ORDINANCE NO. 2011-07

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF GILROY AMENDING THE GILROY CITY CODE ARTICLE VI ENTITLED “SEISMIC SAFETY” FOR UNREINFORCED MASONRY BUILDINGS

WHEREAS, on October 16, 2006, the City Council adopted Ordinance No. 2006-19, which added a new Article VI entitled “Seismic Safety” to the Gilroy City Code effective on November 15, 2006; and

WHEREAS, the current economic conditions has made URM retrofitting compliance difficult and/or unattainable by property owners within the timeframe established by Gilroy City Code Section 6.45; and

WHEREAS, the City Council directed staff to form a URM Task Force to obtain from URM property owners information regarding the unique challenges and obstacles that have made compliance difficult and/or unattainable, and to develop a recommended approach to the URM retrofit requirements; and

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

SECTION I

Chapter 6, Article VI, of the Gilroy City Code entitled “Seismic Safety” is hereby repealed in its entirety and replaced by adding a new Article VI to Chapter 6 to read as follows:

ARTICLE VI. SEISMIC SAFETY

6.40 Title.

This article shall be known as the “Unreinforced Masonry Building (URM) Ordinance.”

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.

6.42 Scope.

The requirements of this article shall apply to all buildings or portions of buildings constructed with unreinforced masonry walls or other unreinforced building components 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 (4) living units or fewer;

(c) Accessory buildings serving Group R Division 3 Occupancies or accessory buildings serving Group R Division 1 Occupancies having four (4) living units or fewer;

(d) Public schools;

(e) Hospitals; and

(f) State or federally-owned buildings.

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.2010-17, 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 the ordinance from which this article derives. 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.

6.44 Definitions and Notations.

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.

Definitions.

(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) "ASCE7-05" shall mean the current design standard from American Society of Civil Engineers referenced in the CBC as the design standards. This standard is amended from time to time and as adopted, amended and/or updated by the city.

(d) "Building board of appeals" shall be as outlined in section 113 of the CBC.

(e) "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.

(f) "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 at the time when the building application is filed.

(g) "California Existing Building Code " (or CEBC) shall mean the seismic provisions for unreinforced masonry buildings contained in the 2010 edition of the CEBC, as amended from time to time and as adopted and amended and/or updated by the city at time when the building application is filed.

(h) "Diaphragm" shall mean roof, floor, or other membrane or bracing system acting to transfer the lateral forces to the vertical resisting elements.

(i) "Engineer" shall mean any professional, civil or structural engineer who is licensed to practice engineering in this state.

(j) "Falling hazards " shall mean any ornamentation, appendage, mechanical and electrical equipment, piping, and other components such as light fixtures, ceiling tiles, suspended lath and plaster ceiling/wall, sculpture, cladding and glazing, veneer, and furnishings which may fall on the occupants and obstruct the exiting of the building during an earthquake.

(k) "Hazardous URM Building List" shall mean the city’s list of URM buildings that meet the URM building definition as defined in this article. The city may from time to time revise and/or update the Hazardous URM Building List and the most current list shall be enforced.

(l) "Means of egress" shall mean a continuous and unobstructed path of vertical and horizontal egress travel from any occupied portion of a building or structure to a public way. Means of egress elements shall include, but not be limited to, stairway, hallway, corridor, exit balconies, exit passageways, and exit courts.

(m) "Nonstructural falling hazards" shall mean any ornamentation and appendage on the building that is constructed of dense materials such as masonry or concrete attached directly or indirectly to unreinforced masonry, which may fall on the pedestrians or adjacent buildings or occupants of the building during an earthquake, such as cornices, chimneys, balconies, stacks, towers, decorative statuary, cladding, exterior veneers, and roof top tanks or equipment on buildings.
(n) “Nonstructural URM wall elements” shall mean any URM wall element which does not participate in resisting lateral or vertical forces on the building by design or actual condition.

(o) “Owner” shall mean any individual or group of individuals or firm or any other entity holding legal or equitable title to the real property.

(p) “Parapet” shall mean the portion of the wall extending above the roof surface to prevent the spread of fire.

(q) “Pointing” or “Repointing” shall mean the partial reconstruction of the bed joint of an unreinforced masonry wall as defined in UBC Standard 21-8.

(r) “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.

(s) “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.

(t) “Unreinforced Masonry” shall include burned clay, concrete or sand-lime brick; hollow clay or concrete block; plain concrete; and hollow clay tile. These materials shall comply with the requirements of Section A106, CEBC as applicable.

(u) “Unreinforced masonry (URM) building” shall mean any building or structure containing one or more walls or elements such as parapets constructed wholly or partly with unreinforced masonry.

(v) “Unreinforced masonry (URM) wall” shall mean a masonry wall in which the area of reinforcing steel is less than twenty-five (25) percent of the minimum steel ratios required by the current California Building Code for reinforced masonry.

(w) “Valuation” shall mean the total value of all construction work as determined by the Building Official.

(x) “Veneer” shall mean a facing attached to a wall for the purpose of providing ornamentation, protection or insulation, but not counted as adding strength to the wall.

Notations.

I = Importance Factor in Section 11.5.1 of ASCE7-05.

SDS = design spectral response acceleration parameter at short periods as defined in Section 11.4.4 of ASCE7-05.
6.45 URM Mandatory and Voluntary Retrofit - Options and Standards.

URM owners on the city’s Hazardous URM Building List shall, at a minimum, mitigate their building to the Mandatory Retrofit Standards (MRS). The owner may choose to mitigate their building to the Voluntary Retrofit Standards (VRS). In addition to these MRS standards listed below, the URM technical information requirements contained in Section 6.54 shall also apply.

(a) The following MRS shall apply to all URM buildings selecting the MRS mitigation option.

(1) Secure URM walls to the roof and to floors in multistory buildings. (URM Buildings containing structural frames with nonstructural URM infill walls that do not resist any shear as determined by the owner’s engineer/architect and/or buildings with URM veneer over the structural wall or framing are exempt from this section.)

All URM walls shall be secured by mechanical anchor systems comprised of tension bolts, hold-down devices, straps, and other structural fastener systems connected to the roof (and floors in multistory buildings) if such attachment is lacking or determined as inadequate by the building owner’s engineer or architect in accordance to section 6.54(a)(1) of this article. The anchor system(s) between roof/floors and walls shall be designed for the out-of-plane forces on the wall required by section 6.54(a)(1)(b) of this article.

(2) Brace or Reinforce Parapets.

Parapets which, due to their location or the height of the adjacent structure, pose negligible hazards to life and adjacent property in the event of failure or instability as determined by the building owner’s engineer or architect (i.e., parapets on the sides of buildings which are adjacent to another building of equal or more in height) may be excluded from the required mandatory parapet work provided the owner executes an agreement with the city to defend, hold the city harmless and indemnify the city for any damage, injury or loss of life that may arise as a result of changed conditions to the adjacent structure (such as removal of the adjacent building). The owner must record the agreement, as approved by the city attorney, with the County Recorder, and supply a copy of the recorded agreement to the city. Otherwise, the building parapet shall be retrofitted in accordance to section 6.54(a)(2) of this article.

(3) Remove, upgrade or repair nonstructural interior and exterior falling hazards such as facades and other architectural features in accordance to Section 6.54(a)(3) of this article.

(4) Stairways, corridors, exit balconies, exit courts, exit passageways and other means of egress components in all buildings covered by this article shall be protected from falling hazards in accordance to Section 6.54(a)(4) of this article. Vertical supports for stairways shall be shown to retain their structural integrity as part of the building exiting system during an earthquake.

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(b) The following VRS shall apply to all URM buildings selecting the VRS mitigation option.

(1) Entire URM building shall be retrofitted.

The entire building shall be retrofitted in accordance with the current CEBC and additional requirements in accordance with this article.

6.46 Abatement of URM Hazards.

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

(a) Notify Owner. The Building Official shall, within thirty (30) days from the effective date of this article, notify the owners and tenants, if applicable, of those buildings currently in the city’s potential Hazardous URM Building List 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) Procedure to comply with the retrofitting requirements of this article, as applicable;

(2) The time schedule for commencement and completion of seismic retrofitting;

(3) A statement that the owner is required to provide a copy of the notice to correct deficiencies to all tenants of the structure.

(4) A copy of this Ordinance.

(5) A statement to inform the URM owner that once the MRS or VRS upgrades are complete the building can be occupied.

(b) Recordation. For URM buildings on the city’s Hazardous URM Building List that were not recorded previously, 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 Chapter 6 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.

Buildings retrofitted with MRS where parapets posed negligible hazards determined by the owner’s engineer or architect, shall as specified in Section 6.45(a)(3), execute an agreement with the city, as approved by the city attorney, and record this agreement with the County Recorder. A copy shall be supply to the Building Official.

For buildings retrofitted using option MRS the owner will be required to sign an acknowledgement on the cover sheet as specified in Section 6.46(e).
(c) Building with a common wall/parapet shall include a common wall agreement between
the building owners to acknowledge and allowing the retrofitted work proposed prior to issuing
the building permit if any of the retrofit work is to occur on the adjoining property.

(d). Engineering Analysis Report (EAR).

(1) **General.** EAR is required as a supporting document to demonstrate that the
proposed retrofit design complies with the applicable requirements specified in this
article and shall be filed together with the building permit application.

(2) **Preparer of EAR.** Building owners shall employ an engineer or architect to
prepare the required EAR acceptable to the Building Official for the proposed retrofit
work applicable to the building permit application and to prepare the EAR in accordance
to this section.

(3) **MRS and VRS Standards.** All URM buildings shall be retrofitted in accordance
with the standards contained in this article, except that qualified historical buildings may
use the applicable provisions of the California Historical Building Code in conjunction
with the CEBC as provided in subsection (f) of this section. All destructive materials
testing in accordance with the CEBC 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 and capacities for existing materials in
accordance with the CEBC or derived by rational methods approved by the Building
Official.

(4) **Scope of Analysis.** The scope of analysis need only address the proposed permit
work with the following information. The engineer/architect shall specify either the MRS
or VRS standards and the applicable codes in the EAR.

1. **Building Permits for MRS.** The following analysis for the mandatory upgrade of
URM buildings shall be performed:

   a. Wall to diaphragm anchorage;

   b. Parapet stability;

   c. Nonstructural falling hazards anchorage and stability;

   d. Evaluation of falling hazards for exits.

2. **Building Permit for VRS.** The following analysis for the voluntary upgrade of
URM buildings shall be performed:

   a. General compliance with the current CEBC and this article:

      i. Required retrofitting,
ii. Materials testing;

b. Structural analysis:
   i. Out-of-plane loads on walls including parapets;
   ii. Wall to diaphragm anchors;
   iii. In-plane strengthening of walls; repairs and repointing,
   iv. Diaphragm capacity,
   v. Other analysis as required by current CEBC,
   vi. Integrity of stairway and falling hazards for exits.

(5) **Format of Report.** The EAR for all building permits shall conform with the format in this subsection. This format is not meant to be a constraint on the engineer/architect preparing the report, but rather it shall be considered as the minimum acceptable information to be submitted.

a. Date report is completed;

b. The building address with the County Assessor's parcel number;

c. Name of building (if any);

d. Name, address, email, and telephone number of owner, architect, and engineer;

e. The type of construction, occupancy within the building and the occupant loads;

f. The number of residential, commercial and other units in the building;

g. The dates of original design, construction, additions or substantial structural alterations (if known) of the building;

h. Scaled plan to show footprint of building in relation to property line, sidewalk, and street area, and adjacent buildings;

i. Include location of all URM walls (specify parapet and common wall locations if any)

j. Photos or sketches of elevation to show adjacent buildings.

k. Type of foundation and any special or unusual factors that alleviate or intensify the risk to occupants or others, if applicable.
(6) **Summary of Existing Conditions.** The engineer/architect shall investigate the building for compliance with the applicable standard in this article related to the proposed building permit application, describe the vertical load carrying systems and identify any URM walls. The engineer/architect shall also include a description of all parapets, common walls and nonstructural falling hazards, their construction, supports, materials and any testing and test data.

(7) **Deficiencies and Design Corrective Measures.** The engineer/architect shall submit structural analysis/calculations in accordance with the applicable provisions in this article to identify deficiencies and design corrective measures to meet the minimum requirements of the applicable retrofit standards.

(8) **Proposed Retrofitted Work.** The engineer/architect shall describe the retrofitted work required for the building under the proposed building permit.

(9) **Engineer/Architect Certification and Signature.** Name, work address, work phone number, email, California state professional license number and signature of engineer/architect who authored the EAR shall be provided on the front sheet of the EAR.

(e) **Removal of Building from City’s URM Hazardous Building List.** The Building Official shall remove the building from the city’s URM Hazardous Building List when that building has been upgraded to the VRS Standards in section 6.45(b) and the final inspection is approved. 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 pertaining to VRS.

Once a building has been upgraded to the MRS and final inspection is approved, 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 pertaining to MRS. URM buildings with only MRS completed will not be removed from the city’s Hazardous URM Building List. The owner will be required to sign an acknowledgement on the cover sheet of the MRS plans that the completion of the MRS improvements are not sufficient to remove the building from the city’s Hazardous URM Building List, that only completion of the VRS would remove the building from the Hazardous URM Building List. The building would still be required to be posted as a URM building per State law.

(f) **Qualified Historical Buildings.** The planning division manager and the Building Official shall determine if the URM building is a qualified historical building as defined herein as part of the building permit process. All qualified historical buildings may use the applicable provisions in the 2010 California Historic Building Code, as adopted and as [may] be amended and/or updated by the city.

6.47 **Future retrofitting legislation.**

No URM building that has been seismically retrofitted to the Mandatory Retrofit Standards required in this article shall, within a period of ten (10) years after completion of the work
required for such retrofit, be required by the city to perform further upgrades unless the building no longer meets the structural standards under which it was retrofitted, the occupancy classification has changed to a more intensive use, or legislature beyond the city’s control requires further upgrades. The building owner may request the city to record an, as approved by the city attorney, limiting further upgrades for a period of ten years provided the building owner pays all costs associated with such agreement including attorney fees and staff costs. This cost shall not be eliminated by other language in this article.

6.48 Change of occupancy.

Notwithstanding the deadline set forth in Section 6.50, the following shall apply:

Upon change of occupancy, an URM building shall be retrofitted to the VRS standards defined in this Ordinance, if the Building Official determines that the change will intensify the existing building use based on occupant load, life and fire risks.

6.49 Additions, alteration or repair.

(a) Notwithstanding the deadline set forth in section 6.50(d), whenever addition, alteration or repair work (Exception: minor remodels such as façade improvements, non-structural expansion of front doors, non-structural window alterations, re-roofing, electrical, plumbing and mechanical maintenance) to a URM building satisfies any one of the following conditions, the building shall be upgraded to comply with the current CEBC, including VRS, prior to the approval of the addition, alteration, or repair work:

(1) The total cost for all addition, alteration and repair work exceeds fifty (50%) percent of the total replacement cost of the existing building, land excluded. 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 (5%) percent on the affected supporting elements of the roof or floor of a building;

(3) Major remodel to the existing building resulted in substantial structural alteration such as major modifications to the existing lateral system as determined by the Building Official; or

(4) Any addition of floor space to the existing total floor area of the building.

(b) As used in this section, “addition, alteration or repair work” shall mean the cumulative addition, alteration or repair work performed on the building within any four-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 building board of appeals in accordance with section 6.51.
6.50 Deadline to Complete Work, Penalties for non-compliance

(a) Each owner who fails to complete the building retrofit required by this article within the period specified in sections (1) and (2) shall, in addition to any other penalty or remedy which may be assessed pursuant any other applicable law, be subject to penalties as set forth below.

(1) Failure to file a complete building permit application and engineering analysis report within twelve (12) months from the effective date of this Ordinance shall result in a penalty of five hundred dollar ($500) per calendar month until such time a complete building permit application and engineering analysis report is filed with the city.

(2) Failure to complete the MRS within twenty- four (24) months from the date of this Ordinance shall result in a penalty of one thousand dollars ($1000) per calendar month until such time the mandatory retrofit has become complete.

(3) The penalty under this subsection shall continue to accrue until the maximum penalty assessed is fifteen thousand dollars ($15,000).

(b) In addition to the remedies provided for in section 6.53 and the penalties 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.

(3) 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 6.51(c).

6.51 Appeal process.

(a) Exemption from URM Program. If the owner believes that his or her building is not an 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 Hazardous URM Building List 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 building board of appeals in accordance with the procedures set forth in this section, and the decision of the building board of appeals shall be final.
(b) Appeal of Retrofit.

(1) 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 building board of appeals. Such appeal shall be made within thirty (30) days after the date of the Building Official’s written decision.

(2) 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 building 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 building board of appeals shall be authorized to continue the hearing for up to thirty (30) days.

(3) In considering the appeal, the building board of appeals shall determine whether, based upon the record, the Building Official erred or abused his or her discretion.

(4) The decision of the building 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 building board of appeal’s decision. The decision of the building board of appeals shall be final.

(c) Appeal of Noncompliance 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 building 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 in writing to the city clerk 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 building board of appeals shall determine whether, based upon the record, the Building Official erred or abused his or her discretion. The decision of the building 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 building 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) shall be submitted to the city clerk along with the appeal fee identified in the city’s current Comprehensive Fee Schedule 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 (1) appellant as to the truth of the matters stated in the appeal.

6.52 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, the city council 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 6.50 of the Gilroy City Code, the penalty of ________ was assessed by the Building Official, 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.

6.53 Remedies.

In addition to the penalties in section 6.50 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, or pursuant to Chapters 5B and 5C of the Gilroy City
Code.

(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.

6.54 Technical information/requirements.

(a) Mandatory Seismic Retrofitting (MRS) Standards. Structural specification as part of
the plans shall include the design criteria prescribed below. Structural observation shall be
required for all structural work unless not required by the Building Official. Structural special inspections shall be required by the architect/engineer, Building Official, or product manufacturer.

(1) URM Wall Anchorage.

a. **General.** Unreinforced masonry walls shall be anchored at the roof and floor levels as required by this section.

b. **Minimum wall anchorage.** Anchorage of URM walls of each floor or roof shall resist a minimum strength force normal to the surface determined as 0.9ISDS times the tributary weight or minimum 200 pounds per linear feet, whichever is greater. Existing wall anchorage, if used, must meet the requirements of this section or must be upgraded. Anchorage inducing eccentric moment to the framing members shall be avoided or justified by rational analysis by the engineer/architect.

c. **Anchorage locations.** Out-of-plane anchorage location must be within 2 feet horizontally from the inside of the corners of the walls or crosswalls. Maximum spacing of anchorage shall be 4'-0" on center to reduce flexure in the existing walls.

d. **Wall Anchorage transfer force into diaphragm.** All wall anchors shall be positively secured to the roof/floor framing. Continuous load paths from this connection shall develop into the plywood diaphragm between diaphragm/subdiaphragm chords by means of tension ties or struts combined with compression blocking. Diaphragm sheathing shall not be considered effective as tension ties or struts. The architect/engineer may propose other methods to transfer and develop the out of plane wall anchorage forces into the diaphragm when accepted by the Building Official. Diaphragm/subdiaphragm shear forces shall be adequately transferred to the parallel walls.

(2) Parapet.

a. **General.** Parapet shall be removed, stabilized, or braced to ensure that the parapets remain in their original position.

b. **Bracing requirements.** Where the parapet height-to-thickness (h/t) ratio exceeds 1.5, a bracing system shall be provided. The height is taken from the lower of the either the tension anchors or the roof sheathing. The minimum height of a parapet above any wall anchor shall be 12 inches. The bracing system shall be designed for the forces determined in accordance with ASCE7-05, Section 13.3.

c. **Bracing locations.** Bracing shall be located to adequately support the parapet as designed by the Architect or Engineer.
d. **Fire protection.** When URM parapet is removed at locations at common property line, a firewall shall be constructed to replace the removed URM parapet in compliance with the current building code to prevent the spread of fire between buildings.

e. **Bracing connections and load transfer in the roof framing.** The existing roof framing members shall be adequate to support the vertical reactions at the base of the brace. The horizontal reactions at the end of the brace shall be adequate to develop into the roof diaphragm and shear to the parallel walls or its lateral systems.

(3) **Nonstructural falling hazards.**

a. **General.** Nonstructural falling elements can pose significant hazards to life safety under certain circumstances. Nonstructural falling hazards and component is defined in this article.

b. **Plan requirements.** Dimensioned plans/elevations shall be provided to identify all nonstructural falling hazard elements as defined in this article.

c. **Design forces.** Nonstructural falling hazards, components, their supports and attachments shall be designed for the seismic forces determined in Section 13.3, ASCE7-05. Attachments shall be bolted, welded, or otherwise positively fastened without consideration of frictional resistance produced by the effects of gravity.

(4) **Means of egress.**

a. **General.** Building or portions thereof shall be provided with means of egress system to provide a safe and easy travel during an earthquake or other emergency so that the risk of injury or death is minimized. This mean of egress (path of travel) shall be safe for the building occupants from falling hazards.

b. **Plans requirements.** Dimensioned floor plans shall be provided to show the building exit path of travel from any room/space to the public way. All falling hazards (interior or exterior) as defined in this article shall be identified on the floor plans and verified by the Building Official or his/her designee prior to final. Hazard items that cannot be braced or supported shall be removed under the advice of the engineer/architect and clearly defined on the plans. Proper removal or procedure shall be included. Where stairway serves the exit of occupied floor, the stairway supports and all potential falling hazards shall be shown on the plans. URM walls enclosing stairway shall be braced, retrofitted, or removed by the architect or engineer and approved by the Building Official.

c. **Exiting plans.** An approved exit floor plan shall be posted in a conspicuous place, near the main exit or exit access doorway from the room or space. It shall be unlawful to alter the exit plan for the building without the approval from the Building Official.
d. **Design forces.** The falling hazards components along the paths of travel shall be secured and braced in accordance to Section 13.3, ASCE-07.

(b) **Voluntary Retrofitting (VRS) Standards.** VRS standards shall comply with the current Appendix Chapter A1, CEBC or CBC adopted by the city and MSR specified in Section 6.54(a), whichever is more restricted. Historic buildings meeting the definition in this article may use the California Historical Building Code for retrofitting the URM building. Structural observation shall be required for all structural work unless not required by the Building Official. Structural special inspections shall be required by the architect/engineer, Building Official, or product manufacturer.

6.55 **Financial incentive program for URM mandatory retrofit program.**

Processing fees payable to the city shall be eliminated as well as expedited plan check fees payable to an outside vendor. (Waiver does not apply to city impact fees, building board of appeals fees and other fees required by and/or passed to outside agencies, nor to agreements requested by the building owner regarding this article.)

6.56 **Building Board of Appeals.**

The building board of appeals shall conduct hearings on written appeals made under section 6.51(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 building board of appeals shall adopt regulations establishing procedural rules and criteria for the carrying out of its duties under this part.”

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**SECTION II**

This Ordinance shall be effective for two (2) years from the effective date of June 15, 2011 or such date as set forth by resolution of the city council.

**SECTION III**

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 IV**

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

-17-  ORDINANCE NO. 2011-07
PASSED AND ADOPTED at a Regular Meeting of the Gilroy City Council this 16th day of May, 2011, by the following vote:

AYES: COUNCILMEMBERS: ARELLANO, BRACCO, DILLON, LEROE-MUÑOZ, TUCKER, WOODWARD and PINHEIRO

NOES: COUNCILMEMBERS: NONE

ABSENT: COUNCILMEMBERS: NONE

APPROVED:

[Signature]
Albert Pinheiro, Mayor

ATTEST:

[Signature]
Shawna Freels, City Clerk

-18-  ORDINANCE NO. 2011-07
I, SHAWNA FREELS, City Clerk of the City of Gilroy, do hereby certify that the
attached Ordinance No. 2011-07 is an original ordinance, or 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 May, 2011, at which meeting a quorum was present.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Official Seal of
the City of Gilroy this 17th day of May, 2011.

[Signature]

Shawna Freels, CMC
City Clerk of the City of Gilroy

(Seal)