

**CITY OF CALISTOGA  
BUILDING STANDARDS ADVISORY AND APPEALS BOARD  
RESOLUTION BSAAB 2015-1**

**RECOMMENDING TO THE CALISTOGA CITY COUNCIL THE ADOPTION OF  
CALISTOGA MUNICIPAL CODE CHAPTER 15.46, SEISMIC RETROFIT  
REGULATIONS**

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1           **WHEREAS**, the State of California requires cities and counties to identify all  
2 buildings that could be potentially hazardous during and after a seismic event, and the  
3 Calistoga Building Official has determined that a number of unreinforced masonry  
4 buildings exist within the city of Calistoga; and

5           **WHEREAS**, the State of California therefore requires the City to adopt policies  
6 and procedures to reduce or eliminate potentially-hazardous conditions; and

7           **WHEREAS**, the provisions of Chapter 15.46 are the minimum standards for  
8 structural seismic resistance established primarily to reduce the risk of life loss or injury  
9 on both subject and adjacent properties and will not necessarily prevent loss of life or  
10 injury or prevent earthquake damage to an existing building that complies with these  
11 standards; and

12           **WHEREAS**, it is desirable to provide property owners with a reasonable  
13 timeframe for compliance in order to minimize adverse economic impacts on their  
14 businesses.

15           **NOW, THEREFORE, BE IT RESOLVED** by the City of Calistoga Building  
16 Standards and Appeals Board that based on the above findings, the Board  
17 recommends adoption of the seismic retrofit requirements contained in Chapter 15.46,  
18 attached hereto as Exhibit A.

**PASSED AND ADOPTED** on January 22, 2015, by the following vote of the  
Calistoga Building Standards and Appeals Board:

- AYES:
- NOES:
- ABSENT:
- ABSTAIN:

\_\_\_\_\_  
, Chair

ATTEST: \_\_\_\_\_  
Clif Castle  
BSAAB Secretary

Exhibit A

**Chapter 15.46**

**SEISMIC RETROFIT REQUIREMENTS**

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- Sections:
- 15.46.010 Purpose, scope and application.
  - 15.46.020 Definitions.
  - 15.46.030 Notice of determination to property owner.
  - 15.46.040 Seismic upgrade plans.
  - 15.46.050 Additional upgrading requirements.
  - 15.46.060 Abatement of unreinforced masonry buildings.
  - 15.46.070 Implementation schedule and time extensions.
  - 15.46.080 Notification to tenants.

**15.46.010 Purpose, scope and application.**

A. Purpose. Calistoga has experienced and will continue to experience moderate to great earthquakes due to its proximity to numerous active and potentially-active faults. Many commercial buildings are a serious threat to the life and safety of people who live and work in the community in the event of an earthquake. The primary goal of this Chapter is to reduce the risk of death and injury resulting from damage to existing unreinforced masonry buildings from earthquakes in an economically-feasible manner.

This Chapter provides procedures for the systematic review and upgrading of unreinforced masonry buildings within the city to reduce the risk of death and injury in the event of an earthquake.

B. Scope.

The provisions of this Chapter shall apply to all buildings designed under building codes in effect prior to [DATE], which, on the effective date of this Chapter have unreinforced masonry walls.

Any such buildings with seismic strengthening in place prior to the effective date of this ordinance shall be within the scope of this Chapter and shall, therefore, be evaluated according to the provisions of this Chapter and modified to comply with this Chapter if deficient.

The provisions of this Chapter are minimum standards for structural seismic resistance established primarily to reduce the risk of life loss or injury on both subject and adjacent properties and will not necessarily prevent loss of life or injury or prevent earthquake damage to an existing building that complies with these standards. The requirement for compliance with these standards does not preclude the utilization, at the building owner's option, of more extensive strengthening method that might further prevent or limit loss of life or injury or building damage.

C. Application

- 1. This Chapter shall apply to:
  - a. Buildings or portions of buildings having at least one unreinforced masonry wall;

- 41           b. Buildings with brick veneer greater than 10 feet above grade located in a high  
42           pedestrian traffic corridor; and
- 43           c. Buildings with an unreinforced parapet that exceeds a one and one-half (1½)  
44           height/depth ratio or extends 24 inches or more above the roof surface, and is  
45           located on a street in a high pedestrian traffic corridor.
- 46       2. The requirements of this Chapter shall not apply to:
- 47           a. Residential buildings containing five (5) or fewer dwellings;
- 48           b. Warehouses and similar structures not used for human habitation, except  
49           those housing emergency services, equipment or supplies;
- 50           c. Buildings that are not subject to City building regulations.

51       **15.46.020 Definitions.**

52       For the purposes of this Chapter, certain terms, phrases, words and their derivatives  
53       shall be construed as specified in this section or as otherwise specified in the California  
54       Building Code, the California Existing Building Code, the California Historical Building  
55       Code, where applicable and as adopted by reference in this code. Where terms are not  
56       defined, they shall have their ordinary accepted meanings within the context with which  
57       they are used.

- 58       A. "Designated historical building" means a building included on or eligible for a  
59       national, state or local historical register or an official inventory of historical- or  
60       architecturally-significant sites, places, historic districts or landmarks.
- 61       B. "Upgrading" means all work necessary to comply with the requirements of this  
62       Chapter.
- 63       C. "Unreinforced masonry wall" is a masonry wall or poured-in-place concrete that  
64       relies on the tensile strength of masonry units, mortar and grout in resisting design  
65       loads, and in which the area of reinforcement is less than 25 percent of the minimum  
66       ratio required by the most recent version of the building code adopted by the City for  
67       new buildings.

**15.46.030 Notice of determination to property owner.**

- 68       A. Notice. Within 30 days of determining that a building is within the scope of this  
69       Chapter, the Building Official shall prepare and deliver by mail a notice to the  
70       property owner. The notice shall include the following:
- 71           1. A statement to the effect that the building has been reviewed and appears to  
72           include at least one unreinforced masonry wall
- 73           2. A determination of noncompliance with the requirements of CMC 15.46.060
- 74           3. Where applicable, the findings on which the determination that the building does  
75           not comply is based

76 4. A statement that a seismic upgrade plan as provided in CMC 15.46.040 shall be  
77 submitted by the property owner within the time frame provided in CMC  
78 15.46.070

79 5. A statement that the property owner shall post in a conspicuous place at the  
80 entrance of the building, on a sign not less than 8"×10" the following statement,  
81 with the first two words printed in 50-point bold type and the remaining words in  
82 at least 30-point type:

83 "Earthquake Warning. This is an unreinforced masonry building.  
84 You may not be safe inside or near unreinforced masonry buildings  
85 during an earthquake."

86 The owner shall also be advised that if they fail to comply with this sign  
87 requirement within 15 days after notification, they may be subject to an  
88 administrative fine of two hundred fifty dollars (\$250), and within 30 days of the  
89 first administrative fine, the owner may be subject to an additional administrative  
90 fine of one thousand dollars (\$1,000).

91 6. A statement that the owner is required to provide a copy of the notice to correct  
92 deficiencies to the tenant or tenants of the building in accordance with CMC  
93 15.46.080

94 7. A description of the appeal process for the Building Official's determination.

95 B. Appeal of determination The property owner may appeal the Building Official's  
96 determination that the building is within the scope of this Chapter to the Building  
97 Standards Advisory and Appeals Board. Such appeal shall be filed with the Board  
98 within thirty (30) days of the service date of the notice described in CMC  
99 15.46.030(A.). Such appeal shall be made in writing, and the grounds thereof shall  
100 be stated clearly and concisely. Any materials that the appellant wishes considered  
101 by the Board shall be submitted to the Board at least 14 calendar days before the  
102 hearing. Each appeal shall be accompanied by any filing fee adopted by the City  
103 Council. If no appeal is filed within thirty (30) days of the service of the compliance  
104 order, the building shall be considered to be within the scope of this Chapter.

105 C. Recordation.

106 1. After expiration of the 30-day appeal period, the Building Official may record with  
107 the Napa County Recorder a certificate stating that the subject building is within  
108 the scope of this Chapter. The certificate shall state that the owner thereof has  
109 been ordered to review, analyze and upgrade the building in accordance with this  
110 Chapter.

111 2. If such a certificate is recorded, upon completion of all required seismic upgrade  
112 work, the Building Official shall file a certificate of seismic upgrade completion  
113 with the Napa County Recorder.

114 **15.46.040 Seismic upgrade plans.**

115 A. Upon notice by the Building Official to the property owner to correct deficiencies  
116 pursuant to this Chapter, the property owner shall engage the services of a

117 professional to prepare a seismic upgrade plan for the subject building within the  
118 time limits set forth in CMC 15.46.070. Such plans shall be designed by a California-  
119 licensed architect, structural engineer or civil engineer specializing in structural work  
120 in accordance with the provisions of the California Existing Building Code or, if  
121 applicable, the California Historical Building Code as adopted by the City.

122 B. The seismic upgrade plan shall be submitted to the Building Official for review  
123 and approval and shall include, but not be limited to, the following information.  
124 Exceptions and/or alternatives to specific items required by this subsection may be  
125 authorized by the Building Official upon review of a written request from the engineer  
126 or architect. Exceptions and/or alternatives may only be granted when it can be  
127 demonstrated that the item(s) are unnecessary to provide information available by  
128 other equivalent means.

- 129 1. Location by street address and assessor's parcel number;
- 130 2. Type of occupancy, use of the building and dimensions;
- 131 3. Type of construction, type of foundation, and material used in construction;
- 132 4. Field and laboratory tests as determined necessary by the Building Official, the  
133 architect or the engineer, which shall include, but not be limited to, the drilling of  
134 inspection holes, the determination of the strength and quality of materials, and a  
135 general description of how these materials are integrated within the building;
- 136 5. Comprehensive review of conditions, maintenance and foundation performance;
- 137 6. Complete vertical load resume, analysis or estimate based on typical bays and  
138 details of all critical areas;
- 139 7. Investigation, review and analysis of building elements including, but not limited  
140 to, mortar, masonry, walls, parapets, diaphragms, shear walls, bracing,  
141 attachments and ornamentation, ceilings, lights, stairs, type and resistance of  
142 interior partitions, presence and adequacy of diaphragm chords, and ties;
- 143 8. Such plans or sketches, as necessary, to describe building strengths and  
144 deficiencies;
- 145 9. Such other information or testing as required by the Building Official;
- 146 10. Calculations, plans and specifications to show compliance with the requirements  
147 of this Chapter; and
- 148 11. Cultural resources report and recommendations when determined necessary by  
149 the Planning and Building Director due to proposed significant excavations on  
150 known or possible sites of historic significance.

151 C. Application to designated historical buildings. The design and upgrading provisions  
152 of this Chapter may be used in conjunction with the California Historical Building  
153 Code as a method of complying with the minimum requirements of this Chapter.

154 **15.46.050 Additional upgrading requirements.**

155 In addition to meeting the seismic upgrade requirements of CMC 15.46.040, buildings  
156 subject to this Chapter shall also comply with the following.

157 A. Compliance is required with the fire and panic requirements of Chapter 34 of the  
158 California Building Code, the California Fire Code and, where applicable, the  
159 California Historical Building Code as amended and adopted by the city.  
160 Requirements concerning egress, corridors, enclosed stairways, fire sprinkler  
161 systems, fire separations, fire protection and panic hardware shall be addressed.  
162 Alternative methods of fire protection including, but not limited to, fire sprinkler  
163 systems and smoke detection systems, may be approved by the fire marshal and  
164 the Building Official.

165 B. Existing electrical, plumbing, mechanical and other nonstructural portions of the  
166 building that are found to be dangerous to the extent that the life, health, property or  
167 safety of the public or its occupants are endangered shall be upgraded in  
168 accordance with the City's Building Standards Codes.

169 **15.46.060 Abatement of unreinforced masonry buildings.**

170 A. Buildings subject to the requirements of this Chapter that do not meet the  
171 requirements of this Chapter shall be abated by seismic upgrading in accordance  
172 with the provisions of this Chapter or by demolition.

173 B. A demolition permit shall be obtained from the City prior to the demolition of a  
174 building. The demolition permit application for a designated historical building shall  
175 be reviewed by the Planning and Building Department for compliance with the  
176 guidelines of the California Environmental Quality Act.

177 C. Substandard buildings, hazards and dangerous conditions which are not abated  
178 within the time limits set forth in CMC 15.46.070 shall be considered a public  
179 nuisance and shall be vacated and/or abated in accordance with CMC Chapter  
180 15.52, Violations.

181 D. In addition to any other remedy provided herein, the City Council may cause any  
182 building not abated within the time limits set forth in CMC 15.46.070 to be vacated,  
183 strengthened, repaired, rehabilitated, remodeled, demolished or upgraded in  
184 accordance with the provisions of this Chapter and place a lien on the property for all  
185 costs incurred in accordance with the provisions of CMC Chapter 15.52, Violations.

186 **15.46.070 Implementation schedule and time extensions.**

187 A. Implementation schedule

188 1. A building permit accompanied by a seismic upgrade plan prepared in  
189 accordance with CMC 15.46.040 and 15.46.050 shall be submitted to the  
190 Building Official for approval within six (6) months of the date of the notice to  
191 owner to correct deficiencies.

192 2. Following the issuance of a building permit for seismic upgrade work,  
193 construction shall be commenced within three (3) months.

194 3. The work included in a seismic upgrade plan shall be completed within three (3)  
195 years of the date of the notice to owner to correct deficiencies unless otherwise  
196 specified in a previously-recorded notice to owner to correct deficiencies.

197 **15.46.080 Notification to tenants.**

198 Upon receipt of notice to correct deficiencies provided in CMC 15.46.030, within thirty  
199 (30) days the property owner shall notify in writing all current and subsequent tenants  
200 that a review of the building has been performed and that said building may be  
201 structurally hazardous in the event of an earthquake.

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