

by the owner or owners and filed with the County Recorder; or

- C. The permit is for four or fewer dwelling units in a residential zone, or for a structure that will not result in the discharge of wastewater.
- 2. The Department shall have the authority to withhold permits where the proposed development is located in an area subject to slides or unstable soil which may have an adverse effect on the proposed development or access thereto, as determined by the Department. If the apparent safety of the proposed development can be verified pursuant to the provisions of Sections 7016.4.2 and 7016.4.3 of this Code, the Department shall issue a permit upon receipt of a sworn affidavit which has been recorded by the County Recorder, stating that the applicant is fully aware that the proposed development is located in an area subject to slides or unstable soil which may have an adverse effect on the proposed development or access thereto.
- 3. The Department shall have the authority to withhold a building permit where the proposed building site is an area subject to inundation, as determined by the Department. If it can be shown by authentic past records that any possible inundation is not likely to be of such extent as to be an immediate hazard to occupancy of the proposed building, the Department shall issue a building permit upon receipt of a sworn affidavit which has been recorded by the County Recorder stating that said applicant is fully aware of the department's finding that the structure is an area subject to inundation.
- 4. The Department shall have the authority to withhold permits on projects located within a Special (Fault) Studies Zone established under Chapter 7.5, Division 2, of the *California Public Resources Code*. Permits may be issued if it can be demonstrated through accepted geologic seismic studies that the proposed structure will be located in a safe manner and not over or astraddle the trace of an active fault. Acceptable geologic seismic studies shall meet the criteria as set forth in rules and regulations established by the Superintendent of Building to ensure such studies are based on sufficient geologic data to determine the location or nonexistence of the active fault trace on a site. Prior to approval of a project, a geologic report defining and delineating any hazard of surface fault rupture shall be required. If the city finds that no undue hazard of this kind exists, the geologic report on such hazard may be waived, with approval of the state geologist.
- 5. The Department shall have the authority to withhold a demolition or relocation permit for a residential building composed of two or more

residential rental units, under the following circumstances:

- A. When the applicant states that the purpose for demolition or relocation is to construct a condominium, stock cooperative or community apartment project, permits shall be withheld until all necessary tentative tract or preliminary parcel maps for such new subdivision have been approved by the city.
- B. When the applicant states that the demolition or relocation is not for the purpose of constructing a condominium, stock cooperative or community apartment project, permits shall be withheld until the Department receives a sworn affidavit from the real property owner, which has been recorded by the county recorder, stating that said owner waives the right to construct on the subject lot, a condominium, stock cooperative or community apartment project for a period of 10 years from the date of the demolition or relocation, and that such waiver will bind any purchaser, encumbrancer, assignee, devisee and transferee of said property during said 10 year period.
- C. This Exception 5 shall not apply if the building is to be demolished and is:
  - (i) Constructed of unreinforced masonry construction and built pursuant to a building permit issued prior to October 1, 1933, or
  - (ii) To be demolished pursuant to a demolition order issued by the Department under authority set forth in Chapter 89 of this Code.
- D. This Exception 5 shall not apply if the applicant demonstrates to the satisfaction of the Department that the site will be developed with housing for low to moderate income households, which housing is to be developed, constructed or acquired with federal, state or local government financial assistance.
- E. This Exception 5 shall not apply to two family dwellings or to apartment houses and apartment hotels containing three dwelling units, provided that at least one dwelling unit in each such building is occupied by a record owner of the property.
- 6. The Department shall have the authority to withhold permits on projects located within a Methane Zone or Methane Buffer Zone established under Sections 7101 *et seq.* of this Code. Permits may be issued upon submittal of detailed plans that show adequate protection against flammable gas incursion by providing the installation of suitable methane mitigation systems.