

ORDINANCE 2006-19

**AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY
REPEALING ORDINANCE 89-20 AND ADOPTING A NEW ARTICLE VI
ENTITLED "SEISMIC SAFETY" REGARDING A MITIGATION
PROGRAM FOR UNREINFORCED MASONRY BUILDINGS**

WHEREAS, it is acknowledged that the City of Gilroy ("City") will experience earthquakes in the future due to its proximity to the San Andreas, Sargent and Central Calaveras faults; and

WHEREAS, it is found and declared that when a strong or moderate earthquake occurs, loss of life, serious injury and/or impaired economic value may result from damage to or collapse of buildings in the City; and

WHEREAS, buildings constructed of unreinforced masonry walls have been widely recognized as being vulnerable to sustaining significant damage during moderate to strong earthquakes; and

WHEREAS, pursuant to the "Unreinforced Masonry Law," California Government Code sections 8875 *et seq.* the City implemented a seismic hazard program that identified unreinforced masonry buildings that may be hazardous to their occupants, pedestrians and adjacent structures and their occupants in the event of an earthquake; and

WHEREAS, the City contains approximately 35 buildings of unreinforced masonry construction that have been determined to be "potentially hazardous" during a seismic event and that have not been adequately strengthened; and

WHEREAS, in 2004, the City Council authorized the expenditure of \$100,000 for engineering studies to assist the owners of unreinforced masonry buildings to identify the potential hazards of their buildings and provide standards for both analyzing and retrofitting potentially hazardous unreinforced masonry buildings; and

WHEREAS, 14 of the 35 unreinforced masonry building owners participated in the engineering studies; and

WHEREAS, it is the desire and intent of the City Council to provide Gilroy citizens with the greatest degree of protection from the hazards of unreinforced masonry buildings in the most effective manner; and

WHEREAS, the purpose of this Ordinance is to promote public safety by providing standards for both analyzing and retrofitting potentially hazardous unreinforced masonry buildings; and

WHEREAS, the City Council in adopting this Ordinance relies upon the authority vested in the Council pursuant to California Government Code sections 8875 *et seq.* and California Health and Safety Code sections 19160 *et seq.*

NOW THEREFORE, the City Council of the City of Gilroy does ordain as follows:

SECTION I

City Ordinance 89-20 is hereby repealed in its entirety and a new Article VI is added to Chapter 6 of the Gilroy City Code to read as follows:

Article VI Seismic Safety

Sec. 6.40 Title

This Article shall be known as the "Unreinforced Masonry Building (URM) Ordinance."

Sec. 6.41 Purpose

The purpose of this Article is to provide alternative construction regulations designed to reduce the risk of death or injury resulting from earthquake hazards in existing unreinforced masonry buildings in a timely and economically feasible manner while preserving the historic character of the community.

Sec. 6.42 Scope

The requirements of this Article shall apply to all buildings or portions of buildings constructed with unreinforced masonry walls with the following exceptions:

- (a) A building which has been seismically retrofitted since 1985 that complies with the strengthening standards in effect at the time as determined by the building official;
- (b) A detached Group R Division 3 Occupancy or a detached Group R Division 1 Occupancy having four living units or fewer;
- (c) Accessory buildings serving Group R Division 3 Occupancies or accessory buildings serving Group R Division 1 Occupancies having four living units or fewer;
- (d) Public schools;
- (e) Hospitals; and
- (f) State or federally-owned buildings.

Sec. 6.43 Authority

(a) The building official or his or her designee is hereby authorized and directed to enforce all provisions of this Article.

(b) In the event of any conflicts or inconsistencies between the provisions of this Article and Ordinance No. 2005-20, or with the provisions of any other chapter(s) of the City Code, the provisions of this Article shall control, unless to do so would be inconsistent with the purpose of this Ordinance. This Article shall not preclude the enforcement of any applicable federal, state or other local laws or ordinances.

(c) The building official shall have the power to render interpretations of this Article and to recommend to the City Council the adoption of rules and regulations to supplement this Article as he or she may deem necessary in order to clarify the application of the provisions of this Article. Such interpretations, rules and regulations shall be in conformity with the intent and purpose of this Article.

Sec. 6.44 Definitions

For the purposes of this Article, certain words, phrases, terms and their derivatives shall be construed as specified in this section. Words, phrases, and terms that are used in this Article, but not specifically defined, shall have the meaning set forth in the applicable local, state or federal code, if appropriate. Other such words, phrases and terms shall be accorded their ordinary meanings.

- (a) **"Architect"** shall mean a person who is licensed to practice architecture in this state.
- (b) **"Architectural and Engineering fees"** shall mean all design and analysis costs, not repair costs.
- (c) **"Board of Appeals"** shall be as outlined in Section 105 of the CBC.
- (d) **"Building"** for the purpose of determining occupant load, shall mean any contiguous or interconnected structure; for purposes of engineering evaluation, shall mean the entire structure or portion thereof which will respond to seismic forces as a unit.
- (e) **"CBC"** shall mean the current edition of the California State Building Code, as amended from time to time and as adopted and amended and/or updated by the city.
- (f) **"California Code for Building Conservation" (or "CCBC)"** shall mean the seismic provision for unreinforced masonry buildings contained in the 2001 edition of the CCBC, as adopted and as may be updated by the City, which includes the 1997 edition of the Uniform Code for Building Conservation as adopted and as may be amended and/or updated by the city.
- (g) **"Engineer"** shall mean any professional, civil or structural engineer who is licensed to practice engineering in this state.

- (h) **"Owner"** shall mean any individual or group of individuals or firm or any other entity holding legal or equitable title to the real property.
- (i) **"Qualified Historical Building"** shall mean 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 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.
- (j) **"Retrofit" or "Retrofitting"** shall mean any and all structural work necessary to comply with the requirements of this Article, including but not limited to all improvements, alterations and repairs.
- (k) **"Unreinforced Masonry (URM) Building"** shall mean any building or structure containing one or more walls constructed wholly or partly with unreinforced masonry.
- (l) **"Unreinforced Masonry (URM) Wall"** shall mean a masonry wall in which the area of reinforcing steel is less than 25 percent of the minimum steel ratios required by the current California Building Code for reinforced masonry.
- (m) **"Valuation"** shall mean the total value of all construction work as determined by the building official.

Sec. 6.45 URM Buildings Hazard Mitigation Process

The following process shall be followed for abatement of the hazards posed by URM buildings:

- (a) **Establish List and Notify Owner.** The building official shall establish and maintain a list of URM buildings and, within thirty (30) days from the effective date of this Article, shall notify the owners and tenants, if applicable, of those buildings in writing that their buildings have been identified as URM buildings as defined in this Article and of their obligation to mitigate the potential hazard in compliance with this Article. The notice shall include the following:
 - (1) A statement 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) Direction to comply with the retrofitting requirements of this Article, as applicable;
 - (3) Where applicable, the findings on which the determination that the building or structure does not comply is based;

- (4) The time schedule for commencement and completion of seismic retrofitting;
- (5) A description of the "Financial Incentive Program" and the incentive eligibility timeline.
- (6) A statement that the owner is required to provide a copy of the notice to correct deficiencies to all tenants of the structure.
- (7) A statement that a URM certificate will be recorded in the office of the County Recorder until the subject building is removed from the URM list in accordance with subsection (f).

(b) Recordation

At the time that the notice as outlined in subsection (a) is served, the building official shall record with the office of the County Recorder a certificate stating that the subject building is within the scope of Article VI of the Gilroy City Code, the "Unreinforced Masonry Building Ordinance." The certificate shall also state that the owner thereof has been ordered to review and structurally analyze the building and upgrade the building in accordance with this Article.

(c) Architectural and Site Review

Prior to making any exterior alterations, restoration, retrofit or changes that are subject to design review under the city's architectural and site procedures, the owner or owner's agent shall apply for and receive architectural and site approval pursuant to the requirements of Sections 50.40 *et seq.* of the city's zoning ordinance.

(d) Engineering Analysis Required

(1) **General.** Engineering plans, calculations and specifications shall be filed with the applicable building permit demonstrating that the proposed retrofit work will comply with the applicable standards specified in the CCBC for the buildings.

(2) **Mandatory Seismic Retrofitting.** All unreinforced masonry buildings shall be retrofitted in accordance with the seismic standards contained in the CCBC, except that qualified historical buildings may use the applicable provisions of the State Historical Building Code in conjunction with the CCBC as provided in subsection (h). All destructive materials testing in accordance with the CCBC is required only when those elements are used as part of the structural design. The decision of whether or not to test existing materials is the responsibility of the engineer/architect, and the city assumes no liability for damage, injury, or harm caused by the testing. In the absence of acceptable test data, the engineer/architect shall use allowable stresses for existing materials in accordance with the CCBC or as approved by the building official. The owner shall file with the building official plans, structural calculations and specifications with an acceptable building permit application to comply with the applicable mandatory retrofit standard

within the time specified in subsection (e). The information required for a building permit application shall be in accordance with subsection (f).

(3) Preparer of plans, calculations and specifications. Building owners shall employ a civil or structural engineer or architect, registered by the State of California, herein called "engineer/architect", to prepare the required engineering plans, calculations and specifications acceptable to the building official.

(4) Scope of Analysis. The scope of analysis need only address the proposed permit work. In addition to the information required by the CCBC, the following information shall be shown on the plans:

(A) Location by street address and assessor's parcel number;

(B) Type of occupancy and use of the building;

(C) A summary descriptive statement of the building by the engineer/architect that includes the following:

1. Type of construction;
2. Type of foundation;
3. Materials used in construction; and
4. Any special or unusual factors that alleviate or intensify the risk to occupants or others, if applicable.

(5) Exception. One URM wall or common URM wall with an existing engineering analysis report on file and prepared since October 2002 shall only be required to retrofit that one URM wall or common URM wall if the owner demonstrates to the satisfaction of the building official that the retrofit of the common URM wall or URM wall will not weaken the remaining building and/or structure, and any other requirements that the building official may deem necessary to comply with this Article.

(e) Deadline to Complete Work

(1) The owner shall complete construction and obtain final inspection approval in accordance with the applicable retrofit standard within three (3) years of the effective date of this Article. Failure to comply with the program within the specified time frame shall be a violation of this Article and subject the owner to the penalties and remedies described in Sections 6.49 and 6.52.

(2) An owner or permittee holding an unexpired building permit for seismic retrofit of a URM building may apply for not more than three (3), extensions when the owner or permittee is unable to commence work or work is abandoned for a period not to exceed 180 days. Said extensions shall be granted only upon the proof to the satisfaction of the building official that there has been good faith work in furtherance of the building permit and shall be as follows: first extension shall be no more than one hundred-eighty (180) days; second extension shall not be more than ninety (90) days; and third extension shall be no more than sixty (60) days. All

requests for extensions shall be submitted to the building official in writing at least ten (10) days prior to the expiration date of the building permit. Except as set forth below and as approved by the building official, in no event may an extension be granted beyond the deadlines set forth in this subsection.

- (A) Additional time is required due to weather or other unforeseen technical difficulties; or
- (B) In multi-tenant buildings additional time is required due to the need to accommodate and/or relocate tenants during the repair or retrofit time period; or
- (C) Additional time is required to investigate and/or resolve a common wall, common foundation and/or common roof issues.

(f) Removal of Building from City's URM List

The building official shall remove any building from the inventory list of potentially hazardous buildings when that building has been upgraded to the standard in subsection (d) and the final inspection is approved. Upon completion of all retrofitting work, the building official shall record with the office of the County Recorder a certificate stating that the subject building has complied with Chapter 6, Article VI of the Gilroy City Code, the "Unreinforced Masonry Building Ordinance."

(g) Qualified Historical Buildings

Prior to the issuance of a building permit for work pursuant to this Article the planning department shall determine if the URM building is a qualified historical building as defined herein. All qualified historical buildings may use the applicable provisions in the State Historical Building Code established under Part 8 in Title 24 of the California Code of Regulations.

Sec. 6.46 Future Retrofitting Legislation

No URM building that has been seismically retrofitted to the standards required in this Article shall, within a period of fifteen (15) years after completion of the work required for such retrofit, or such other period as the State of California may from time to time adopt, be identified as a seismic hazard pursuant to any other seismic mitigation building standard adopted by the city, unless (a) such building no longer meets the structural upgrade standards under which it was retrofitted or (b) the occupancy classification for such building has changed since the building was seismically retrofitted.

Sec. 6.47 Change of Occupancy

Notwithstanding the deadline set forth in Section 6.45(e), a URM building shall be retrofitted to the applicable standard upon a change of occupancy as defined in the UBC, if the building official determines that the change will create an increased occupancy load or a hazardous condition.

Sec. 6.48 Additions, Alteration or Repair

(a) Notwithstanding the deadline set forth in Section 6.45(e), whenever addition, alteration or repair work to a URM building satisfies any one of the following conditions, the building shall be upgraded to comply with the current CCBC prior to the approval of the addition, alteration, or repair work:

- (1) The total cost for all addition, alteration and repair work exceeds fifty percent (50%) of the total replacement cost of the existing building. The valuation of the work and the replacement cost of the existing building shall be determined by the building official;
- (2) Dead and live vertical or horizontal loading is increased by at least five percent (5%) on the affected supporting elements of the roof or floor of a building;
- (3) More than fifty percent (50%) of the total floor areas of the building is involved in substantial structural alteration as determined by the building official; or
- (4) The cumulative area of the addition, excluding basement additions, exceeds thirty percent (30%) of the existing total floor area of the building.

(b) As used in the this section, "addition, alteration or repair work" shall mean the cumulative addition, alteration or repair work performed on the building within any four (4) year period.

(c) When the owner believes the building official has made an error in his or her application of this section, the owner may appeal the determination to the Board of Appeals in accordance with Section 6.50.

Sec. 6.49 Penalties For Non-Compliance

(a) It shall be unlawful for the owner of a URM building subject to this Article to fail to comply with the provisions of this Article. After written notification thereof from the city building official to the owner, each owner who fails to complete the building retrofits required by this Article within the period specified in Section 6.45(e) for such building shall, in addition to any other penalty or remedy which may be assessed pursuant to this Article or other applicable law, be penalized the sum of ten thousand dollars (\$10,000). This penalty shall attach the day following the last day of the period during which the owner is to complete the retrofits. An additional ten thousand dollar (\$10,000) penalty shall be imposed each calendar month thereafter that the owner fails to complete the upgrades. The penalty under this subsection shall continue to accrue until compliance per subsection b(4) is obtained.

(b) In addition to the penalty authorized by subsection (a) the building official may take any or all of the following actions in the event of any failure to comply with the requirements of this Article within the specified time period:

(1) Notify all parties with a financial interest in the property (such as mortgage lenders, lien holders, insurance bearers) and the tenants that the building is a hazardous URM building and is in violation of this Article.

(2) File a statement with the County Recorder's Office describing the potential hazards of the building and the violations of this Article. Upon correction of the violation of this Article the building official will file a release of any order of unreinforced masonry building hazard mitigation that may have been recorded.

(3) Order that the owner post a sign on the building to designate it as a hazardous URM building. The signs shall be located at well lighted locations, readily visible by the occupants and public when entering the building and shall be protected from damage. Location, form and content of the sign is subject to the building official's approval. The building owner shall be responsible for installing and maintaining the signs and immediately replacing them, at the owner's expense, as necessary. When the owner corrects all violations of this Article to the satisfaction of the building official, the posting of signs on the building required by this section may be removed by the owner. However, if the owner violates any aspect of this Article after the posting has been removed, the building official may order the immediate re-posting of signs on the building.

(4) The City Council may cause any building not abated within the time limits set forth herein to be vacated, strengthened, repaired, rehabilitated, remodeled, demolished or upgraded in accordance with the provisions of this Article and place a lien on the property for all costs incurred.

(c) The owner may appeal any action or penalty for noncompliance in accordance with section 6.50(c).

Sec. 6.50 Appeal Process

(a) Exemption from URM Program

If the owner believes that his or her building is not a URM building or is otherwise exempted from the provisions of this Article, the owner shall submit evidence, such as original drawings or test results, to substantiate the claim. The building official will review the evidence submitted by the owner and will remove the building from the city's list of URM buildings if the building official determines that the building is exempted or is in compliance with this Article. Any decision of the building official pursuant to this subsection may be appealed to the Board of Appeals in accordance with the procedures set forth in this section, and the decision of the Board shall be final.

(b) Appeal of Retrofit

When the owner believes the building official made an error in his or her determination regarding a Retrofit required under this Article the owner may appeal the determination to the Board of Appeals. Such appeal shall be made within thirty (30) days after the date of the building official's written decision.

Any such appeal shall be made in the form specified by this section and be filed with the city clerk. The appeal shall state specifically the alleged error or abuse of discretion by the building official. The appeal will be heard by the Board of Appeals within thirty (30) days of the date of receipt of the appeal by the city clerk. Not less than ten (10) days prior to the hearing date, the city clerk shall give notice to the appellant of the date, time and place of the hearing. The Board of Appeals shall be authorized to continue the hearing for up to thirty (30) days.

In considering the appeal, the Board of Appeals shall determine whether, based upon the record, the building official erred or abused his or her discretion.

The decision of the Board of Appeals shall be in writing and a copy of its decision shall be mailed or otherwise delivered to the appellant by the building official within ten (10) days of the date of the Board of Appeal's decision. The decision of the Board of Appeals shall be final.

(c) Appeal of Non-Compliance Penalties and Actions

Any written decision by the building official to impose penalties in the event of any failure to comply with the requirements of this Article may be appealed by the owner or the owner's agent to the Board of Appeals. Any such appeal shall be made within thirty (30) days of the date of the building official's mailing of notification. The appeal shall be made on a form approved by the building official and shall state specifically how the building official has either committed an error or has abused his or her discretion. In considering the appeal, the Board of Appeals shall determine whether, based upon the record, the building official erred or abused his or her discretion. The decision of the Board of Appeals shall be in writing and may be appealed to the City Council as provided for in subsection (d). Revocation of a Certificate of Occupancy, if appealed, will not become effective until the decision of the Board of Appeals has been upheld by the City Council.

(d) Written Appeal Required

Any written appeal as provided for in subsections (b) and (c) and filing fee shall be submitted to the city clerk and the written appeal shall contain the following:

- (1) The names of the appellants.
- (2) A brief statement setting forth the legal interest of each of the appellants in the land and/or building involved.

(3) A brief statement in ordinary and concise language of the specific order or action protested, together with any material facts claimed to support the contentions of the appellants.

(4) A brief statement in ordinary and concise 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.

(5) The submittal of any documents, sworn statements or other written material claimed to have value on the contentions made in support of the appeal.

(6) The signatures of all parties named as appellants and their mailing addresses.

(7) The verification (by declaration under penalty of perjury) of at least one appellant as to the truth of the matters stated in the appeal.

Sec. 6.51 Recovery of Penalties

(a) The penalties imposed on the building owner shall be assessed against the real property subject to this Article and shall, in addition, be a personal obligation of the owner of the subject property. If the owner of a building is a group of individuals, firms, or other entities or any combination thereof, the obligation imposed by this section shall be joint and several. The building official shall give the owner of the building a written notice showing the amount of the penalty and requesting payment thereof. If the amount of such penalty is not paid to the city within thirty (30) days after the date of such notice, the building official shall forward a report of the penalties to the City Council for confirmation.

(b) The property owner shall be given at least ten (10) days written notice of the confirmation hearing before the City Council. The amount of the penalties shall be confirmed by the City Council, unless it finds, based upon evidence in the record, that the building official erred in imposing or in computing the amount of the penalty. If such error is found, it may modify the amount of the penalty, as warranted.

(c) Upon confirmation of the penalty by the City Council, it shall direct the city clerk to record in the Office of the County Recorder of the County of Santa Clara, State of California, a certificate substantially in the following form, to wit:

NOTICE OF SPECIAL ASSESSMENT LIEN

Pursuant to Section 6.49, of the Gilroy City Code, the penalty of \$ _____ was assessed by the building official, and confirmed by the Board of Appeals and the City Council, against the described real property and such amount has not been paid in full and the City of Gilroy does hereby claim a special assessment lien upon the hereinafter described real property in said amount; the same shall be a lien upon the real property until such sum has been paid in full. The real property herein above mentioned and upon which a lien is

claimed is that certain parcel of land lying and being in the City of Gilroy, County of Santa Clara, State of California, and particularly described as follows, to wit:

(Insert legal description of property and APN)

Dated _____

City Clerk

Such lien attaches upon recordation of the Notice of Special Assessment Lien. The description of the parcel in the Notice of Lien shall be that used for the same parcel as the County Assessor's map book for the current year. The County Assessor shall enter each assessment on the County tax roll opposite the affected parcel of land. The amount of the assessment shall be collected and shall be subject to the same penalties and the same procedures for foreclosure and sale, in case of delinquencies, as provided for ordinary municipal taxes.

Sec. 6.52 Remedies

In addition to the penalties in section 6.49 the following remedies are available to the city and may be imposed independently or in combination with each other at the discretion of the building official, unless otherwise noted herein:

(a) Maintenance of a URM building beyond the time specified in section 6.40 for completion of seismic retrofits to such building are hereby deemed to be a public nuisance, and may be abated pursuant to the abatement procedures contained in the latest edition of the Uniform Code for Abatement of Dangerous Buildings.

(b) The city may seek injunctive relief on behalf of the public to enjoin a building owner's violation of this Article.

(c) The city may withhold the issuance of any building permit and/or may suspend any existing building permits on the subject building unless otherwise authorized by the building official for emergency repairs.

(d) The building official, after written notice to the owner, may revoke or suspend the occupancy permit for any structure for which the owner violates any of the provisions of this Article. The notice of revocation or suspension shall provide the owner the right to provide the building official with evidence that the occupancy permit should not be revoked or suspended either because the structure is not subject to the provisions of this Article or because the building official did not follow the provisions of this Article.

(e) Any person violating any provision of this Article shall be guilty of a misdemeanor.

(f) These remedies are not exclusive and the city may utilize any other remedies available at law or equity.

Sec. 6.53 Codes Adopted

The CCBC Appendix Chapter 1, a copy of which is on file in the office of the city clerk of the city, is hereby adopted and made a part of this Article as though fully set forth herein, and as supported by the following findings, based on local climatic, geological or topographical conditions, which are fully set forth below:

Geological I. The City of Gilroy is located in an area of high seismic activities as indicated by the United State Geological Survey and California Division of Mines and Geology. During moderate to strong seismic events, URM buildings that have not been retrofitted have been widely recognized to be the most dangerous buildings in CA and pose the greatest life safety hazard due to their potential to partially or totally collapse in a seismic event. This finding is hereinafter referred to as "Geological I."

Geological II. The City of Gilroy is located in an area of high seismic activities as indicated by the United State Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated that URM buildings have inadequate connections and roof and floor diaphragms to withstand moderate to strong earthquake loads. Consequently, URM buildings pose the greatest life safety hazard to building occupants and pedestrians adjacent to these buildings during a seismic event. This finding is hereinafter referred to as "Geological II."

The CCBC as herein adopted and further supported by the above-mentioned findings is subject to the following modifications:

(a) Scope

Section A102 – Scope is amended to read as follows:

"A102.1 General. The provisions of this Article shall apply to all existing buildings covered under the city mandatory seismic retrofit program having at least one unreinforced masonry wall as defined in this Article. The elements regulated by this Article shall be determined in accordance with Table A-1-A. Except as provided herein, other structural provisions of the CBC shall apply.

A102.2 - Essential and Hazardous Facilities. Buildings or structures in Occupancy Categories 1 and 2 of Table 16-K, and covered under the c mandatory seismic retrofit program of the CBC, shall be strengthened in accordance with the provisions of this Article or requirements of the UBC for new buildings, whichever is more restrictive."

(b) Definitions

The definition of an unreinforced masonry- in Section A103 is amended to read as follows:

"UNREINFORCED MASONRY (URM) WALL means any unreinforced masonry wall supporting its own weight when over six (6) feet in height or any masonry wall that has all of the following characteristics:

1. Provides the vertical support for a floor or roof.
2. Has a total superimposed load of over 100 pounds per linear foot.
3. Has an area of reinforcing steel less than 50 percent by empirical methods or less than 25 percent by analysis of that required by the CBC.”

(c) Symbols and Notations

New symbols are added to Section A104 – Symbols and Notations as follows: “ F_p = Design Seismic Forces on a part of the structure, based on working stress design methods. I = Importance Factor in accordance with Table A-1-H.”

(d) Minimum Design Lateral Forces

Section A110.1 Minimum Design Lateral Forces is amended to read as follows: “Buildings shall be analyzed to resist minimum lateral forces assumed to act non-concurrently in the direction of each of the main axes of the structure in accordance with the following:

$$V = .20 W \quad (\text{A10-1-1})$$

for essential facilities; or

$$V = .166 W \quad (\text{A10-1-2})$$

for buildings that are not essential facilities, but have an occupant load greater than 100; or

$$V = .133 W \quad (\text{A10-1-3})$$

for all other buildings.

Exception: For qualified historical buildings, alternative criteria may be approved when implementation of the provisions of this section conflicts with the objectives of preserving the historical features of the building.

For buildings more than one story in height, the total force shall be distributed over the height of the building in accordance with the procedures of Chapter 16 of the CBC .

For the purpose of this Article, a dynamic analysis need not be performed for those buildings with irregularities, as defined in Tables 16-L and 16-M of the CBC, which would otherwise require such analysis. All other design and analysis requirements of these tables shall apply.”

(e) Lateral Forces on Elements of Structures

Section A110.2 Lateral Forces on Elements of Structures is amended to read as follows: “Parts of structures shall be analyzed and designed for lateral loads in accordance with procedures of Chapter 16 of the CBC but not less than the following:

$$F_p = IC_p W_p \quad (\text{A10-1-4})$$

The value of I shall be as set forth in Table A-1-H. The values of C_p shall be in accordance with the values set forth in Table A-1-J. The value of W_p shall be in accordance with the procedures of Chapter 16 of the CBC.

Exception: 1. Unreinforced masonry walls for which height-to-thickness ratios do not exceed ratios set forth in Table A-1-B need not be analyzed for out-of-plane loading. Unreinforced masonry walls which exceed the allowable h/t ratios of Table A-1-B shall be braced according to Section A113.5. 2. Parapets complying with Section A113.6 need not be analyzed for out-of-plane loading.”

(f) Chords

Section A111.4.3 Chords is amended to read as follows: “An analysis for diaphragm flexure is required and chords shall be provided.”

(g) Chords

A new paragraph is added to Section A113 – Detailed System Design Requirements as follows: “A113.11. Chords. An analysis for diaphragm flexure is required and chords shall be provided to conform to Chapter 16 of the Building Code.”

(h) Table A-1-H

The 2001 CCBC, Appendix Chapter 1, is amended to add the following:

TABLE A-1-H – I FACTOR

Type of Occupancy	
Essential Facility	1.5
Occupant Load Greater than 100	1.25
All Other	1.00

(i) Table A-1-J

The 2001 CCBC, Appendix Chapter 1, is amended to add the following:

TABLE A-1-J – HORIZONTAL FORCE FACTOR, C_p , FOR PARTS OR PORTIONS OF BUILDINGS OR OTHER STRUCTURES¹

Part or Portion of Building	Direction of Force	Value of C_p
Cantilever parapet and other cantilever walls except retaining walls	Normal to flat surface	2.00
Exterior and interior ornamentation and appendages	Any Direction	1.00
Floors and roofs acting as diaphragms	In the plane of the diaphragm	0.12 ^{2,3}
Connections for exterior panels or elements	Any direction	2.00

¹ Applicable to the general procedures of Section A110.2 only.

² Floors and roofs acting as diaphragms shall be designed for a minimum force resulting from C_p of 0.12 applied to the W_p unless a greater force results from the distribution of lateral forces in accordance with Chapter 16 of the Building Code.

³ For determination of the capacity of the shear connections at the edges of wood diaphragms, the value of C_p shall be 0.2. However, the strength of the shear connections need not exceed the strength of the diaphragm as given in Table A-1-D and Table A-1-E.

Sec. 6.54 Financial Incentive Program For URM Mandatory Retrofit Program

A Financial Incentive Program is hereby established to assist owners with the city's URM Mandatory Retrofit Program and to further the purposes of this Article. The City Council may by resolution adopt rules and regulations to further implement the Financial Incentive Program for the URM Mandatory Retrofit Program.

Sec. 6.55 Board Of Appeals

The Board of Appeals shall conduct hearings on written appeals made under section 6.50 (a) and (b) and may approve or disapprove interpretations of this Article made by the building official of the city. All such approvals or disapprovals shall be final and conclusive as to the building official. The Board of Appeals shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties under this part.

SECTION II

If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid or unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The City Council of the City of Gilroy hereby declares that it would have passed and adopted this Ordinance, and each section, subsection, sentence, clause or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases may be declared invalid or unconstitutional.

SECTION III

This Ordinance shall be in full force and effect thirty (30) days after its passage and adoption.

PASSED AND ADOPTED this 16th day of October, 2006, by the following vote:

AYES: COUNCILMEMBERS: ARELLANO, BRACCO, CORREA,
GARTMAN, VALIQUETTE, VELASCO,
and PINHEIRO

NOES: COUCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

APPROVED:

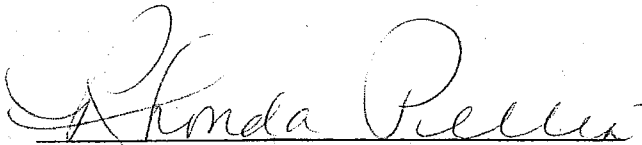
/s/ ALBERT PINHEIRO
Al Pinheiro, Mayor

ATTEST:

/s/ RHONDA PELLIN
Rhonda Pellin, City Clerk

I, RHONDA PELLIN, City Clerk of the City of Gilroy, do hereby certify that the attached Ordinance No. 2006-19 is an original ordinance, or a true and correct copy of a city ordinance, duly adopted by the Council of the City of Gilroy at a regular meeting of said Council held on the 16th day of September, 2006, at which meeting a quorum was present, and has been published or posted pursuant to law.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of the City of Gilroy this 25th day of October, 2006.


City Clerk of the City of Gilroy

(Seal)