

**STAFF REPORT****CITY OF OCEANSIDE**

---

DATE: March 18, 2015

TO: Honorable Mayor and City Councilmembers

FROM: Development Services Department

SUBJECT: **AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE AMENDING CHAPTER 6 ARTICLE XI OF THE OCEANSIDE MUNICIPAL CODE TO REFLECT MODIFICATIONS TO THE EXISTING UNREINFORCED MASONRY BUILDING MITIGATION ORDINANCE**

**SYNOPSIS**

Staff recommends that the City Council introduce an ordinance modifying OCC Chapter 6 Article XI Section 6.57, General Compliance Requirements, Unreinforced Masonry Building Mitigation, to establish new time frames for compliance and to codify state mandated public notification signage requirements.

**BACKGROUND**

On December 10, 2014, a City Council Workshop was conducted to consider the future of the Unreinforced Masonry (URM) Building Mitigation Program. Following the staff presentation, public input and Councilmember deliberation, direction was given to staff to bring forth amendments to the existing ordinance. The ordinance amendments provide for an extension of ten years to existing compliance dates and include the requirement for posting state mandated public notification signage.

The ordinance modifications will require the identified property owner to do the following:

- 1) Post public notification signage at building entrances conforming to the requirements contained in CA Government Code section 8875.8b within 45 days of the effective date of the ordinance.
- 2) Provide the City Building Department with the results of a building evaluation performed by a CA licensed engineer that will determine whether the identified building is or is not subject to the requirements of the mitigation ordinance by December 2, 2023.
- 3) Submit retrofit plans and calculations to the City Building Department for review and permitting of confirmed URM buildings by December 2, 2025.
- 4) Complete retrofitting and final inspection by December 2, 2026.

During 2014 staff worked with the community and property owners by sending informational letters, conducting a stakeholder workshop, presenting an informational item to the Planning Commission and the City Council workshop.

There are 24 properties in Oceanside that contain identified unreinforced masonry buildings for which no retrofit plans have been submitted. One of the identified buildings is Fire Station One which is owned by the City. Property Management is currently requesting proposals for engineering services to prepare plans for the retrofitting of this building.

## **ANALYSIS**

URM buildings have proven to be a potential life safety hazard during earthquakes due to their inability to sufficiently resist lateral and/or vertical loads induced by earthquake motion.

In many cases, these forces can result in a partial or total collapse of the building or the appurtenances attached, such as parapets and overhangs. Such failures can result in injury or loss of life to building occupants, pedestrians on sidewalks, and to responding public safety personnel.

The engineering criteria for the retrofitting of these URM buildings establish much lower structural standards than apply to new buildings. The intent of these lesser structural requirements is to provide for a sufficient level of reinforcement to avoid catastrophic collapse and to provide opportunity for occupants or bystanders to exit the building and/or get clear of any falling hazards. The State Seismic Safety Commission's model ordinance determined this approach to retrofitting to be a reasonable balance between the economic concerns of businesses and property owners and the safety concerns of governments.

According to available data from the United States Geological Survey (USGS) and the California Department of Conservation, the largest earthquakes in or near to Oceanside over the past 50 years have 3.3 to 3.7 magnitudes. Forecasts or predictions from these same agencies indicate the potential for a magnitude 6.7 earthquake or larger at 99 percent for the Southern California Area over the next 30 years.

The City of Oceanside General Plan, Public Safety Element contains information regarding seismic safety and concludes there are no known faults in the city. The plan does recognize the potential for damage resulting from forces that may be transmitted from larger regional earthquakes.

## **FISCAL IMPACT**

The costs associated with reviewing plans, issuing building permits and performing inspections are entirely offset by permit and plan review fees for privately owned buildings.

The seismic retrofit for Fire Station One, a City owned property, will require expenditure of City funds. The cost of retrofitting is undetermined at this time.

## **COMMISSION OR COMMITTEE REPORT**

Does not apply.

## **CITY ATTORNEY'S ANALYSIS**

California Government Code section 8875.2 requires that local building departments establish a mitigation program for potentially hazardous buildings. According to the statute, the mitigation program *may* include the adoption by ordinance of a hazardous buildings program to include, among other things, measures to strengthen buildings and/or measures to change the use of buildings to acceptable occupancy levels. The state statute also requires owners to make certain disclosures to the public and tenants of the buildings. The City Council adopted a mitigation program as required by state law in 1995. The City Code requires owners of a URM building to submit plans for parapet bracing and wall anchorage within ten years of the effective date of the ordinance. The required work must be completed within eleven years of the effective date of the ordinance. The City ordinance was extended for an additional ten year period in 2005. If a URM building is remodeled or renovated, the Code requires retrofitting provided the cost of the remodel or renovation exceeds 50 percent of the value of the building prior to remodeling or renovation.

The City Council retains the discretion to direct a further extension of the ordinance, however, it should be noted that compliance with the City Code will not necessarily protect property owners from tort liability in the event of an earthquake. In *Myrick v Mastigini* (2010) 195 Cal. App. 4<sup>th</sup> 1082, the survivors of two women killed in a 2003 earthquake sued the owners of the building for negligence in failing to perform seismic retrofitting of the building. A jury found the defendants were negligent even though the City ordinance did not mandate seismic retrofitting until 2018. The Court of Appeal affirmed the jury verdict and concluded that nothing in the City Code prevented or discouraged earlier compliance. As stated by the Court, "to hold that as a matter of law a building owner has no duty until after the compliance date of a code provision would frustrate the very policy that the provision was designed to promote." Therefore, even if the City Council further extends the ordinance deadlines, property owners could face tort liability if an occupant is injured in an unreinforced masonry building during an earthquake.

**RECOMMENDATION**

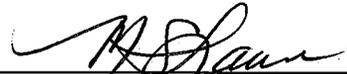
Staff recommends that the City Council introduce an ordinance modifying OCC Chapter 6 Article XI Section 6.57, General Compliance Requirements, Unreinforced Masonry Building Mitigation, to establish new time frames for compliance and to codify state mandated public notification signage requirements.

PREPARED BY:

 CBO

Rick Brown, CBO, MCP, CASp  
Chief Building Official

SUBMITTED BY:



Michelle Skaggs Lawrence  
Interim City Manager

REVIEWED BY:

Jane M. McPherson, Interim Financial Services Director



**ATTACHMENTS**

1. City Council Ordinance
2. Current Unreinforced Masonry Building Inventory
3. Public Notification Sign Example



1 SECTION 3. The provisions of this ordinance shall be effective thirty days following  
2 its adoption. Within 15 days following its adoption, the City Clerk shall publish this  
3 ordinance in the San Diego Union Tribune North County Edition, a newspaper of general  
4 circulation in the City of Oceanside.

5  
6 INTRODUCED at a regular meeting of the City Council of the City of  
7 Oceanside, California held on the \_\_\_\_\_ day of \_\_\_\_\_, 2015, and  
8 thereafter,

9 PASSED AND ADOPTED by the City Council of the City of Oceanside,  
10 California, this \_\_\_\_\_ day of \_\_\_\_\_, 2008, by the following vote:

11 AYES:

12 NAYS:

13 ABSENT:

14 ABSTAIN:

15  
16  
17 \_\_\_\_\_  
18 MAYOR OF THE CITY OF OCEANSIDE

19 ATTEST:

20 APPROVED AS TO FORM:

21 \_\_\_\_\_  
22 CITY CLERK

23   
24 CITY ATTORNEY

25  
26  
27 AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF OCEANSIDE,  
28 CALIFORNIA, AMENDING CHAPTER 6, ARTICLE XI, SECTION 6.57 GENERAL  
COMPLIANCE REQUIREMENTS, UNREINFORCED MASONRY BUILDING  
MITIGATION

<b>APN</b>	<b>Owner Name 1</b>	<b>Site Address Full</b>
1470970500	JOHNSON HOLDINGS LLC	202 N COAST HWY, OCEANSIDE, CA 92054-2822
1470860300	64 CATHEY BYPASS REVOCABLE TRUST 08-31-88	301 N COAST HWY, OCEANSIDE, CA 92054-2823
1470860200	64 CATHEY BYPASS REVOCABLE TRUST 08-31-88	307 N COAST HWY, OCEANSIDE, CA 92054-2823
1472720500	PIEDMONT FAMILY TRUST	117-119 S COAST HWY, OCEANSIDE, CA 92054-3017
1500512000	232 SOUTH COAST HIGHWAY LLC	232 S COAST HWY, OCEANSIDE, CA 92054-3109
1500510900	BLUMENSHINE KARAN M	234 S COAST HWY, OCEANSIDE, CA 92054-3109
1502041400	J & J RENTALS LLC	404 S COAST HWY, OCEANSIDE, CA 92054-4007
1501831200	SCHWARZ HARVEY W TRUST 08-14-97 JR	405-409 S COAST HWY, OCEANSIDE, CA 92054
1520110500	RJS FINL INC	1017-1019 S COAST HWY, OCEANSIDE, CA 92054-5004
1521720200	ADAMS WILLIAM O	1307 S COAST HWY, OCEANSIDE, CA 92054-5121
1531132300	CHUNG JAE JIN & KYUNG HEE	1733 S COAST HWY, OCEANSIDE, CA 92054-5319
1532711700	KAUR SUKHVIR	1815 S COAST HWY, OCEANSIDE, CA 92054-5321
1550311200	OCEANSIDE LODGE 1325 LOYAL ORDER MOOSE	2017-2019 S COAST HWY, OCEANSIDE, CA 92054-6534
1470960500	KLEEGER ENTERPRISES	206-208 N FREEMAN ST, OCEANSIDE, CA 92054-2819
1470890600	KRISTIN K INVESTMENTS LLC	302-306 MISSION AVE, OCEANSIDE, CA 92054-2553
1470890300	MIKES LIQUOR PROPERTY LLC	316 MISSION AVE, OCEANSIDE, CA 92054-2553
1472840200	BARNETT LYNDA	513-515 MISSION AVE, OCEANSIDE, CA 92054-2829
1470960400	DOMINGUEZ FAMILY ATRUST 09-09-98	610-612 2ND ST, OCEANSIDE, CA
1481603300	J V HOLDINGS LLC	1708-1710 MISSION AVE, OCEANSIDE, CA 92058
1451702400	ROSICRUCIAN FELLOWSHIP INC	2222 MISSION AVE, OCEANSIDE, CA 92058-2329
1470880300	LEE FAMILY TRUST 05-03-06	308 PIER VIEW WAY, OCEANSIDE, CA 92054-2525
1470860400	DAVIES MARIE LIVING TRUST	408 PIER VIEW WAY, OCEANSIDE, CA 92054-2814
1470860400	JANICE DAVIES	408 PIER VIEW WAY, OCEANSIDE, CA 92054-2814
1503721200	HALL LAND CO INC	305 WISCONSIN AVE, OCEANSIDE, CA 92054-4135
1503770700	SARKISIAN FAMILY 2000 TRUST 09-04-00	314 WISCONSIN AVE, OCEANSIDE, CA 92054-4157
14710901	City of Oceanside	714-716 Pier View Way, Oceanside, CA 92054

**Mailing Address 1**

630 ROCKLEDGE ST  
PO BOX 600  
PO BOX 600  
3631 SEAVIEW WAY  
232 S COAST HWY  
15 SAINT ANN DR  
404 S COAST HWY  
509 LEONARD AVE  
1017 S COAST HWY  
614 GRANT ST  
150 RYAN WAY  
3677 JETTY PT  
2017 S COAST HWY  
12625 HIGH BLUFF DRIVE, SUITE 310  
8354 BEVERLY DR  
6615 NORMAN LN  
7510 Jerez Ct  
4378 ADAMS ST  
404 S COAST HWY  
2222 MISSION AVE  
13446 BLACK HILLS RD  
3095 MONROE ST

1423 LITTLE GOPHER CANYON ROAD  
740 LOMAS SANTA FE DR #204  
PO BOX 1781  
300 N. Coast Hwy.

**Mailing Address 2**

OCEANSIDE CA 92054-4230 C402  
OCEANSIDE CA 92049-0600 B004  
OCEANSIDE CA 92049-0600 B004  
CARLSBAD CA 92008-2767 C016  
OCEANSIDE CA 92054-3109 C403  
SANTA BARBARA CA 93109-1238 C068  
OCEANSIDE CA 92054-4007 C403  
OCEANSIDE CA 92054-4106 C402  
OCEANSIDE CA 92054-5004 C417  
OCEANSIDE CA 92054-4216 C402  
OCEANSIDE CA 92054-6172 C432  
CARLSBAD CA 92010-5514 C019  
OCEANSIDE CA 92054-6534 C421  
SAN DIEGO CA 92130  
SAN GABRIEL CA 91775-2404 C005  
SAN DIEGO CA 92120-3948 C006  
Carlsbad, CA 92009  
CARLSBAD CA 92008-4203 C025  
OCEANSIDE CA 92054-4007 C403  
OCEANSIDE CA 92058-2329 C818  
SAN DIEGO CA 92129-2605 C010  
CARLSBAD CA 92008-1133 C011

VISTA CA 92084  
SOLANA BEACH CA 92075-1441 C008  
CARLSBAD CA 92018-1781 B009  
Oceanside, CA 92054

Additional notice sent on  
behalf of Marie Davies

# **EARTHQUAKE WARNING**

**THIS IS AN UNREINFORCED  
MASONRY BUILDING.**

**YOU MAY NOT BE SAFE INSIDE  
OR NEAR UNREINFORCED  
MASONRY BUILDINGS DURING  
AN EARTHQUAKE.**