

ORDINANCE NO. XXX N.S.

AN ORDINANCE OF THE CITY OF EL PASO DE ROBLES
REPEALING AND REPLACING CHAPTER 17.18 REGARDING
SEISMIC STRENGTHENING PROVISIONS FOR UNREINFORCED
MASONRY BEARING WALL BUILDINGS

WHEREAS, the City desires to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings; and

WHEREAS, the establishment of minimum standards for structural seismic resistance may reduce the risk of such life loss or injury;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: Chapter 17.18 of the City of El Paso de Robles Municipal Code as adopted by Ordinance 646, N.S. and as amended by Ordinances 699 N.S. and 740 N.S. is hereby repealed and replaced to read as shown on the attached Exhibit A of this ordinance.

SECTION 2. Publication. The City Clerk shall cause this ordinance to be published once within fifteen (15) days after its passage in a newspaper of general circulation, printed, published and circulated in the City in accordance with Section 36933 of the Government Code.

SECTION 3. Severability. If any section, subsection, sentence, clause, or phrase of the Ordinance is, for any reason, found to be invalid or unconstitutional, such finding shall not affect the remaining portions of this Ordinance.

The City Council hereby declares that it would have passed this ordinance by section, subsection, sentence, clause, or phrase irrespective of the fact that any one or more sections, subsections, sentences, clauses, or phrases are declared unconstitutional.

SECTION 4. Inconsistency. To the extent that the terms of provisions of this Ordinance may be inconsistent or in conflict with the terms or conditions of any prior City ordinance(s), motion, resolution, rule, or regulation governing the same subject matter thereof and such inconsistent and conflicting provisions of prior ordinances, motions, resolutions, rules, and regulations are hereby repealed.

SECTION 5. Effective Date. This Ordinance shall go into effect and be in full force and effect at 12:01 a.m. on the 31st day after its passage.

Introduced at a regular meeting of the City Council held on May 18, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 1st day of June 2004 by the following roll call vote, to wit:

AYES:
NOES:
ABSTAIN:
ABSENT:

Mayor Frank R. Mecham

ATTEST:

Sharilyn M. Ryan, Deputy City Clerk

EXHIBIT A

Chapter 17.18

AMENDMENTS TO THE INTERNATIONAL EXISTING BUILDINGS CODE

17.18.010 Purpose.

- A. The purpose of this chapter is to promote public safety and welfare by reducing the risk of death or injury that may result from the effects of earthquakes on existing unreinforced masonry bearing wall buildings.
- B. The provisions of this chapter are intended as minimum standards for structural seismic resistance and established primarily to reduce the risk of life loss or injury. Compliance with these provisions will not necessarily prevent loss of life or injury, or prevent earthquake damage to rehabilitated buildings.

17.18.020 International Existing Building Code.

The 2003 Edition and subsequent editions of the International Existing Building Code, Appendix A, Chapter A1, entitled Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings, with the amendments set forth in this Chapter, is adopted.

17.18.030 Scope.

- A. The provisions of this Chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. Except as provided herein, all other provisions of the California Building Code shall apply.
- B. Exceptions. Detached one- or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.

17.18.040 Definitions.

For the purpose of this chapter, the following applicable definitions shall be in addition to those contained in the International Existing Buildings Code Section A103 as adopted and modified by the City of El Paso de Robles:

- A. “Qualified historical building” means any structure included on the National Register of Historic Buildings, the state list of Significant Historic Buildings.

- B. “Seismic zone(s)” means that zone or geographic area referenced under the State Building Code establishing the potential earthquake hazard of a given area.
- C. “Seismic Retrofit” means all work necessary to comply with the requirements of this chapter.

17.18.050 Compliance Requirements.

- A. The owner of each building within the scope of this chapter shall, upon service of an order and within the time limits set forth in this Chapter, cause a structural analysis to be made of the building by an engineer or architect licensed by the state to practice as such and, if the building does not comply with earthquake standards specified in this chapter, the owner shall cause it to be structurally altered to conform to such standards or shall cause the building to be demolished.
- B. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this Chapter shall obtain one of the following from the Building Official:
 - 1. A building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the building to comply with this Chapter; or
 - 2. A letter from the Building Official stating that he/she concurs with a structural analysis, which demonstrates that the building meets the minimum requirements of this Chapter (i.e. has no statutory need for seismic retrofitting); or
 - 3. A permit for the demolition of the building. Issuance of a permit for demolition of a building shall be subject to compliance with the provisions of Chapter 17.16 (Demolition of Buildings and Structures) of this Title.

In order to meet the deadline set forth above, owners of buildings within the scope of this Chapter must submit structural analyses, plans for structural alteration of the building, and or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the City Building Official to review the analyses, plans and/or applications to demolish and find them to be in compliance with this Chapter.

- C. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this Chapter shall complete construction of structural alterations or complete demolition of the building, as applicable.

17.18.060 Historical Buildings.

Alterations or repairs to qualified historical buildings shall comply with the State Historical Building Code (Title 24, Building Standards, Part 8), in addition to this Chapter.

17.18.070 Order - Service.

The building official shall issue an order as provided in this section to the owner of each building within the scope of this Chapter.

17.18.080 Order - Contents.

The order shall be in writing and shall be served either personally or by certified or registered mail upon the owner as shown on the last equalized assessment roll, and upon the person, if any, in apparent charge or control of the building. The order shall specify that the building has been determined by the Building Official to be within the scope of this Chapter and, therefore, is required to meet the minimum seismic standards of this Chapter. The order shall be accompanied by a copy of Section 17.18.050, which sets forth time limits for compliance.

17.18.090 Appeal from Order.

The owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Chapter to the Board of Appeals established by Section 17.04.020(C) of this Title. Such appeal shall be filed with the board within sixty (60) days from the service date of the order described in Section 17.18.090. Any such appeal shall be decided by the board no later than ninety (90) days after writing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Chapter shall be made in accordance with the procedures established in Sections 105.1 and 105.2 of the California Building Code.

17.18.100 Recordation.

At the time that the Building Official serves the aforementioned order, the Building Official shall also file with the San Luis Obispo County Clerk-Recorder's Office a certificate stating that the subject building is within the scope of this chapter and is a potentially earthquake hazardous building. The certificate shall also state that the owner thereof has been ordered to structurally analyze the building and to structurally alter or demolish it where compliance with this Chapter has not been demonstrated.

If the building is either demolished, found not be within the scope of this Chapter or is structurally capable of resisting minimum seismic forces required by this Chapter as a result of structural alterations or an analysis, the Building Official shall file with the San Luis Obispo County Clerk-Recorder's Office a form terminating the status of the subject building as being classified within the scope of this Chapter.

17.18.110 Enforcement.

- A. If the owner in charge or control of the subject building fails to comply with any order issued by the Building Official pursuant to this Chapter within the time limits set forth in Section 17.18.050, the Building Official shall verify that the recorded owner of this building has been properly served.
- B. If the order has been served on the record owner, then the Building Official shall order that the entire building be vacated and that the building remain vacated until such order has been complied with.
- C. If compliance with such order has not been accomplished within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted by the Board of Appeals, the Building Official may order its demolition in accordance with the provisions of Section 102 of the California Building Code. Any demolition would be subject to those conditions set forth in the Chapter 17.16 (Demolition of Buildings and Structures) of this Title.

17.18.120 Full strengthening required prior to time frames provided for under Section 17.18.050.

The Building Official shall require full compliance with the minimum seismic standards contained within this Chapter and the International Existing Building Code before the time frames set forth under Section 17.18.050, subject to the following conditions:

- A. Any change or conversion of an unreinforced masonry structure from its existing use to that of a more intensive use.
- B. The remodel of a structure covered by this Chapter, in an amount equaling fifty percent of the structure's replacement value as determined using the latest edition of the Building Standards Valuation, published by the International Conference of Building Officials.
- C. The Building Official may, upon receipt of a written request from the owner, order such owner to bring his building into compliance with this code prior to the normal service date for such building set forth in this chapter.

17.18.130 Certificate of compliance.

- A. In accordance with Chapter 3, Section 70(d)(3) of the Revenue and Taxation Code, the Building Division shall, upon the completion of a seismic retrofit, file a certificate of compliance with the County Assessor's Office on or before the following April 15th.

- B. The certificate of compliance shall establish that the work associated with the seismic retrofit was the result of a local ordinance related to seismic safety, and therefore shall not add value to the assessment role.

17.18.140 Requirements for plans-- Structural engineering.

The following construction information shall be included in the plans required by this Chapter:

1. Dimensioned floor and roof plans showing existing walls and the size and spacing of floor and roof framing member and sheathing materials. The plans shall indicate all existing and new crosswalls and their materials of construction. The location of the crosswalls and their openings shall be fully dimensioned or drawn to scale on the plans;
2. Dimensioned wall elevations showing openings, thicknesses, heights, the type of veneer, its thickness and its bonding and/or ties to the structural wall masonry shall also be reported;
3. The extent and type of existing wall anchorage to floors and roof when used in the design;
4. The extent and type of parapet corrections which were previously performed, if any;
5. Repair details, if any, of cracked or damaged unreinforced masonry walls.

17.18.150 Material requirements.

- A. General. All materials permitted by this Chapter, including their appropriate allowable design values substantiated by testing may be utilized to meet the requirements of this chapter.
- B. Existing Materials. All existing materials utilized as part of the required vertical load-carrying or lateral force-resisting system shall be tested or shall be repaired or removed and replaced with new materials.

17.18.160 Upgrade design--Requirements for expanded or continued use of a structure.

- A. Except as modified herein, the analysis and design relating to the alteration of, or addition to, an existing building shall be in accordance with the California Building Code.
- B. Contractors providing structural upgrades shall be licensed by the State of California in the trade(s) being performed to accomplish the upgrade.

- C. Design documents and specifications pertaining to structural upgrades shall be prepared by an architect, structural engineer or civil engineer specializing in structural work, licensed by the State of California to practice as such.
- D. Design documents and specifications shall comply with the International Existing Building Code, Appendix A, Chapter A1.

17.18.170 Special requirements for qualified historical buildings.

- A. Plans for seismic upgrading of qualified historical buildings shall be reviewed by the Development Review Committee. The basis of review shall be the design guidelines established by the City and the Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitation of Historic Properties, with the following special requirements:
 - 1. Features of architectural or historical significance shall be retained and reattached, braced or stabilized, as required by applicable codes and/or the Building Official.
 - 2. In-wall anchors shall be used on qualified historical buildings instead of through-wall anchors, especially on the principal facade.
 - 3. Through-wall anchors on other facades may be permitted, provided that their locations and treatment are approved by the Development Review Committee.
 - 4. Closure of historic openings on the principal facade shall not be permitted and shall be discouraged on secondary facades. If closure of such openings on secondary facades is unavoidable, the materials used shall be compatible with the existing exterior materials of the secondary facade wall.
 - 5. Historic parapets shall be braced rather than removed.
 - 6. Historic architectural veneer posing a safety hazard shall be stabilized and re-anchored to the building.
- B. The purpose and intent of the plan review and guidelines shall be to minimize the effects of seismic strengthening on the exterior appearance of the building.
- C.
 - 1. In order to minimize the effect on the exterior appearance of a qualified historical building, plans showing proposed shear-test locations shall be submitted for review and approval by the Community Development Director or his/her designee, prior to any testing of the structure taking place.
 - 2. Repairs after testing shall match the original adjacent existing building facade materials.

17.18.180 Buildings with brick veneers, cornice work and/or parapets.

- A. 1. The owner of each building constructed prior to 1972 with a brick veneer shall, upon service of an order and within the time limits set forth in this Chapter, cause an analysis to be made of the veneer by an engineer or architect licensed by the state to practice as such have such veneer examined to determine if it is anchored to the building structure in a manner consistent with the anchorage requirements contained in the International Existing Building Code Section A113.7.
2. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this Subsection shall obtain from the Building Official a building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the brick veneer to comply with this Subsection.
3. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this Subsection shall complete anchoring of the brick veneer if indicated by said report.

In order to meet the deadline set forth above, owners of buildings within the scope of this Subsection must submit structural analyses, plans for structural alteration of the building, and or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the City Building Official to review the analyses, plans and/or applications to demolish and find them to be in compliance with this Chapter.

- B. 1. Each owner of a building from which brick veneers, cornice work and/or parapets were removed as a result of the December 22, 2003 earthquake shall replace said veneers, cornices, and/or parapets.
2. The owners of buildings within the scope of this Subsection shall be served written orders informing them of the requirement to replace said veneers, cornices, and/or parapets in the manner set forth in Sections 17.18.070 and 17.18.080. Said order shall inform building owners that veneers, cornice work and/or parapets shall be replaced with materials providing the same architectural/historical features originally removed.
3. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this Subsection shall obtain from the Building Official a building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the brick veneer, cornice and or parapet to comply with this Subsection.
4. Within thirty (30) months of the date of service of the order, the owner of a building within the scope of this Subsection shall complete all replacement work.

In order to meet the deadline set forth above, owners of buildings within the scope of this Subsection must submit structural analyses, plans for structural alteration of the building, and

or applications to demolish their buildings at least 105 calendar days prior to the deadline to allow for the City Building Official to review the analyses, plans and/or applications to demolish and find them to be in compliance with this Chapter.

- C. The owners of buildings within the scope of this Section shall be served written orders in the manner set forth in Sections 17.18.070 and 17.18.080.
- D. Appeals of orders specified in this Section shall be handled in the manner set forth in Section 17.18.090.

17.18.190 Report to City Council.

Within 30 days of the deadlines established in Sections 17.18.050 and 17.18.180, the Building Official shall make a written report to the City Council explaining the status of compliance for each building served notice as set forth in Section 17.18.070.