
	<p>CITY OF DANA POINT</p> <p>COMMUNITY DEVELOPMENT, BUILDING AND SAFETY</p> <p>33282 Golden Lantern, Suite 209 Dana Point, CA 92629 949 248-3594</p>	<p>B005 – SPECIAL</p>
	 <p>www.danapoint.org</p>	<p>2016 CALIFORNIA CODES <i>CODE CYCLE</i></p>
		<p>01/01/2017 <i>EFFECTIVE DATE</i></p>
<p>SPECIAL INVESTIGATIONS</p>		

INTRODUCTION

Work performed without approvals and/or permits is in violation of the 2016 California Building Code (CBC) Section 105.1, 109.4 and the 2013 California Residential Code (CRC) Section R105.1, as adopted by the City of Dana Point which states in part that any Owner or Authorized Agent (including Contractors) who intends to **construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure** or to **erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system** regulated by the building codes must make application and obtain the required permit(s). The following details the procedures and requirements of obtaining the “Special Investigation”.

Specific items are exempted by CBC section 105.2 and CRC Section R105.2. Approvals, Permits and Inspections are required for all other work. When equipment repairs and/or replacement are performed in an emergency situation, the permit application is required by CBC section 105.2 and CRC Section 105.2.1 to be made the **next business day**.

Any of the work described above, started prior to permit issuance may trigger the “Special Investigation” requirement and assessment of a penalty fee.

DISCOVERY

Upon **discovery** of work without permits, a Special Investigation is required to be performed by a City of Dana Point Building Inspector. This is in addition to any initial findings by a Code Enforcement Officer or City Inspector during the “Stop Work Order” issuance. The initial Stop Work Notice will only document that work has been or is being performed without permits and does not fully document the Scope of Work of the unpermitted project. This discovery may also include work hidden or omitted from the approved plans, work beyond the stated scope of work or revisions to projects previously permitted where the actual work in not clearly defined.

OBTAINING THE SPECIAL INVESTIGATION

Special Investigations may only be obtained by the **Property Owner of Record**. Properties titled to Corporations or bank foreclosure properties must have an Officer of the Corporation holding title or the Financial holding Institution holding title obtain the Special Investigation. For recently purchased properties, a copy of either the County of Orange property recording or Grant Deed is required. A Property Owners proxy may be used to obtain the investigation if accompanied by proper documentation and identification. A Real Estate Agent or Prospective Buyer may not obtain the investigation unless acting as the authorized agent of the property owner.

SCOPE OF INVESTIGATION

The main purpose on the Special Investigation is to photo document the work performed, produce a written report of the work discovered and detail the path of resolution. The report will also detail the documentation, plans and approvals necessary to continue the project. The investigation does not include destructive removals, destructive testing or any other invasive inspections.

Presence of visible mold and/or asbestos may terminate the investigation until certified abatement is performed. At the investigator's discretion, the investigation may continue based on the ability to perform the investigation without posing a health hazard.

MOLD/ASBESTOS MEDIATION

Mold and/or Asbestos Mediations that removes any portion of the building envelope, including interior drywall, requires a permit. Additionally, the hazardous materials handling requirements as outlined by the South Coast Air Quality Management District (SCAQMD) apply. Other Hazardous Material handling may require additional monitoring and/or a Transportation/Encroachment permit from the City of Dana Point Public Works Division. This is in addition to the Building Permit.

Mediation permits verify the Hazardous Materials disposal, provides inspections of the condition of the structural members prior to insulation and drywall. Additional inspections verify that the insulation is installed as required by the 2016 California Energy Efficiency Standards. After insulation, additional inspections verify the nailing of the replacement wallboard, installation of the smoke alarms and carbon monoxide alarms, and provides for a final inspection and release for occupancy.

Insurance adjusters, unless acting as a licensed Contractor, are not able to obtain mediation permits for the Home Owner. A licensed Mediation or General Contractor must pull the required permits and provide the City of Dana Point proof of their application to the SCAQMD prior to doing the work. A substantial penalty fee may be assessed for improper hazardous materials disposal and may be at the Home Owner's liability.

SPECIAL CONDITIONS

By **law**, any workman doing work where the value is \$500.00 or more is required to be licensed by the Contractor's State License Board. For additional information visit cslb.ca.gov

Any structure found to be involved in any form of illegal drug enforcement action, any structure determined to be a **Substandard Structure** as determined by the Building Official, any structure where theft of power from the utility has occurred, any work required as part of a Civil Judgment and/or Court Order is subject to both a Special Investigation and disconnection of the utilities. Restoration of utility services is subject to the resolution based on the investigation report.

Other areas of work requiring a Special Investigation are any type of restoration resulting from one of more of the following conditions: a Commercial or Residential fire of any size, including, but not limited to, kitchen cooking fires, water damage regardless of the origin, storm damage, any pest control work affecting the building structural envelope, any natural disaster that damages the structure, vandalism and/or an accident involving a vehicle into a structure.

Properties with a compromised structural frame or element or the property is located at a slope failure site may also require an additional Geotechnical and/or Structural Engineering analysis.

ELECTRICAL HAZARDS

Any time there is an ***unsafe electrical condition***, either observed during the stop work order issuance or during the Special Investigation, the disconnection of the utilities may be required.

IMMEDIATE HAZARD: Electrical systems found to pose an immediate hazard to life safety shall be ordered disconnected, without notice. SDG&E disconnects are usually performed the same day as the receipt of the disconnect notice.

LIKELY HAZARD: Residential properties that contain an ***unsafe electrical condition***, either observed during the stop work order issuance or during the Special Investigation, that are inhabited may have up to seven days to resolve the hazard and obtain city inspection prior to disconnect. An ***unsafe electrical condition*** that poses an immediate hazard to life/safety will not be applicable to the seven day grace period.

The City of Dana Point defines an unsafe electrical condition as any exposed conductors, open panels, missing dead fronts exposing the panel bus bars, jumpers, pigtailed, double lugging of the circuit breakers, any apparent overload (potential or real), or any re-wiring installed and covered without inspections. Installation of a new service panel without an SDG&E service work order, SDG&E disconnect and re-connect, city inspection and utility release are deemed an immediate hazard and immediate disconnect.

FIRE SPRINKLER AND UNDERGROUND UTILITIES

When additions, alterations or any combination of addition and alteration exceeds 50% of the area, a residential fire sprinkler system and undergrounding of all utilities is required. See the Fire Sprinkler handout # B008-FIRE for additional information and detailed requirements.

HABITUAL OFFENDERS

Property owners and/or Contractors who have been previously identified as having performed work without permits may be considered habitual offenders and subject to a tighter time line, an additional penalty fee assessed on the Special Investigation permit, referral to the California State License Board and the City Attorney for further legal action.

TIME LINES

Special Investigations are performed Monday through Thursday, by ***appointment only*** and are subject to staff workloads. The report generated by the investigation will be available within **10** working days after the investigation.

Afterhours or weekend investigations and/or expedited reports are by application and prior approval by the Building Official, subject to staff availability and may have an additional overtime fee.

PERMITS

After the Special Investigation is complete and the plans are prepared following the Scope of Work as outlined in the investigation report, a plan submittal, following the prescribed procedures as described in the “Residential Submittal Requirements” and/or the “Tenant Improvements Submittal Requirements” handout. A review, by both the Planning and Building Divisions will be required.

Please be aware that permits for “**After the Fact**” work are **NOT** issued over the counter. Your first step will be obtaining preliminary planning review. This review will ascertain whether the project can be approved and is required prior to submittal for a building permit. Some projects may require a discretionary review by the Planning Division. Work that is unable to be approved will require restoration to its original condition. The restoration work will often require a separate building permit.

See the City of Dana Point Resolution of work handout # B004-RESOLUTION for additional information and plan submittal requirements.