

Napa Municipal Code

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A. Purpose. The city of Napa has experienced and in the future will continue to experience moderate to severe earthquakes due to its proximity to the Rodgers Creek, Hayward and San Andreas faults. Many buildings subject to severe earthquake hazards continue to constitute 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 provide alternative economically feasible construction regulations designed to reduce the risk of death or injury resulting from earthquake hazards in existing masonry or concrete buildings, while preserving the historic character of the community.

B. Scope. This chapter provides procedures and requirements for the systematic review and reconstruction of unreinforced masonry buildings within the city to improve their safety in the event of an earthquake.

C. Application.

1. This chapter shall apply to all unreinforced masonry, and all buildings or portions of buildings constructed with unreinforced masonry walls;
2. This chapter shall not apply to:
 - a. Public schools,
 - b. Hospitals,
 - c. State-owned buildings, and
 - d. Detached one- and two-family dwellings;
3. This chapter does not require alteration of any building's existing electrical, plumbing or mechanical systems unless the Building Official determines that the life, health, property or safety of the public or of any building's occupants is endangered by a condition or defect in such system or systems.

D. Application to Designated Historical Buildings. Designated historical buildings shall be reinforced in accordance with the State Historical Building Code. The design and reinforcement provisions of this chapter may be used in conjunction with the State Historical Building Code as a method of complying with the minimum requirements of this chapter. (O2006 1)

15.110.020 Definitions.

For the purposes of this chapter, certain terms, phrases, words and their derivatives shall be construed as specified in this section or as otherwise specified in the Uniform Building Code, the California Building Code, the Uniform Code for the Abatement of Dangerous Buildings, the Uniform Code for Building Conservation, the State Historical Building Code, or Title 15 of the Napa Municipal Code. Where terms are not defined, they shall have their ordinary accepted meanings within the context they are used.

“Architect” means a person who is licensed to practice architecture in this state.

“Designated historical building” means any building, structure or collection of structures deemed of importance to the history, architecture, or culture of an area by an appropriate local, state, or federal governmental jurisdiction. This shall include, without limitation, structures on existing or future, national, state or local historical registers or official inventories of historical or architecturally significant sites, places,

historic districts, or landmarks.

“Engineer” as used in this chapter means any professional, civil or structural engineer who is licensed to practice engineering in this state.

“Prevailing code” means the “regular building regulations” as that term is used in the California Health and Safety Code, which govern the design and construction of non-historical buildings within the city of Napa.

“Reinforcement” means all work necessary to comply with the requirements of this chapter.

“Unreinforced masonry building” means a building containing, including, incorporating or constructed with at least one unreinforced masonry wall.

“Unreinforced masonry wall” means a masonry wall in which the area of reinforcing steel is less than 25% of the minimum steel ratios required by the California Building Code for reinforced masonry. (O2006 1)

15.110.030 Preliminary Building Department review.

Every building within the scope and application of this chapter shall be subject to a preliminary review by the Building Official to determine the general structural characteristics and relative safety of the building and its general compliance with the structural requirements of Section 15.110.060(A) through (F) of this chapter or any Uniform Building Code, as adopted by the city of Napa. If the Building Official determines that the building so complies, it shall then be exempt from the other requirements of this chapter. If the Building Official determines that the building does not comply, the property owner shall further review, and shall prepare a reinforcement design for the structure in accordance with the provisions of Sections 15.110.050 and 15.115.060 of this chapter.

A. The scope of the preliminary review by the Building Official or authorized representative may include, but shall not be limited to, the following:

1. Location by street address and assessor’s parcel number;
2. Type of occupancy and approximate square footage;
3. Type of construction and foundations, and type of material used in construction;
4. Age of construction; photos of the building exterior; construction drawings if available;
5. Quality of maintenance; cracks and cleanliness; evidence of leaks; foundation settlement; sagging floors or rusting metal and rotting wood; general deterioration of any other building material used;
6. General fire classification of the structure;
7. Adequacy of exiting system;
8. Type and strength of wall and parapet anchorage;
9. Type of diaphragms and bracing; and
10. Type of interior partitions.

B. For the purpose of determining compliance with this chapter, the Building Official may rely on the information provided in subsections (A)(1) through (10) above, and may also, but shall not be required to provide extensive tests in connection with the preliminary review. (O2006 1)

15.110.040 Notice to owner.

A. Notice to Correct Deficiencies. For each building the Building Official determines not to be in compliance with the requirements of Section 15.110.060 of this chapter, the Building Official shall prepare a notice to the owner to correct deficiencies. The notice to correct deficiencies shall include substantially the following:

1. A statement to the effect that the structure has been reviewed and appears to be of the type which is prone to significant damage, including collapse, in a moderate to major earthquake;
 2. A determination of noncompliance with the requirements of Section 15.110.060 of this chapter;
 3. Where applicable, findings on which the determination that the building does not comply is based;
 4. A time schedule during which abatement must be commenced and completed; and
 5. A statement that the owner is required to provide a copy of the notice to correct deficiencies to the tenant or tenants of the building in accordance with Section 15.110.090 of this chapter.
- B. Recordation. At the time that the aforementioned notice is served, the Building Official may file and record with the Office of the County Recorder a certificate or other document stating that the subject building is within the scope and application of this chapter. The certificate shall also state that the owner thereof has been ordered to review, analyze and upgrade the building in accordance with this chapter.
- C. No property owner shall be relieved or excused from complying with the requirements of this chapter by any inadequacy, delay or non-receipt of the notice required by this chapter. (O2006 1)

15.110.050 Property owner review, design and reinforcement.

Upon notice by the city to the property owner to correct deficiencies, the property owner shall retain or otherwise require an engineer or architect to prepare a reinforcement design for the subject building within the time limits set forth in Section 15.110.080 of this chapter. Required reinforcement shall be designed and completed in accordance with the provisions of Section 15.110.060 of this chapter or any Uniform Code, as adopted by the city or, if applicable, the State Historical Building Code. (O2006 1)

15.110.060 Reinforcement design—Requirements for continued use of structure.

Reinforcement work and design shall be performed by the property owner, his or her contractor, representative, agent or employee under the direct supervision of an architect, structural engineer or civil engineer specializing in structural work. Structural reinforcement work shall be designed and constructed in accordance with the Uniform Code for Building Conservation or in accordance with subsections A through F. Subsections G, H and I shall apply to all buildings subject to the requirements of this chapter.

- A. The vertical dead load (without live or lateral loads) must not create any overstress as related to allowed stresses pursuant to this chapter, except that foundations may be assumed to have met the test of time where there is no settlement or damage.
- B. The existing building must meet the requirements of prevailing code for vertical forces including live load with no more than 15% overstress.
- C. Walls, parapets, windows and doors must be adequate for a 15-pound wind, 20% gravity on walls, 50% gravity on parapets both in spanning between resisting elements and attachments supporting elements with no more than 50% increase to stresses in lieu of stress increases allowed by prevailing code.
- D. Diaphragms must be capable of resisting prevailing code required lateral forces at not over 100% increase in prevailing code values. Where wood diaphragms are used to support concrete or masonry walls, the anchorage shall not be accomplished by toe nailing or the use of nails subject to withdrawal, nor shall wood ledgers or framing be used in cross-grain bending or cross-grain tension. Straight sheathed diaphragms shall not be used to resist lateral forces in concrete or masonry wall buildings. Chords, connections of diaphragms to the vertical elements and connection of collectors to the vertical elements in structures shall be provided in accordance with prevailing code requirements.
- E. Shear walls must be adequately connected and tied down to foundations. Unreinforced masonry may be used in shear parallel to plane of the wall; provided, that the wall is securely held in place perpendicular to wall.

- F. Existing solid masonry walls of any type, except adobe, may be allowed a maximum value of four pound per square inch in shear, without testing, with a one-third increase for lateral forces where there is a qualifying statement by the engineer that an inspection has been made, that mortar joints are filled and that both brick and mortar are in good condition. Allowable values above apply to existing unreinforced masonry, except adobe, where the maximum supported height or length to thickness ratio does not exceed 12. Allowable shear stress may be increased by the addition of 10% of the axial direct stress due to weight of a wall directly above. Higher quality mortar may provide a greater shear value based on analysis by the engineer. Wall height or length is measured to supporting resisting elements which are at least twice as stiff as the tributary wall. Stiffness is based on the gross section of the wall.
- G. Compliance is required with the fire and panic requirements of Chapter 15.28 of this code, any Uniform Code adopted by the city and, where applicable, the State Historical Building Code. Requirements concerning egress, corridors, enclosed stairways, fire sprinkler systems, fire separations, fire protection and panic hardware also shall be addressed and satisfied. Alternative methods of fire protection, including, but not limited to, fire sprinkler systems and smoke detection systems, may be approved by the Fire Marshal and the Building Official.
- H. Compliance with state and federal regulations concerning disabled access is required.
- I. Existing electrical, plumbing, mechanical and other nonstructural portions of the buildings which are found to be dangerous to the extent that the life, health, property or safety of the public or its occupants are endangered shall be upgraded in accordance with prevailing code. The Uniform Code for the Abatement of Dangerous Buildings shall be used in determining whether dangerous conditions exist. (O2006 1)

15.110.070 Information required on plans.

The reinforcement design prepared by the engineer or architect shall be submitted to the Building Official and shall include, but shall not be limited to, the following:

- A. Location by street address and assessor's parcel number.
- B. Type of occupancy, use of the building and accurate dimensions.
- C. Type of construction, type of foundation, and material used in construction. Field and laboratory tests as determined necessary by the Building Official, the architect or the engineer shall include, but not be limited to the drilling of inspection holes, the determination of the strength and quality of materials, and a general description of how these materials are integrated within the structure.
- D. Comprehensive review of conditions, maintenance and foundation performance.
- E. Complete vertical resume, analysis or estimate based on typical bays and details of all critical areas.
- F. Investigation, review and analysis of building elements including, but not limited to, mortar, masonry, walls parapets, diaphragms, shear walls, bracing, attachments and ornamentation, ceilings, lights, stairs, type and resistance of interior partitions, presence and adequacy of diaphragm chords, and ties.
- G. Verification of elements of preliminary Building Department review.
- H. Such plans or sketches, as necessary, to describe building strengths and deficiencies.
- I. Such other information or testing as required by the Building Official.
- J. Calculations, plans and specifications to show compliance with the requirements of this chapter.
- K. Exceptions and/or alternatives to the specific items required by this subsection may be authorized by the Building Official upon review of a written request from the engineer or architect. Exceptions may only be granted when it can be demonstrated that the specific item or items are unnecessary to provide information available by other equivalent means.
- L. Archaeological report and recommendations shall be provided by the owner when determined necessary by the Building Official due to proposed significant excavations on known sites of historic

significance. (O2006 1)

15.110.080 Implementation schedule and time extensions.

A. Implementation Schedule.

1. Schedule for Preparation and Submittal of Reinforcement Design. A reinforcement design shall be prepared by an engineer or architect and shall be submitted for approval to the Building Official within two years of the date of mailing or personal delivery of the notice to the owner to correct deficiencies pursuant to Section 15.110.040 of this chapter, or if such notice for any reason is not mailed or otherwise delivered, within three years of the effective date of the ordinance codified in this chapter.
2. Schedule for Completion of Reinforcement Work. All reinforcement work required by the reinforcement design approved by the Building Official shall be completed and approved by the Building Official within three years of the date of mailing or personal delivery of the notice to the owner to correct deficiencies pursuant to Section 15.110.040 of this chapter, or if such notice for any reason is not mailed or otherwise delivered, within four years of the effective date of the ordinance codified in this chapter.

B. Time Extensions.

1. When the property owner demonstrates that legitimate circumstances prevent the reinforcement design or work required by this chapter from being performed, the Building Official may extend the time required for preparation of reinforcement design or completion of required reinforcement work for a period of up to one year. Each property owner seeking such extension shall submit said circumstances and a commitment to complete the required work by a specified date in writing to the Building Official prior to granting of any extension.
2. In addition to the time extension provided in subsection (B)(1) of this section, any person having record title, equitable or legal interest in the subject building may request, before the City Council, an extension of the time limits set forth herein. The City Council may, at its sole discretion, extend the time required for preparation of reinforcement design or completion of required reinforcement work for any period deemed reasonable provided the City Council finds all of the following:
 - a. There exist circumstances justifying a time extension;
 - b. The owner has committed in writing to complete the required work by a specified date satisfactory to the City Council; and
 - c. The property owner has agreed in writing to immediately vacate the building without further notice or administrative appeal on the day following the extended required completion date, unless final inspection approval of all required reinforcement work has otherwise been granted by the Building Official.

(O2006 1)

15.110.090 Notification of tenants.

Upon receipt of notice to correct deficiencies, the property owner shall notify all current and subsequent tenants, in writing, that a review of the building has been performed and that said building may be structurally hazardous in the event of an earthquake, and shall post, affix and maintain a clearly visible and accessible notice inside the main entrance of the building as follows: "This is an unreinforced masonry building which constitutes a severe threat to life safety in the event of an earthquake of moderate to high magnitude." The requirements of this section shall no longer apply once reinforcement work required by this chapter has been completed and approved by the Building Official. (O2006 1)

15.110.100 Abatement—Rehabilitation or demolition.

Every building subject to the requirements of this chapter which does not meet the requirements of this chapter shall be abated by reinforcement, rehabilitation, repair or demolition in accordance with the provisions of this chapter.

- A. Rehabilitation. Designated historical structures, when reinforced, rehabilitated, remodeled, repaired or upgraded, shall comply with the provisions of the State Historical Building Code.
- B. Demolition. Subject to compliance with all other requirements of this code, buildings subject to the requirements of this chapter which do not meet the requirements of this chapter may be abated by demolition. Notwithstanding the foregoing, owners of buildings: (1) designated as a landmark or located in a landmark district, (2) designated as a neighborhood conservation property or located in a neighborhood conservation district, or (3) included on the city's Historic Resources Inventory shall apply for and obtain a certificate of appropriateness from the Cultural Heritage Commission pursuant to Chapter 15.52 of this code prior to obtaining a demolition permit to demolish the structure, and shall comply with the California Environmental Quality Act.
- C. Substandard buildings, hazards and dangerous conditions which are not abated within the time limits set forth in Section 15.110.080 of this chapter shall be considered and are hereby deemed a public nuisance and a dangerous building and shall be vacated and/or abated in accordance with the provisions of the Uniform Code for the Abatement of Dangerous Buildings and Chapters 8.16 and 15.40 of this code. In addition to any other remedy provided herein, the City Council may cause any building not abated within the time limits set forth in Section 15.110.080 of this chapter to be vacated, strengthened, repaired, reinforced, rehabilitated, remodeled, demolished or upgraded in accordance with the provisions of this chapter and shall place a lien on the property for all costs incurred in accordance with provisions of the Uniform Code for the Abatement of Dangerous Buildings and/or Chapters 8.16 and 15.40 of this code. (O2006 1)

15.110.110 Appeals.

Any property owner of a building subject to the requirements of this chapter or other person having record title, or equitable or legal interest in the subject building may appeal any notice, order, decision, determination or action made in the administration of this chapter to the City Council; provided, that the appeal shall be made in writing and filed with the City Clerk within 60 days from the date of mailing or personal service of said notice, order, decision, determination or action by the Building Official. However, if the building or structure is in such a condition as to make it immediately dangerous to the life, limb, property or safety of the public or adjacent property and is ordered vacated and is properly posted, such appeal shall be filed with the City Clerk within 10 days from the date of service of this notice and order. Only one appeal shall be allowed per building.

- A. The written appeal shall contain the following:
 1. A heading indicating clearly that the document constitutes an appeal to the City Council of the city of Napa;
 2. The names of each appellant named in the appeal;
 3. A brief statement setting forth the legal interest of each of the appellants in the land and/or building involved;
 4. A brief statement in ordinary language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellants;
 5. A brief statement in ordinary language of the relief sought and the reasons why it is claimed the protested order or action should be reversed, modified or otherwise set aside;
 6. Any documents, sworn statements or other written material relevant to the contentions made in support of the appeal;

7. The signatures of all parties named as appellants and their mailing addresses; and
8. The verification under penalty of perjury by at least one appellant as to the truth of the matters stated in the appeal.

B. Upon receipt of an appeal filed pursuant to the above requirements, the City Clerk shall schedule the matter for the next available regular meeting of the City Council. Failure to timely appeal pursuant to the requirements of this section shall constitute a waiver of all rights to an administrative hearing and determination of the matter. (O2006 1)

15.110.120 Violation—Penalty.

In addition to any other remedy, penalty or provision of law, any person, firm or corporation who or which violates any provision of this chapter, or any lawful order thereunder, shall be and is guilty of a misdemeanor as a separate offense for each and every day such person, firm or corporation violates or allows a violation to continue without taking reasonable means to cure or abate the same after having been ordered to do so. (O2006 1)

15.110.130 City Attorney authorized to enforce.

The City Attorney shall have the authority to file an action or proceeding and to take any other action at law or equity which he or she may deem necessary to enforce the requirements of this chapter. In any such action or proceeding, the city shall be entitled to recover its costs, including, but not limited to, its attorneys' fees. (O2006 1)

15.110.140 Remedies cumulative—Actions—Relationship to other laws.

The remedies provided under this chapter are cumulative, and shall not restrict the city to any other remedy to which it is entitled under law or equity. Nothing in this chapter shall be deemed to preclude the imposition of any criminal penalty under state law. Nor shall anything in this chapter be deemed to conflict with any penalty or provision under state law, or to prohibit any conduct authorized by the state or federal constitution. (O2006 1)

15.110.150 Financial incentives.

Financial incentives may be available to property owners to reduce the burden of complying with the requirements of this chapter as follows:

- A. Reimbursement of all or part of the costs incurred by a property owner for the preparation of plans and specifications as part of the reinforcement design required by this chapter in an amount and on such terms that may be approved by resolution of the Napa Community Redevelopment Agency.
- B. Reimbursement of all or part of the costs incurred by a property owner for the reinforcement work required by this chapter in an amount and on such terms that may be approved by resolution of the Napa Community Redevelopment Agency. (O2006 1)