

Article 9: Residential Building Regulations
(“Residential Building Regulations” added 7-31-2012 by O-20187 N.S.)

Division 1: Adoption and Applicability of the Residential Building Regulations
(“Adoption and Applicability of the Residential Building Regulations” added 7-31-2012 by O-20187 N.S.)

§149.0101 Purpose of the Residential Building Regulations

- (a) The purpose of the Residential 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 Residential Code as provided in Section 1.1.3 of the California Residential 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.

(“Purpose of the Residential Building Regulations” added 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Amended 4-6-2016 by O-20624 N.S.; effective 5-6-2016.)

(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

§149.0102 When the Residential Building Regulations Apply

- (a) This article shall be known as the Residential Building Regulations of the City of San Diego and regulates the construction, alteration, replacement, repair, maintenance, moving, removal, demolition, 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, public utility towers and poles, mechanical equipment not specifically regulated in the California Residential Code, and hydraulic flood control structures. The Residential Building Regulations shall also apply to City-owned buildings and *structures*.
- (b) Where in any specific case, different Sections of the Residential 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.

- (c) Wherever in the Residential Building Regulations reference is made to the Appendix, the provisions in the Appendix shall not apply unless specifically adopted pursuant to San Diego Municipal Code Section 149.0107.
- (d) Administration and enforcement of the Residential Building Regulations of the City of San Diego are regulated by the applicable provisions of Chapters 11 and 12 of the San Diego Municipal Code.

(“When the Residential Building Regulations Apply” added 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

§149.0103 Adoption of the California Residential Code

- (a) The 2022 California Residential Code, published by the California Building Standards Commission (BSC), and as 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 Land Development Code, Divisions 2 through 45. A copy of the 2022 California Residential Code is on file in the office of the City Clerk as Document No. OO-21181-5.
- (b) When reference is made to the California Residential Code, it shall be the 2022 California Residential Code, California Code of Regulations Title 24, Part 2.5, as published by the California Building Standards Commission.
- (c) Each of the regulations, provisions, conditions, and terms of the 2022 California Residential Code is made a part of this Article as if fully set forth in this Article except as otherwise provided in Divisions 2 through 45.
- (d) Numbering of Sections and Subsections in Divisions 2 through 45 of this Article is cross referenced to Sections in the 2022 California Residential Code.
- (e) The adoption of the 2022 California Residential 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 shall only be authorized to enforce only 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).

(“Adoption of the 2010 California Residential Code” added 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Retitled to “Adoption of the California Residential Code” and amended 4-6-2016 by O-20624 N.S.; effective 5-6-2016.)

(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

(Amended 4-9-2020 by O-21181 N.S.; effective 5-9-2020.)

(Amended 5-8-2023 by O-21642 N.S.; effective 6-7-2023.)

§149.0104 Portions of the California Residential Code Not Adopted by the City of San Diego

The following Sections or Subsections of the 2022 California Residential Code have not been adopted by the City of San Diego:

- (a) Chapter 1, Division II;
- (b) Table R301.2 “Climatic and Geographical Design Criteria.”

(“Portions of the 2010 California Residential Code Not Adopted by the City of San Diego” added 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Retitled to “Portions of the California Residential Code Not Adopted by the City of San Diego” and amended 4-6-2016 by O-20624 N.S.; effective 5-6-2016.)

(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

(Amended 4-9-2020 by O-21181 N.S.; effective 5-9-2020.)

(Amended 5-8-2023 by O-21642 N.S.; effective 6-7-2023.)

§149.0105 Modifications to the California Residential Code Adopted by the City of San Diego

The following Sections or Subsections of the 2022 California Residential Code are modified by the City of San Diego:

- (a) Chapter 3, Section R301.2, Climatic and Geographic Design Criteria; Section R319.1, Address Identification; R322, Flood Resistant Construction; Section R324.4.2, Fire Classification; Section R324.5.2, Fire Classification; Section R337.2, Definitions; Section R337.5.4, Roof Gutters and Downspouts; Section R337.8, Exterior Windows and Doors.
- (b) Chapter 9, Section R902.1.4, Roof Covering Materials; Section R902.2.1, Wood Shingles; Section R902.2.2, Wood Shakes; Section R902.4, Rooftop-mounted Photovoltaic (PV) Panel Systems; Section R905.1.3, Roof Covering attachment; Section R908.1.1, Replacement Roof Covering, Class A; Section R908.1.2, Replacement Roof Covering, Class A, Additions; Section R908.1.3, Wood Shake, Shingles Reroof; Section R908.1.4, Wood Shake, Shingles, Historical Buildings; Section R908.1.5, Reroofing Over Wood Roofs.

(“Modifications to the 2010 California Residential Code Adopted by the City of San Diego” added 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Retitled to “Modifications to the California Residential Code Adopted by the City of San Diego” and amended 4-6-2016 by O-20624 N.S.; effective 5-6-2016.)

(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

(Amended 4-9-2020 by O-21181 N.S.; effective 5-9-2020.)

(Amended 5-8-2023 by O-21642 N.S.; effective 6-7-2023.)

§149.0106 Additions to the California Residential Code Adopted by the City of San Diego

The following Sections and Subsections are added to the 2022 California Residential Code by the City of San Diego:

- (a) Chapter 3, Section R309.4.1 Backup Power for Automatic Garage Door Openers; Section R320.2 Voluntary Accessibility program; Section R331, Structural Tests and Special Inspections; Section R332, Encroachments into the Public Right-of-Way; Section R333, Safeguards During Construction; Section R337.2, Local Very High Fire Hazard Severity Zone; Section R337.3.6.1, Alternative Materials, Designs or Methods of Construction; Section R337.3.6.2, Modifications; Section R337.5.4, Roof Gutters and Downspouts; Section R337.5.5, Drip Edge Flashing; Section R337.8.2.1.1, Vinyl Windows; Section R337.11, Spark Arrester; Section R341, Sound Transmission Control.
- (b) Chapter 4, Section R401.5, Geotechnical Investigations; Section R401.6, Geotechnical Reports; Section R401.7, Notice of Geologic Hazards.
- (c) Chapter 45, Residential Grading Regulations.

(“Additions to the 2010 California Residential Code Adopted by the City of San Diego” added 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Retitled to “Additions to the California Residential Code Adopted by the City of San Diego” and amended 4-6-2016 by O-20624 N.S.; effective 5-6-2016.)

(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

(Amended 4-9-2020 by O-21181 N.S.; effective 5-9-2020.)

(Amended 5-8-2023 by O-21642 N.S.; effective 6-7-2023.)

§149.0107 Adoption of Appendices to the California Residential Code

The following Appendix Chapters of the 2022 California Residential Code are adopted by the City of San Diego:

- (a) Appendix Chapter H, Patio Covers.
- (b) Appendix Chapter Q, Tiny Houses.
- (c) Appendix Chapter S, Straw Bale Construction.
- (d) Appendix X, Swimming Pool Safety Act.

(“Adoption of Appendices to the 2010 California Residential Code” added 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Retitled to “Adoption of Appendices to the California Residential Code” and amended 4-6-2016 by O-20624 N.S.; effective 5-6-2016.)

(Amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

(Amended 4-9-2020 by O-21181 N.S.; effective 5-9-2020.)

(Amended 5-8-2023 by O-21642 N.S.; effective 6-7-2023.)

§149.0108 Applicability of the California Building Code to Existing Buildings and Structures Regulated by the California Residential Code

- (a) The legal occupancy of any building or structure existing on the date of adoption of the 2022 California Residential Code shall be permitted to continue without change, except as is specifically regulated by Chapters 3, 4, and 5 of the 2022 California Existing Building Code, the California Fire Code, or as is deemed necessary by the Building Official for the general safety and welfare of the occupants and the public.
- (b) Additions, alterations or repairs to any building or structure shall conform to the requirements for a new building or structure without requiring the existing building or structure to comply with all of the requirements of the California Residential Code or, where applicable, the California Building Code, unless otherwise stated. Additions, alterations, repairs, and relocations shall not be permitted to cause an existing building or structure to become unsafe or adversely affect the performance of the building or structure.

- (c) Buildings and structures, and parts thereof, shall be maintained in a safe and sanitary condition. Devices or safeguards which are required by the 2022 California Building Code shall be maintained in conformance with the code edition under which installed. The owner 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 re-inspected. The requirements of the Building Regulations shall not provide the basis for removal or abrogation of fire protection and safety systems and devices in existing buildings or structures.

(“Applicability of the 2010 California Building Code to existing buildings and structures regulated by the California Residential Code” added 7-31-2012 by O-20187 N.S.; effective 8-30-2012.)

(Retitled to “Applicability of the California Building Code to existing buildings and structures regulated by the California Residential Code” and amended 4-6-2016 by O-20624 N.S.; effective 5-6-2016.)

(Retitled to “Applicability of the California Building Code to Existing Buildings and Structures Regulated by the California Residential Code” and amended 1-18-2018 by O-20897 N.S.; effective 2-17-2018.)

(Amended 4-9-2020 by O-21181 N.S.; effective 5-9-2020.)

(Amended 5-8-2023 by O-21642 N.S.; effective 6-7-2023.)