

ORDINANCE NO. 878 N.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF EL PASO DE ROBLES  
REPEALING AND REPLACING CHAPTER 17.18 REGARDING SEISMIC STRENGTHENING  
PROVISIONS FOR UNREINFORCED MASONRY BEARING WALL BUILDINGS AND  
AMENDING SECTION 17.04.020(c) OF CHAPTER 17.04 REGARDING THE BOARD OF  
HOUSING AND DISABLED ACCESS APPEALS

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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; and

WHEREAS, the City has determined that the City Council, not the Housing Advisory and Disabled Access Board of Appeals, is the appropriate body to hear appeals from orders to abate dangerous buildings.

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

SECTION 1. Chapter 17.18, Title 17 of the City of El Paso de Robles Municipal Code as adopted by Ordinance No. 646, N.S. and as amended by Ordinances Nos. 699 N.S. and 740 N.S. is hereby repealed and replaced to read as shown on Exhibit A, attached hereto and incorporated herein by this reference.

SECTION 2. Subsection 105.1 of Section 17.04.020(c) of Chapter 17.04, Title 17 of the City of El Paso de Robles Municipal Code as adopted by Ordinance No. 643 N.S. and as amended by Ordinances Nos. 706 N.S. (part), 763 N.S. (part), and 843 N.S. is hereby amended to read as follows:

105.1 Board of Housing and Disabled Access Appeals established.

In order to provide for interpretations of steps necessary to implement the Uniform Housing Code, Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, and those Chapters of Municipal Code where the Board is specifically noted as being the entity responsible for the hearing of appeals, there is hereby established a City of Paso Robles Housing Advisory and Disabled Access Board of Appeals, (hereinafter sometimes collectively referred to as "Board of Appeals" or "Board").

The Board shall serve as the "local appeals board" specified in sections 19957.5 of the California Health and Safety Code, in appeals relating to accommodations for the physically disabled.

SECTION 3. Subsection 105.2 of Section 17.04.020(c) of Chapter 17.04, Title 17 of the City of El Paso de Robles Municipal Code as adopted by Ordinance No. 643 N.S. and as amended by Ordinances Nos. 706 N.S. (part), 763 N.S. (part), and 843 N.S. is hereby amended to read as follows:

105.2 Responsibilities and Limitation of Authority.

The Board of Appeals shall function as the "Local Appeals Board" and "Housing Appeals Board" and "Disabled Appeals Board" as specified in Sections 17920.5 and 17920.6, respectively, of Division 13, Part 1.5 of the California Health and Safety Code. The Board shall have no authority relative to interpretation of the administrative provisions of the codes adopted by the City, nor shall the Board be empowered to waive requirements of any code adopted by the City.

The authority of the Board shall consist of the ability to consider appeals filed pursuant to this Chapter and give reasonable interpretations of the Chapter and the technical codes. When required to do so, the Board will conduct hearings regarding appeals of notices and/or orders relative to substandard buildings pursuant to the Uniform Housing Code adopted by reference in Chapter 17.04.

SECTION 4. Subsection 105.7 of Section 17.04.020(c) of Chapter 17.04, Title 17 of the City of El Paso de Robles Municipal Code as adopted by Ordinance No. 643 N.S. and as amended by Ordinances Nos. 706 N.S. (part), 763 N.S. (part), and 843 N.S. is hereby amended to read as follows:

105.7 Appeals Procedure.

Any person aggrieved by a decision of the Building Official for the City pertaining to orders, decisions, or determinations relative to the application and interpretations of the Uniform Housing Code, Title 24 of the California Code of Regulations or the technical codes adopted by the Chapter pertaining to access or accommodations for the physically disabled, shall have the right to appeal the decision as provided for under this chapter.

Decisions and actions regarding the enforcement of the requirements of Division 13, Part 5.5 of the California Health and Safety Code may be appealed by any person to the Appeals Board for Disabled Access as provided for under this chapter.

SECTION 5. 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 6. 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 7. 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 8. 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 June 15, 2004, and passed and adopted by the City Council of the City of El Paso de Robles on the 6th day of July 2004 by the following roll call vote, to wit:

AYES:	Finigan, Heggarty, Nemeth, Picanco, and Nemeth
NOES:	None
ABSTAIN:	None
ABSENT:	None

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Frank R. Mecham, Mayor

ATTEST:

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Sharilyn M. Ryan, Deputy City Clerk

## **EXHIBIT A**

### **Chapter 17.18**

#### **AMENDMENTS TO THE INTERNATIONAL EXISTING BUILDING CODE, APPENDIX A, CHAPTER A1**

##### **17.18.010 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.

##### **17.18.020 Scope**

Chapter section A102 entitled "Scope" is amended to read as follows:

#### **SECTION A102 SCOPE**

**A102.1 General.** The provisions of this chapter shall apply to all existing buildings having at least one unreinforced masonry bearing wall. The elements regulated by this chapter shall be determined in accordance with Table A1-A. Except as provided herein, all other provisions of the California Building Code shall apply.

**A102.2 Essential and hazardous facilities.** The provisions of this chapter are not intended to apply to the strengthening of buildings or structures in Occupancy Categories 1 and 2 of Table 16-K of the 1997 California Building Code when located in Seismic Zones 2B, 3 and 4, or in Seismic Use Groups II and III, where Seismic Design Categories C, D, E, and F as defined in the 2003 International Building Code are required. Such buildings or structures shall be strengthened to meet the requirements of the California Building Code for new buildings of the same occupancy category.

**A102.3 Exceptions.** The provisions of this chapter shall not apply to detached one-or two-family dwellings and detached apartment houses containing less than five dwelling units and used solely for residential purposes.

### **17.18.030 Definitions**

Chapter section A103 entitled "Definitions" is amended to include the following additional definitions:

**QUALIFIED HISTORICAL BUILDING.** Any structure included on the National Register of Historic Buildings or the state list of Significant Historic Buildings.

**QUALIFIED ZONES.** That zone or geographic area referenced under the State [California] Building Code establishing the potential earthquake hazard of a given area.

**SEISMIC RETROFIT.** All work necessary to comply with the requirements of this chapter.

The above definitions shall be in addition to those contained in the California Building Code and the International Existing Building Code Section A103.

### **17.18.040 Administrative provisions**

New chapter section A115 entitled "Administrative Provisions" is added to read as follows:

#### **SECTION A115 ADMINISTRATIVE PROVISIONS**

##### **A115.1 Compliance requirements.**

**A115.1.1 Structural analysis.** 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.

**A115.1.2 Twelve-month compliance requirements.** 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 or she concurs with a structural analysis, which demonstrates that the building meets the minimum requirements of this chapter and therefore does not require 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 the Municipal Code.

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 Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this chapter.

**A115.1.3 Thirty-month compliance requirements.** 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.

**A115.2 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.

**A115.3 Order.**

**A115.3.1 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. 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 A115.1, which sets forth time limits for compliance.

**A115.4 Recordation.**

1. At the time that the Building Official serves the order as provided in Subsection A115.3.1, 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.

2. If the building is either 1) demolished, 2) found not to be within the scope of this chapter or 3) 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.

#### **A115.5 Appeal.**

Appeals or requests for modifications from any determinations, actions, or orders by the Building Official pursuant to this chapter shall be made to the City Council. Such appeal shall be filed with the City Council within sixty (60) days of the rendering of the decision being appealed. Such appeal shall be made in writing on appropriate forms provided therefore by the Building Official and the grounds thereof shall be stated clearly and concisely.

#### **A115.6 Enforcement.**

1. 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 A115.1, 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 may order that the entire building, or any portion thereof, be vacated and that the building, or any portion thereof, 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, the building is hereby declared a public nuisance. The Building Official shall order abatement of the building.
- D. Any person who violates any provision of this chapter is guilty of a misdemeanor and is subject to the penalty as provided for in Section 1.02.010 of the Municipal Code.
- E. Appeals or requests for modifications from any determinations, actions, or orders by the Building Official pursuant to this Subsection shall be handled in the manner set forth in Section A115.5.

**A115.7 Full strengthening required prior to time frames set forth in section A115.1.**

The Building Official shall require full compliance with the minimum seismic standards contained within this chapter before the time frames set forth in Section A115.1 upon the occurrence of any one of the following conditions:

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

**A115.8 Certificate of compliance.**

1. 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.
2. 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.

**A115.9 Requirements for structural alteration plans - structural engineering.**

The following construction information shall be included in the structural alteration plans submitted to the Building Official pursuant to Section A115.1 of 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;

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; and
5. Repair details, if any, of cracked or damaged unreinforced masonry walls.

**A115.10 Material requirements.**

**A115.10.1 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.

**A115.10.2 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.

**A115.11 Upgrade design--requirements for expanded or continued use of a structure.**

1. 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.
2. Contractors providing structural upgrades shall be licensed by the State of California in the trade(s) being performed to accomplish the upgrade.
3. 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.
4. Design documents and specifications shall comply with this chapter.

**A115.12 Special requirements for qualified historical buildings.**

**A115.12.1 Purpose and Intent of this Section A115.11.** The purpose and intent of this Section A115.11 shall be to minimize the effects of seismic strengthening on the exterior appearance of qualified historical buildings.

**A115.12.2 Review by Development Review Committee.** 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 this chapter

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.

**A115.12.3 Building Exterior.**

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 or her designee, prior to any testing of the structure taking place.
2. Repairs after testing shall match the original adjacent existing building facade materials.

**A115.13 Buildings with brick veneers, cornice work and/or parapets.**

**A115.13.1 Buildings constructed prior to 1972.** 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 and have such veneer examined to determine if it is anchored to the building structure in a manner consistent with the anchorage requirements contained in this chapter.

1. The owners of buildings within the scope of this Subsection shall be served written orders in the manner set forth in Sections A115.3 informing them of the requirements of this Subsection.
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 to meet the anchoring requirements of this chapter.

In order to meet the deadline set forth above, owners of buildings within the scope of this Subsection must submit structural analyses and 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 Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this Chapter.

**A115.13.2 Buildings from which brick veneers, cornice work, and or parapets were removed as a result the December 22, 2003 earthquake.** 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.

1. The owners of buildings within the scope of this Subsection shall be served written orders in the manner set forth in Sections A115.3 informing them of the requirement to replace said veneers, cornices, and/or parapets. 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.
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, cornice, and/or parapet 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 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 and 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 Building Official to review the analyses, plans, and/or applications to demolish and to find them to be in compliance with this Chapter.

**A115.13.3 Appeals.** Appeals of orders specified in this Section A115.12 shall be handled in the manner set forth in Section A115.5.

**A115.14 Report to City Council.**

Within thirty (30) days of the deadlines established in Sections A115.1 and A115.12, 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 A115.3.