



City of Gilroy

STAFF REPORT

Agenda Item Title: (Additional Material) Introduction of an Ordinance of the City Council of the City of Gilroy Amending Sections 6.1, 6.6, and 6.7 of Chapter 6 of the Gilroy City Code and Adopting the Following Codes: 2016 California Building Code (VOL 1 and 2), 2016 California Residential Code, 2016 California Electrical Code, 2016 California Mechanical Code, 2016 California Plumbing Code, 2016 California Energy Code, 2016 California Historical Building Code, 2016 California Existing Building Code with Appendices A1, A2, A3, A4, and A5 of the 2015 International Existing Building Code, 2016 California Green Building Standards Code, and 2015 International Property Maintenance Code

Meeting Date: November 7, 2016

Department: Community Development

Submitted By: Kristi Abrams, Community Development Director

Prepared By: Rob Allen, Chief Building Official



Financially Sustainable High Performing City



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Upgrade City Infrastructure and Facilities



Create a More Livable Gilroy Community for All

Included is a revised ordinance with additional amendments as part of the adoption of the 2015 International Property Maintenance Code with Appendix A. These were inadvertently omitted from the previously distributed version of this ordinance.

ORDINANCE NO. 2016XX

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY ADOPTING THE FOLLOWING CODES: 2016 CALIFORNIA BUILDING (VOL 1 AND 2), CALIFORNIA RESIDENTIAL CODE, CALIFORNIA ELECTRICAL CODE, CALIFORNIA MECHANICAL CODE, CALIFORNIA PLUMBING CODE, CALIFORNIA ENERGY CODE, CALIFORNIA HISTORICAL BUILDING CODE, 2016 CALIFORNIA EXISTING BUILDING CODE WITH APPENDICES A1, A2, A3, A4, AND A5 OF 2015 INTERNATIONAL EXISTING BUILDING CODE, CALIFORNIA GREEN BUILDING STANDARDS CODE, AND 2015 INTERNATIONAL PROPERTY MAINTENANCE CODE; AND AMENDING SECTION 6.1 OF CHAPTER 6 OF THE GILROY CITY CODE.

WHEREAS, Section 6.1 of the Gilroy City Code provides that the latest edition of the uniform construction codes shall be submitted to the City Council for adoption subject to local changes and modifications; and

WHEREAS, the latest editions of the Uniform Construction Codes of the International Building Code (“IBC”) as adopted by the State of California as the 2016 California Building Code (“CBC”), 2016 California Residential Code (“CRC”), 2014 National Electrical Code adopted by the State of California as the 2016 California Electrical Code (“CEC”), 2015 Uniform Mechanical Code adopted by the State of California as the 2016 California Mechanical Code (“CMC”), 2015 Uniform Plumbing Code adopted by the State of California as the 2016 California Plumbing Code (“CPC”), 2016 California Energy Code (“CEnC”), 2016 California Historical Building Code (“CHBC”), 2016 California Existing Building Code (“CEBC”); and 2016 California Green Building Standards Code (CalGreen); and

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WHEREAS, California has adopted these Codes, except for the 2015 International Property Maintenance Code, as the California Building Standards Code; and

WHEREAS, California Health and Safety Code § 17958.5 authorizes a city or county to make changes in provisions published in the California Building Standards Code or other regulations, but specifies that if a city or county does not amend, add, or repeal ordinances or regulations to impose those requirements or make changes or modifications in those requirements upon express findings, the provisions published in the California Building Standards Code and other promulgated regulations shall be applicable to the city or county and shall become effective January 1, 2017; and

WHEREAS, California Health & Safety Code section 17958.5 authorizes a city or county to make changes or modifications in the requirements contained in the provisions of the California Building Standards Code and other adopted regulations if the city or county determines that the changes or modifications are reasonably necessary because of local climatic, geological or topographical conditions; and

WHEREAS, the Silicon Valley area, which includes this City, is within a very active seismic area and local soil conditions can be highly expansive and are prone to shrink and swell during seasonal drying and wetting; and

WHEREAS, portions of the City are in hillside areas that are hazardous fire areas that have only limited fire suppression forces and facilities available for the protection of life and property; and

WHEREAS, fire protection and suppression services for multi-family dwellings and other buildings of three stories or more than thirty feet in height are limited and therefore require supplemental fire suppression services such as automated fire sprinkler systems; and

WHEREAS, the City has local climatic considerations including temperatures ranging from below freezing to over one hundred degrees, local geological considerations including the presence of seismic activity and expansive clay soils, and local topographical considerations including extensive hillside construction that is prone to erosion; and

WHEREAS, the City has participated in a County-wide effort over many months to make uniform amendments to the California Building Standards Code throughout the cities in the county that share similar local climatic, geological and topographical considerations; and

WHEREAS, City staff recommends that some local amendments to the various building codes are necessary as are set forth herein; and

WHEREAS, a duly noticed public hearing was held prior to the adoption of these codes by the City Council on November 7, 2016; and

WHEREAS, this Ordinance is exempt from the requirements of the California Environmental Quality Act of 1970 (“CEQA”), as amended, because it does not involve

an activity that may cause either a direct physical change in the environment or a reasonably foreseeable indirect physical change in the environment; and

WHEREAS, the City Council has reviewed all of the written materials and considered all of the oral testimony presented to it on this matter.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF GILROY DOES HEREBY ORDAIN AS FOLLOWS:

SECTION I

This Ordinance shall be known and cited as the Gilroy Building and Safety Code.

SECTION II

The following Codes are hereby adopted by reference for the City of Gilroy:

1. The California Building Code, 2016 Edition, which is the 2015 International Building Code, with California amendments and the following appendix chapters: Chapter C, Chapter F, Chapter G, Chapter I and Chapter J are adopted with modifications and changes recommended by the City of Gilroy Chief Building Official (“Building Official”) as set forth in Section IV of this Ordinance;
2. The California Residential Code, 2016 Edition, which is the 2015 International Residential Code with California amendments and the following appendix chapters: Chapter H and K is adopted with modifications and changes recommended by the Building Official as set forth in Section V of this Ordinance;

3. The California Electrical Code, 2016 Edition, which is the 2014 National Electrical Code with California amendments is adopted with no modifications and changes recommended by the Building Official.
4. The California Mechanical Code, 2016 Edition, which is the 2015 Uniform Mechanical Code with California amendments and the following appendix chapters: Chapter A, B, C, and D, is adopted with modifications and changes recommended by the Building Official as set forth in Section VII of this Ordinance;
5. The California Plumbing Code, 2016 Edition, which is the 2015 Uniform Plumbing Code with California amendments and only Appendix A, Appendix B, Appendix D, Appendix I, and Appendix K are adopted with modifications and changes recommended by the Building Official as set forth in Section VIII of this Ordinance;
6. The California Energy Code, 2016 Edition, is adopted with no modifications or changes as recommended by the Building Official;
7. The California Historical Building Code, 2016 Edition, published by the International Code Council is adopted with no modifications or changes as recommended by the Building Official;
8. The California Existing Building Code, 2016 Edition and its appendices and the following appendix, A2, , A4, and A5 of the 2015 International Existing Building Code is adopted with no modifications or changes as recommended by the Building Official;

9. The California Green Building Standards Code, 2016 Edition, is adopted with no modifications or changes as recommended by the Building Official;
10. The International Property Maintenance Code, 2015 Edition and appendix A is adopted with modification and changes as recommended by the Building Official as set forth in Section IX of this Ordinance.

SECTION III

Pursuant to California Health and Safety Code § 17958.7, the City Council of the City of Gilroy finds that each of the modifications or changes to the aforementioned Codes are reasonably necessary because of local climatic, geological or topographical conditions.

Specifically, the City Council finds:

1. Many of the modifications or changes are reasonably necessary because of the following climatic conditions.
 - (a) The region is within a climate zone that requires compliance with energy efficiency standards for building construction. The amendment adds design flexibility that will add to energy efficiency in construction while maintaining nationally recognized health and safety standards. This reason is hereinafter referred to as “Climatic I.”
 - (b) The region is within a national climate zone that is designated “Very High” on the Termite Infestation Probability Map. This reason is hereinafter referred to as “Climatic II.”

2. Many of the modifications or changes are reasonably necessary because of the following geological reasons.

(a) The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of adequate design and detailing as a contributing factor to damages that reduced the protection of the life-safety of building occupants. This reason is hereinafter referred to as “Geological I.”

(b) The region is located in an area of high seismic activities as indicated by United States Geological Survey and California Division of Mines and Geology. Recent earthquake activities have indicated the lack of flexibility of materials and/or building systems has been a contributing factor to damages that reduced the protection of the life-safety of building occupants and increased the cost of rehabilitation of structures. This reason is hereinafter referred to as “Geological II.”

3. Many of the modifications or changes are reasonably necessary because of the following Topographical conditions.

(a) Portions of the City are in hillside areas that are hazardous fire areas that have only limited fire suppression forces and facilities available for the protection of life and property. This reason is hereinafter referred to as “Topographical I”

- (b) Portions of the City are in hillside areas that are extensive hillside construction that is prone to erosion. This reason is hereinafter referred to as “Topographical II”.

- 4. Many of the modifications or changes are reasonably necessary because of other climatic, geological or topographical conditions, and these climatic, geological or topographical conditions are described immediately following individual modifications or changes adopted pursuant to this Ordinance.

A copy of these findings, together with the modification or change expressly marked and identified to which each finding refers, shall be filed by the City Clerk with the California Building Standards Commission.

SECTION IV

The following modifications and changes as recommended by the Building Official are adopted to the California Building Code, 2016 Edition, which is the 2015 International Building Code as amended by the State of California:

ADD ADMINSTRATIVE CODES:

ADOPT SECTION 101.2

AMEND SECTION 1.8.4.2 TO READ:

1.8.4.2 Fees. Fees shall be assessed in accordance with the adopted City of Gilroy Comprehensive Fee Schedule.

REASON FOR AMENDMENT

The City Council reviews and adopts the City of Gilroy Comprehensive Fee Schedule

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annually. All Building and Development fees are to be assessed from the most current and adopted Comprehensive Fee Schedule.

AMEND EXCEPTION SECTION 101.2 TO READ:

Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the California Residential Code.

REASON FOR AMENDMENT:

Match Section R101.2, California Residential Code (CRC) Requirement.

AMEND SECTION 105.2 MODIFYING BUILDING ITEM 2 and 4:

2. Wood fences not over 6 feet high or concrete or masonry wall not over 4 feet high.
4. Concrete and Masonry retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.

REASON FOR AMENDMENTS:

Geological I

AMEND SECTION 105.7 AS FOLLOWS:

105.7 Placement of Permit. The building permit, along with all plans and documentation approved by the building official, shall be kept on the site of the work until final approval has been granted by the building official.

REASON FOR AMENDMENT:

To clarify that the approved plans and documentations are at the job site for inspector and contractor to follow.

AMEND SECTION 109.2 AS FOLLOWS:

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical and plumbing systems or alternations requiring a permit, a fee for each permit shall be paid as required by the adopted current adopted City of Gilroy Comprehensive Fee Schedule.

REASON FOR AMENDMENT:

The City Council reviews and adopts the City of Gilroy Comprehensive Fee Schedule

annually. All Building and Development fees are to be assessed from the most current and adopted Comprehensive Fee Schedule.

AMEND SECTION 109.4 AS FOLLOWS:

109.4 Work commencing before permit issuance. Whenever any work for which a permit is required by this code has been commenced without first obtaining said permit, the fee for necessary permits shall be double the fee established by the current City of Gilroy Comprehensive Fee Schedule approved by the city council.

REASON FOR AMENDMENT:

The City Council reviews and adopts the City of Gilroy Comprehensive Fee Schedule annually. All Building and Development fees are to be assessed from the most current and adopted Comprehensive Fee Schedule. Doubling the fee is a standard procedure from prior practice and adopted codes.

ADD SECTION 109.7 TO READ AS FOLLOWS:

109.7 Plan review fees. When a plan review is required a plan checking fee shall be paid at the time of submitting plans, calculation and specifications for checking. When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items an additional plan review fee may be charged as deemed necessary by the building official at an hourly rate established in the City of Gilroy Comprehensive Fee Schedule adopted by the city council.

REASON FOR AMENDMENT:

To be consistent with previous adopted code.

ADD SECTION 110.7 AS FOLLOWS:

110.7 Inspection Record Card. Work requiring a permit shall not be commenced until the permit holder or an agent of the permit holder has posted or otherwise made available the inspection record card issued by the building official such as to allow the building official to conveniently make the required entries thereon regarding inspection of the work. This card shall be maintained and available by the permit holder until final approval has been granted by the building official.

REASON FOR AMENDMENT:

The building official amends and adds this new section to require that the inspection card be available at the jobsite. The inspection card contains inspection description and building inspector signoff information to allow the inspector to follow through on each permit.

AMEND SECTION 402.5 AS FOLLOWS:

DELETE EXCEPTION.

REASONS FOR AMENDMENT:

Geological I and II

AMEND SECTION 403.3 AS FOLLOWS.

DELETE EXCEPTION.

REASONS FOR AMENDMENT:

Geological I and II

AMEND SECTION 404.3 AS FOLLOWS.

DELETE ALL EXCEPTIONS.

REASON FOR AMENDMENT:

Geological I and II

AMEND SECTION 406.3.4 TO READ:

406. 3.4 Separation. Separation shall comply with the following when both the garage and residence are protected by an approved Fire Sprinkler System:

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum ½ inch (12.7 mm) gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8 inch Type X gypsum board or equivalent. Door openings between a private garage and the dwelling unit shall be equipped with either solid wood doors or solid or honeycomb core steel doors not less than 1- 3/4 inches (34.9 mm) thick, or doors in compliance with Section 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.
2. Ducts in a private garage and ducts penetrating the wall or ceilings separating the dwelling unit from the garage shall be constructed of a minimum 0.019 inch (0.48 mm) sheet steel and shall have no openings into the garage.
3. A separation is not required between a Group R3 and U carport, provided the carport is entirely open on two or more sides and there are not enclosed areas above.

Separations shall comply with the following when no approved Fire Sprinkler System serves the residence and/or the garage.

1. The private garage shall be separated from the dwelling unit and its attic area by means of a minimum 5/8 inch Type X gypsum board applied to the garage side. Garages beneath habitable rooms shall be separated from all habitable rooms above by not less than a 5/8 inch Type X gypsum board or equivalent. Door opening between a private garage and the dwelling with either solid wood doors or solid or honeycomb core steel doors not less than 1-3/4 inches (34.9 mm) thick, or doors in compliance with Section 716.5.3. Openings from a private garage directly into a room used for sleeping purposes shall not be permitted. Doors shall be self-closing and self-latching.
2. Ducts in a private garage and ducts penetrating the wall or ceilings separating the dwelling unit from the garage shall be constructed of a minimum 0.019 inch (0.48 mm) sheet steel and shall have no openings into the garage.
3. A separation is not required between a Group R3 and U carport, provided the carport is entirely open on two or more sides and there are not enclosed areas above.

REASON FOR AMENDMENT:

Geological I and Geological II.

Amend door thickness is to match the Security Ordinance requirement.

AMEND SECTION 903.2 IN IT'S ENTIRELY TO READ:

903.2 Where Required. Approved Automatic sprinkler system in new and existing buildings and structures shall be provided in the locations as set forth in the Gilroy Fire Code and the California Fire Code.

ADD NEW SECTION 903.2.1.1 TO READ:

Section 903.2.1.1 for “automatic fire-extinguishing systems” in new buildings and structures, any conflicts between the 2016 CBC and the Gilroy Fire Code, the Gilroy Fire Code shall prevail.

REASON FOR AMENDMENTS:

To be consistent with the Uniform Fire Code and Local Amendment.

ADD SECTION 1505.1.5 TO READ AS FOLLOWS:

1505.1.5 Roofing. Class B roof covering shall be required for all Hillside Construction.

REASON FOR AMENDMENTS:

Topographical I

2013

AMEND SECTION 1705.3– AS FOLLOWS:

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1705.3 Concrete Construction. The special inspections and verifications for concrete construction shall be as required by this section and Table 1705.3.

EXCEPTIONS: Special inspection shall not be required for:

1. Isolated spread concrete footings of buildings three stories or less in height above the grade plane that are fully supported on earth or rock, *where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa).*
2. Continuous concrete footings supporting walls of buildings three stories or less above grade plane that are fully supported on earth or rock where:
 - 2.1. The footings support walls of light-frame construction;
 - 2.2. The footings are designed in accordance with Table 1809.7; or
 - 2.3. The structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 pounds per square inch (psi) (17.2 Mpa), regardless of the compressive strength specified in the construction documents or used in the footing construction.
3. Nonstructural concrete slabs supported directly on the ground, including prestressed slabs on grade, where the effective prestress in the concrete is less than 150 psi (1.03 Mpa).
4. Concrete foundation walls constructed in accordance with Table 1807.1.6.2.
5. Concrete patios, driveways and sidewalks, on grade.

REASON FOR AMENDMENT:

Results from studies after the 1994 Northridge earthquake indicated that a lot of the damage was attributed to lack of quality control during construction. The proposed amendment improves quality control during construction and therefore needs to be incorporated into the Code.

Revise CBC Section 1704.4 exception No. 1 to allow special inspection not to be required for isolated spread footing where the structural design of the footing is based on a specified compressive strength, f'c, no greater than 2,500 psi.

This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycle.

AMEND SECTION 1807.2 AS FOLLOWS: 1807.2 Retaining walls. Retaining walls shall be designed in accordance with Section 1807.2.1 through 1807.2.4

ADD 2016 CBC, SECTION 1807.2.4 TO READ AS:

1807.2.4 Retaining walls shall be constructed of concrete or masonry and be designed by a California State licensed engineer (Civil or Structural Engineer).

REASONS FOR AMENDMENT:

1. Geological I.
2. This existing amendment continues to be required by local conditions.

DELETE SECTION 1905.1.8 AND REPLACE AS FOLLOWS:

1905.1.8 ACI 318, section 22.10 Delete ACI 318, section 22.10.1, and replace with the following:

22.10 - Plain concrete in structures assigned to seismic design category C, D, E or F.

22.10.1- Structures assigned to Seismic Design Category C, D, E or F shall not have elements of structural plain concrete, except as follows:

- (a) Isolated footings of plain concrete supporting pedestals or columns are permitted, provided the projection of the footing beyond the face of the supported member does not exceed the footing thickness.

Exception: In detached one and two-family dwelling three stories or less in height, the projection of the footing beyond the face of the supported member is permitted to exceed the footing thickness.

- (b) Plain concrete footing supporting walls are permitted, provided the footings have at least two continuous longitudinal reinforcing bars. Bars shall not be smaller than No. 4 and shall have a total area of not less than 0.002 times the gross cross-sectional area of the footing. A minimum of one bar shall be provided at the top and bottom of the footing. Continuity of reinforcement shall be provided at corners and intersections.

Exception: In detached one and two-family dwellings three stores or less in height and constructed with stud bearing walls, plain concrete with at least two continuous longitudinal reinforcing bars not smaller than No. 4 are permitted to have a total area of less than 0.002 times the gross cross –sectional area of the footing.

REASONS FOR AMENDMENT:

The proposed amendment addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in 1994 Northridge

earthquake. This proposed amendment is a continuation of an amendment adopted during the previous code adoption cycle.

AMEND SECTION 2301.2, METHOD 3 IS REVISED AS FOLLOWS:

Delete Exception

REASONS FOR AMENDMENT:

Geological I

ADDS SECTION 2306.3.1 TO READ AS FOLLOWS:

2306.3.1 Shear walls sheathed with other materials. Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall be designed and constructed in accordance with AP&PA SDPWS. Shear walls sheathed with these materials are permitted to resist horizontal forces using the allowable shear capacities set forth in Table 2306.3(3). Shear walls sheathed with Portland cement plaster, gypsum lath, gypsum sheathing or gypsum board shall not be used to resist seismic forces in structures assigned to Seismic Design Category D, E or F.

Exception: Item 1, expanded metal or woven wire lath and portland cement plaster on studs spaced at 16 inches (406 mm) on center installed per Table 2306.7 is permitted for use in one story structures of R-3 and U occupancies in Seismic Design Category D.

REASONS FOR AMENDMENT:

1. Geological II.
2. The entire Santa Clara Valley is located in a highly active seismic zone. Gypsum wallboard and exterior portland cement plaster have performed poorly during recent California seismic events. The shear values for gypsum wallboard and portland cement stucco contained in the code are based on mono-directional testing. It is appropriate to limit the use of these products until cyclic loading testing are performed and evaluated.

AMENDS SECTION 2308.1 TO READ AS FOLLOWS:

Section 2308.1 General. The requirements of this section are intended for conventional light-frame construction. Other methods are permitted to be used, provided a satisfactory design is submitted showing compliance with other provisions of this code. Interior nonload-bearing partitions, ceilings and curtain walls of conventional light-frame construction are not subject to the limitations of this section. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the California Residential Code.

**REASON FOR AMENDMENT:
Geological I**

AMENDS SECTION 2308.3.4 TO READ AS FOLLOWS:

Section 2308.3.4 Braced wall line support. Braced wall lines shall be supported by continuous foundations.

Exceptions:

1. One-story buildings with maximum plan dimension not exceeding 50 feet (15240 mm), may have continuous foundations located at exterior braced wall lines only.
2. Two-story buildings with a maximum plan dimension not exceeding 50 feet (15240 mm) may have braced wall lines supported on continuous foundations at the exterior walls only, provided:
 - a) Cripple walls do not exceed 4 feet (1219 mm) in height; and
 - b) Where the first story is supported on a raised wood framed floor, the interior braced wall panels are directly supported by either doubled joists, continuous 4x blocking or minimum 4x floor beams.

**REASON FOR AMENDMENT:
Geological I**

MODIFY THE TEXT OF SECTION 2308.9.3 TO BE REPLACED WITH THE FOLLOWING:

2308.9.3 Bracing. Braced wall lines shall consist of braced wall panels, which meet the requirements for location, type and amount of bracing as shown in Figure 2308.9.3, specified in Table 2308.9.3(1) and are in line or offset from each other by not more than 4 feet (1219 mm). Braced wall panels shall start not more than 12.5 feet (3810 mm) from each end of a braced wall line. Braced wall panels shall be clearly indicated on the plans. Construction of braced wall panels shall be by one of the following methods:

1. Wood boards of 5/8-inch (15.9 mm) net minimum thickness applied diagonally on studs spaced not over 24 inches (610 mm) on center.
2. Wood structural panel sheathing with a thickness not less than 3/8-inch (7.9 mm) for 16-inch (406 mm) or 24-inch (610 mm) stud spacing in accordance with Tables 2308.9.3(2) and 2308.9.3(3).
3. Fiberboard sheathing 4-foot by 8-foot (1219 mm by 2438 mm) panels not less than 1/2-inch (13 mm) thick applied vertically on studs spaced not over 16-inches (406 mm) on center where installed with fasteners in accordance with Section 2306.6 and Table 2306.6.

4. Particleboard wall sheathing panels where installed in accordance with Table 2308.9.3(4).
5. Hardboard panel siding when installed in accordance with Section 2303.1.6 and Table 2308.9.3(5).

For cripple wall bracing see Section 2308.9.4.1.

For methods 1, 2, 3, 4, and 5, each braced wall panel must be at least 48-inches (1219 mm) in length, covering three stud spaces where studs are 16-inches (406 mm) apart and covering two stud spaces where studs are spaced 24-inches (610 mm) apart.

REASONS FOR AMENDMENT:

1. Geological II.
2. The entire Santa Clara Valley is located in a highly active seismic zone. Gypsum wallboard and exterior Portland cement plaster have performed poorly during recent California seismic events. The shear values for gypsum wallboard and Portland cement stucco contained in the code are based on mono-directional testing. It is appropriate to limit the use of these products until cyclic loading testing are performed and evaluated.

AMEND FIRST PARAGRAPH OF SECTION 2308.12.4 TO READ:

2308.12.4 Braced wall line sheathing. Braced wall lines shall be braced by one of the types of sheathing prescribed by Table 2308.12.4 as shown in Figure 2308.9.3. The sum of lengths of braced wall panels at each braced wall line shall conform to Table 2308.12.4. Braced wall panels shall be distributed along the length of the braced wall line and start at not more than 8 feet (2438 mm) from each end of the braced wall line. Panel sheathing joints shall occur over studs or blocking. Sheathing shall be fastened to studs, top and bottom plates and at panel edges occurring over blocking. Wall framing to which sheathing used for bracing is applied shall be nominal 2 inch wide [actual 1.5 inch (38 mm)] or larger members spaced a maximum of 16 inches on center. Nailing shall be minimum 8d common placed 3/8 inches from panel edges and spaced not more than 6 inches on center, and 12 inches on center along intermediate framing members.

REASONS FOR AMENDMENT:

Geological II.

AMEND Table 2308.12.4:

In footnotes “b” and “c” of Table 2308.12.4, delete all references to “gypsum board”, “lath and plaster”, “Portland cement plaster”, and “gypsum sheathing boards”.

REASONS FOR AMENDMENT:

Geological II.

AMEND SECTION 2308.12.5 TO READ:

2308.12.5 Attachment of sheathing. Fastening of braced wall panel sheathing shall not be less than that prescribed in Table 2308.12.4 or 2304.9.1. Wall sheathing shall not be attached to framing members by adhesives. All braced wall panels shall extend to the roof sheathing and shall be attached to parallel roof rafters or blocking above with framing clips (18 gauge minimum) spaced at maximum 24 inches (6096 mm) on center with four 8d nails per leg (total eight 8d nails per clip). Braced wall panels shall be laterally braced at each top corner and at maximum 24-inch (6096 mm) intervals along the top plate of discontinuous vertical framing.

REASONS FOR AMENDMENT:

Geological II.

AMEND – GYPSUM BOARD AND PLASTER**DELETE SECTION 2505 COMPLETELY.****REASONS FOR AMENDMENT:**

Survey of structural failures after the Loma Prieta earthquake of 1989 showed the gypsum board, plaster and stucco finishes used for lateral force resistance performed poorly or failed completely. Further, once used to resist lateral forces, it is nearly impossible without completely replacing the material to achieve the initial design load resistance in these materials. To minimize the potential for increased fire-life safety problems associated with such seismic failures, this proposed modification increases the minimum acceptable shear resisting elements to be used for lateral designs and conventionally braced structures. Further, this continues a trend in and amongst local Bay Area jurisdictions that has been historically supported by the engineering community.

AMEND Section 3405 as follows:

Add section 3405.2.4 to read as follows:

3405.2.4 Seismic Evaluation and Design Procedures for Repairs. The seismic evaluation and design shall be based on the procedures specified in the California Building Code, ASCE 31 Seismic Evaluation of Existing Buildings (for evaluation only) or ASCE [41](#) Seismic Rehabilitation of Existing Buildings. The procedures contained in Appendix A2, A3, A4 and A5 of the International Existing Building Code shall be permitted to be used as specified in Section 3405.2.4.

3405.2.4.1 Compliance with CBC level seismic forces. Where compliance with the seismic design provisions of the California Building Code is required, the procedures shall be in accordance with one of the following:

1. One-hundred percent of the values in the California Building Code. Where the existing seismic force-resisting system is a type that can be designated as "Ordinary," the values of R , Ω_o , and C_d used for analysis in accordance with Chapter 16 of the California Building Code shall be those specified for structural systems classified as "Ordinary" unless it is demonstrated that the structural system will provide performance equivalent to that of a "Detailed," "Intermediate" or "Special" system.
2. Compliance with ASCE [41](#) using both BSE-1 and BSE-2 earthquake hazard levels and the corresponding performance levels in Table 3405.2.4.1.

**TABLE 3405.2.4.1
PERFORMANCE CRITERIA FOR CBC LEVEL SEISMIC FORCES**

RISK CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31 AND WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-2 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Collapse Prevention (CP)
II	Life Safety (LS)	Collapse Prevention (CP)
III	Note a	Note a
IV	Immediate Occupancy (IO)	Life Safety (LS)

- a. Acceptance criteria for Occupancy Category III shall be taken as 80 percent of the acceptance criteria specified for Occupancy Category II performance levels, but need not be less than the acceptance criteria specified for Occupancy Category IV performance levels.

3405.2.4.2 Compliance with reduced CBC level seismic forces. Where seismic evaluation and design is permitted to meet reduced California Building Code seismic force levels, the procedures used shall be in accordance with one of the following:

1. The California Building Code using 75 percent of the prescribed forces. Values of R , Ω_o , and C_d used for analysis shall be as specified in Section 3405.2.4.1 Item 1.
2. Structures or portions of structures that comply with the requirements of the applicable chapter in Appendix A2, A3, A4 and A5 of the International Existing Building Code as specified in Items 2.1 through 2.5 below shall be deemed to comply with this section.
 - 2.1. The seismic evaluation and design of unreinforced masonry bearing wall buildings in Risk Category I or II are permitted to be based on the procedures specified in Appendix Chapter A1 of the California Existing Building Code, 2013 Edition.
 - 2.2. Seismic evaluation and design of the wall anchorage system in reinforced concrete and reinforced masonry wall buildings with flexible diaphragms in Risk Category I

- or II are permitted to be based on the procedures specified in Appendix Chapter A2.
- 2.3. Seismic evaluation and design of cripple walls and sill plate anchorage in residential buildings of light-frame wood construction in Risk Category I or II are permitted to be based on the procedures specified in Appendix Chapter A3.
 - 2.4. Seismic evaluation and design of soft, weak, or open-front wall conditions in multiunit residential buildings of wood construction in Risk Category I or II are permitted to be based on the procedures specified in Appendix Chapter A4.
 - 2.5. Seismic evaluation and design of concrete buildings in all Risk Categories are permitted to be based on the procedures specified in Appendix Chapter A5.
3. Compliance with ASCE 31 based on the applicable performance level as shown in Table 3405.2.4.2. It shall be permitted to use the BSE-1 earthquake hazard level as defined in ASCE [41](#) and subject to the limitations in item 4 below.
 4. Compliance with ASCE [41](#) using the BSE-1 Earthquake Hazard Level defined in ASCE [41](#) and the performance level as shown in Table 3405.2.4.2. The design spectral response acceleration parameters S_{xs} and S_{x1} specified in ASCE [41](#) shall not be taken less than 75 percent of the respective design spectral response acceleration parameters S_{Ds} and S_{D1} defined by the California Building Code and its reference standards.

TABLE 3405.2.4.2
PERFORMANCE CRITERIA FOR REDUCED CBC LEVEL SEISMIC FORCES

RISK CATEGORY (BASED ON CBC TABLE 1604.5)	PERFORMANCE LEVEL FOR USE WITH ASCE 31	PERFORMANCE LEVEL FOR USE WITH ASCE 41 BSE-1 EARTHQUAKE HAZARD LEVEL
I	Life Safety (LS)	Life Safety (LS)
II	Life Safety (LS)	Life Safety (LS)
III	Note a, Note b	Note a
IV	Immediate Occupancy (IO)	Immediate Occupancy (IO)

- a. Acceptance criteria for Risk Category III shall be taken as 80 percent of the acceptance criteria specified for Risk Category II performance levels, but need not be less than the acceptance criteria specified for Risk Category IV performance levels.
- b. For Risk Category III, the ASCE screening phase checklists shall be based on the life safety performance level.

3405.2.4.3 Referenced Standards

Standard	TITLE	Reference In Code
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Referenced Number		Section Number
ASCE 31-03	Seismic Evaluation of Existing Buildings	3405.2.4.1, TABLE 3405.2.4.1 3405.2.4.2, TABLE 3405.2.4.2
ASCE 41-06	Seismic Rehabilitation of Existing Buildings including Supplement No. 1	3405.2.4.1, TABLE 3405.2.4.1 3405.2.4.2, TABLE 3405.2.4.2

REASONS FOR AMENDMENT: Amending the existing structures chapter by adding structural provisions for repairs in existing buildings is necessary because the City of Gilroy is located in an high and active seismic fault area.

BUILDING CODE APPENDIX CHAPTERS TO BE ADOPTED:

The 2016 CBC is further amended by adopting the following Appendix chapters:

APPENDIX C - AGRICULTURAL BUILDINGS

APPENDIX G - FLOOD RESISTANT CONSTRUCTION (If any condition or requirements conflicts with FEMA, FEMA conditions shall govern.)

APPENDIX I - PATIO COVERS

APPENDIX J - GRADING

ADD SUB-SECTIONS TO SECTION J110 EROSION CONTROL TO READ:

Section J110.3 Erosion Control.

- a. The applicant shall submit an Interim Erosion and Sediment Control Plan. This can be incorporated on the Grading Plan and shall include the following information:
 1. Maximum surface runoff from the site as calculated using the method approved by the Building Official.
 2. A delineation and brief description of the surface runoff and erosion control measures to be implemented including, but not limited to, types and methods of applying mulches to be used.
 3. A delineation and brief description of vegetative measures to be taken, including but not limited to, seeding methods, the type, location and extent

of existing and undisturbed vegetation types, and a schedule for maintenance and upkeep.

- b. No improvements planned. Where an applicant does not plan to construct permanent improvements on the site, or plans to leave portions of the site graded but unimproved, applicant must:
 - 1. Submit an Interim Plan designed to control runoff and erosion on the site for the period of time during which the site, or portions thereof, remain unimproved.
 - 2. Submit a request for release after the completion of grading.
- c. Work Schedule. The applicant must submit a master work schedule showing the following information:
 - 1. Proposed grading schedule.
 - 2. Proposed conditions of the site on each July 15, August 15, September 15, and October 15 during which the permit is in effect.
 - 3. Proposed schedule for installation of all interim erosion and sediment control measures including, but not limited to, the stage of completion of erosion control devices and vegetative measures on each of the dates set forth in Subsection (2).
 - 4. Schedule for construction of final improvements, if any.
 - 5. Schedule for installation of permanent erosion and sediment devices where required.
- d. Season Work (October 15 to April 15).
 - 1. For commencement of the grading during the wet season, applicant must provide special documentation, as required by Building Official, showing the reasons other than financial, for the need to commence at that time.
 - 2. For continuation of activities, other than installation, maintenance or repair of measures in the interim or final plans, during the wet season, permittee must apply for and receive in writing from the Building Official, every five (5) working days, special permission to proceed.
 - 3. The Building Official shall grant permission under this subsection on the basis of weather forecasts, experience and other pertinent factors, which indicate the activity, may occur without excessive erosion occurring.

REASON FOR AMENDMENT:

Geological II.

ADD NEW SECTION J110.4 TO READ:

Section J110.4 Dust and Mud Control Measures. Contractors performing grading operations within the City where dry conditions or wet conditions are encountered shall adequately and effectively control dust or mud from spreading off site or onto existing structures on site. Prior to commencement of grading operations, contractor shall furnish details of proposed dust or mud control measures to the Building Official for approval. Failure to control dust or mud from grading operations shall result in suspension of grading operations until adequate measures are in place to allow continuance.

REASON FOR AMENDMENT:

Geological II.

ADD NEW SECTION J110.5 TO READ:

Section J110.5 Archeological Discovery. If in the course of any grading operation, any artifacts, human remains, or substantial fossils are discovered, all grading operations shall cease, and the discovery site shall be suitably marked and protected from further damage. A report of such findings shall be as outlined in the Zoning Ordinance. Specifically, if human remains are discovered, the Sheriff-Coroner and the Building Official shall be notified. If no human remains are discovered, but artifacts or significant fossils are discovered, the Building Official shall be notified.

REASON FOR AMENDMENT:

Geological II.

ADD NEW SECTION J110.6 TO READ:

Section J110.6.1 Work Stoppage. Whenever the Building Official determines that the work does not comply with the terms of the permit or of this Ordinance Section, he or she may order the immediate cessation of all work hereunder until such corrective measures have been completed.

Section J110.6. 2 Right of Entry. Whenever the Building Official or designated subordinate(s) have reasonable or probable cause to believe that there exists accelerated erosion and/or a violation of this Ordinance Section, he/she may enter such site at all reasonable times to inspect the same, to perform any duty imposed upon him/her by this Ordinance Section; providing that if such premises are occupied, he/she shall first present proper credentials and request entry, and if the premises are found to be unoccupied, he/she shall first make a reasonable effort to locate the owner or other person having charge or control of said premises and request entry. If such entry is refused or the owner or person having charge or control cannot be located after reasonable effort, the Building Official shall have recourse to every remedy provided by law to secure entry and abate the erosion or violation.

Section J110.6.3 Notification of Violation. Any person found to be in violation of the provisions of this Ordinance Section shall be required to correct the problem upon written notification from the Building Official or designated subordinate(s). Such written notification may require that certain conditions be adhered to in the correction of the problem. These may include, but are not limited to, the following:

- a. Use of specific erosion control techniques
- b. Submittal of plans and specifications to be approved by the Community Development Department, and any other department affected by such work, prior to the commencement of corrective work.
- c. Completion of corrective work within a specified time period.

Section J110.6.4 Abatement of Violation. If the responsible party fails to act in response to written notification of the Building Official, the violation may be declared a public nuisance and be abated as required to restore the site to its original condition. Where there is an emergency condition of erosion or sediment damaging a waterway, marsh, or other body of water, or significant habitat or archeological site, the Building Official may have the necessary corrective work done and bill the property owner or lien the property for repayment.

Section J110.6.5 Penalties.

- a) Any person, whether as principal, agent, employee or otherwise, or firm or corporation violating, or causing or permitting the violation of any of the provisions of this Ordinance Section shall be subject to citations and penalties set forth in the Gilroy Municipal Code, Section 1.7, Section 6.16 and Chapter 6A.
- b) Each separate day or portion thereof during which any violation occurs or continues without a good faith effort by the responsible person to correct the violation, shall be deemed to constitute a separate offense.
- c) In addition to the above noted penalties, the Building Official is hereby authorized to attach an investigation fee up to twice the grading permit fee, to any such permit issued for corrective action.

Section J110.6.6 Enforcement. The Building Official and or his/her designated subordinate(s) is hereby authorized and directed to enforce all the provisions of this Ordinance Section. For such purpose, the Building Official shall have the powers of a law enforcement officer.

Section J110.6.7 Appeals. Any person who believes the Building Official has erred in the technical application of this Ordinance Section may appeal such action to the Building Board of Appeals.

REASONS FOR AMENDMENT:

1. Geological II.
2. This existing amendment continues to be required by local conditions.

SECTION V

The following modifications and changes as recommended by the Building Official are adopted to the California Residential Code, 2016 Edition, which is the 2015 International Residential Code as amended by the State of California:

AMEND SECTIONS 1.8.3, 1.8.4, 1.8.6, AND 1.8.7 AS FOLLOWS:

DELETE SECTIONS 1.8.3, 1.8.4, 1.8.6, AND 1.8.7.

REASONS FOR AMENDMENT:

Gilroy Municipal Code covers Right of Entry For Enforcement; Alternate Material, designs, Tests and Methods of Construction; and Appeals Board.

AMEND SECTION R109.1 Note AS FOLLOWS:

R109.1 Types of inspections. For onsite construction, from time to time the building official, upon notification from the permit holder or his agent, shall make or cause to be made any necessary inspections and shall either approve that portion of the construction as complete or shall notify the permit holder or his or her agent wherein the same fails to comply with this code. The building official upon notification of the permit holder or their agent within a reasonable time shall make the inspections, as minimum, set forth in Section R109.1.1, R109.1.1.1, R109.1.3, R109.1.4, R109.1.4.1, R109.1.5, R109.1.5.1, R109.1.5.2 and R109.1.6.

Note: Reinforcing steel or structural framework of any part of any building or structure shall not be covered or concealed without first obtaining the approval of the enforcing agency. Protection of joints and penetrations in fire-resistive assemblies shall not be concealed from view until inspected and approved. All wiring, mechanical, and plumbing appurtenances no longer in use shall be removed unless otherwise approved in writing by the Building Official.

REASON FOR AMENDMENT:

It is deemed to be unsafe to leave existing wiring, mechanical, and plumbing appurtenances when they are no longer used.

AMEND SECTION R301.1.1 AS FOLLOWS:

DELETE ITEM 1 OF THIS SECTION.

REASON OF AMENDMENT:
GEOLOGICAL II

AMEND SECTION 301.2.1.1 AS FOLLOWS:

DELETE ITEM 1 OF THIS SECTION.

REASON OF AMENDMENT:
GEOLOGICAL II

AMEND SECTION R303 AS FOLLOWS:

THE TITLE FOR THIS SECTION IS AMENDED TO READ AS FOLLOWS:

LIGHT, VENTILATION, HEATING, AND SOUND TRANSMISSION

ADD SECTION R303.10 OF CHAPTER 3 TO READ AS FOLLOWS:

R303.10 Sound transmission. For sound transmission control between attached dwelling units, see Section 1207 of the California Building Code.

REASON OF AMENDMENT:
GEOLOGICAL II

AMEND SECTION R313 AS FOLLOWS:

R313.1 EXCEPTION IS AMENDED AS FOLLOWS:

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing townhouses that do not have an automatic residential fire sprinkler system installed unless required by the Gilroy Fire Code or 2016 California Fire Code.

R313.2 EXCEPTION IS AMENDED AS FOLLOWS:

Exception: An automatic residential fire sprinkler system shall not be required for additions or alternatives to existing buildings that are not already provided with an automatic residential sprinkler system unless required by the Gilroy Fire Code or 2016 California Fire Code.

REASON FOR AMENDMENTS:

To be consistent with the Uniform Fire Code and Local Amendment.

AMEND FIRST PARAGRAPH AND THE EXCEPTION OF SECTION R403.1.3 TO READ AS:

R403.1.3 Seismic reinforcing. Concrete footings located in Seismic Design Categories D0, D1 and D2, as established in Table R301.2(1), shall have minimum reinforcement of at least two continuous longitudinal reinforcing bars not smaller than No. 4 bars. Bottom reinforcement shall be located a minimum of 3 inches (76 mm) clear from the bottom of the footing.

R403.1.3 Exception: In detached one- and two-family dwellings which are three stories or less in height and constructed with stud bearing walls, isolated plain concrete footings supporting columns or pedestals are permitted.

REASONS FOR AMENDMENT:

This proposed amendment to the CRC is made to be consistent with TUCC (Tri-Chapter Uniform Committee) amendment 3 that modifies the plain concrete provisions in CBC Section 1908.1.8 and ACI 318 Section 22.10.1.

This proposed amendment addresses the problem of poor performance of plain or under-reinforced concrete footings during a seismic event. This amendment reflects the recommendations by the Structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of plain and under-reinforced concrete footings observed in 1994 Northridge earthquake.

footings observed in 1994 Northridge earthquake.

AMEND FOOTNOTE OF TABLE R602.10.3(3):

Add footnote “e” to the end of Table R602.10.1.3(3) to read as follows:

- d. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted and the use of Methods PCP, SFB, and HPS is limited to one-story single family dwellings and accessory structures.

ADD SUBSECTION R602.10.4.4 TO READ:

R602.10. 4.4 Limits on methods GB and PCP. In Seismic Design Categories D₀, D₁, and D₂, Method GB is not permitted for use as intermittent braced wall panels, but gypsum board is permitted to be installed when required by this Section to be placed on the opposite side of the studs from other types of braced wall panel sheathing. In Seismic Design Categories D₀, D₁, and D₂, the use of Method PCP is limited to one-story single family dwellings and accessory structures.

REASON FOR AMENDMENT:

The Proposed amendment addresses the problem of poor performance of gypsum wallboard and Portland cement plaster as wall bracing materials in high seismic areas. This amendment reflects the recommendations by the structural Engineers Association of Southern California (SEAOSC) and the Los Angeles City Joint Task Force that investigated the poor performance of these bracing materials that were observed in 1994 Northridge earthquake.

ADDS SECTION R902.1.5 TO READ:

R902.1.5 Roofing. Class A or Class B roof covering shall be required for all Hillside Construction.

REASON FOR AMENDMENTS:

Topographical I

CALIFORNIA RESIDENTIAL CODE APPENDIX CHAPTERS TO BE ADOPTED:

APPENDIX H – PATIO COVERS

APPENDIX K – SOUND TRANSMISSION

SECTION VI

NOT USED.

1. **2016 California Mechanical Code**

SECTION VII

The following modifications and changes as recommended by the Building Official are adopted to the California Mechanical Code, 2016 Edition, which is the 2015 Uniform Mechanical Code with California amendments:

AMEND 2016 CMC SECTION 1201.3.8.1 WALL THICKNESS AMENDED TO READ:

Tubing shall be at least Type K for condensate return lines, and Type L for steam condenser cooling water lines, underground water lines, and above ground water lines. Type M shall not be used.

REASONS FOR AMENDMENT:

1. Geological II.
2. Most of the surface soils in the Santa Clara Valley are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are particularly corrosive in nature.

SECTION VIII

The following modifications and changes as recommended by the Building Official are adopted to the California Plumbing Code, 2016 Edition, which is the 2015 Uniform Plumbing Code with California amendments and Appendix A, Appendix B, Appendix D, Appendix I, and Appendix K:

DELETE 2016 CPC SECTION 604.2 EXCEPTION.

DELETE 2016 CPC SECTION 609.3 AND AMEND TO READ:

609.3 Water piping shall not be installed in or under a concrete floor slab within a building without prior approval of the Building Official. When approved, such piping shall be installed within a chase or conduit for easy replacement

REASONS FOR AMENDMENT:

1. Most of the surface soils in the Santa Clara Valley are relatively young and unconsolidated sedimentary materials formed from a wide variety of parent materials. The varying chemical composition, degree of weathering, and the relatively acid environment have created soils of varying types, which are particularly corrosive in nature.
2. Much of the surface soils in the Santa Clara Valley are highly expansive (i.e., shrink - swell behavior) and has low bearing strength. There are two types of expansive soils in the area:
 - a. The organic silty clays which are the recent bay muds; and
 - b. The plastic silty clays, which weather from the shale, found in the hills surrounding Santa Clara Valley.
3. The local climate is characterized by markedly delineated rainy and dry seasons, which tend to maximize the expansive characteristics of soil.
4. Some parts of Santa Clara Valley have hard water, which is corrosive to ferrous pipe.
5. The groundwater table is unusually high in many places.
6. The Santa Clara Valley is in a highly active seismic area.

AMEND 2016 CPC SECTION 609.4 TESTING TO READ.

Upon completion of a section or of the entire hot and cold water supply system, it shall be tested and proved tight under a water or air pressure not less than 100 pound per square inch (psi) in new water supply piping and 60 psi for existing piping system. The water used for tests shall be obtained from a portable source of supply. The piping shall withstand the test without leaking for a period of not less than fifteen (15) minutes.

REASONS FOR AMENDMENTS:

1. Geological II.
2. This existing amendment continues to be required by local conditions.

AMEND 701.1.2.a [HCD 1 & HCD 2] TO READ:

ABS and PVC installations are limited to not more than two stories in areas of residential accommodation in a three story building. ABS and PVC are not allowed in any story of a four or more story building.

REASON FOR AMENDMENT:

Geological II.

AMEND 2016 CPC SECTION 719 Clean-outs.

ADD NEW SECTION TO READ:

719.1.1 A clean-outs shall be installed on private property adjacent to property line where the private sewer system connects to the public sanitary sewer lateral. All such line clean-outs shall be extended to grade with materials according to specifications approved by the Administrative Authority and terminate within a concrete box or an approved Christy box.

Exception: Exception: If the lateral does not exceed 12 ft. from the back of sidewalk to the building drain clean-out, and the run must be substantially straight.

REASONS FOR AMENDMENT:

1. Geological II.
2. The Santa Clara Valley soils are expansive in nature. These expansive soils create unstable conditions, which increase the potential of breaks in sewer laterals. To maintain health and sanitary services, it is necessary to gain access, to periodically maintain public sanitary laterals. This is accomplished by the additional clean-out as required above.

AMEND 2016 CPC SECTION 1208.5.3.4 TO READ:

1208.5.3.4 Corrugated stainless steel tubing shall be allowed in residential attic spaces only and shall be tested and listed in compliance with the construction, installation, and performance requirements of CSA LC-1, *Standard for Fuel Gas Piping Systems Using Corrugated Stainless Steel Tubing*. [NFPA 54;5.6.3.4]

REASON FOR AMENDMENT:

Carry over from previous Code Adoption. Geological II.

2016 SECTION IX

2015 International Property Maintenance Code

2015 International Property Maintenance Code with Appendix A

The following modifications and changes are recommended prior to adopting this code.

The codes, standards and references in this code should be revised as follows;

Delete the following references	Insert the following code references
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<ul style="list-style-type: none"> • International Building Code • International Mechanical Code • National Electrical Code • International Fire Code • International Plumbing Code • International Existing Building Code • International Residential Code • International Zoning Code • International Fuel Gas Code • Name of Jurisdiction • Jurisdiction to insert appropriate schedule • Board of appeals 	<ul style="list-style-type: none"> • 2016 California Building Code • 2016 California Mechanical Code • 2016 California Electrical Code • 2016 California Fire Code • 2016 California Plumbing Code • 2016 California Existing Building Code • 2016 California Residential Code • City of Gilroy Zoning Ordinance • No reference • City of Gilroy • Current City of Gilroy Comprehensive fee schedule • Hearing Officer
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AMEND 2015 International Property Maintenance Code herein after 2015 IPMC Section 104.3 Right of Entry

Add the following paragraph:

“Any and all costs incurred by the city in connection with securing lawful entry to a structure or premise including but not limited to, costs of investigation, staffing costs incurred in the preparation of warrants, and all subsequent costs necessary to enforce compliance with the provisions of this Code may be recovered including late payment charges and costs of collection by use of any and all available legal means.”

Reason for amendment:

1. To clarify the process of cost recovery where the Right of Entry for inspection of a premise or structure is refused.

AMEND 2015 IPMC Section 106.1

Amended to read:

106.1 Unlawful acts. It is hereby declared to be unlawful and a public nuisance for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any premise, building, structure or building service equipment, or cause or permit the same to be done in violation of this code or the technical codes.

Reason for amendment:

1. To agree with 2016 California Building Code Sec. 114.1.

AMEND 2015 IPMC Section 107.4

Amended to read:

107.4 Unauthorized tampering. Placards, notices, signs, tags or seals posted or affixed by the code official shall not be mutilated, destroyed, tampered with, or removed without authorization from the code official. Any person violating this subsection shall be guilty of a misdemeanor.

Reason for amendment:

1. To include the terms “Notices” and “Placards” referenced in 2015 IMPC 108.3 & 108.4 and comply with 1997 Uniform Housing Code Sec. 1104.2 and 1997 Abatement of Dangerous Buildings Section 404.1.

AMEND 2015 IPMC Section 107

Add the following section

107.7 Recordation of Notices and Orders. If compliance with the order is not achieved within the time specified therein, and no appeal has been properly and timely filed, the code official is authorized to file in the office of the county recorder a certificate describing the property and certifying (i) that the premise, building, structure or building service equipment is in violation of this code or the technical codes and (ii) that the owner has been so notified. Whenever the ordered corrections have been completed and the violations no longer exist on the property described in the certificate, the code official shall issue a new certificate certifying that all required corrections have been made.

Reason for amendment:

1. To comply with the recordation guidelines in the 1997 Abatement of Dangerous Buildings code Section 402.

AMEND 2015 IPMC Section 108.1

Delete the word:

“condemned”

Replace with the words:

“posted in accordance with this section and declared to be a public nuisance and the violations shall be abated by repair, rehabilitation, demolition or removal”

Reason for amendment:

1. The section focused on condemnation only, revised it to more closely follow the language from Section 202 of the Dangerous Building Code.

AMEND 2015 IPMC Section 108.1.4

Amended to read:

108.1.4 Unlawful structure. An unlawful structure is; one found in whole or in part to be occupied by more persons than permitted under this code, or was erected, altered, occupied or maintained contrary to law; or one that is partially constructed, reconstructed or demolished upon which work is abandoned. Work is deemed abandoned when there is no valid building or demolition permit.

Reason for amendment:

1. To include a portion of 1997 Dangerous Building Code Section 302 (18)

AMEND 2015 IPMC Section 108.2

Delete the word:

“of condemnation”

Reason for amendment:

1. The section referenced posting the structure for condemnation only however we post several different types of placards.

AMEND 2015 IPMC Section 108.3

Amended to read:

108.3 Notice. Whenever the code official posts a structure, equipment or premise under the provisions of this section, the posting shall be in a conspicuous place in or about the affected structure, equipment or premise and a notice in the form specified in Section 107.2 shall be served on the owner, owner’s authorized agent or the person or persons

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responsible for the structure, equipment or premise. If the posting pertains to equipment, it shall also be placed on the equipment.

Reason for amendment:

1. The section focused on posting structures or equipment for condemnation only however we use several different types of posting.

AMEND 2015 IPMC Section 108.4

Amended to read:

108.4 Placarding. When the code official determines a structure, equipment or premise has been erected, constructed, enlarged, altered, repaired, moved, improved, removed, damaged, converted or demolished, equipped, used, occupied or maintained in violation of this code and the structure, equipment or premise constitutes a danger to the life, limb, property or safety of the public or the occupants, the code official shall post a placard on the structure, equipment or premise in a conspicuous place in or about the affected structure, equipment or premise. The placard shall clearly state the code official's Order regarding the structure, equipment or premise, and specify the conditions which necessitated the posting.

Reason for amendment:

1. The section focused on posting structures or equipment for condemnation only however we use several different types of posting.

AMEND 2015 IPMC Section 108.4.1

Amended to read:

108.4.1 Placard removal. The code official shall remove the placard whenever the defect or defects upon which the placarding action was based has been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by this code.

Reason for amendment:

1. The section focused on posting structures or equipment for condemnation only however we use several different types of placards/postings.

AMEND 2015 IPMC Section 108.5

Amended to read:

108.5 Prohibited occupancy. It shall be unlawful for any person, owner, owner's authorized agent or person responsible for the premise to occupy or allow to be occupied a placarded structure or premise or operate placarded equipment in violation of the code officials posted order.

Reason for amendment:

1. The section focused on posting structures or equipment for condemnation only however we use several different types of posting.

AMEND 2015 IPMC Section 111.1

Amended to read:

111.1 Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the

hearing officer, provided that a written application for appeal is filed within 30 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Reason for amendment:

1. Gilroy Municipal Code chapter 6A has already established an appeal process through the Administrative Hearing Officer.

DELETE 2015 IPMC Section 111.2 Membership Of The Board through Section 111.6.2 Administration

Reason for amendment:

1. Gilroy Municipal Code chapter 6A has already established an appeal process through the Administrative Hearing Officer.

AMEND 2015 IPMC Section 112.4

Delete the words:

“liable to a fine of not less than[AMOUNT] dollars or more than [AMOUNT] dollars.”

Replace with the words:

“liable for penalties pursuant to Gilroy Municipal Code Sec 1.7”

Reason for amendment:

1. Gilroy Municipal Code Sec 1.7 has already established penalty amounts for violations of City code.

AMEND 2015 IPMC Section 202

Amended to read:

202 GARBAGE. Garbage shall be defined pursuant to Gilroy Municipal Code Sec. 12.1.

Reason for amendment:

1. Gilroy Municipal Code Sec 12.1 has already defined this term.

AMEND 2015 IPMC Section 202

Add the following paragraph

INOPERABLE MOTOR VEHICLE A vehicle which cannot be driven upon the public streets for reason including but not limited to being unlicensed, wrecked, abandoned, in a state of disrepair, incapable of being moved under its own power or is prohibited from being operated on a public street or highway for any reason pursuant to the provisions of the California Vehicle Code.

Reason for amendment:

1. To include the intent of Gilroy Municipal Code Sec. 5C.8(b) and Sec. 15.111

AMEND 2015 IPMC Section 202

Amended to read:

202 RUBBISH. Rubbish shall be defined pursuant to Gilroy Municipal Code Sec. 12.1.

Reason for amendment:

2. Gilroy Municipal Code Sec 12.1 has already defined this term.

AMEND 2015 IPMC Section 202

Add the following definition

202 TEMPORARY shall mean buildings, facilities or structures intended for use at one location for not more than one year.

Reason for amendment:

1. To comply with 2016 California Building Code Section 202 that has already defined this term.

AMEND 2015 IPMC Section 302.1

Amended to read:

302.1 Sanitation. The property exterior and premises shall be maintained by the property owner in a clean, safe and sanitary condition. In residential zones accumulations of building materials, junk, rubbish, garbage, debris, scrap materials, boxes or similar storage containers, household items or residential belonging or similar objects, except items designed for exterior use such as lawn furniture, shall not be stored or maintained in the front yard area or unenclosed patios, porches or areas visible from any street or public way or accessible to the public for a period of time in excess of seventy-two consecutive hours. Property owners shall remain liable for violations thereof regardless of any contract or agreement with any third party regarding such property. The owner of any building lot or premises within the City where a business, trade or profession has established a fixed place of business pursuant to Gilroy Municipal Code Section 13.1(b) shall also comply with the requirements of Municipal Code Section 5B.2(d)(1).

Reason for amendment:

1. The property owner is always held responsible for the proper maintenance of their property.

AMEND 2015 IPMC Section 302.2 Grading and drainage

Add the following sentence at the end of the paragraph:

“Excess or concentrated drainage shall be contained on site or directed to the nearest practicable drainage facility approved by the code official.”

Reason for amendment:

1. To comply with 2016 California Building Code Section J109.4

AMEND 2015 IPMC Section 302.3 Sidewalks and driveways

Add the following paragraph:

“The owner of any building, lot or premises within the city shall maintain the sidewalks and/or walkways located upon such premises that are accessible to the general public and the public sidewalks between such premises and any adjacent public street or alley in a clean, safe and sanitary condition. Maintenance shall include the removal and proper disposal, by methods approved by the City of Gilroy, of any dangerous, unsightly and unsanitary conditions such as accumulations of garbage, refuse, rubbish, litter, dirt, gum or other substances or items, which have been placed, dropped or spilled upon the sidewalks. Where said unsightly or unsanitary conditions have been created or caused by the owner of such building, lot or premises, whether upon the sidewalks and/or walkways

located upon his premises or the public sidewalks between such premises and any adjacent public street or alley, or the sidewalks adjacent to buildings, lots or premises in the vicinity, the owner shall immediately restore the sidewalks and/or walkways to a clean, safe and sanitary condition.”

Reason for amendment:

1. This amendment clarifies specific exterior property area requirements referenced by Section 302.1 Sanitation.

AMEND 2015 IPMC Section 302.4 Weeds, paragraph 1

Amended to read:

302.4 Weeds. No owner, agent, lessee or occupant or other person having charge or control of any building, lot or premises within the city shall permit excess weeds to remain or accumulate upon such premises or upon public sidewalks or streets or alleys between such premises and the centerline of any public street or alley. All noxious weeds shall be prohibited. Weeds shall be defined per Municipal Code Section 12.45.

Reason for amendment:

1. This section revised to comply with Municipal Code Section 12.45 and 12.46

AMEND 2015 IPMC Section 302.8 Motor vehicles, Exception:

Amended to read:

302.8 Exception: An owner, lessee, or occupant of the property may repair, wash, clean, or service personal property, provided they comply with Gilroy Zoning Ordinance and Municipal Codes requirements.

Reason for amendment:

1. This section revised to comply with Zoning Ordinance & Municipal Code requirements.

AMEND 2015 IPMC Section 303.2 Enclosures, Delete the first sentence

Replace with:

303.2 Enclosures. Private swimming pools, hot tubs, spas and ponds, containing water more than 18 inches (457 mm) in depth shall be completely enclosed by a fence or barrier at least 60 inches (1524 mm) in height above the finished ground level measured on the side of the barrier away from the pool pursuant to City Gilroy Pool Safety Policy No. I-4 Fences and Barriers. The vertical clearance from the ground to the bottom of the enclosure shall be a maximum of two inches (2"). The maximum vertical clearance at the bottom of the barrier may be increased to four inches (4") when the grade is a solid surface such as a concrete deck. On wood fences with horizontal members spaced less than forty-five inches (45") apart, the horizontal members shall be placed on the poolside of the barrier. The outside surface of the barrier shall be free of protrusions, cavities or other physical characteristics that would serve as handholds or footholds that would render the barrier to be easily climbable.

Reason for amendment:

1. To comply with City Gilroy Pool Safety Policy No. I-4.

AMEND 2015 IPMC Section 303.2 Enclosures, last sentence

Amended to read:

“No existing pool enclosure shall be removed, replaced, changed or maintained in a manner that reduces its effectiveness as a safety barrier.”

Reason for amendment:

1. To comply with City Gilroy Pool Safety Policy No. I-4.

DELETE 2015 IPMC Section 304.3 Premises identification.

Reason for amendment:

1. Gilroy Municipal Code Section 6.24(b)(1) has already established a standard for premise identification.

AMEND 2015 IPMC Section 304.14 Insect Screens, first sentence

Delete the words:

“During the period from [DATE] to [DATE],”

AMEND 2015 IPMC Section 304.15 Doors, first sentence

Amended to read:

304.15 Doors. All exterior doors, door assemblies including weather stripping, thresholds and hardware shall be maintained in good condition.

Reason for amendment:

1. To comply with California Health and Safety Code Section 17920.3.

AMEND 2015 IPMC Section 304.16

Amended to read:

304.16 Under-Floor areas. Under-floor access doors and ventilation openings shall be maintained to prevent the entrance of rodents, rain and surface drainage water. Doors shall be tight fitting and ventilation openings shall be properly screened with corrosion-resistant wire mesh having openings not exceeding ¼ inch in any dimension or alternate approved materials pursuant to 2016 CBC 1203.4.1

Reason for amendment:

1. To comply with California Health and Safety Code Section 17920.3.

AMEND 2015 IPMC Section 304.18.2

Amended to read:

304.18.2 Windows. Operable windows that provides access to a dwelling unit, rooming unit or housekeeping unit that is rented, leased or let shall be equipped with a window sash locking device when they are located in whole or in part within 12 feet above ground level or walking surface or 6 feet horizontally from the ground, a roof, or any other platform.

Reason for amendment:

2. To comply with California Civil Code Section 1941.3(a)2

AMEND 2015 IPMC Section 305.1 General, first sentence

Amended to read:

305.1 General The interior of a structure and equipment therein including but not limited to cabinets, counters and hardware shall be maintained in good repair, structurally sound and in a sanitary condition.

Reason for amendment:

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1. To comply with California Health and Safety Code Section 17920.3(a)14

AMEND 2015 IPCM Section 305.6

Amended to read:

305.6 Interior Doors. Every interior door and hardware shall be properly installed and maintained in a workmanlike manner and capable of being opened, closed and latched. Every interior door shall fit reasonably well within its frame and shall be securely attached to the jambs, headers or tracks as intended by the manufacturer of the attachment hardware.

Reason for amendment:

1. To comply with California Health and Safety Code Section 17920.3(a)14

AMEND 2015 IPCM Section 308.3.1

Amended to read:

308.3.1 Garbage facilities. The owner of every dwelling unit or⁷ the proprietor, manager, owner or lessee of any hotel, restaurant, boardinghouse, rooming house or other place of business in the city shall be responsible for providing an approved leak-proof, covered, outside garbage receptacles for each dwelling unit or place of business pursuant to Gilroy Municipal Code Section 12.18. Receptacles shall be placed in the proper area for collection the evening prior to collection and shall be removed and stored by the morning after. For dwelling units, receptacles shall be stored in the side yard adjacent to the house or garage. Where the code official repeatedly finds a site in violation of Municipal code section 5B.2(2) or 5C.7, he or she may require the property owner to provide an additional or larger outside garbage container for the premise to use.

Reason for amendment:

1. To comply with Gilroy Municipal Code Chapter 5 and Section 12.18 and 12.19.

AMEND 2015 IPCM Section 309.1

Amended to read:

309.1 Infestation. All structures shall be kept free from insect, rodent and vermin infestation. When an insect, rodent or vermin infestation is brought to the attention of the code official, he or she may require the owner or owner's authorized agent having charge or control of the building, lot or premise to hire a licensed exterminator or other qualified professional to inspect the building, lot or premise and provide a written report verifying the presence and severity of such infestation including in the report a recommendation for proper extermination of the infestation. All structures in which insect, rodent or vermin infestations are found, shall be promptly exterminated by approved processes that will not be injurious to human health. After the extermination of the infestation is complete, the code official may request a written notice from the licensed exterminator or other qualified profession attesting to the completion and success of the recommended extermination procedures. After the infestation is eliminated, proper precautions shall be taken to prevent reinfestation.

Reason for amendment:

1. California Health and Safety Code Sec 17920.3(12) states "Infestation of insects, vermin, or rodents as determined by the health officer." renders dwelling units substandard. The language has been amended to clarify the process.

AMEND 2015 IPMC Section 309.2

Amended to read:

309.2 Owner. The owner of any structure shall be responsible for extermination within the structure prior to renting or leasing the structure. The owner of a structure or premise containing a dwelling unit, multiple occupancy, rooming house or a nonresidential structure shall be responsible for maintaining the structure and premise in a rodent and/or pest-free condition. If an infestation is caused by an occupant substantially failing to properly maintain their occupied area of the structure or premise “as clean and sanitary as the condition of the structure or premise permits”. For as long as the occupants failure either substantially causes an unlivable condition to occur, or substantially interferes with the owners ability to repair the condition, the owner does not have to repair the condition. Where the infestation is caused by defects in the structure, the owner shall be responsible for extermination.

Reason for amendment:

1. To agree with California Civil Code Section 1941.2(a)

DELETE 2015 IPMC Section 309.3 Single Occupant through Section 309.5 Occupant

Reason for amendment:

1. Comply with California Tenants Handbook guidelines.

AMEND 2015 IPMC Section 404.4.1 Room Area

Amended to read:

404.4.1 Room Area Every habitable room except kitchens shall contain not less than 70 square feet (6.5 m2) and every bedroom shall contain not less than 70 square feet (6.5 m2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) of floor area for each occupant thereof.

Reason for amendment:

1. This section revised to comply with 2016 California Residential Code requirements of Section R304

AMEND 2015 IPMC Section 505.4

Delete the words:

“adequate combustion air is provided”

Replace with the words:

“the installation complies with Chapter 5 of the 2016 California Plumbing Code and Section 904.0 of the 2016 California Mechanical Code”

Reason for amendment:

1. To comply with 2016 California Plumbing and Mechanical code requirements.

AMEND 2015 IPMC Section 602.2 Residential occupancies, first sentence

Amended to read:

602.2 Residential occupancies. Dwellings shall be provided with heating facilities capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms,

bathrooms and toilet rooms at a point 3 feet above the floor and 2 feet from exterior walls.

Reason for amendment:

1. To comply with 2016 California Residential code guidelines for temperature measurements and to remove the incorrect Appendix D reference to the Plumbing code which has nothing to do with heating requirements.

DELETE 2015 IPMC Section 602.2 Residential occupancies; Exception: only

Reason for amendment:

1. The Uniform Housing Code has always used 70 degrees as the standard. The IPMC has revised this standard to 68 degrees and the exception creates a reduction to 65 degrees. This is considered too low for this area.

AMEND 2015 IPMC Section 602.3 Heat Supply

Delete the words:

“during the period from [DATE] to [DATE],”

AMEND 2015 IPMC Section 602.3 Heat Supply; Exceptions: 1. Last sentence

Amended to read:

The winter outdoor design temperature for the locality shall be 32°F.

Reason for amendment:

1. The Appendix D reference to the Plumbing code did not clearly specify the temperature.

DELETE 2015 IPMC Section 602.3 Heat Supply; Exceptions: 2. only

Reason for amendment:

1. The Uniform Housing Code has always used 70 degrees as the standard. The IPMC has revised this standard to 68 degrees and the exception creates a reduction to 65 degrees. This is considered too low for this area.

DELETE 2015 IPMC Section 602.4 Occupiable work spaces

Reason for amendment:

1. Primarily enforced by Cal OSHA

AMEND 2015 IPMC Section 604.3

Amended to read:

604.3 Electrical system hazards. Where it is found that the electrical system in a structure constitutes a hazard to the occupants or the structure by reason of inadequate service, improper fusing, insufficient receptacle and lighting outlets, improper wiring, deterioration, damage or installation including the improper use of extension cords as permanent wiring, or for similar reasons, the code official shall require the defects to be corrected to eliminate the hazard.

Reason for amendment:

1. To comply with Electrical Code requirements.

AMEND 2015 IPMC Section 702.1 General

Replace the words:

“International Fire Code”

With:

“2016 California Fire Code, and 2016 California Building Code”

SECTION X

Section 6.1 of Chapter 6 of the Gilroy City Code is hereby amended to read:

Sec. 6.1 Construction Codes Adopted.

For the purpose of setting forth proper regulations for the protection of the public health, safety and welfare, regulating the erection, construction, enlargement, alteration, repair, moving, removal, conversion, demolition, occupancy, equipment, use, height, area and maintenance of buildings and structures in the city, providing for the issuance of permits and collection of fees therefore, declaring and establishing fire districts and providing penalties for the violation thereof, the following uniform construction codes are adopted, as amended, to apply in the City of Gilroy:

- A. The 2016 California Building Code
- B. The 2016 California Residential Code
- C. The 2016 California Electrical Code
- D. The 2016 California Mechanical Code
- E. The 2016 California Plumbing Code
- F. The 2016 California Energy Code
- G. The 2016 California Historical Building Code
- H. The 2016 California Fire Code
- I. The 2016 California Existing Building Code with Appendices A2, A3, A4, and A5 of the 2015 International Existing Building Code
- J. The 2016 Green Building Standards Code
- K. The 2015 International Property Maintenance Code with Appendix A

The latest edition of each of the above codes shall be submitted to the Council from time to time together with changes or modifications as are reasonably necessary because of local climatic, geological, or topographical conditions, or as otherwise permitted by state law. The City Council may by ordinance approve these and other uniform construction codes as they may exist from time to time and changes and modifications thereto. The ordinance shall be kept on file in the office of the City Clerk for public review.

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SECTION XI

The City Council hereby directs staff to include in the record any and all documents setting forth facts and findings for adoption of the uniform codes and appendices and amendments and changes thereto as set forth herein.

SECTION XII

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 XIII

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

The Codes and amendments to the Codes adopted hereunder shall take effect on January 1, 2017.

PASSED AND ADOPTED BY THE COUNCIL OF THE CITY OF GILROY this 7th
day of November, 2016 by the following vote:

AYES: COUNCILMEMBERS:

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS:

APPROVED:

Perry Woodward, Mayor

ATTEST:

Shawna Freels, City Clerk