

1 **NOW, THEREFORE, THE ALBANY CITY COUNCIL ORDAINS THAT**
2 **SECTION 12.6, BUILDING CODE, IS HEREBY AMENDED TO READ AS**
3 **FOLLOWS:**

4 **Section 1. Ordinance**

5 **12-6.1 Adoption of Uniform Codes.** Five documents entitled:

6 a. through d. No changes

7
8 e. ~~“Appendix Chapter 1 of the Uniform Code for Building Conservation Entitled~~
9 ~~“Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings,”~~
10 ~~Latest Edition.~~ Appendix A, Chapter A1, the 2003 Edition and subsequent editions of the
11 International Existing Building Code, entitled “Seismic Strengthening Provisions for
12 Unreinforced Masonry Bearing Wall Buildings,” with amendments set forth in this
13 Chapter, as adopted.

12 **12-6.2 Deletions from Uniform Building Code**

13 a. and b. No changes

14 **12-6.3 Additions and Amendments to the International Existing Building Code.**

15 a) through e) No changes

16
17 f) Appendix A, Chapter A1 of the 2003 edition and subsequent additions of the
18 International Existing Building Code is hereby added to Chapter 12 of the Albany City
19 Code.

20 1). Section A102 entitled “Scope” is amended to read as follows:

21 A102.1 General. The provisions of this chapter shall apply to all existing buildings
22 or structures having at least one unreinforced masonry bearing wall. The elements
23 regulated by this chapter shall be determined in accordance with Table A1-A. Except as
24 provide herein, all other provisions of the California Building Code shall apply.

25
26 A102.2 Essential and hazardous facilities. The provisions of this chapter are not
27 intended to apply to the strengthening of buildings or structures in Occupancy Categories
28 1 and 2 of Table 16-K of the 2001 California Building Code when located in Seismic
29 Zones 2B, 3 and 4, or in Seismic Use Groups II and III, where Seismic Design Categories

1 C, D, E and F as defined in the 2003 International Existing Building Code are required.
2 Such buildings or structures shall be strengthened to meet the requirements of the
3 California Building Code for new buildings of the same occupancy category.
4

5 A102.3 Exceptions. The provisions of this chapter shall not apply to detached one-
6 or two-family dwellings and detached apartment houses containing less than five
7 dwelling units and used solely for residential purposes.
8

9 Section A103 entitled “Definitions” is hereby amended to include the following
10 additional definitions:
11

- 12 ▪ Essential and Hazardous Facilities. Buildings or structures which are necessary
13 for emergency operations subsequent to a natural disaster or could be affected by
14 a natural disaster (fire, police stations, hospitals, medical facilities, emergency
15 operations center, etc.).
- 16 ▪ Roof Covering. Any roof-covering assembly allowed by the California Building
17 Code.
- 18 ▪ Seismic Retrofit. All work necessary to comply with the requirements of this
19 section.
20

21 **12-6.4 Administrative Provisions**

22 New section A115 entitled “Administrative Provisions” is added to read as follows:
23

24 A115.1 Compliance Requirements

25 A115.1.1 Design review. All building or structures involving
26 seismic upgrades that are visible from the exterior may be subject to Design
27 Review as per section 20-10 of the Albany City Code.
28
29

1 A115.1.2. Twelve-month compliance requirements. Within twelve
2 (12) months of the date of service of the order, the owner of a building within the
3 scope of this section shall submit a structural analysis of the building prepared by
4 an engineer or architect licensed by the State of California.

5
6 A115.1.3 Eighteen month compliance requirements. Within eighteen
7 (18) months of the date of service of the order, the owner of a building within the
8 scope of this section shall apply for a building permit to construct the necessary
9 seismic retrofit improvements identified in the structural analysis of the building.

10 A115.1.4 Thirty-six month compliance requirements. Within thirty-
11 six (36) months of the date of service of the order the owner of a building within
12 the scope of this chapter shall do one of the following:

- 14 1. Complete the required seismic reinforcement to the satisfaction of the
15 Building Official unless based on the structural analysis the Building
16 Official determines that no seismic reinforcement is necessary; or
- 17
18 2. Obtain a building permit for the demolition of the building. Issuance
19 of a permit for demolition of the building shall be subject to
20 compliance with sections 12-10.2 through 12-10.8 of the Albany City
21 Code.

22 A115.2 Full strengthening required. The Building official shall require full
23 compliance with the minimum seismic standards contained within this chapter
24 before the time frames in section A115.1 upon the occurrence of any of the
25 following conditions:

- 26
27 1. Any change or conversion of an unreinforced masonry building or
28 structure from its existing use to that of a more intensive use, or

1 2. The remodel of a building or structure covered by this chapter, in an
2 amount equaling fifty (50) percent of the structure's value as determined
3 using the latest edition of the Building Standards Valuation, published by
4 the International Conference of Building Officials

5
6 A115.3 Order

7 A115.3.1 Service. The Building Official shall notify by certified mail
8 the owner of each building within the scope of this chapter. The order shall be
9 sent to the property owner as shown on the last equalized County assessment roll.
10 The order shall specify that the building has been determined by the Building
11 Official to be within the scope of this chapter. A copy of section A115.1, which
12 sets forth the time limits for compliance, shall accompany the order. The failure
13 of any such person to receive such order shall not affect the validity of any action
14 taken under this section or relieve any such person from any duty or obligation
15 imposed on him or her by the provisions of this section.

16
17 A115.4 Recordation. At the time the Building Official mails the order to
18 the owner of an unreinforced masonry building the Building Official shall also
19 file and record with the office of the county recorder a certificate stating that the
20 subject building is within the scope of this chapter and is a potentially earthquake
21 hazardous building. The certificate shall also state that the owner thereof will be
22 ordered to structurally analyze the building to determine compliance with this
23 chapter.

24
25 Should the building be either demolished, found not to be within the scope of this
26 chapter, or is structurally capable of resisting minimum seismic forces as required
27 by this chapter as a result of structural analysis or alterations the Building Official
28 shall file and record with the office of the county recorded a form terminating the
29 status of the subject building as being classified within the scope of this chapter.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

A115.5 Appeal. The owner of the building may appeal any action of the Building Official affecting a building within the scope of this chapter to the City Council. Such appeal shall be filed with the City Council within thirty (30) days of rendering the decision. Such appeal shall be made in writing to the City Clerk.

A115.6 Enforcement. If the owner of the subject building fails to comply with any order issued by the Building Official pursuant to this chapter within the time limit set forth in section A115.1, the Building Official shall verify that the record owner of this building has been properly served. If the order has been served on the record owner, then the following provisions apply:

1. The Building Official may order the entire building be vacated and the building remain vacated until such order has been complied with. Failure to comply with such order within ninety (90) days after the date the building has been ordered vacated or such additional time as may have been granted by the City Council, the Building Official may order its demolition in accordance with the provisions of section 203 of the Uniform Administrative Code.
2. Any person who violates any provision of this chapter is guilty of an infraction as provided for in section 1-9 of the Albany City Code.

A115.7 Certificate of compliance

1. In accordance with Chapter 3, section 70(d)(3) of the Revenue and Taxation Code, the Building Division shall, upon completion of a seismic retrofit, file a certificate of compliance with the County Assessor's Office on or before the following April 15th.

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

2. The certificate of compliance shall establish that the work associated with the seismic retrofit was the result of a local ordinance related to seismic safety, and therefore shall not add value to the assessment role.

A115.8 Buildings with brick veneers. The owner of each building with a brick veneer, upon service of an order and within the time limits set forth in this chapter, cause an analysis to be made of the veneer by an engineer or architect licensed by the state of California to practice as such and have such veneer examined to determine if it is anchored to the building or structure in a manner consistent with the anchorage requirements contained in this chapter.

1. The owners of buildings within the scope of this subsection shall be served written orders in the manner set forth in sections A115.3 informing them of requirements of this subsection.
2. Within twelve (12) months of the date of service of the order, the owner of a building within the scope of this subsection shall obtain from the Building Official a building permit to construct the seismic retrofit improvements identified in a structural analysis and plans for structural alteration of the brick veneer to comply with this subsection.
3. Within thirty-six (36) months of the date of service of the order, the owner of a building within the scope of this subsection shall complete anchoring of the brick veneer to meet the anchoring requirement of this chapter.

A115.9 Program Monitoring and Annual Report. During January of each year, the Building Official shall submit a report to the City Council outlining

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29

the progress on reduction of the hazards presented by the inventory of unreinforced masonry buildings in the City.

Section 2: Severability Clause: If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be invalid, such decision shall not affect the validity of the remaining portions of the ordinance, and each section, subsection, sentence, clause, or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 2: Publication: This ordinance shall be published in a newspaper of general circulation in the City of Albany, which said newspaper is designated for that purpose, or it shall be posted in three locations.

Section 3: Effective Date: This ordinance shall become effective 30 days on or after its final passage and adoption.

JON ELY
MAYOR