

DEMOLITION REQUIREMENTS

Building demolition is the process of dismantling, destroying, or basically knocking down a structure or building. And like any other construction activity, demolition projects pose potential public health and safety risks that require regulatory protections.

This bulletin provides an overview of the various safety and regulatory standards that must be followed during the demolition process, as well as a summary of the permitting obligations required before any demolition work can be initiated.

BACKGROUND

The term "demolition" refers to the partial or complete removal of an existing building or structure (and associated foundation, if applicable). Demolition work may be associated with a remodel, restoration, renovation, or addition to an existing structure or part of a redevelopment project where a structure is entirely removed and replaced with a new building.

There are risks inherent with any demolition project, including potential physical hazards (i.e., falling debris, collapsing structure, exposed rubble, live utilities) as well as health hazards (i.e., lead, asbestos or other chemicals hidden within structural members). As such, the city safeguards public health, safety, and welfare by applying minimum standards and requirements on demolition projects, independent of and complimentary to, other adopted laws and policies.

DEMOLITION PERMIT OBLIGATIONS

PERMIT REQUIRED

Before demolishing a structure, the city requires approval of a building permit, which is commonly referred to as a demolition permit, or "demo permit." The purpose of the demo permit, among other things, is to ensure site utilities are properly disconnected, the materials/debris are sorted and recycled per state law, and all hazardous materials have been identified and removal protocols in place per County standards.

Typically, the demolition of the following types of structures/buildings requires a demo permit.

- Full or partial demolition of any detached structure with a floor area ≥ 120 square feet
- Partial demolition of a structure, irrespective of size

Documents Referenced

Demo Permit Requirements; [Form B-9](#)
Minor Coastal Development Permit; [Form P-6](#)
CA Coastal Zone; [Map](#)
Building Permit Exemptions; [§18.04.015](#)
Building Code Regulations: [Title 18](#)
Zoning Regulations; [Title 21](#)
CAL/OSHA Regulations; [Website](#)

- Structure relocation to another lot or elsewhere on the property
- Removing interior tenant improvements

OTHER REQUIRED PERMITS

In certain cases, a demo permit cannot be issued until other permits have been secured, as reflected below.

- [Building Permit](#)

As noted in the exemption section, when demolition work is done in conjunction with new construction (i.e., addition or remodel), the building permit that is issued for the new construction will also authorize the demolition work.

- [Coastal Development Permit](#)

Any structure proposed for demolition only (no new/replacement construction) that is located within the California Coastal Zone ([map](#)) must first secure approval of a Minor Coastal Development Permit, or MCDP ([Form P-6](#)). In certain cases, the city allows a demo permit to be processed concurrently with the MCDP. Refer to the city's Information Bulletin ([IB-113](#)) to learn more about concurrent processing.

- [Discretionary Permit](#)

In many cases, demolishing all or a portion of a structure with the intent of improving/replacing the structure and/or changing its use, first requires approval of a discretionary permit (i.e., site development permit, conditional use permit, and if in the coastal zone, a CDP) before demolition can occur. Depending on the types of discretionary permit(s) involved, the total application processing timeline can be extended by several months.

- [Cal/OHSHA Permit](#)

In accordance with [Title 8, §341](#) of the California Code of Regulations, when a building or structure to be demolished is higher than three stories or 36 feet, or the demolition work would require a five feet or deeper excavation, the property owner must first obtain an industrial permit from the State of California Department of Industrial Relations ([CAL/OSHA](#)) before a city demo permit can be issued.

PERMIT EXEMPTIONS

A demo permit is not required under the following situations.

- Any structure that is exempt from a building permit pursuant to CMC [§18.04.015](#), which includes non-habitable, one-story detached accessory structures not greater than 120 square feet; fences under six feet; retaining walls under four feet; above ground pools; private sidewalks or driveways; decks; or mechanical equipment.
- When demolition work will be performed in conjunction with other improvements, such as an addition or remodel, the building permit that will be issued for the new construction will also authorize the demolition work. Note: demo work cannot start until the building permit is issued.
- Demolition work occurring on land owned and controlled by federal or state agencies (i.e., CA State Parks).
- On a case-by-case basis, the Building Official may waive the requirement if determined that the scope of the work does not warrant a permit and/or does not affect structural integrity.

When the entire building is to be demolished, all utility lines (plumbing drain, sewer, electric and gas service) must be capped in an approved manner whether a demolition permit is required or not.

DEMOLITION PERMIT APPLICATION

PERMIT APPLICATION

Considering the different agencies involved and the varying state, county, and local code requirements, there are several forms and documents that must be included as part of the permit application before work can start.

Please see [Form B-9](#) for application supplement requirements. The application must clearly identify the building(s)/structure(s) to be demolished, and the security and mitigation measures to be taken to address identified hazards.

Please note that the permit may be submitted by the property owner. Alternatively, a demo permit may be obtained by a licensed wrecking contractor (Class C-21) or a general engineering contractor (Class A), provided that a notarized letter from the property owner or a copy of the signed contract is provided indicating that the contractor has been hired to perform the demolition. Demolition permits may also be issued to a licensed general contractor (Class B) if they are the contractor for a new building to be erected on the site and plans have been filed for the new building.

An application will only be accepted if all documents listed in [Form B-9](#) are completed and the appropriate permit fee is paid. Please see the city's [Master Fee Schedule](#) for latest fee for "Demolition of Building."

REQUIRED PRESUBMITTAL WORK

To help prepare the necessary paperwork, below provides general information on some of the requirements that may be applicable to your demolition project. It is important to note that a permit authorizing demolition does not relieve the property owner/permit holder from complying with applicable conditions, performance standards, or regulations imposed by the city or other agency.

- [Pest Control Report](#)

The building or structure shall be inspected for infestation by qualified individuals who will submit their findings in a report, acceptable to the Building Official. If the building or structure is found to be infested, then proper eradication measures by qualified individuals shall be implemented and a report attesting to the eradication of the rodent or insect infestation shall be submitted prior to issuance of the demolition permit.

- [RULE 1206 \(Asbestos\)](#)

In accordance with [§19827.5](#) of the State Health and Safety Code and [Title 40, Part 61](#) Code of Federal Regulations, every applicant for a demolition permit must complete a declaration relevant to Hazardous Air Pollutants (Asbestos) upon application for demolition permit.

- The building or structure shall be inspected by qualified individuals for the

presence of asbestos or other hazardous materials. If the building is found to contain asbestos or hazardous materials, then an asbestos abatement permit shall be obtained upon submittal by the applicant of all necessary documentation as required the San Diego Air Pollution Control District (SDAPCD). If asbestos is present, the employer shall comply with [Title 8, §1529](#) of the California Code of Regulations.

- Demolition permits shall not be issued until the owner or demolition contractor sends a copy of the “Notification of Demolition or Asbestos Removal Form” to SDAPCD at least ten days before removal work takes place. A copy of the notification shall also be given to the Building Division.

- [Residential Lead-Based Paint](#)

CAL-EPA requires pre-1978 structures to be tested for lead base paint. If greater than six sq. ft. of lead base paint is disturbed on interior surfaces and if greater than 20 sq. ft. of the exterior surfaces, abatement procedures must be instituted. Under the Toxic Substances Control Act (TSCA), the Residential Lead-Based Paint Hazard Reduction Act, and the Renovation, Repair and Painting Rule (RRP Rule), [Title 40, Part 745](#) Code of Federal Regulations, contractors who renovate or partially demolish pre-1978 residential buildings must be lead-safe certified by EPA and use lead-safe practices.

- [Waste Management and Diversion](#)

Where buildings or structures or portions thereof are demolished, individual materials shall be diverted from landfill waste as specified in the §§ [4.408](#) and [5.408](#) of the California Green Building Standards Code. Therefore, most **demolition projects** require that **projects** reuse, divert, and/or recycle 65% of the construction and demolition debris produced onsite.

- [Water and Sewer Caps](#)

All plumbing and sewer lines must be capped at the property line in an approved manner whether a demolition permit is required or not. A separate permit is not required for the capping of the sewer. The sewer caps shall be

inspected and approved by the Building Inspector. Water and sewer lines shall be capped off at a point within five feet of the property line and extend vertically 12 to 18 inches above grade.

- [Bond](#)

The Building Official may require bonds in such forms as deemed necessary to ensure the mitigation of hazardous conditions resulting from work occurring in conjunction with the demolition of building and structures, or applicable partial demolitions, beneath large structures, or on projects having unique site conditions, for the existing site. Please talk to the Building Division Technician at the time of permit submittal to determine if a bond will be required for your project.

APPLICATION REVIEW TIME

The review period for a demolition permit submittal is 15 business days for the first and all subsequent cycles of review. However, demolition permits shall be issued without delay when an application is accompanied by a letter signed by the Building Official or designee declaring a structure to be a present, imminent, extreme, and immediate hazard. The number of the abate order and the date of the letter shall be included in the work description of the permit

TYPICAL CONDITIONS

In addition to any special conditions or protective measures required in the previously discussed reports/inspections, the items below are typical conditions that get applied to demo permits.

- [Perimeter Fencing](#)

A construction fence shall be installed to screen the site from view on public property, if required by the Building Official, but shall not be installed on public property. The composition, location, and effectiveness of the proposed fence for screening purposes shall meet the approval of building official, which shall be confirmed in writing. A “No Parking” sign may need to be placed on the fence if installed adjacent to a public street.

- [Use of public right-of-way](#)

No building materials or dumpsters can be placed within the public right of way. Where special conditions warrant temporary use of the

public right-of-way, a right-of-way permit must be first obtained from the Land Development Engineering.

- [Pedestrian Protections](#)

Railing, fence or canopy for pedestrian protection, if required per [§3306](#) and [Table 3306](#) of the California Building Code, shall be provided before commencement of demolition work. The employer shall also comply with [Title 8](#) of the California Code of Regulations and any other applicable laws regarding construction safety orders.

- [Neighbor Protections](#)

Requirements for protecting the adjoining properties before an excavation for a demolition or construction are defined in [§832](#) of the California Civil Code and addressed in [§3307](#) of the California Building Code.

- [Excavations or Foundation Removal](#)

It shall be the duty of any property owner and/or permit holder to properly fill or otherwise protect all basements, cellars, septic tanks, wells, and other excavations. In general, you may need a grading permit if your demolition project involves excavating foundations and removing or adding soil on the property; or removing roots or stumps from steep slopes. Grading is subject to [Chapter 15.16](#) of the Carlsbad Municipal Code, which addresses when a permit is required and when grading is exempt from permit requirements.

- After alteration or removal of any building or structure or portion thereof, all foundations that will not be utilized in the permitted new construction shall be removed and all excavations shall be filled-in to the level of the adjoining grade.
- Any building or structure removed from its existing footing and foundation and elevated for relocation or any moved building or structure placed on any lot or parcel of ground in the city shall be enclosed with a readily visible barricade until removed from its original site or securely anchored to an approved footing and foundation. The removal, anchoring of building or structure, or backfilling of any open excavation shall not exceed 30 calendar days from issuance date of the

building permit. The removal, anchoring of building or structure, or the backfilling of any open excavation exceeding 30 calendar days (with Building Official approval) shall be enclosed with a minimum 6' high construction fence constructed of wood, metal chain link, or other approved method.

- [Utility Disconnects](#)

Utility companies shall be notified and all utility service shut off, capped, or otherwise controlled, at the building or curb line before starting demolition, unless it is necessary to use electricity or water lines during demolition. In general, water service is usually maintained on the site for the duration of the demolition project and for any subsequent development or improvements on the subject property.

- [Debris Removal](#)

The site shall be returned to a presentable condition as determined by the Building Official. It shall be the duty of the property owner or permit holder to remove all loose, miscellaneous, and useless material from the job site. All combustible and noncombustible debris or material shall be removed from the premises on which the demolition work is carried out within 30 calendar days from the completion of the deconstruction or demolition, or from the stoppage of the work thereon if the work remains uncompleted, unless the Building Official extends the time because of weather or other special circumstances. It is unlawful for any owner or person in possession of real property to permit the debris to remain on the property without removal.

- [Storm Water Protection](#)

Appropriate storm water runoff measures shall be installed as determined by the Stormwater Pollution Prevention Plans (SWPPP) tier level determination by the city prior to any demolition work occurring.

- [County Notification](#)

An inspection is required from the County of San Diego Department of Environmental Health for demolition of any building on property which has a well or septic tank.

REQUIRED INSPECTIONS

FIRST CALL FOR INSPECTION

An inspection request must be made at least 24 hours before work is to be started. A field inspector shall visit the site to verify the accuracy of the plot plan, to determine if site or pedestrian protection is required, or if a common wall shared with an adjacent building or structure exist that may be impacted by the demolition project. Should a common wall exist at the proposed demolition site, the Building Official will be required to notify the owner of the adjacent building of the pending demolition. Building demolition will not be granted for at least 30 days from the notification date of the adjacent owner, unless written permission to issue the permit earlier is obtained from the adjacent owner.

PROTECTION DEVICE INSPECTION (OPTIONAL)

All required protection devices must be in place prior to starting any demolition work. A special inspection request may be made to and inspected and approved by the Building Inspector prior to starting any work.

INSPECTION RECORD

The "Inspection Record" must be posted on the job site. This card must be signed by the Building Inspector approving the method of demolition to be used before work is started. A separate approval signature is required for each demolition method used. If the method of demolition is to be changed during the course of the job, the Building Inspector must be called, and a new approval signature obtained before the new method is started.

LOSS OF DWELLING UNITS

There are two unique provisions of the Housing Crisis Act of 2019 that may apply to demolition projects.

- In accordance with [§66300\(d\)\(1\)](#) of the California Government Code, no building or structure may be demolished unless the prospective project on the subject property, will create as many residential dwelling units as will be demolished. This provision is not applicable if the future use of the property is not known at the time of the filing of the demolition permit application, or the building or structure is otherwise exempt from this requirement.
- In accordance with [§66300\(d\)\(2\)](#) of the California Government Code, no building or structure may be

demolished that results in the loss of legally protected residential dwelling units, unless the prospective project replaces all existing or demolished units at specified affordability levels and meets other criteria as specified, or the building or structure is otherwise exempt from this requirement.

FIRE TRAINING

The Carlsbad Fire Department (CFD) regularly conducts safety training exercises and encourages your permission to perform a variety of training drills just prior to the demolition work. CFD will only conduct these drills after a release of liability agreement is signed between the property owner and the CFD (this agreement is for your protection).

Among other things, the waiver of liability will authorize CFD to have access to and use the building(s) or structure(s) for training activities and indemnify and hold harmless the property owner or any person leasing, owning, or occupying or controlling any portion of the site from any claim or action within the time period provided.

Prior to any drill trainings, CFD will also require a copy of the pest control report, and a copy of the Notification of Demolition or Asbestos Removal Form, and any other hazardous materials reports or the Environmental Site Assessment Phase I/II Reports prepared for the demolition project.

YOUR OPTIONS FOR SERVICE

Questions pertaining to this state law, please contact the Building Division at 442-339-2600 or via email at Building@CarlsbadCA.gov.