- (a) ~~A building or structure of archaic unreinforced masonry shall comply with the provisions set forth in this section.~~
- (b) ~~A qualified Historical Building may comply with the California Historical Building Code in order to fulfill the requirements of this Section.~~
- (c) ~~Existing or re-erected walls of unburned clay, adobe, or stone masonry construction shall conform to the following:~~

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- (1) ~~Walls of unreinforced unburned clay, adobe, or stone masonry shall not exceed the height or length-to-thickness ratio specified in Table No. A1-G of the California Existing Building Code. The walls shall be provided with a reinforced concrete bond beam at the top that interconnects all walls. The bond beam shall have a minimum depth of 6 inches. The bond beam may have a width equal to the width of the wall less 8 inches, provided the resulting width is not less than inches. Bond beams of other materials or seismic retrofit designs may be used with the approval of the Building Official. Exterior bearing walls shall have a minimum wall thickness of 18 inches. Interior adobe partitions shall be a minimum of 10 inches in thickness. No adobe or stone structure may exceed one story in height unless the historic evidence, satisfactory to the Building Official, indicates a two-story height. Bond beams shall be provided at the roof and second floor levels.~~
- (2) ~~Foundations shall be reinforced concrete under newly reconstructed walls and shall be 50 percent wider than the wall above, soil conditions permitting, except that the foundation wall may be 4 inches less in width than the wall if a rock, burned brick, or stabilized adobe facing is necessary to provide authenticity.~~
- (3) ~~New or existing unstabilized brick and adobe brick masonry shall test to 75 percent of the compressive strength required of new materials by the California~~

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~~Building Code. Unstabilized brick shall only be used where existing brick is unstabilized and where the building is not susceptible to flooding conditions or direct exposure. Adobe may be allowed a maximum value of 9 pounds per square inch for shear unless higher values are justified by test.~~

- ~~(4) Mortar for repointing may be of the same soil composition and stabilization as the brick, in lieu of cement mortar.~~
- ~~(5) Strength values for existing and new materials as specified in the California Existing Building Code. Strength values for existing materials are provided in Table A1-D and for new materials in Table A1-E of the California Existing Building Code. Strength values for new materials not specified in the California Building Code or Table No. A1-E of the California Existing Building Code shall be based on substantiating research data or engineering judgment, with the approval of the Building Official.~~

§145.3725

~~Alternate Materials, Designs, and Methods of Construction~~

- ~~(a) Methods of analysis and design, the design values themselves, and the materials and methods of construction must be in accordance with the California Building Code, except as modified by this division.~~
- ~~(b) Alternate materials, designs, or methods of construction may be approved and their use authorized by the Building~~

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Official in accordance with the provisions of Section
129.0109.

- (c) The proposed materials, designs, or methods of construction must comply with the purposes of this division and be, for the use intended, at least the equivalent of that prescribed in this division in suitability, strength, effectiveness, fire resistance, durability, safety, and sanitation.
- (d) The Building Official may require that sufficient evidence or proof be submitted to substantiate any claims that may be made regarding the use of an alternate.

§145.3726 Table of Hazard Categories and Classifications

Table 145-26A

Hazard Categories and Classifications

Relative Hazard	Occupancy – Use Categories
1 (Highest Hazard)	A, E, I B (Drinking and dining establishments with a total occupant load in all drinking and dining establishments in the building of 50 or more)
2	R-1, R-2, R-4, R3.1
3	H, S-2 open parking garages S-2 Aircraft hangars F-2 With noncombustible materials

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	S-2 Low hazard storage
4	M Gas stations S-2 parking garages S-1 Repair garages S-1 Moderate hazard storage B, F-1, F-2, S-1, M
5 (Lowest Hazard)	R-3, U

Reason: This repeal of existing regulations is necessary due to adoption of regulations in Chapter 4 of the CEBC that make the local regulations redundant. The mandatory portions of the existing regulations have been satisfied and property owners that are in non-compliance are being addressed through code enforcement action.

- The CEBC addresses changes of occupancies and additions and triggers roof to wall ties and parapet braces based on scopes of alterations.
- Valuation based triggers proposed to be repealed in the current regulations have generally proved ineffective.
- Change of occupancy triggers based on change of hazard category in the current regulations is more restrictive than the CEBC however when viewed in conjunction with provisions for phased retrofitting or hazard reduction through occupant load reduction as presently permitted are considered equivalent.

What has been retained from the existing regulations facilitates identification of URM buildings based on the date of construction and also address previously conforming rights to approved retrofits performed under prior regulations.

The CEBC triggers for seismic retrofits based on risk category are equivalent to the hazard category method in the LDC when the following factors are considered. No significant change in regulatory effect is expected after implementation of the proposed modifications to the LDC:

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- The current standards proposed for repeal permit non-compliance when a change of occupancy to a higher hazard category is proposed if the occupant load is reduced.
- Retrofit work is permitted by the LDC to be phased over a 10 year period.
- The LDC permits up to 33% of the floor area of the building to be changed to a higher hazard category.