

ORDINANCE NO. 2449

**ORDINANCE AMENDING FREMONT MUNICIPAL CODE
SECTIONS 7-11125 AND 7-11130, REGARDING EARTHQUAKE
HAZARD REDUCTION IN EXISTING TILT-UP CONCRETE AND
REINFORCED MASONRY (TRM) BUILDINGS, TO DELETE
EXCEPTION FOR LEGAL NON-CONFORMING USES AND
MODIFY TIMETABLE FOR COMPLIANCE FOR THOSE
BUILDINGS CONTAINING LEGAL NON-CONFORMING USES**

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

Section 1:

Section 7-11125 of Chapter 11 (Earthquake Hazard Reduction in Existing Tilt-up Concrete and Reinforced Masonry (TRM) Buildings) of Title VII (Building Regulations), of the Fremont Municipal Code is hereby amended to read as follows:

Sec. 7-11125. Rating Classifications

The building official shall place each building within the scope of this Chapter in one of the rating classifications set forth in Table A herein. The total occupant load as determined by Chapter 10 of the 1998 California Building Code for the entire building, plus the occupancy of any adjacent building which interconnects with the subject building or uses the subject building for exiting purposes, shall be used to determine the rating classification for buildings subject to this Chapter. The building official may use the actual number of occupants, as established by a declaration under penalty of perjury from the property owner, or the operator of a business located in the property, to establish the occupant load in garages for purposes of this Chapter.

**TABLE A
RATING CLASSIFICATIONS**

CLASSIFICATION	OCCUPANT LOAD
Group I	Buildings with a total occupancy load of 300 or more; and Buildings housing Groups H1 through H3 and H6 through H7 occupancies as set forth in the 1998 California Building Code
Group II	Buildings with an occupancy load between 50 and 299 occupants and not housing Groups H1 through H3 and H6 through H7 occupancies
Group III	Buildings with an occupancy load between 49 and 16 occupants and not housing Groups H1 through H3 and H6

	through H7 occupancies
Group IV	Buildings with occupancy load of 15 or less and floor area of less than 2000 square feet and not housing Groups H1 through H3 and H6 through H7 occupancies
Group V	Buildings containing legal nonconforming uses with an occupancy load of 50 or more occupants and not housing Groups H1 through H3 and H6 through H7 occupancies
Group VI	Buildings containing legal nonconforming uses with an occupancy load of 49 or less occupants and not housing Groups H1 through H3 and H6 through H7 occupancies

Section 2.

Section 7-11130 of Chapter 11 (Earthquake Hazard Reduction in Existing Tilt-up Concrete and Reinforced Masonry (TRM) Buildings), of Title VII (Building Regulations of the Fremont Municipal Code is hereby amended to read as follows:

Sec. 7-11130. General Requirements.

- (a) The owner of each building within the scope of this Chapter shall cause to be made an investigation of the existing construction of the building and a structural analysis of the building by a civil or structural engineer or architect licensed by the State of California. If the building does not meet the minimum earthquake standards specified in Section 7-11140 of this Chapter, the owner shall cause it to be structurally altered to conform to such standards.
- (b) The owners of a building within the scope of this Chapter shall comply with the requirements set forth herein within the time periods specified in Table B below:

TABLE B

Rating Classification	Submittal of engineered plans and issuance of building permit	Completion of Construction
Group I	18 months from date of notice	36 months from date of notice
Group II	18 months from date of notice	48 months from date of notice
Group III	24 months from date of notice	60 months from date of notice
Group IV	4 years from date of notice	8 years from date of notice
Group V	4 years from date of notice	8 years from date of notice
Group VI	12 years from date of notice	14 years from date of notice

(c) *Exceptions:*

(1) *Extensions for Voluntary Demolition.* No extensions for voluntary demolition of Group I, Group V and VI buildings will be granted. When the owner of a building with a Group II, Group III, or Group IV occupancy classification intends to demolish a building within two years from the completion of construction timetable identified in Table B, the building official may grant an extension up to two (2) years provided all of the following conditions are met:

- (i) The owner applies for a Voluntary Demolition Extension in writing with all necessary supporting documents prior to the expiration deadline for obtaining a retrofit permit, and
- (ii) the owner posts a performance bond equal to the cost of demolition including any cost of relocating existing businesses, and
- (iii) the owner provides written statements from all of the building tenants acknowledging receipt of the owner's notice of intent to demolish the premises on a specific date and agreeing to vacate the building no later than 90 days prior to that date.

(2) *Exemptions for Previously Retrofit Buildings.* If the Building Official makes all of the following findings regarding buildings that have been previously retrofit, he or she may exempt those buildings from the requirements of this ordinance. The Building Official may base his or her decision under this subsection on either plans and calculations maintained by the City of Fremont, or a structural report submitted by a civil or structural engineer licensed to practice in the State of California.

- (i) The design force used for the retrofit meets or exceeds 75% of design load required for the wall connection prescribed in the State of California Building Code in effect in the City of Fremont at the time of the retrofit; and
- (ii) The retrofit effectively resolved the problem of cross-grain bending in the wood ledger and provided positive connection between concrete/masonry walls and diaphragms; and
- (iii) Continuous ties were installed as required to create proper sub-diaphragms. If continuous ties are the only missing

aspect of a previous retrofit, the Building Official may exempt a building from the requirements of this ordinance after such new continuous ties have been installed under the Building Code applicable at the time of the installation.

Section 3.

This ordinance shall be published once in *The Argus*, a newspaper of general circulation, printed and published in Alameda County and circulated in the City of Fremont, within fifteen (15) days from and after its adoption and shall take effect and be enforced thirty (30) days after its adoption.

The foregoing ordinance was duly introduced before the City Council of the City of Fremont, County of Alameda, at the regular meeting of the City Council of such City, held on the 15th day of January, 2002 and finally adopted at a regular meeting of said Council on the 22nd day of January, 2002 by the following vote, to wit:

AYES: Vice Mayor Zlatnik, Councilmembers Wasserman, Pease and Cho

NOES: None

ABSTAIN: None

ABSENT: Mayor Morrison

Vice Mayor

ATTEST:

APPROVED AS TO FORM:

Deputy City Clerk

Sr. Deputy City Attorney