



CITY OF MARTINEZ

CITY COUNCIL
October 16, 2013

TO: Mayor and City Council

FROM: David Scola, Public Works Director
Anna Gwyn Simpson, Deputy Director of Strategic Planning and
Community Development

SUBJECT: Seismic Hazard Retrofit Program for Unreinforced Masonry Buildings

DATE: September 30, 2013

RECOMMENDATION:

- A. Determine that the proposed Municipal Code Amendment is exempt from the requirements of CEQA, pursuant to general rule, Section 15061(b)(3).
- B. Conduct a public hearing to introduce an ordinance amending Title 8, Health and Safety, Chapter 8.50, Section 8.50.050, of the Municipal Code relating to the timing of submission of construction drawings for the Seismic Hazard Retrofit Program for Unreinforced Masonry Buildings.

BACKGROUND:

In 1986 the State of California enacted a law requiring local governments in seismic zone 4 to inventory unreinforced masonry (URM) buildings, establish a URM loss reduction program, and report progress to the State by 1990. Each local government was allowed to design a program best suited for their community within the parameters set forth by the State. The State allowed for four types of URM loss reduction programs: (1) Mandatory Strengthening; (2) Voluntary Strengthening; (3) Notification to Property Owners only; (4) variations of 1, 2, and 3.

In December 1989, the Public Works Department completed an inventory of all URM buildings located in Martinez. This inventory was submitted to the State in January 1990. The inventory identified a total of 60 URM buildings. On January 10, 1990, The Martinez City Council adopted an ordinance for a Voluntary Loss Reduction Program that established minimum construction standards and required all property owners of URM buildings to evaluate the seismic risk in their buildings and provide a letter indicating their timeframe for retrofitting their buildings. The voluntary program was monitored for several years and by 2009, thirty (30) buildings, 50%, had been retrofitted.

On July 15, 2009, the City Council adopted an ordinance creating a mandatory Seismic Hazard Retrofit Program for URM buildings. Under this ordinance, property owners of URM buildings are required to submit a complete set of construction drawings within three years of the adoption of the ordinance and complete all seismic retrofit work within four years of the ordinance adoption date for buildings identified as "high risk" and within six years for buildings identified as "medium risk" or "low risk". At the time this ordinance was adopted, all of the remaining URM buildings had been identified as medium or low risk, therefore requiring completion of the retrofit work within six years of the ordinance adoption date.

Since the adoption of this ordinance in 2009, an additional 10 buildings have been or are in the process of being seismically retrofitted. There are currently 20 remaining URM buildings subject to this ordinance. The deadline for submitting a complete set of construction drawings for the seismic retrofit was July 15, 2012. Prior to the deadline, certified letters were sent to the remaining URM property owners reminding them of this deadline and requiring compliance.

Since the adoption of the mandatory retrofit program several property owners have expressed concern about the inability to obtain construction loans to retrofit buildings. In an effort to assist property owners, the City Manager and staff have explored several grant opportunities and possible loan programs. Recently, the Deputy Director of Strategic Planning and Community Development was hired, in part, to focus on developing recommendations for the City Council on potential programs to assist property owners with seismic retrofits.

In order to allow for additional time to develop and implement a potential assistance program, staff is recommending amending Section 8.50.050 of Chapter 8.50, Title 8, Health and Safety, to extend the time frame to submit construction drawings from three years to five years from the ordinance adoption date, making the new deadline July 15, 2014. The requirements found in Chapter 8.50.060 regarding the repair of deficiencies will remain unchanged. Seismic retrofits for the remaining 20 URM buildings will need to be completed and receive final approval within six years of the ordinance adoption date, by July 15, 2015.

Additionally, staff proposes that the City Council find that the proposed Municipal Code Amendment is exempt from the requirements of CEQA, pursuant to general rule, Section 15061(b)(3), which states that “*activities that can be seen with certainty to not have the possibility of a significant effect on the environment are not subject to CEQA.*” Since the proposed amendment to the ordinance only changes the timeframe for when retrofit plans need to be submitted, it will have no effect on the ultimate physical changes being made to the buildings. Therefore, it can be seen with certainty not to have the possibility of a significant effect on the environment. If the City Council adopts this proposed finding, no further environmental review would be required by State law.

FISCAL IMPACT:

Adoption of the amended ordinance will have no fiscal impact to the general fund.

ACTION:

Motion to determine that the proposed Municipal Code Amendment is exempt from the requirements of CEQA, pursuant to general rule, Section 15061(b)(3); and introduce an ordinance amending Title 8, Health and Safety, Chapter 8.50, Section 8.50.050, of the Municipal Code relating to the timing of submission of construction drawings for the Seismic Hazard Retrofit Program for Unreinforced Masonry Buildings.

Attachments:
Ordinance

APPROVED BY:


City Manager

ORDINANCE NO. C.S.

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MARTINEZ
AMENDING TITLE 8, HEALTH AND SAFETY, CHAPTER 8.50, SECTION
8.50.050(A), OF THE MUNICIPAL CODE RELATING TO CONSTRUCTION
DRAWINGS REQUIRED FOR THE SEISMIC HAZARD RETROFIT PROGRAM FOR
UNREINFORCED MASONRY BUILDINGS

The City Council of the City of Martinez does ordain as follows:

SECTION 1.

Section 8.50.050(A) of Title 8 of the City of Martinez Municipal Code is hereby amended to read as follows:

8.50.050 - Construction Drawings Required.

- A. Owners of those buildings needing seismic strengthening as determined by the engineer's reports outlined in section 8.50.040 are required to submit a complete set of construction drawings to the city of Martinez Building Department no later than ~~three~~ **five** years after the Adoption Date of this ordinance. Required drawings must be professionally prepared and stamped and signed by a civil or structural engineer licensed to do work in the State of California. Construction drawings must be complete and include all improvements to be made to comply with this Chapter. Drawings shall include engineering calculations.

SECTION 3. Severability. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council hereby declares that it would have passed this and each section, subsection, phrase or clause thereof irrespective of the fact that any one or more sections, subsections, phrase or clauses be declared unconstitutional on their face or as applied.

SECTION 4. Effective date. This ordinance shall become effective 30 days after the date of adoption.

SECTION 5. Posting. At least five (5) days prior to its final adoption, a certified copy of the full text of this ordinance shall be posted in the office of the City Clerk.

Within 15 days after adoption the City Clerk shall publish a summary of this ordinance with the names of those City Council members voting for and against the ordinance in a newspaper of general circulation published and circulated in the City of Martinez.

The City Clerk shall post in the office of the City Clerk a certified copy of the full text of the adopted ordinance.

APPROVED: _____
Rob Schroder, Mayor

ATTEST: _____
Deputy City Clerk

* * * * *

I HEREBY CERTIFY that the foregoing ordinance was duly and regularly introduced at a Regular Meeting of the City Council of the City of Martinez, held on the 16th day of October 2013, and duly passed and adopted at a Regular Meeting of said City Council held on the day of 2013, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RICHARD G. HERNANDEZ, CITY CLERK
CITY OF MARTINEZ