

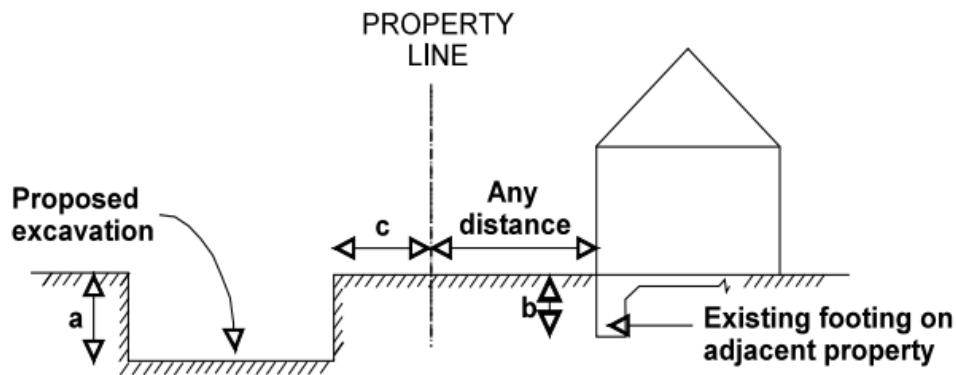


## 30 DAY NOTIFICATION OF INTENT TO EXCAVATE COMMUNITY DEVELOPMENT DEPARTMENT

1400 Highland Avenue, Manhattan Beach, CA 90266-4795  
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Website: [www.citymb.info](http://www.citymb.info)

California Civil Section 832 and California Building Code sections 3304.1 and 3307.1 require that adjoining properties be protected from damage during construction and that adjacent property owners be provided 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 sample letter may be used to provide the required notification.
2. The names and mailing addresses of adjacent owners may be obtained at the Los Angeles County Office of the Assessor.
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 shown on Page 3 of this handout.
5. The applicant shall provide copies of the certified mail return receipts to the permit technicians as evidence of the notification.

**30 DAY NOTIFICATION OF INTENT TO EXCAVATE**

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

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

Subject: **Protection of Adjoining Property (California Civil Code Section 832 and CBC 3307.1)**

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

(I/We) are the owners of the property at the above job address. (I/We) are applying for a construction permit for a \_\_\_\_ foot deep excavation located \_\_\_\_ feet away from our common property line, for the purpose of \_\_\_\_\_. The excavation is proposed to begin on or after \_\_\_\_/\_\_\_\_/\_\_\_\_.

The purpose of this letter is to give you notice required by California Civil Code Section 832 and California Building Code Section 3307.1 that excavation is taking place and that all necessary measures to protect your property will be provided. If the proposed excavation is to be of a greater depth than the foundations of any of your buildings or other structures on your property, then you may want to consider some additional protective work during the excavation. The excavation will be protected as is required by California State Law. Also, in sending you this letter, (I/We) are giving you reasonable license to enter upon (my/our) land if necessary for the purpose of protecting your property.

All reasonable steps will be taken to insure that your property will be protected and the surface of your property will not be disturbed.

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

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

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

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

Cc: City of Manhattan Beach, Community Development Department

**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)

**California Building Code Section 3304.1 Excavation and fill.** (Excerpt) Excavation and fill for buildings and structures shall be constructed or protected so as not to endanger life or property.

**California Building Code 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.