



County of San Diego, Planning & Development Services
FIRESTORM POLICY AND GUIDANCE DOCUMENT
BUILDING DIVISION

Answers to Commonly Asked Questions

The County of San Diego understands the confusion and frustration many of our customers are experiencing during the rebuild process. In an effort to clarify the process, the County has developed this informational document. Please keep in mind that everything reasonable will be done by the County to allow fire victims to rebuild, and special cases that do not fit into the requirements below may be considered on a case-by-case basis. Also, please note that this document will be periodically updated to address new issues and/or refine our position on existing issues.

A. IMPORTANT NUMBERS

1. If someone's home has been destroyed, where can they get information about rebuilding?

- *The County has established a hotline number for non-emergency questions. The hotline number is **211**.*
- *For building questions for fire-damaged properties in the unincorporated area of the County, please call (888) 336-7553. For zoning questions for fire-damaged properties in the unincorporated area of the County, please call (888) 267-8770.*
- *For information on septic systems requirements, please contact the Department of Environmental Health offices at (858) 565-5173.*
- *For information on stormwater, please contact the Department of Public Works at (888) 846-0800.*
- *For removal of burnt vehicles in North County, please call (760) 940-2893. For removal of burnt vehicles in South and East County, please call (858) 694-2705.*
- *If someone is planning to rebuild, they may also want to read the PDS form titled "How to Obtain a Building Permit" and "Helpful Hints Before You Start Drawing Plans." Both documents can be found on our website at www.sdcpds.org.*



2. Where can the public find out more information about fire prevention?

- *Planning & Development Services has informational brochures on fire-resistive landscaping, creating defensible space, building a fire-resistive home, and installing water storage tanks. Much of this information can be found on the [PDS website](http://www.sdcpds.org), in [A-Z Services](#), under **W**.*

B. FEE WAIVERS

1. Who is eligible for the fee waiver?

On May 20, 2014, the County Board of Supervisors hearing agenda will include a resolution declaring the rebuilding of structures in the unincorporated areas damaged or destroyed in the Santa Ana Fires the week of May 13th to be eligible for permit fee waivers. There has been no expiration date placed on this fee waiver.

The waiver only applies to property owners who were victims of the Santa Ana Fires the week of May 13th. New property owners wishing to rebuild in the burn areas shall be required to pay the full cost for permits and plan checks. Refer to section E for additional restrictions for new property owners.

Furthermore, the waiver shall not apply to a structure that was rebuilt after being damaged or destroyed by the wildfire without building permits and which has been cited as being in violation of building codes.

2. What is eligible for fee waivers?



Building permit fees shall be waived for a fire victim who is rebuilding structures that have been damaged or destroyed by the wildfire. The fee waiver shall not apply to any portion of the new structure that exceeds the square footage of the structure being replaced (e.g. a 1,000 SF home was burned and the fire victim wishes to rebuild a 1,500 SF dwelling. The additional 500SF is subject to fees). Refer to C.6 for answers on how the eligible square footage is determined.

3. If I am rebuilding a home that was destroyed by the fire, am I required to pay school and park fees when I obtain a building permit?

The County Parks Department will not require the payment of park fees for a Fire Victim to rebuild what was lost. In past major wildfire incidents many school districts have also waived fees, but it will be up to each school district for their fees. You will need to contact the school district in your area for their fee policies.

C. REBUILDING

1. Is a Demolition Permit required to remove a building that was damaged or destroyed by the fire?

No. The County will waive the requirement for a demolition permit. However, do not start any cleanup in the unincorporated area of the county until a County Damage Assessment Team has cleared you. Also, check with your insurance company or you could jeopardize your insurance claims. The Damage Assessment Team will post a green card notifying you that the assessment has been done. DO NOT REMOVE THIS CARD. For your safety, please check with SDG&E to be sure all utilities have been properly shut off before beginning demolition and clean up.

2. When a home is rebuilt, must it be built in compliance with current building codes?

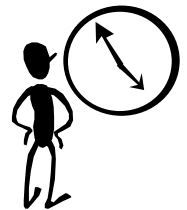
Yes, the buildings must be constructed according to current codes in effect at the time the permit is issued for the reconstruction.

3. Can someone live in a trailer on their property while they are rebuilding a home that was destroyed by fire?

Yes, provided the County has issued a building permit to rebuild your home, you may be issued a Temporary Occupancy Permit (TOP). The County will not charge a fee for this permit when your home has been destroyed by the firestorm.

4. When will the Temporary Occupancy Permits expire?

Temporary Occupancy Permits that are issued to fire victims are valid during construction of your home, so long as building permits for the reconstruction of the single-family dwelling are maintained and kept current throughout construction.



5. How long do I have to rebuild my permanent residence?

There is no timeline on when you have to rebuild. However, once issued, building permits are valid for three years, so long as progress is being made on construction and regular inspections (one every six months, minimum) are being scheduled and conducted by a County of San Diego building inspector.

6. How is the County determining the amount of square footage that was on my property?

When determining square footage, County staff will refer to building permit history records and Damage Assessment Team information. However, the County will consider the square footages in other formal documents, such as insurance papers or old building plans on a case-by-case basis.

7. Can a house be rebuilt on a fire-damaged foundation?

Applicants who wish to use the existing foundation systems must have a “suitability analysis” of the existing foundation performed by a registered civil or structural engineer. This analysis shall state that the engineer has visited the site and investigated the condition of the existing building elements. It shall also state that the remaining foundation is suitable for the support of the new structure, and that all under-slab utility systems (such as drain, waste, vent, water, mechanical, electrical, etc.) are suitable for continued use. Electrical conduits may remain but all under-slab electrical conductors must be replaced.



Applicants who choose to demolish the slab/foundation system will need to provide a compaction report to address re-compaction of the lot after slab removal if soil was disturbed to a depth greater than 12 inches. A licensed geotechnical or civil engineer must prepare the compaction report.

8. Once I have prepared plans, how do I submit for a building permit?

If you are submitting plans for the first time, drive to the County Permit Center located at 5510 Overland Ave., San Diego, 92123. Upon arrival, walk to the check-in counter and inform the clerk that you are a fire victim, or that you represent one, and you wish to submit plans. Staff will provide guidance on how to proceed with your submittal.

9. Does the County of San Diego keep home plans on file for existing homes?

Typically, the County does not keep plans for residential buildings on file. However, the county may have plans if the dwelling passed final inspection within the last 90 days or is part of a developer-built subdivision.

D. LEGAL, ILLEGAL AND NONCONFORMING STRUCTURES/USES

1. Can I rebuild a nonconforming structure (a structure that was lawfully built, but because of changes in the zoning ordinance, is no longer permitted)?

Yes, so long as you are not expanding the nonconforming structure and you can prove that the structure existed prior to the fire. Refer to C.6 for answers on how the eligible square footage is determined. Once rebuilt, the structure will retain its "nonconforming structure" status. However, it is in the homeowner's best interest to attempt to minimize the non-conformity by modifying the structure or its location to comply with current codes to the maximum extent practical.

2. What if a structure was legally built, but the use was converted illegally (i.e., a residential dwelling in a residential zone that was converted into commercial office space)? Will a building permit be issued to reestablish the converted business?

No. A building permit will be issued only for the legal or nonconforming structure; it does not authorize illegal use. In the example above, a building permit will be issued for a residential dwelling, but not for the illegal commercial conversion.

3. What if there were three or more houses on one parcel prior to the fire, when only two are allowed by code? Will the County issue a building permit for more than two houses?



No. The use for which a building permit is sought must be either permitted by current Zoning Ordinance requirements, or must be shown to be a "legal nonconforming" structure on the property.

4. Where there are numerous lots with two dwelling units on them that are now nonconforming, will building permits be issued?

Yes, for these legal nonconforming dwellings.

E. SETBACKS/LOT LINES/EASEMENTS

1. In certain cases, structures cannot meet current setback requirements due to lot sizes or topography. Will the County still issue building permits?

Yes, but the structures must meet setbacks to the greatest extent practical.

2. Will the County require evidence of a legal lot prior to issuance of a new building permit?

Yes. Be aware that one legal lot may have several Assessor Parcel Numbers (APNs), and that APNs do not establish legal lot status. Therefore, the legal lot lines must be established prior to issuance of building permits.

3. Is a Certificate of Compliance (COC) required to merge two lots if the septic system for a residence is located on a separate legal parcel?

Yes. The Certificate of Compliance must be issued prior to approval of the building permit.

4. Must fire clearing and access width requirements be met for all rebuilds per review of the Fire Marshal having jurisdiction?

Yes.

5. Can I rebuild a structure within a public or private road easement?

No. All structures must be located outside of all road right-of-ways, regardless whether the structure was located within the easement prior to the fire.

7. Will building permits be issued for structures in a Floodway or Floodplain?



Regarding Floodways (that area necessary to pass to 100-year flood), no. This is a health and safety issue and all structures must be located outside of the floodway. Regarding Floodplains (that area located on either side of the floodway that is subject to inundation by the 100-year flood), Yes. Habitable structures in the floodplain must conform to the flood control ordinance and have a building pad elevated above the 100-year flood level.

F. OWNERSHIP TRANSFER (FIRE VICTIMS WHO DECIDE TO SELL THEIR PROPERTY BEFORE REBUILDING)

1. Is the new owner required to meet all zoning requirements, including setbacks?

Yes.

2. Is the new owner eligible for fee waiving?

No.

G. SEPTIC ISSUES

1. If my home is on a septic system, may I use the existing septic system?

- Yes, the County will waive fees for fire rebuilds, located on the same foundation, and with the same number of bedrooms as the destroyed structure. If the new building will be located significantly outside the original foundation footprint and/or with additional bedrooms or plumbing the DEH will need to review the project and DEH fees may apply
- Refer to the DEH Guideline for permit processing with fire-damaged homes.

2. If my home is on a well, do I need to have the well tested?

Testing is not required. However, if the well was opened or disturbed in any way DEH strongly suggests that owners of buildings served by individual water wells, have the well tested for potability prior to re-occupancy of the permanent dwelling.

H. CLEARING REQUIREMENTS

1. What clearing is allowed by the County for fire prevention purposes around existing buildings?



The County allows 100 feet of clearing around existing dwelling units. The cleared area should be landscaped with fire resistant plants. Any additional clearing for fire prevention, control or suppression purposes can be done when authorized or required in writing by a fire prevention or suppression agency.

2. Are any permits required to clear up to 100 feet away from an existing residence?

No. Clearing for fire protection purposes can be done within 100 feet of existing dwelling units without a permit. This does not authorize off-site clearing, although clearing in cooperation with your neighbors is encouraged.

3. If a building permit has been issued for a proposed building, is an additional clearing permit required to clear?

No. Clearing and grading, which are exempt from a grading permit (if less than 200 cubic yards and cut, and fill less than 8 feet), DO NOT require an additional County clearing permit provided they are incidental to the repair, alteration, or construction of a proposed structure with an approved building permit. The building permit authorizes the construction to begin and that includes clearing the building site. However, property owners must use caution regarding what is cleared and how the clearing is done. All disturbed earth will be required to have erosion control measures installed in accordance with County stormwater pollution prevention standards.

4. Who is responsible for clearing the brush from around buildings?

The property owner.

5. Who enforces the regulations regarding clearance of brush from around buildings?

The Fire Agencies enforce weed abatement programs that require clearing of flammable vegetation from around buildings. The County's Weed Abatement Ordinance applies to unincorporated areas that are not within by a fire protection district.

I. OTHER CODES/ORDINANCES

1. Do new building permits for structures have to meet fire code and septic system requirements?

Yes.



2. Is a grading permit exempt from environmental review?

Not automatically. Since grading permits are not ministerial, they do not enjoy that exemption from CEQA. Another exemption may apply, but this needs to be evaluated case-by-case. Also, for related requirements, call the ENVIRONMENTAL HOTLINE at 858-694-3825.

J. HELPFUL HINTS BEFORE YOU START DRAWING PLANS

In order to expedite the review of your building application, the Building Division recommends that some initial research and data collection be conducted prior to preparing your building plans. Issues such as legality of prior use, legal lot status, proximity to floodplain, and damage assessment information can significantly impact the design and location of your new home. In order to help you identify this needed information, the Building Division has identified some basic fact finding steps, which are outlined below.

Step 1 – Check the County Assessor’s Office Records

Obtain a copy of the Building History Record from the County Assessor’s Office. If there were improvements on your parcel that were being taxed, they should be reflected on this document (e.g. building footprint, square footage, number of buildings, etc.). This information will assist our staff to determine what portion of your rebuild is subject to waiver of building permit fees, what additional square footage may need to meet current zoning and septic requirements, and confirm what structures existed on your parcel prior to the fire.

In order to obtain this information, you must have the Assessor Parcel Number (APN), owner name, signature of owner, address and phone number. Please call the office listed below to confirm that the County Assessor’s Office has your records on file.

Downtown Assessor’s Office
1600 Pacific Highway, Suite 260
San Diego, CA 92101
Phone: (619) 237-0502

San Marcos Assessor’s Office
141 East Carmel Street
San Marcos, CA 92078
Phone: (760) 940-6868

El Cajon Assessor’s Office
200 S. Magnolia Avenue
El Cajon, CA 92020
Phone: (619) 401-5700

Please do not be alarmed if the Building History Record does not identify all of the structures that were on your parcel. Also, please do not assume any square footage is legal until staff completes their review of the property as identified in the steps below.

Step 2 – Check your Personal Records

If you have any records related to building permits or septic systems, please combine those records with the Building History Record. This information will further assist staff in identifying what structures existed prior to the fire.

Step 3 – Reconstruction Record

Bring the information gathered in Steps 1 and 2 to the County Permit Center. Identify yourself as a Fire Victim, or as assisting a Fire Victim. Staff will assist you through the next steps.

County Permit Center
5510 Overland Ave. Ste. 110
San Diego, CA 92123
(888) 336-7553

Step 4 – Check with Department of Environmental Health

After you conclude your meeting with BPPR, take the information gathered in Steps 1 through 3 and visit the Department of Environmental Health (DEH) counter, which is also located in the County Permit Center. Ask the DEH counter staff if they have any septic information such as a layout or repair on file. Share with them your plans for rebuilding so they can identify any major issues prior to you drawing official building plans.

Please review the DEH “Permit Processing for Fire-Damaged Homes” guideline as a site visit by DEH staff to your property may be necessary. Additionally, DEH may require that you expose the septic tank to may help to verify the following: 1) the relationship of the tank to the proposed new structure(s); 2) location of the disposal portion of the onsite wastewater disposal system and reserve area (to the best of your knowledge); and, 3) direction of flow from highest to lowest elevation and lot topography.

Should you have any questions, please contact the DEH office located at:

County Permit Center
5510 Overland Ave. Ste. 110
San Diego, CA 92123
Phone: (858) 694-2949

Please keep in mind that if your septic system is undersized, impacted by seasonal high groundwater, and/or does not have 100% reserve area available, DEH may not be able to approve building plan designs that increase the potential occupancy of the building or increase the size of the footprint of the structure.

Step 5 – Show a Draft Plot Plan to a PDS Planner

Prepare a Plot Plan (as shown on [form PDS 090](#)). Bring all the documents collected in steps 1 through 4 and go to the County Permit Center. Please sign in to see a Planner, who will review your proposal and give you a preliminary zoning approval or other advice related to the zoning ordinance for your rebuild. Upon initial approval, the Planner will sign and date your plot plan.

Step 6 - Show a Draft Plot Plan to a DEH Counter Technician

After you conclude your meeting with the Planner, take the information to the DEH counter at the County Permit Center. Similar to the process in Step 5, the DEH counter staff will review your proposal and give you pending approval or other advice related to septic/sewer requirements.

Step 7 – Submit Building Plans

After our planner and DEH has given their initial approval, please prepare your full sets of building plans and submit them (including the signed and dated plot plan) for plan check at the Building Division. Please call ahead if you have any questions about submittals and staff will direct you.

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