



# CITY OF FULLERTON

BUILDING SAFETY DIVISION

303 W. Commonwealth Avenue, Fullerton CA 92832

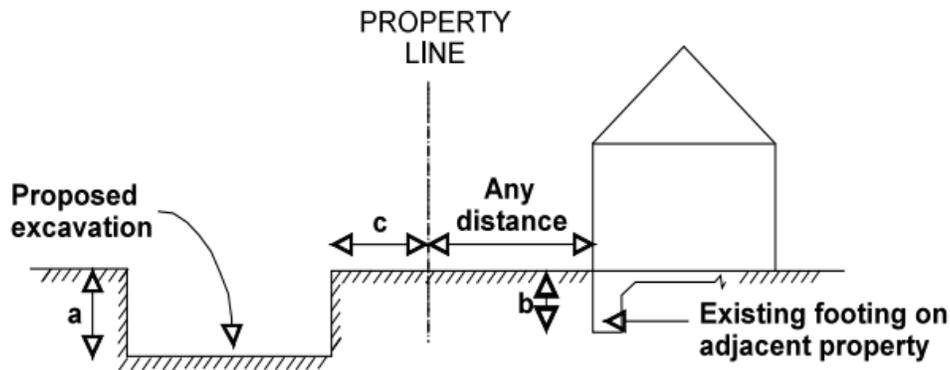
(714)-738-6541

Building  
Division

## 30 DAY NOTIFICATION OF INTENT TO EXCAVATE

California Civil Section 832 requires property owners to provide the adjacent property owner(s) with a 30-day written notice of intent to excavate when the depth of the proposed excavation ( $a$ ) is greater than both:

- The depth of the wall or foundation ( $b$ ) of an adjoining building or structure;
- and
- The distance between the property line and the proposed excavation ( $c$ ).



The Department shall not issue any permit until evidence of the required notification is received. The procedure for providing proper notification shall be as follows:

1. The attached letter shall be used to provide the required notification. Questions regarding the completion of the form may be directed to your plan check engineer.
2. The name(s) and mailing address(es) of adjacent owner(s) can be obtained at the Orange County Office of the Assessor <https://www.ocassessor.gov/>
3. The notification shall be sent to the owner(s) of the adjoining properties by certified mail with a return receipt requested.
4. The notification shall include an additional page that gives excerpts from the pertinent code sections as given in this handout.
5. The applicant shall incorporate a copy of the certified mail return receipt into the plans as evidence of the notification.
6. A note shall be added to the plans indicating that there shall be no excavation prior to 30 days from the notification of delivery.

# 30-DAY NOTIFICATION OF INTENT TO EXCAVATE

Date: \_\_\_\_\_

To: Owner of property located at: \_\_\_\_\_

From: \_\_\_\_\_

Subject: **PROTECTION OF ADJOINING PROPERTY  
CALIFORNIA CIVIL CODE SECTION 832**

Job Address: \_\_\_\_\_

Legal Description: \_\_\_\_\_

I am applying for a permit with the City of Fullerton City Building Safety Division for a \_\_\_\_\_ foot deep excavation located \_\_\_\_\_ feet away from our common property line for the purpose of \_\_\_\_\_.

California Civil Code Section 832 requires that I give adjacent property owner(s) 30 days written notice when the excavation will be of greater depth than the foundation of an adjoining building or structure and when the excavation is closer to the common property line than the depth of the excavation.

The excavation is proposed to commence on or after \_\_\_\_\_

Should you have any questions or concerns, I can be reached at \_\_\_\_\_

Print Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Position: \_\_\_\_\_

**California Civil Code 832.** Each coterminous owner is entitled to the lateral and subjacent support which his land receives from the adjoining land, subject to the right of the owner of the adjoining land to make proper and usual excavations on the same for purposes of construction or improvement, under the following conditions:

1. Any owner of land or his lessee intending to make or to permit an excavation shall give reasonable notice to the owner or owners of adjoining lands and of buildings or other structures, stating the depth to which such excavation is intended to be made, and when the excavating will begin.

2. In making any excavation, ordinary care and skill shall be used, and reasonable precautions taken to sustain the adjoining land as such, without regard to any building or other structure which may be thereon, and there shall be no liability for damage done to any such building or other structure by reason of the excavation, except as otherwise provided or allowed by law.

3. If at any time it appears that the excavation is to be of a greater depth than are the walls or foundations of any adjoining building or other structure, and is to be so close as to endanger the building or other structure in any way, then the owner of the building or other structure must be allowed at least 30 days, if he so desires, in which to take measures to protect the same from any damage, or in which to extend the foundations thereof, and he must be given for the same purposes reasonable license to enter on the land on which the excavation is to be or is being made.

4. If the excavation is intended to be or is deeper than the standard depth of foundations, which depth is defined to be a depth of nine feet below the adjacent curb level, at the point where the joint property line intersects the curb and if on the land of the coterminous owner there is any building or other structure the wall or foundation of which goes to standard depth or deeper than the owner of the land on which the excavation is being made shall, if given the necessary license to enter on the adjoining land, protect the said adjoining land and any such building or other structure thereon without cost to the owner thereof, from any damage by reason of the excavation, and shall be liable to the owner of such property for any such damage, excepting only for minor settlement cracks in buildings or other structures.

[http://leginfo.legislature.ca.gov/faces/codes\\_displaySection.xhtml?lawCode=CIV&sectionNum=832](http://leginfo.legislature.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV&sectionNum=832)

## 2022 California Building Code

**J101.4 Protection of adjacent property.** The owner and permittee of any property on which grading has been performed and that requires a grading permit under Section J103 is responsible for the prevention of damage to adjacent property and no person shall excavate on land sufficiently close to the property line to endanger any adjoining public street, sidewalk, alley, or other public or private property without supporting and protecting such property from settling, cracking or other damage that might result. Special precautions approved by the building official shall be made to prevent imported or exported materials from being deposited on the adjacent public way and/or drainage courses. **(FMC Section 14.03.160)**

**Section 3306.9 Adjacent to excavations.** Every excavation on a site located 5 feet (1524mm) or less from the street lot line shall be enclosed with a barrier not less than 6 feet (1829 mm) in height. Where located more than 5 feet (1524 mm) from the street lot line, a barrier shall be erected where required by the building official. Barriers shall be of adequate strength to resist wind pressure as specified in Chapter 16.

Section 3307.1 Protection required. Adjoining public and private property shall be protected from damage during construction, remodeling, and demolition work. Protection shall be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water runoff and erosion during construction or demolition activities. The person making or causing an excavation to be made shall provide written notice to the owners of adjoining buildings advising them that the excavation is to be made and that the adjoining buildings should be protected. Said notification shall be delivered not less than 10 days prior to the scheduled starting date of the excavation.