

**BUILDING STANDARDS COMMISSION**

2525 Natomas Park Drive, Suite 130  
Sacramento, California 95833-2936  
(916) 263-0916 FAX (916) 263-0959



February 21, 2014

Chris Gale  
Building Official  
City of Fremont  
39550 Liberty Street  
Fremont, CA 94537

RE: Ordinance #16-2013 and #17-2013

Dear Mr. Gale:

This letter is to advise you of our determination regarding the referenced ordinance with express findings received from your agency on January 29, 2014.

Our review finds the submittal to contain two ordinances modifying provisions of the 2013 California Building Standards Code in Title 24, California Code of Regulations (code), and express findings complying with Health and Safety Code §§17958.7 and 18941.5. The code modifications are accepted for filing and are enforceable. This letter attests only to the satisfaction of the cited law for filing of local code amendment supported by an express finding with the Commission. The Commission is not authorized by law to evaluate the merit of the code modification or the express finding.

Local modifications to the code are specific to a particular edition of the code. They must be readopted and filed with the Commission in order to remain in effect when the next triennial edition of the code is published.

On a related matter, should your city receive and ratify Fire Protection District ordinances making modifications to the code, be advised that Health and Safety Code §13869.7(c) requires such ratified ordinances and express findings to be filed with the Department of Housing and Community Development, Division of Codes and Standards, State Housing Law Program, rather than this Commission. Also, ordinances making modifications to the energy efficiency standards of the code may require approval from the California Energy Commission pursuant to Public Resources Code §25402.1(h)(2).

If you have any questions or need any further information, you may contact me at (916) 263-0916.

Sincerely,

A handwritten signature in blue ink that reads "Enrique M. Rodriguez".

Enrique M. Rodriguez  
Associate Construction Analyst

cc: Chron  
Local Filings



*Community Development Department*

*Building & Safety*

39550 Liberty Street, P.O. Box 5006, Fremont, CA 94537-5006

510 494-4400 *ph* | [www.fremont.gov](http://www.fremont.gov)

January 22, 2014

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

**Subject:** Filing City of Fremont Amendments, Additions and Deletions to the 2013 California Building Standards Code

Dear Building Standards Commission,

Pursuant to California Health and Safety Code Sections 17958, 17958.5, 17958.7 and 18941.5; on November 19, 2014 the Fremont City Council adopted the following ordinances and resolution to adopt and amend the 2013 Building Standards Codes and to document the local conditions and finding that justify the local amendments:

- **ORDINANCE NO. 16-2013: AN ORDINANCE OF THE CITY OF FREMONT ADOPTING AND AMENDING THE 2013 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, EXISTING BUILDING, RESIDENTIAL, ENERGY, AND ABATEMENT OF DANGEROUS BUILDINGS CODES; ADOPTING AND AMENDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND AMENDING FREMONT MUNICIPAL CODE TITLE 15 BUILDING AND CONSTRUCTION DIVISION 1 FREMONT BUILDING STANDARDS CODE**
- **ORDINANCE NO. 17-2013: AN ORDINANCE OF THE CITY OF FREMONT, ADOPTING BY REFERENCE AND AMENDING THE 2013 CALIFORNIA FIRE CODE AND AMENDING FREMONT MUNICIPAL CODE TITLE 15 (BUILDINGS AND CONSTRUCTION), DIVISION 1 (FREMON BUILDING STANDARDS CODE), CHAPTER 15.35 (FREMON FIRE CODE)**
- **RESOLUTION NO. 2013-70: A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FREMONT, CALIFORNIA, MAKING EXPRESS FINDINGS THAT MODIFICATIONS TO THE 2013 CALIFORNIA BUILDING STANDARDS CODE ARE REASONABLY NECESSARY DUE TO LOCAL CONDITIONS**

By transmitting the attached certified copies of Ordinance 16-2013, Ordinance 17-2013, and Resolution 2013-70, the City of Fremont hereby files these local amendments with the Building Standards Commission.



*Building & Safety*  
510 494-4400

*Engineering*  
510 494-4700

*Housing & Redevelopment*  
510 494-4500

*Planning*  
510 494-4440

If you have any questions regarding this matter or require any additional documents or information, please contact me at 510-494-4470.

Sincerely,

A handwritten signature in black ink that reads "Chris Gale". The signature is written in a cursive, flowing style.

Chris Gale  
Building Official

**Attachments:**

Ordinance 16-2013  
Ordinance 17-2013  
Resolution 2013-70

**\*ENVIRONMENTAL DECLARATION**

(CALIFORNIA FISH AND GAME CODE SECTION 711.4)

**LEAD AGENCY NAME AND ADDRESS**

CHRIS GALE, BUDG OFFICIAL  
CITY OF FREMONT  
39550 LIBERTY STREET  
FREMONT, CA 94538

**FOR COUNTY CLERK USE ONLY**

**FILED**  
ALAMEDA COUNTY

NOV. 22 2013

13-393  
FILE NO: \_\_\_\_\_  
By PATRICK O'CONNELL, County Clerk  
Deputy [Signature]

**CLASSIFICATION OF ENVIRONMENTAL DOCUMENT:**

(PLEASE MARK ONLY ONE CLASSIFICATION)

**1. NOTICE OF EXEMPTION / STATEMENT OF EXEMPTION**

A - STATUTORILY OR CATEGORICALLY EXEMPT

\$ 50.00 - COUNTY CLERK HANDLING FEE

**2. NOTICE OF DETERMINATION (NOD)**

A - NEGATIVE DECLARATION (OR MITIGATED NEG. DEC.)

\$ 2,156.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

B - ENVIRONMENTAL IMPACT REPORT (EIR)

\$ 2,995.25 - STATE FILING FEE

\$ 50.00 - COUNTY CLERK HANDLING FEE

**\*A COPY OF THIS FORM MUST BE COMPLETED AND SUBMITTED WITH EACH COPY OF AN ENVIRONMENTAL DECLARATION BEING FILED WITH THE ALAMEDA COUNTY CLERK.**

**FOUR (4) COPIES OF ALL NECESSARY DOCUMENTS ARE REQUIRED FOR FILINGS SUBMITTED BY MAIL. FIVE (5) COPIES ARE REQUIRED FOR IN-OFFICE FILINGS.**

**ALL APPLICABLE FEES MUST BE PAID AT THE TIME OF FILING.**

FEES ARE EFFECTIVE JANUARY 1, 2013

MAKE CHECKS PAYABLE TO: ALAMEDA COUNTY CLERK

# NOTICE OF EXEMPTION

**FILED**  
ALAMEDA COUNTY

NOV 22 2013

PATRICK O'CONNELL, County Clerk  
By  Deputy

Date: November 20, 2013

TO:    Office of Planning and Research  
1400 Tenth Street, Room 121  
Sacramento, CA 95814

  X   County Clerk-Recorder  
County of Alameda  
1106 Madison Street  
Oakland, CA 94607

**PROJECT TITLE:** *2013 California Building Standards Code Adoption*

**PROJECT LOCATION:** Citywide

**PROJECT DESCRIPTION:** Amendment to the 2013 California Building Standards Codes with administrative and technical amendments based on Fremont's local conditions.

This is to advise that the *City of Fremont City Council*, as Lead Agency, approved the above described agreement by ordinance on November 19, 2013, and has made the following determination regarding the above described project.

Exempt Status:  -Exempt from CEQA pursuant to Guideline 15061(b)(3)  
-Categorical Exemption  
-Statutory Exemption  
-Ministerial (Sec. 21080) (b)(1); 15268  
-Declared Emergency (Sec. 21080(b) (3); 15269(a))

Reasons why project is exempt: Under the *General Rule* (CEQA Guideline 15061(b)(3)), it can be seen with certainty that there is no possibility that the project could result in a significant effect on the environment. As such, the 2013 California Building Standards Code adoption, including local amendments, is not subject to CEQA.

**LEAD AGENCY CONTACT PERSON:** Chris Gale, *Building Official, City of Fremont*,  
Phone: (510) 494-4470; Email: cgale@fremont.gov

  
Signature (Public Agency)

Building Official  
Title

11/20/2013  
Date

Date received for filing at OPR: Not applicable.

CLERK'S CERTIFICATE OF POSTING. Pub. Res. 21152: I certify that a copy of this document was posted at the Recorder's Office, Oakland, CA, for the period prescribed by law.

Executed at **COUNTY CLERK**  
Oakland, CA

Date 12/23/13 By  Deputy



City Council Chambers  
3300 Capitol Avenue  
Fremont, CA

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## Fremont City Council

Bill Harrison, Mayor  
Anu Natarajan, Vice Mayor  
Suzanne Lee Chan  
Vinnie Bacon  
Raj Salwan

### City Staff

Fred Diaz, City Manager

Harvey E. Levine, City Attorney

Mark Danaj, Assistant City Manager

Mary Bradley, Interim Finance Director

Marilyn Crane, Information Tech. Services Dir.

Annabell Holland, Community Services Director

Norm Hughes, City Engineer

Kelly Kline, Economic Development Director

Geoff LaTendresse, Fire Chief

Richard Lucero, Chief of Police

Nadine Nader, Deputy City Manager/City Clerk

Jim Pierson, Public Works Director

Jeff Schwob, Community Dev. Director

Suzanne Shenfil, Human Services Director

Brian Stott, Human Resources Director

# Fremont City Council Agenda and Report

November 19, 2013

## General Order of Business

1. Preliminary
  - Call to Order
  - Salute to the Flag
  - Roll Call
2. Consent Agenda
3. Ceremonial Items
4. Public Communications
5. Scheduled Items
  - Public Hearings
  - Appeals
  - Reports from Commissions, Boards and Committees
6. Report from City Attorney
7. Other Business
8. Council Communications
9. Adjournment

## Order of Discussion

Generally, the order of discussion after introduction of an item by the Mayor will include comments and information by staff followed by City Council questions and inquiries. The applicant, or their authorized representative, or interested citizens, may they speak on the item; each speaker may only speak once to each item. At the close of public discussion, the item will be considered by the City Council and action taken. Items on the agenda may be moved from the order listed.

## Consent Calendar

Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which case the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address the City Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.



**Agenda**  
**Fremont City Council Regular Meeting**  
**November 19, 2013**  
**City Council Chambers, 3300 Capitol Avenue, Building A**  
**7:00 PM**

**1. Preliminary**

- A. Call to Order
- B. Salute the Flag
- C. Roll Call
- D. Announcements by Mayor / City Manager

**2. Consent Calendar**

*Items on the Consent Calendar are considered to be routine by the City Council and will be enacted by one motion and one vote. There will be no separate discussion of these items unless a Councilmember or citizen so requests, in which event the item will be removed from the Consent Calendar and considered separately. Additionally, other items without a "Request to Address Council" card in opposition may be added to the consent calendar. The City Attorney will read the title of ordinances to be adopted.*

- A. **Motion To: Waive Further Reading of Proposed Ordinances**  
*(This permits reading the title only in lieu of reciting the entire text.)*
- B. **Approval of Minutes - None.**
- C. **Second Reading And Adoption Of Ordinance Of The City Of Fremont Amending the Precise Site Plan for Planned District P-80-3 Regarding Property Located at 39550 Paseo Padre Parkway**  
**RECOMMENDATION:** Adopt ordinance.
- D. **Second Reading and Adoption of Ordinance of the City of Fremont Rezoning Property Located at 9600 Quarry Road from Planned District, Quarry Combining and Quarry and Flood Combining (P-81-12(Q), P-81-12(Q)(F)), Open Space District (O-S) and Restricted Industrial, Flood Combining District (I-R(F)) to Planned District, Quarry Combining and Quarry and Flood Combining (P-2013-126(Q), P-2013-126(Q)(F)).**  
**RECOMMENDATION:** Adopt ordinance.
- E. **APPROVAL OF FINAL MAP OF TRACT 8106 AT 42186 PALM AVENUE BY 42186 PALM AVENUE DEVELOPERS, LLC. - Approval of Final Map, Improvement Agreement for Construction of Public Improvements (Tangelo Court) and Dedication of Land and Public Easements for Tract 8106**

**Contact Persons:**

<b>Name:</b>	Dilip Kishnani	Norm L. Hughes
<b>Title:</b>	Associate Civil Engineer	City Engineer
<b>Dept:</b>	Engineering	Public Works
<b>Phone:</b>	510-494-4736	510-494-4748
<b>E-Mail:</b>	dkishnani@fremont.gov	nhughes@fremont.gov

## 5. Scheduled Items

- A. 2013 CALIFORNIA BUILDING STANDARDS CODES ADOPTION - Public Hearing (Published Notice), Second Reading, and Adoption of Ordinances and Findings Adopting and Amending the 2013 California Building Standards Code and Adopting by Reference Certain Appendix Chapters of the 2013 California Building Standards Codes, and Making Conforming Changes to the Fremont Municipal Code, and Adoption of Resolutions Containing Supporting Findings and Determinations, Including Finding that the Project is Exempt from the California Environmental Quality Act (CEQA) per Guideline 15061(b)(3) in that it does not have the Potential for Causing a Significant Effect on the Environment.**

Contact Persons:

Name:	Chris Gale	Jay Swardenski
Title:	Chief Building Official	Fire Marshall
Dept:	Community Development	<i>Hazardous Materials Bureau</i>
Phone:	510-494-4470	510-494-4222
E-Mail:	cgale@fremont.gov	jswardenski@fremont.gov

**RECOMMENDATION:**

1. Hold public hearing.
2. Find that the project is exempt from the California Environmental Quality Act (CEQA), pursuant to Guideline 15061(b)(3).
3. Waive full reading and adopt ordinances adopting by reference and amending the 2013 California Building, Electrical, Plumbing, Mechanical, Residential, Green Building, Existing Building, Housing and Fire Codes and the International Property Maintenance Code.
4. Adopt a resolution making findings that the amendments to the 2013 California Building Standards Code are reasonable necessary because of local conditions.

## 6. Report from City Attorney - None.

## 7. Other Business

- A. PG&E PRESENTATION ON LINE 131 NATURAL GAS TRANSMISSION PIPELINE REPLACEMENT PROJECT - Presentation by PG&E on the Proposed Replacement of Line 131 Natural Gas Transmission Pipeline Project for Council Consideration and Comment**

Contact Persons:

Name:	Primo de Guzman	Norm L. Hughes
Title:	Senior Civil Engineer	City Engineer
Dept:	Engineering	<i>Public Works</i>
Phone:	510-494-4752	510-494-4748
E-Mail:	PdeGuzman@fremont.gov	nhughes@fremont.gov

**RECOMMENDATION:** Receive a presentation from PG&E on the proposed Line 131 natural gas transmission pipeline replacement project and provide comments for PG&E's consideration.

## ACRONYMS

ABAG	Association of Bay Area Governments	GIS	Geographic Information System
ACE	Altamont Commuter Express	GPA	General Plan Amendment
ACFCD	Alameda County Flood Control District	HARB	Historical Architectural Review Board
ACTC	Alameda County Transportation Commission	HBA	Home Builders Association
		HRC	Human Relations Commission
ACWD	Alameda County Water District	ICMA	International City/County Management Association
ARB	Art Review Board	JPA	Joint Powers Authority
BAAQMD	Bay Area Air Quality Management District	LLMD	Lighting and Landscaping Maintenance District
BART	Bay Area Rapid Transit District	LOCC	League of California Cities
BCDC	Bay Conservation & Development Commission	LOS	Level of Service
BMPs	Best Management Practices	MOU	Memorandum of Understanding
BMR	Below Market Rate	MTC	Metropolitan Transportation Commission
		NEPA	National Environmental Policy Act
CALPERS	California Public Employees' Retirement System	NLC	National League of Cities
CBC	California Building Code	NPDES	National Pollutant Discharge Elimination System
CDD	Community Development Department	NPO	Neighborhood Preservation Ordinance
CC & R's	Covenants, Conditions & Restrictions	PC	Planning Commission
CDBG	Community Development Block Grant	PD	Planned District
CEQA	California Environmental Quality Act	PDA	Priority Development Area
CERT	Community Emergency Response Team	PUC	Public Utilities Commission
CIP	Capital Improvement Program	PVAW	Private Vehicle Accessway
CNG	Compressed Natural Gas	PWC	Public Works Contract
COF	City of Fremont	RFP	Request for Proposals
COPPS	Community Oriented Policing and Public Safety	RFQ	Request for Qualifications
		RHNA	Regional Housing Needs Allocation
CSAC	California State Association of Counties	ROP	Regional Occupational Program
CTC	California Transportation Commission	RRIDRO	Residential Rent Increase Dispute Resolution Ordinance
dB	Decibel	RWQCB	Regional Water Quality Control Board
DEIR	Draft Environmental Impact Report	SACNET	Southern Alameda County Narcotics Enforcement Task Force
DU/AC	Dwelling Units per Acre	SPAA	Site Plan and Architectural Approval
EBRPD	East Bay Regional Park District	STIP	State Transportation Improvement Program
EDAC	Economic Development Advisory Commission (City)	TCRDF	Tri-Cities Recycling and Disposal Facility
EIR	Environmental Impact Report (CEQA)	TOD	Transit Oriented Development
EIS	Environmental Impact Statement (NEPA)	TS/MRF	Transfer Station/Materials Recovery Facility
ERAF	Education Revenue Augmentation Fund	UBC	See CBC
EVAW	Emergency Vehicle Accessway	USD	Union Sanitary District
FAR	Floor Area Ratio	VTA	Santa Clara Valley Transportation Authority
FEMA	Federal Emergency Management Agency	WMA	Waste Management Authority
FFD	Fremont Fire Department	ZA	Zoning Administrator
FMC	Fremont Municipal Code	ZTA	Zoning Text Amendment
FPD	Fremont Police Department		
FRC	Family Resource Center		
FUSD	Fremont Unified School District		

PROOF OF SERVICE BY MAIL

I, Veronica Pruneda, declare that:

I am employed in the County of Alameda, State of California. I am over the age of eighteen (18) years and not a party to the within cause; my business address is City of Fremont, 39550 Liberty Street, Fremont, California 94538.

I am readily familiar with the business practice of the City of Fremont for the collection and processing of correspondence for mailing with the United States Postal Service. Copies of the attached package were delivered to the City of Fremont Mailroom located at 3300 Capitol Ave on January 22, 2014 for deposit with the United States Postal Service at Fremont, California. In the ordinary course of business, proper postage is affixed and such deposit is made on the same day this document is executed by me. The correspondence is being sent certified mail. The envelope was sealed and addressed to:

California Building Standards Commission  
2525 Natomas Park Drive, Suite 130  
Sacramento, CA 95833

I declare, under penalty of perjury under the laws of the State of California, that the foregoing is true and correct and that this declaration was executed on January 22, 2014.

Veronica Pruneda

Veronica Pruneda  
Building & Safety Senior Office Specialist

1-22-2014

Date

**RESOLUTION NO. 2013-70**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF  
FREMONT, CALIFORNIA, MAKING EXPRESS FINDINGS THAT  
MODIFICATIONS TO THE 2013 CALIFORNIA BUILDING  
STANDARDS CODE ARE REASONABLY NECESSARY DUE TO  
LOCAL CONDITIONS**

WHEREAS, on October 26, 2013, the City Council introduced Ordinances 16-2013 and 17-2013 adopting and amending the 2013 California Building Standards Code; and

WHEREAS, California Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5 authorize the City to modify the building standards contained in the California Building Standards Code and other regulations adopted under Health and Safety Code Section 17922 if found by the City Council to be reasonably necessary because of local climatic, geologic, or topographic conditions; and

WHEREAS, the City Council has considered the October 15, 2013 staff report discussing the proposed amendments to the 2013 California Building Standards Code, the presentations by staff, and the proposed ordinances containing the amendments attached to the report, and the November 19, 2013 staff report discussing the proposed findings and has reviewed the proposed findings attached to the report, and has held public hearings to receive input from the community on November 19, 2013.

NOW THEREFORE, THE CITY COUNCIL OF THE CITY OF FREMONT HEREBY RESOLVES AS FOLLOWS:

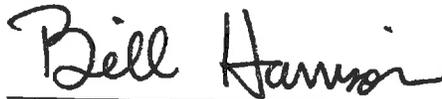
**SECTION 1. Reasonably Necessary Amendments Due to Local Conditions.**

- (a) The amendments to the 2013 California Building Standards Code are found to be reasonably necessary because of local climatic, geological or topographical conditions.
- (b) The City Council finds that the conditions listed in Attachment 1 attached hereto and incorporated herein are, in fact, local climatic, geological and topographical conditions.
- (c) The conditions listed in Attachment 1 make the amendments to the 2013 California Building Standards Code described in Attachment 1 and contained in the ordinances referenced above reasonably necessary for the reasons stated in Attachment 1 and in the October 15, 2013 and November 19, 2013 staff reports.

\* \* \*

ADOPTED November 19, 2013 by the City Council of the City of Fremont by the following vote:

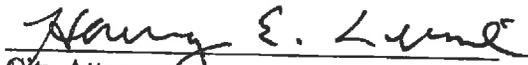
AYES: Mayor Harrison; Councilmembers Chan and Salwan  
NOES: None  
ABSENT: Vice Mayor Natarajan and Councilmember Bacon  
ABSTAIN: None

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
Assistant City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
City Attorney

I HEREBY CERTIFY THAT THE ABOVE  
IS A TRUE AND CORRECT COPY OF  
A DOCUMENT IN THE FILES OF THE  
CITY OF FREMONT.

  
\_\_\_\_\_  
CITY CLERK

## **ATTACHMENT 1**

### **FINDINGS**

#### **CITY OF FREMONT MODIFICATIONS TO THE 2013 CALIFORNIA BUILDING STANDARDS CODE DETERMINED TO BE REASONABLY NECESSARY BECAUSE OF LOCAL CONDITIONS**

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### **INTRODUCTION**

City of Fremont Ordinances 16-2013 and 17-2013 contain amendments, deletions and additions to the building standards contained in the 2013 California Building Code, 2013 Mechanical Code, 2013 Electrical Code, 2013 Plumbing Code, 2013 Residential Code, and the 2013 California Fire Code. These modifications are reasonably necessary because of the climatic, geologic, and topographic conditions found in the City of Fremont. In accordance with Health and Safety Code Sections 17958, 17958.5, 17958.7, and 18941.5, this document describes the climatic, geologic, and topographic conditions found in the City of Fremont and the specific modifications and the local conditions determined by the City of Fremont to make each modification to the building standards codes reasonably necessary.

### **PART I: LOCAL CONDITIONS**

#### **A. Profile of the City of Fremont**

The City of Fremont encompasses an area of roughly 90 square miles, with a resident population of approximately 220,000 people. The physical location of the City is in the southern portion of Alameda County, with the City of Union City to the north, City of Newark to the west, City of San Jose and City of Milpitas to the south and the unincorporated areas of Alameda County to the east.

The City of Fremont has a large supply of diverse and high quality housing units, and a wide range of industries including a variety of high technology, alternative energy, and life science firms, a vehicle assembly plant, warehousing and distribution businesses, and a city center with several million square feet of office, retail, and medical facilities.

The balance of developed and undeveloped open lands has been a goal of the City of Fremont and is reflected in the steep forested ridges and foothills to the northeast, bay lands to the west, and some vast open spaces including: Central Park, Quarry Lakes, Coyote Hills, Vargas Plateau, Mission Peak and Ardenwood Forrest regional parks and the Don Edwards National Wildlife Refuge which are scattered throughout the City.

Winding through the City of Fremont are two major interstate highways; Interstate 880, known as the Nimitz Freeway, and Interstate 680, known as the Sinclair Freeway as well as State

Routes 84, 38 and 262. The Union Pacific and Bay Area Rapid Transit railroad tracks also wind through the City of Fremont.

## **B. Local Conditions Create Potential for Major Fires and Earthquakes**

The climatic, geologic, and topographic conditions found in the City of Fremont create a heightened risk of large loss fires and damaging earthquakes, making changes and modifications to the 2013 California Building Code, 2013 Mechanical Code, 2013 Electrical Code, 2013 Plumbing Code, 2013 Residential Code and the 2013 California Fire Code reasonably necessary in order to provide a reasonable degree of fire and life safety in this community. These conditions are discussed in detail below.

### **1. Climatic conditions**

a. *Precipitation.* The weather patterns within the City of Fremont are moderately affected by the Pacific Ocean and the San Francisco Bay, which extends the seasonal growing patterns of the vegetation. The normal annual precipitation ranges from eight to thirty inches (8" to 30") per year with an average of approximately fifteen inches (15") per year. Ninety percent (90%) falls during the months of November through April, and ten percent (10%) from May through October. The City of Fremont has experienced a major drought in the past and it is likely the pattern will continue in the future. Drought conditions create more frequent and larger fire incidents, especially wild fire events in the hill areas of the City.

b. *Relative Humidity.* Humidity generally ranges from 60% during daytime to 80% at night. Humidity can frequently drop to 40% during the summer months and occasionally drops lower.

c. *Fog.* Radiation fog from the Central Valley enters the Bay Area through the Carquinez Strait during wintertime offshore flow. It can also spill into the Fremont area over the Sunol Pass from the Livermore Valley. Dense fog can develop overnight when these conditions include a moist lower layer (i.e. following recent rain), clear skies and calm winds. Dense fog is not very common, but can have a great impact upon transportation because of reduced visibility.

d. *Temperatures.* Temperatures have been recorded as high as 109°F. Average summer highs are in the 80°F range.

e. *Winds.* Prevailing winds are from the west or northwest. However, winds are experienced from virtually every direction at one time or another. Velocities are generally in the 8 mph to 10 mph range, gusting to 25 to 35 mph, particularly during the summer months. Extreme winds, up to 85 mph, have been known to occur.

*Analysis.* These local climatic conditions affect the acceleration, intensity, and size of fires in the community. The dry winds result in increased demand for emergency response by the Fire Department by drying the fuel load and increasing the risk of ignition, and by spreading fire more rapidly and across a broader area. The winds can have a tremendous impact upon wildland fires, wood shake and shingle roof fires and fires involving the interiors of buildings. In building fires, winds can force fires back into the building and create a blow torch effect, while preventing "natural" ventilation and cross-ventilation efforts. In developed areas of the City,

fires can occur in buildings, rubbish, vehicles, and vegetation on vacant lots. In undeveloped and hillside areas of the City, there is a risk of large vegetation fires. Times of little or no rainfall, combined with low humidity and high temperatures, create extremely hazardous conditions, particularly as they relate to wood shake and shingle roof fires and conflagrations. If a fire occurs, local dry conditions combined with high winds create the risk of potential fire storms. At other times, reduced visibility and traffic accidents due to dense fog can increase demand on emergency services and increase emergency response time.

In addition, local residential development has been occurring in hillside areas adjacent to the historically designated hazardous fire area. These developments increase the chance of wild fire, while simultaneously being located further from fire stations, delaying critical response times.

## **2. Geological or topographical conditions**

a. *Seismic Hazard.* A table from a 1998 Association of Bay Area Governments publication shows that the southern section of the Hayward Fault is slipping at a rate of 9 mm/year and is capable of generating an earthquake with a moment magnitude of 7.0. As of September 1998, the southern section of the Hayward Fault was identified as having a 23% possibility of generating a major earthquake in the next 30 years.<sup>1</sup> Fremont is a narrow and long city. The Hayward Fault traverses the City in a longitudinal direction; consequently, most sites in the City will be subject to a near-fault effect, and can expect significant damage or collapse of buildings. Secondary impacts could include ruptured gas lines, collapsed power lines, and breaks in the water distribution system.

The proximity of the northern segment of the Hayward Fault must also be taken into consideration. The northern segment has been estimated to be capable of generating a magnitude 7.1 earthquake with a 28% possibility of an occurrence in the next 30 years. Due to proximity and directivity effects<sup>2</sup> and shaking amplification,<sup>3</sup> a major earthquake on the northern segment of the Hayward Fault can be anticipated to cause substantial damage in Fremont.

The combined probability of damage to buildings in the City of Fremont as a result of an earthquake along either segment of the Hayward Fault stands above 28% in the next 30 years.

b. *Soil Conditions.* Surface soils in Fremont vary from bay mud (very expansive) to alluvial fan material (moderately to highly expansive). Expansive soils swell and shrink with variations in moisture content resulting in (1) differential "settlement" of structures, and (2) variations in surface storm water runoff. In addition, soft soil in combination with the presence of a high water table can cause liquefaction in some sites in the event of major earthquake shaking. Structures built on soils prone to liquefaction have a greater probability of severe damage in an earthquake than buildings on other soil types.

Landslides and mudslides have been experienced within the City of Fremont, along Interstate 680 south of Curtner Road, in Niles Canyon and on the westerly slopes of Mission Peak, Mt. Allison and Monument Peak. When slopes fail and landslides occur in the developed areas, creeks and streams below the slide area become dammed with slide debris, which results in flooding. Additionally, landslides often block access roads in the hill area due to slope failure.

This has occurred in the past on major single access roads in the City such as Morrison Canyon Road, Mill Creek Road, Interstate 680, Niles Canyon Road, and Sabercat Road which lie downhill from the area subject to landslides and slope instability.

c. *Vegetation.* Dry grass and brush are common in the hilly and open space areas during six to eight months of each year. The woodland areas along Niles Canyon, Morrison Canyon, Mission Creek and various other canyons in the hills have stands of eucalyptus, oaks, redwoods and other broad-leaved evergreen trees. The dropped dried leaves, branches, dead trees and undergrowth of brush within these hills and canyons contribute to fuel-loading. The fire danger presented by these conditions is exacerbated by dry hot winds associated with the summer months (May through October). Many of these areas experience wildland fires that threaten nearby buildings - particularly those with wood roofs or wood siding. During the dry season, more fire department resources can be occupied with vegetation fires, which occasionally results in fewer resources being available for structure fires, than during the rest of the year.

d. *Hills, Creeks, Canals, Freeways, Railways, Housing Tracts, Large Buildings and Building Complexes.* Fremont is characterized by hills, creeks, canals, freeways, railways, housing tracts, large buildings and building complexes. All of these surface features, both natural and manmade, have a major adverse effect upon the road and street layout in this community, including major traffic routes. These conditions limit the number, and cause indirect routing of major arterial streets for normal traffic as well as emergency vehicle response.

e. *Terrain.* Areas with buildings include level, sloping and rolling terrain. This terrain is not dissimilar to terrain in other locations which have already experienced major conflagrations.

f. *Roads and Streets.* During the peak a.m. and p.m. traffic periods, the City experiences very heavy traffic congestion at key intersections and near freeway on-ramps and off-ramps. As noted above, the limited number and the indirect routing of some roads and streets in the community can create heavy, slow traffic conditions and excessively long travel routes from point-to-point within the community. Thus, in the event of an emergency at a key intersection, overpass, underpass, bridge, or other circulation corridor, sections of the City may become temporarily isolated and response times for emergency crews increased beyond ideal times.

Hillsides and slopes, caused by the mountains and hills surrounding the northeastern boundaries of the City of Fremont, have roadways with designated surfaces (grades) of 15% maximum; however, there are some private roadways and driveways to building sites with roadways surfaces in excess of 20%. These conditions can further slow emergency vehicle response times.

Intersections are rated on a level of service scale (LOS). This scale is "A" for excellent operational conditions to "F", which represents a poor ratio. In the General Plan, dated December 2011, Chapter 3 of the Mobility Study evaluated 68 intersections. Of the intersections evaluated, ten (10) received a LOS of "D" or less for both a.m. and p.m. peak hours. These less than satisfactory or failing marks reflect "barriers" which reduce the response time of emergency equipment. See <http://www.fremont.gov/index.aspx?nid=398> link for more study details.

**g. Population.** The current and rapidly growing population in the community creates both fire and police protection problems:

(i) With more people, more emergency incidents requiring a public safety response occur. The greater the frequency of alarms, the greater the likelihood that there will be simultaneous emergency incidents requiring public safety response. This results in longer response times and fewer fire companies or police units to respond to any emergency within the community; and

(ii) With more people, there is more traffic congestion during a greater part of the day. Such traffic congestion not only slows emergency vehicle response but often restricts access to crime and fire scenes.

**h. Buildings, Landscaping and Clearances.** Many of the newer large buildings and building complexes are of designs which greatly limit visibility, approach and accessibility by public safety resources. Many houses and other buildings with wood roofs or sidings are so close together that fire will readily spread from one to another by both radiation and convection.

**i. Water Supply.** The water supply (domestic, industrial and fire-flow demands) system within the City of Fremont is directly affected by the topographical layout of the City. The water distribution system operates from eleven (11) reservoirs that are supported by twelve (12) booster pump stations strategically located throughout the City of Fremont. This water distribution system provides adequate water (fire-flow of 2,000 GPM) in most parts of the City; hydrants provide less than 500 GPM.

**j. Business & Industry Centers.** The current clusters of high-tech, bio-tech, green-tech and manufacturing businesses create additional demands on water, sewer and electrical facilities and also offers opportunities and access to innovative products and technology:

(i) The more businesses the greater the demands on water, sewer and power facilities during peak mid-day periods and could lead to shortages and service interruptions that can effect health and safety; and

(ii).The availability of high-tech, bio-tech and green-tech businesses creates unique access to innovative products and technology to reduce energy and water use and reduce waste discharge to mitigate business demands.

**Analysis.** The above local geologic and topographic conditions increase fire frequency, magnitude, exposure and accessibility problems and have a negative impact upon the response capability of public safety resources. Seismic hazards in combination with soils conditions have the potential to produce substantial structure damage or structural failure, multiple major fires and additional fire dangers, as well as place great strain on police, firefighting and rescue resources. A seismic event could also trigger widespread damage to hazardous material storage vessels and cause substantial hazardous material releases into the environment. In addition, the quantity of Police and Fire Department resources that can arrive within an effective time is limited. A major seismic event would disrupt transportation systems that already limit emergency response due to congestion, steep terrain, landslide vulnerability, firestorm vulnerability, reduced visibility and indirect routing.

### **3. Conclusion**

Local climatic, geologic, and topographic conditions impact crime prevention efforts and the frequency, spread acceleration, intensity, and size of fires involving buildings, strength of building structural systems to resist local hazards, and ability to deliver uninterrupted water, sewer and power utility services in this community. Further, the potential for significant damage arising from these conditions is found to make it reasonably necessary that the 2013 California Building Code, 2013 California Mechanical Code, 2013 Electrical Code, 2013 Plumbing Code, 2013 California Residential Code, and 2013 California Fire Code be changed or modified to mitigate the effects of the above conditions.

## **PART II: SPECIFIC MODIFICATIONS**

### **A. Amendments to the 2013 California Fire Code**

Time is the eternal enemy to the firefighter. The elapsed time from ignition to extinguishment is directly proportional to the amount of heat, smoke and toxic gases created from a fire. (See Standard Temperature-Time Curve for Control of Fire Tests, National Fire Code Standard 251, (1995 ed.) appendix. B). This information demonstrates the rapid growth of heat, flame and toxic properties of fire over time. Professional sources indicate that as temperature increases over time, survivability of occupants and conservation of property decreases. (Time Available for Escape, Fire Protection Handbook 17<sup>th</sup> ed., the National Fire Protection Association, pp. 10-64).

Local environmental factors including topographical, geological and climatic conditions contribute to the likelihood of major fire, rescue and toxic containment operations as well as contribute to emergency response delays. Mitigation systems aid in the confinement, extinguishment and notification of occupants to allow for evacuation and will assist in the further reduction of injury and fatalities to life and the loss of property. The modifications proposed to the California Fire Code are designed to mitigate the response time delays, increase survivability, and mitigate the impact of hazardous materials incidents caused by the climatic, geologic and topographic conditions present in the City of Fremont. For all of the reasons listed below, these regulations are needed to reduce human and property losses due to fire or hazardous materials releases in the City of Fremont.

#### **1. Modification to 2013 California Fire Code Sections 508**

Local Conditions B.1.c, B.2.a, B.2.d, and B.2.h.

This modification to the Fire Code may require the dedication of a fire command center. Because of the nature of mid-rise buildings, more people are required to coordinate and execute a response to more remote areas of these structures. It is typical for a confirmed mid-rise fire to require six engines, two trucks, and two Battalion Chiefs to deal with the initial emergency and logistical needs at the scene. This code modification allows the fire department to strategically place a fire command center within these structures.

The fire command center will improve fire ground assessment, coordination and rescue efforts during an emergency, thereby increasing firefighting efficiency. The increased efficiency will correspondingly reduce injury to persons and property in mid-rise fires. By improving the delivery of services and reducing the demand on fire department resources in mid-rise structures, more emergency personnel are available for other emergencies, either during dry seasons to combat wild fires in the hill areas or after a seismic event.

**2. Modifications to 2013 California Fire Code Sections 903, 904, and 905 (Fire Extinguishing Systems)**

Local Conditions B.1.a through B.1.e and B.2.a through B.2.j

This series of modifications generally requires the installation of an automatic fire extinguishing system (AFES) in all new buildings excluding Group U, Division 1 (private garages, carports, sheds and agricultural buildings). AFES', the alternatives presented and standpipe systems are effective in confining, extinguishing, or aiding in the extinguishment of a fire, as well as reducing the amount of toxic gases and smoke generated by a fire. They also allow people to safely evacuate the building and can confine the fire until emergency resources arrive at the scene. An AFES throughout a structure serves to limit the loss of life and property.

AFES' will help mitigate dry, hot seasonal local conditions that contribute to fire ignition and fire loss. They will also help mitigate emergency response delays that impair the survival of people and structures, whether those delays are caused by the nature of the City's transportation system, impairment of the transportation system by fog, earthquakes, firestorms, congestion and other local conditions, or deployment of firefighting resources to other emergency situations during major disasters such as firestorms or earthquakes. AFES' will also help mitigate fire and structural vulnerability in other structures and locations by helping to extinguish fires sooner, thereby freeing up firefighting and rescue resources.

**3. Modifications to 2013 California Fire Code Sections 907, 914, and 1103 (Fire Alarm and Detection Systems)**

Local Conditions B.1.a through B.1.e and B.2.a through B.2.j

This series of modifications requires that fire alarm and detection systems be installed to nationally recognized standards and that they "alarm" or signal with a more specific location within a building. The installation of more specific fire alarm and detection devices helps to minimize the amount of time firefighters need to determine the nature and extent of a fire and provides occupants additional time to escape.

The installation of emergency voice/alarm communication systems improves the fire department incident commander's ability to control or give instruction to the large number of people that would be expected to be present throughout a covered mall.

Hotels and motels in excess of three stories or eight sleeping units are required to install a manual fire alarm system. The installation of a manual fire alarm system can initiate an early response by firefighters and provide occupants additional time to escape.

**4. Automatic Fire Extinguishing Systems Retrofit Requirements For Certain Types of Apartment Buildings Fremont Municipal Code Title 15, Division 2, Chapter 15.60**

Local Conditions B.1.a through B.1.e and B.2.a through B.2.j

Fremont Municipal Code Title 15, Division 2, Chapter 15.60, requires that all existing central corridor hotel and apartment buildings (R-1 occupancies) that are two stories or more in height containing 10 or more dwellings be retrofitted with AFES. These structures are especially dangerous during a fire for the following reasons: (1) The center corridor design creates longer escape paths that the occupants must travel in the interior of a building while subjected to the effects of the fire; (2) The center corridor design also creates a natural chimney effect causing an exceedingly dangerous condition known as “fire flash-over.” Flash-over results from the accumulation of gases from the fire seeping through the hallway. The gases accumulate in the hallway ceiling area and ignite when the ignition temperature is reached. In the dry, hot conditions typical of Fremont summer months; the flash point is achieved sooner. Ignition of these gases can be fatal to those people in the hallway and block the escape route of occupants in their units.

The installation of AFES, smoke detectors and self-closing devices will contain the rapid spreading flame and smoke and help to prevent flash-over ignition by lowering the hallway temperature and increasing moisture. This will provide additional time for the Fire Department to respond and occupants to escape. The retrofit of AFES in center corridor residential structures also has the same benefits as AFES installations in new structures, as discussed above regarding modifications to California Fire Code Section 1003.

**5. Modifications to 2013 California Fire Code Sections 4903, 4905, and 4907 (Wildland-Urban Interface Fire Areas)**

Local Conditions B.1.a through B.1.e and B.2.c through B.2i

This series of modifications generally allows the fire department to require Community Protection Plans, new or remodeled structures to comply with enhanced Building Standards, and establishes the need for Defensible Spaces around structures in the Wildland-Urban Interface Areas. These requirements help mitigate dry, hot seasonal local conditions that contribute to fire ignition, its spread and ultimately fire loss.

Pre-established Community Protection Plans can help mitigate emergency response delays that impair the survival of people and structures, whether those delays are caused by the nature of the City’s transportation system, impairment of the transportation system by fog, earthquakes, firestorms, congestion and other local conditions, or deployment of firefighting resources to other emergency situations during a major disaster. The enhanced construction and defensible space requirements also improve the ignition resistance of and the fire spread toward these structures in the event of a fire in the Wildland-Urban Interface Area,

**6. Modifications to Hazardous Materials Related Requirements – 2013 California Fire Code Sections 202, 5001, 5003-5005, 5701, 5703, 5705 and 6004.**

Local Conditions B.1.c, B.1.e, B.2.a, B.2.d, and B.2.f through B.2.j

These modifications to the California Fire Code provide extra protection systems for management and use of hazardous materials, including flammable and toxic gases, liquids and solids. These provisions require increased spill containment, improved secondary containment mechanisms for a wider range of hazardous materials, lower quantity thresholds, and construction and monitoring for hazardous materials systems.

These changes are necessitated by the likelihood of substantial earthquake events in Fremont. Intense shaking during earthquakes increases the risk of hazardous material being released, whether directly caused by the earthquake shaking, or indirectly as the result of structural failure or earthquake-caused fires. The improved management and containment measures will mitigate the possibility of containment failure during an earthquake, and correspondingly reduce the likelihood of injury to persons and loss of property caused by the release of hazardous material to the environment.

## **7. Modifications to 2013 California Fire Code Chapter 80**

Local Conditions B.1.a through B.1.e and B.2.a through B.2.j

The Standard referenced in Chapter 80 (Highly Toxic and Toxic Materials) is NFPA 13 and is being changed to align with the provisions of Section 903.

### **B. Amendments to the 2013 California Building Code**

#### **1. Automatic Fire Extinguishing Systems & Roofing Requirements**

*Automatic Sprinkler System 2013 CBC Section 903*  
*Requirement for roof covering 2013 CBC Section 1507*  
*Change of Occupancy 2013 CBC Section 3408*

Local Conditions B.1.a through B.1.e, B.2.a, B.2.d, B.2.e, B.2.f and B.2.h

Earthquake hazards in the City of Fremont including the southern part of the Hayward Fault, the Calaveras Fault, the San Andreas Fault and the northern portion of the Hayward Fault could cause severe earth shaking as great as Scale X on the Modified Mercalli Intensity Scale in a large part of the City. The soft soil conditions described in Item 2b of these findings intensify this shaking.

The issue of fire inception and spread is specifically discussed in detail in a study by EQE International. An analysis of fire ignition per equivalent dwelling clearly indicates that the possibility of fire ignition increases as earthquake shaking increases.<sup>4</sup> This information was developed from a large data base and should be adjusted upward when considering the extremely dry conditions existing in the City of Fremont.

One of the major established hazards associated with earthquakes is fire due to broken gas lines and short circuits of electrical systems. Most buildings in Fremont are entirely or partially combustible which increases vulnerability to fire in this City.

The Hayward Fault intersects Freeway 680 and many major thoroughfares in this City. In addition, large developments on the hillside pose additional difficulties for emergency response teams. Greatly reduced accessibility due to the obstruction of the path of travel, combined with a high demand for rescue and emergency medical treatment, will greatly limit the ability of the post-disaster fire response teams. Mutual Aid will also be rather limited, if at all possible, immediately following a major earthquake along the Hayward Fault due to the expected regional scope of such a disaster. With the inability of emergency services to guarantee rapid response to various sections of the City, it is necessary to mitigate this problem by requiring additional built-in automatic fire protection systems, which will provide for early detection and initial fire control until the arrival of the firefighting equipment and other emergency services.

Further, Fremont has a large population of businesses handling, using and storing hazardous materials. Fire in a facility storing or using hazardous materials can spread rapidly and will be more intense and difficult to control due to the nature of the stored materials. Delay in extinguishing the fire can increase the volume and extent of the leakage or spillage of these materials, and as a result of an earthquake and an ensuing fire, can create major environmental and health crises at a local and regional level.

The proposed requirements for Roofing and Automated Fire Extinguishing Systems are reasonably necessary due to the geological, topographical and climatic conditions outlined in these findings as they would limit the spread of fires by flying ash and embers from one building to the next.

For additional findings, see Part II, Section A.2

## **2. Fire resistivity, Occupancy Separation, Exiting**

*Motor Vehicle Related Occupancies, 2013 CBC Section 4061*  
*Construction Classification, 2013 CBC Table 602c*  
*Fire Partitions, 2013 CBC Section 708*  
*Horizontal Assemblies, 2013 CBC Section 711*  
*Corridors 2013 CBC Section 1018*

Local Condition B.2.a, B.2.h, and B.2.i

The proposed code changes are necessary due to the proximity of most sites to the Hayward Fault and the high probability of an earthquake along the fault. The resulting intense earthquake shaking will result in a much higher demand on structures that can cause damages to building and fire suppression systems. The required fire separation between residential unit (Sections 420 and 709.1) and between residential occupancies and other occupancies (Sections 406.1.4 and 508.3.2.3) provides a passive protection system and gives occupant slightly more time to exit. Disallowing elimination of rated corridor (Section 1018) for groups A, B, F, M, S and U provides a safe exit in the event of post-earthquake fire. Disallowing combustible decking in roof of high-rise buildings provide for safer fire suppression from roof of high-rise buildings in the event of post-earthquake fire.

### **3. Wildland-Urban Interface Fire Area**

*Scope, Purpose and Application 2013 CBC Section 701A*

*Exterior Covering 2013 CBC Section 707A*

*Roofing 2013 CBC Section 705A*

Local Conditions B.1.a through B.1.e, B.2.a, B.2.c, B.2.d, B.2.e, B.2.f and B.2.h

Fires in Santa Barbara, the Oakland Hills and Malibu have shown that fires in hill areas spread rapidly and, in all three of these fires, burned out of control for a long time resulting in many deaths and major devastation. Post-fire analyses revealed that noncombustible buildings and those with certain fire-resistant construction had a much higher level of survivability.<sup>5</sup>

The Fire Hazard Zone in Fremont is extremely similar to the fire zones in Oakland, Santa Barbara, and Malibu. The climate is very similar to Oakland except that Fremont is dryer and hotter during the summer. The winds pass through Fremont with the same speed and intensity as the Santa Ana winds. The potential of a major fire occurring in the Fremont Fire Hazard Zone is substantially the same as the regions named above.

The proposed construction measures are targeted to enhance the fire resistivity of structures located in the Wildland-Urban Interface Fire Area and thereby provide a reasonable level of safety for the occupants of those structures.<sup>6</sup>

### **4. Structural design and loading**

*Flood Load 2013 CBC Section 1612*

*Earthquake Loads 2013 CBC Section 1613*

Local Condition B.2.a

(a) *Flood Load 2013 CBC Section 1612* amending definition of flood hazard area to be more specific to local conditions as identified by FEMA.

(b) *Minimum distance for structural separation 2013 CBC 1613.6 amending ASCE 7, Section 12.12.3.* Section 12.12.3 of ASCE 7-05 including Supplement No. 1 does not provide requirements for separation distances between adjacent buildings. Requirements for separation distances between adjacent buildings, not structurally connected, were included in previous editions of the IBC and UBC. However, when ASCE 7-05 was adopted by reference for IBC 2006, these requirements were omitted. In addition, ASCE 7-05 defines ( $\delta_x$ ) in Section 12.8.6 to refer to the deflection of Level x at the center of mass. The actual displacement that needs to be used for building separation is the displacement at critical locations with consideration of both the translational and torsional displacements. These values can be significantly different.

This code change fills the gap of this inadvertent oversight in establishing minimum separation distance between adjoining buildings which are not structurally connected. The purpose of seismic separation is to permit adjoining buildings, or parts thereof, to respond to earthquake ground motion independently and thus preclude possible structural and non-structural damage caused by pounding between buildings or other structures.

(c) *Modified ASCE 7, 12.2.3.1, exception 3 2013 CBC Section 1613.9.* Observed damages to one and two family dwellings of light frame construction after the Northridge Earthquake may have been partially attributed to vertical irregularities common to this type of occupancy and construction. In an effort to improve quality of construction and incorporate lessons learned from studies after the Northridge Earthquake, the proposed modification to ASCE 7-05 Section 12.2.3.1 by limiting the number of stories and height of the structure to two stories will significantly minimize the impact of vertical irregularities and concentration of inelastic behavior from mixed structural systems.

(d) *Suspended Ceilings new 2013 CBC Section 1613.8.* The California Building Code has no information regarding the design requirements for ceiling suspension systems for seismic loads. It is through the experience of prior earthquakes, such as the Northridge Earthquake, that this amendment is proposed so as to minimize the amount of bodily and building damage within the spaces in which this type of ceiling will be installed.

(e) *Concrete tilt-up panels, amending 2013 CBC Section 1905.* This is needed to ensure that structural walls designed under ASCE 7 Table 12.2-1 using the intermediate wall panel category would conform to ductility requirements comparable to special structural wall; and conformance to the long standing practice of ACI 318 to impose special requirements for high seismic design regions. This amendment gives explicit requirement under which design and detailing need to conform to special structural wall system provisions in ACI-318 Section 21.9, which covers both cast-in-place as well as precast. This amendment further gives the Building Official the tools to enforce minimum life safety building performance under earthquake forces.

## **5. Inspection and Quality Control**

*Required Verification and Inspection 2013 CBC Section 1705*

Local Condition B.2.a

The proposed code changes are necessary due to the proximity of most sites to the Hayward Fault and the high probability of an earthquake along the fault. The additional inspection, observation and quality control are administrative amendments necessary to obtain quality construction necessary to resist strong earthquake shaking in buildings.

## **6. Soil Investigation and Excavation**

*Geotechnical Investigation 2013 CBC Section 1803*

*Excavation, Grading and Fill 2013 CBC Section 1804*

*Foundation Wall, Retaining Wall and Embedded Posts and Poles 2013 CBC Section 1807*

Local Condition B.2.a

The proposed modifications require additional geotechnical reports and requirements for excavation and fills. These changes are necessary due to the proximity of most sites to the Hayward Fault and the high probability of an earthquake along the fault. Concrete and masonry retaining walls can also be greatly affected by expansive soils and earthquakes. Failure of these

elements can have significant and accumulative results. In addition, local soil conditions, including soils prone to liquefaction and expansive soils necessitate stricter excavation, grading and fill requirements. The proposed modification would help mitigate damages to buildings caused by earthquakes and thus likely reducing the required emergency response.

## **7. Shallow Foundation**

*Shallow Foundations 2013 CBC Section 1809*

### **Local Condition B.2**

The proposed amendments set forth the foundation width and depth of the footing for all buildings. Based on the seismic and soil conditions in Fremont larger foundation footings are required to mitigate the damage to buildings caused by earthquakes and differential soil settlement.

## **8. Concrete Construction**

*Modifications to ACI 318 2013 CBC Section 1905*

### **Local Condition B.2.a**

(a) *ACI 318, Section 22.10 amending 2013 CBC Section 1905.* The proposed amendment requires minimum reinforcement in continuous footings to address the problem of poor performance of plain or under-reinforced footings during a seismic event.

(b) *ACI 318, Section 21.6 amending 2013 CBC Section 1905.* These amendments are intended to provide increased confinement to concrete columns if certain thresholds are exceeded.

In addition, this amendment also limits the use of very highly gravity-loaded walls being used to resist earthquake loads.

Furthermore, this modification ensures that reinforcing bars are placed in sufficiently thick concrete to prevent buckling of such reinforcement. Rebar placed in very thin concrete topping slabs have been observed in some instances to have popped out of the slab due to insufficient concrete coverage.

## **9. Wood Construction**

*General Construction Requirements 2013 CBC Section 2304*

*Hold down connectors 2013 CBC Section 2305.5*

*Quality of Nails 2013 CBC Section 2305.4*

*Shear Wall Construction 2013 CBC Sections 2306 and 2508*

*Conventional Light-Frame Construction 2013 CBC Section 2308*

*Gypsum Construction 2013 CBC Section 2508*

*Load and Resistant Factor Design 2013 CBC Section 2307*

## Local Condition B.2.a

The intense earthquake shaking will result in a much higher demand on structural system and hardware. Materials with low ductility will fail in the brittle mode under this high demand. Drywall and stucco shear walls have proven to be brittle in past earthquakes; therefore, modifications are required to disallow these materials as shear earthquake load resisting elements. (Sections 2308.12.2.5, 2502.1, 2505.2 and 2508.5). The requirement for hold down and nail quality is necessary due to the proximity to the fault line and importance of these materials in earthquake performance of wood framed structures.

## 10. Existing Structures

*General 2013 CBC Section 3401*

*Change of Occupancy 2013 CBC Section 3408*

Local Conditions B.1.a through B.1.e, B.2.a, B.2.c, B.2.d, B.2.e, B.2.f and B.2.h

These sections are amended for consistency with the changes to the Building and Fire Codes and incorporates requirements for structures located in Wildland-Urban Interface Fire Area.

## C. Amendments to the 2013 California Mechanical Code

### 1. Commercial Hoods & Kitchen Ventilation

*Commercial Hoods & Kitchen Ventilation 2013 CMC Section 507*

*Exhaust Duct Systems 2013 CMC Section 510*

Local Conditions B.1.a, B.1.b, B.1.d, B.1.e and B.2.a, B.2.d, B.2.f, B.2.h and B.2.i

There have been a number of grease duct fires in Fremont in single story buildings. These fires were contained by shafts isolating the fire to the shafts only. In cases where there was no shaft, the fire spread to the roof.

The protection of hoods and ducts in an enclosure by fire rated materials is in the local amendments to restrict grease duct fires to the hood and duct and prevent the spread of fire from the hood or duct to the rest of the building. Portions of the hood and duct are protected so that in the case of a grease duct fire, all portions of the hood and grease duct that are in concealed spaces such as ceilings and walls, are protected in a fire rated duct enclosure.

### 2. Connection Approval

*Connection Approval 2013 CMC Section 116*

Local Conditions B.2.a, B.2.b, B.2.g, B.2.h and B.2.i

This modification to the Mechanical Code requires flexible utility connections in areas prone to liquefaction. Earthquake hazards in the City of Fremont including the southern part of the Hayward Fault, the Calaveras Fault, the San Andreas Fault and the northern portion of the Hayward Fault could cause severe earth shaking as great as Scale X on the Modified Mercalli Intensity Scale in a large part of the City. The soft soil conditions described in Item 2b of these findings intensify this shaking.

These changes are necessitated by the likelihood of substantial earthquake events in Fremont. Flexible utility connections will decrease the likelihood of utility failures during an earthquake and during the life of a building through its natural settlement process. This change will significantly reduce the fuel and ignition sources for fires during seismic events.

#### **D. Amendments to the 2013 California Plumbing Code**

##### **1. Permits and Inspections**

*Permits and Inspections 2013 CPC Section 103*

Local Conditions B.2.a, B.2.b, B.2.g, B.2.h and B.2.i

This modification to the Plumbing Code requires flexible utility connections in areas prone to liquefaction. Earthquake hazards in the City of Fremont including the southern part of the Hayward Fault, the Calaveras Fault, the San Andreas Fault and the northern portion of the Hayward Fault could cause severe earth shaking as great as Scale X on the Modified Mercalli Intensity Scale in a large part of the City. The soft soil conditions described in Item 2b of these findings intensify this shaking.

These changes are necessitated by the likelihood of substantial earthquake events in Fremont. Flexible utility connections will decrease the likelihood of utility failures during an earthquake and during the life of a building through its natural settlement process. This change will significantly reduce the fuel and ignition sources for fires during seismic events.

#### **E. Amendments to the 2013 California Electrical Code**

##### **1. Requirements for Electrical Installations**

*Requirements for Electrical Installations 2013 CEC Article 110*

Local Condition

The proposed changes require non-ferrous materials for electrical installations in corrosive environments. These changes are based on the corrosive soils prevalent in Fremont and will reduce the likelihood of electrical system failures caused by corrosion.

##### **2. Services**

*Services 2013 CEC Article 230*

Local Conditions B.2.a, B.2.b, B.2.g, B.2.h and B.2.i

This modification to the Electrical Code requires flexible utility connections in areas prone to liquefaction. Earthquake hazards in the City of Fremont including the southern part of the Hayward Fault, the Calaveras Fault, the San Andreas Fault and the northern portion of the Hayward Fault could cause severe earth shaking as great as Scale X on the Modified Mercalli Intensity Scale in a large part of the City. The soft soil conditions described in Item 2b of these findings intensify this shaking.

These changes are necessitated by the likelihood of substantial earthquake events in Fremont. Flexible utility connections will decrease the likelihood of utility failures during an earthquake and during the life of a building through its natural settlement process. This change will significantly reduce the fuel and ignition sources for fires during seismic events.

**F. Amendments to the 2013 California Residential Code**

**1. Fire Resistant Construction**

*Fire Resistant Construction 2013 CRC Section R302*  
*Automatic Fire Sprinkler Systems 2013 CRC Section R313*  
*Flood-Resistant Construction 2013 CRC Section R322*  
*Materials & Construction Methods for Exterior Wildfire Exposure 2013 CRC Section R327*

Local Conditions B.1.a through B.1.e, B.2.a, B.2.c, B.2.d, B.2.e, B.2.f and B.2.h

These modifications are required to make the Residential Code consistent with modifications made to similar California Building Code sections. The proposed code changes are necessary due to the proximity of most sites to the Hayward Fault and the high probability of an earthquake along the fault. The resulting intense earthquake shaking will result in a much higher demand on structures that can cause damages to building and fire suppression systems. The required fire separation between residential units and between residential occupancies and other occupancies provides a passive protection system and gives occupant slightly more time to exit.

One of the major established hazards associated with earthquakes is fire due to broken gas lines and short circuits of electrical systems. The Hayward Fault intersects Interstate 680 and many major thoroughfares in this City. In addition, large developments on the hillside pose additional difficulties for emergency response teams. Greatly reduced accessibility due to the obstruction of the path of travel, combined with a high demand for rescue and emergency medical treatment, will greatly limit the ability of the post-disaster fire response teams. Mutual Aid will also be rather limited, if possible at all, immediately following a major earthquake along the Hayward Fault due to the expected regional scope of such a disaster. With the inability of emergency services to guarantee rapid response to various sections of the City, it is necessary to mitigate this problem by requiring additional built-in automatic fire protection systems, which will provide for early detection and initial fire control until the arrival of the firefighting equipment and other emergency services.

In addition, Fremont has several creeks and canals that can flood surrounding areas. As a result certain areas designated by FEMA could require flood resistant designs.

## **2. Foundations**

*General 2013 CRC Section R401*

*Foundation and Retaining Walls 2013 CRC Section 404*

Local Condition B.2.a

These amendments are consistent with modifications made to similar California Building Code sections. The proposed modifications require additional geotechnical reports due to the proximity of most sites to the Hayward Fault and the high probability of an earthquake along the fault. In addition, local soil conditions, including soils prone to liquefaction and expansive soils, necessitate stricter wood foundation requirements.

The proposed changes prohibit the use of wooden foundations based on Fremont's proximity to the Hayward Fault and the high probability of an earthquake along the fault. Wooden foundations do not have the capabilities to withstand seismic or flood forces. Disallowing wooden foundations will help mitigate potential damage to buildings from earthquakes and floods and will likely reduce the required emergency response.

## **3. Roof Trusses**

*Wood Roof Framing CRC Section R802*

Local Condition B.2.a

Very frequently, wood trusses are used to transfer seismic and wind loads in structures. This amendment clarifies that roof trusses shall be designed by a registered professional to ensure that truss design incorporates all types of loads and maintain quality in design and construction.

## **4. Construction**

*Wood Wall Framing CRC Section R602*

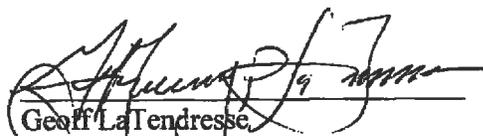
*General Masonry Construction CRC Section R606*

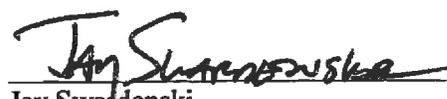
Local Condition B.2.a

These amendments are consistent with modifications made to similar California Building Code sections. The proposed code changes are necessary due to the proximity of most sites to the Hayward Fault and the high probability of an earthquake along the fault. The proposed modifications delete the exceptions in the model code that allow certain reinforcement and bracing methods. These types of bracing and reinforcement methods perform very poorly in

seismic events and preventing their use will help mitigate potential damage to buildings from earthquakes and will likely reduce the required emergency response.

Prepared and Submitted by:

  
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Fire Chief

  
Jay Swadenski  
Fire Marshal

  
Chris Gale  
Building Official

**References:**

- <sup>1</sup> Jeanne Perkins, On Shaky Ground Supplement, Association of Bay Area Governments. September 1998. pg 17
- <sup>2</sup> John Boatwright and Jeanne Perkins, On Shaky Ground. Association of Bay Area Governments, April 1995. pp. 6,7.
- <sup>3</sup> Wilfred D. Quan, Near Fault Seismic Issues. EERI Annual Meeting, 1997.
- <sup>4</sup> Drs. Charles Scawthorn and Mahmoud Khater, Fire Following Earthquake, Conflagration Potential in the Greater Los Angeles, San Francisco, Seattle and Memphis Areas. National Committee on Property Insurance. 1992. Figure 3-7, Section 3-23.
- <sup>5</sup> Scawthorn and Khater, Fire Following Earthquake.
- <sup>6</sup> Scawthorn and Khater, Fire Following Earthquake. Section 3-15.

**Other Supporting Documents:**

1994 Northridge Earthquake. Seismic Safety Commission, 1994

Earthquake Planning Scenario for a Magnitude 7.5 Earthquake on the Hayward Fault in the San Francisco Bay Area. California Department of Conservation, Division of Mines and Geology 1987

Proceedings, Conference on Earthquake Hazards in the Eastern San Francisco Bay Area. California Department of Conservation, Division of Mines and Geology 1982.

Fremont Meadows Active Fault Investigation and Evaluation. Woodward-Clyde & Associates. 1970

## **ORDINANCE NO. 17-2013**

### **AN ORDINANCE OF THE CITY OF FREMONT, ADOPTING BY REFERENCE AND AMENDING THE 2013 CALIFORNIA FIRE CODE AND AMENDING FREMONT MUNICIPAL CODE TITLE 15 (BUILDINGS AND CONSTRUCTION), DIVISION 1 (FREMONT BUILDING STANDARDS CODE), CHAPTER 15.35 (FREMONT FIRE CODE)**

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

#### **SECTION 1. DRAFTING SYNTAX**

Fremont Municipal Code (FMC) section text adopting the local modification is italicized in this ordinance to assist the reader in distinguishing between City of Fremont modifications to the California Fire Code and the FMC section text adopting the modifications.

Each section of the California Fire Code that is modified by the City of Fremont is listed however, whole subsections may not be modified and those unmodified subsections are indicated by the subsection number followed by "{CBC text not modified}" with the appropriate acronym for the specific code. The unmodified subsections are to be codified as written in the California Code. Each subsection that is deleted in its entirety by the City of Fremont is indicated by the subsection number followed by "deleted".

#### **SECTION 2. FMC CHAPTER 15.35 REPEALED AND REPLACED**

Chapter 15.35 (Fremont Fire Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

**Sec. 15.35.010            Title.**

This division shall be known and may be cited as the "Fremont fire code" or "FBSC." The Fremont fire code consists of the California Fire Code, as codified in Title 24 of the California Code of Regulations, and as amended by this division.

**Sec. 15.35.020            Fire prevention bureau.**

(a) The fire prevention bureau is established within the Fremont fire department under the direction of the chief and consists of Fremont fire department personnel assigned to the bureau by the chief. The function of the bureau is to assist the chief in the administration and enforcement of the provisions of this code.

(b) References to the "Fire Marshal," "Fire Code Official," or the "Fire Prevention Engineer" in the California Fire Code mean the person in charge of the fire prevention bureau as appointed by the chief.

(c) The chief of the fire department shall recommend to the city manager the employment of technical consultants.

**Sec. 15.35.030 Adoption of the 2013 CFC with Amendments.**

The 2013 edition of the California Fire Code (“CFC”) as published by the International Code Council is adopted as the Fire Code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this Chapter. A copy of the 2013 CFC is on file in the office of the city clerk.

**Sec. 15.35.040 Adoption of certain 2013 CFC Appendices.**

The following Appendices of the 2013 California Fire Code are adopted by the city of Fremont and made a part of the Fremont Fire Code.

<b>Appendix</b>	<b>Title</b>
Appendix Chapter 4	Special Detailed Requirements Based on Use and Occupancy
Appendix B	Fire-Flow Requirements for Buildings
Appendix C	Fire Hydrant Locations and Distribution
Appendix D	Fire Apparatus Access Roads
Appendix E	Hazard Categories
Appendix F	Hazard Ranking
Appendix G	Cryogenic Fluids-Weight and Volume Equivalents
Appendix H	Hazardous Materials Management Plans and Hazardous Materials Inventory Statements (see Sections 2701.5.1 and 2701.5.2)
Appendix I	Fire Protection Systems- Noncompliant Conditions
Appendix K	Temporary Haunted Houses, Ghost Walks and similar Amusement Uses

**Sec. 15.35.050 Adoption of 2013 CFC Chapter 1, Division II.**

Chapter 1, Division II of the 2013 California Fire Code is adopted by the city of Fremont and made a part of the Fremont Fire Code. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the city of Fremont.

**Sec. 15.35.060 Amendment to 2013 CFC Section 102.**

*Section 102 of the 2013 California Fire Code is amended as follows:*

102.1 – 102.2 {CFC text not modified}

102.3 Change of use or occupancy. No change shall be made in the use or occupancy of

any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the California Building Code. Subject to the approval of the fire code official, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes of other groups without conforming to all the requirements of this code and the California Building Code for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

When a change of occupancy results in a structure being reclassified to a higher occupancy classification, an automatic fire extinguishing system and associated fire protection systems shall be provided in the building or tenant space, whichever is applicable, in accordance with Table 102.3. Tenant spaces shall be separated from the remaining tenant spaces based on the non-sprinklered type of construction and occupancy in accordance with the CBC.

**\*Table 102.3**

Relative Hazard	Occupancy Classifications
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A, E, I-1, M, R-1, R-2, R-4
4	B, F-1, R-3, S-1
5 (Lowest Hazard)	F-2, S-2, U

\*Ref: 2009 IEBC Table 912.4.

102.4 – 102.12 {CFC text not modified}

**Sec. 15.35.070 Amendment to 2013 CFC Section 105 (Permits).**

*Section 105 of the 2013 California Fire Code is amended as follows:*

105.1 {CFC text not modified}

105.2 Application. Application for a permit required by this code shall be made to the fire code official in such form and detail as prescribed by the fire code official. Applications for permits shall be accompanied by such plans as prescribed by the fire code official. An application for a permit shall be accompanied by a fee established by resolution of the city council.

105.2.1. – 105.6.7 {CFC text not modified}

105.6.8 Compressed Gases. An operational permit is required for the storage, use, or handling at normal temperatures and pressures compressed gases in excess of the amounts listed in Table 105.6.8 to install any piped distribution system for compressed gases, or to install a non-flammable medical gas manifold system. When the compressed gases in use or storage exceed the amounts listed in Table 105.6.8, a permit is required to

install, repair, abandon, remove, place temporarily out of service, close or substantially modify a compressed gas system.

105.6.9 {CFC text not modified}

105.6.10 Cryogenic fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10. Except where federal or state regulations apply and except for fuel systems of a vehicle a construction permit is required to install a cryogenic vessel or piping system for the storage or distribution of cryogenics. See also Chapter 55.

105.6.11 – 105.6.15 {CFC text not modified}

105.6.16 {CFC text not modified}

1. – 11. {CFC text not modified}

12. To store, handle or use class III-B liquids with a flashpoint of less than 500 degrees F. in excess of 110 gallons.

13. To install, alter, remove, test, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank.

105.6.17 – 105.6.24 {CFC text not modified}

105.6.25 Lumber Yards and Wood Working Plants. To operate any wood working plant. See Chapter 28.

105.6.26 – 105.6.47 {CFC text not modified}

105.6.48 Christmas Tree Lot. To operate a Christmas Tree Sale Lot. See additional provisions in Section 806.

105.6.49 Fire Alarm or Sprinkler Monitoring System. No person shall install or cause to be installed any fire alarm signaling system or device designed to indicate a fire emergency without first obtaining a permit. Application and plans for such permit shall be made to the building & safety department.

**Sec. 15.35.080            Amendment to 2013 CFC Section 109 (Violations).**

*Section 109 of the 2013 California Fire Code is amended as follows:*

109.1 – 109.3 {CFC text not modified}

109.4 Violation penalties. A person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, installs, alters, repairs, or does work in violation of the approved construction documents or direction of the fire code official, or of a permit or certificate used under the provisions of this code, is guilty of an offense as set forth in FMC Section 1.15.010 et seq.

109.4 .1 Powers To Abate. The chief is authorized to abate a fire or life hazard when necessary to protect life or property. This may include, but is not limited to, confiscation of flammable liquids, fireworks, the removal of hazardous electrical wiring, temporary closure of commercial occupancies, extinguishing unsafe or illegal fires and any other similar hazards, determining no smoking areas, and ceasing operation of any type apparatus that poses an imminent danger to property or life.

109.4.2 Violation. It shall be unlawful for any person, firm or corporation to erect, construct, enlarge, alter, repair, move, improve, remove, convert or demolish, equip, use, occupy or maintain any building or structure or cause or permit the same to be done in violation of this Article.

**Sec. 15.35.090            Amendment to 2013 CFC Section 202 (General definitions).**

*Section 202 of the 2013 California Fire Code is amended by adding or modifying the following definitions. The remaining definitions in Section 202 are not modified:*

**ABANDONED Tanks** out of service and not being monitored in accordance with this Article and the provisions of the California Health and Safety Code shall be considered abandoned.

**CONTINUOUS GAS-DETECTION SYSTEM** is a gas-detection system where the analytical instrument is maintained in continuous operation and sampling is performed without interruption. Analysis shall be performed on a cyclical basis at intervals not to exceed five (5) minutes.

**CORROSIVE LIQUID** is a liquid which, when in contact with living tissue, will cause destruction or irreversible alteration of such tissue by chemical action. Examples include acidic, alkaline or caustic materials. Such material will be considered *prima facie* corrosive when the pH is 2 or less or 12.5 or more, except for foodstuffs or medicine. This includes materials classified by DOT and Title 22 as corrosives.

**CURRENT CODE** shall mean the edition of the California Building Code published by the International Code Council as adopted by the city of Fremont under California Health and Safety Code Section 18941.5. The edition to be applied shall be that edition in effect at the time damage occurs.

**ENGINEERING EVALUATION** means an evaluation of a suspected damaged building or structure, performed under the direction of a fire protection engineer, structural engineer, civil engineer or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with an appropriate estimate of the construction cost for those repairs.

**ESSENTIAL SERVICE FACILITY** shall mean that building or structure which has been designated by the city council to house facilities that are necessary for emergency operations.

**HIGHLY TOXIC** {CFC text not modified}

1. – 3. {CFC text not modified}

4. A chemical that has a health hazard ranking of 4 in accordance with NFPA Standard 704.

**JURISDICTION** means the city of Fremont.

**LOCAL FIRE ALARM** shall mean a fire alarm system provided for notification and evacuation of occupants. It shall have more than one notification appliance on each and every floor. The system may notify a monitoring company at the discretion of the fire marshal.

**REMOVAL** Tanks abandoned or permanently out of service shall be removed from the ground. Tanks required to be removed by this code shall be removed and disposed of in a manner approved by the chief, or his authorized representative. Whenever a tank is required to be removed by this section, the chief may require removal of all levels of containment, foundations, structures, or similar items which would obstruct soil sampling or cleanup of contaminated soil.

**REPLACEMENT VALUE** is the dollar value, as determined by the building official based upon the square footage and the guidelines used in establishing the valuation of new construction, of replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.

**SECONDARY CONTAINMENT** is that level of containment that is external to and separate from primary containment and is capable of safely and securely containing the material, without discharge, for a period of time reasonably necessary to ensure detection and remedy of the primary containment failure.

**SEGREGATED** is storage in the same room or area, but physically separated by distance and independent secondary containment from incompatible materials.

**SEMICONDUCTOR FABRICATION FACILITY OR COMPARABLE MANUFACTURING, RESEARCH AND DEVELOPMENT AREAS** is a building or portion of a building classified as a Group H Occupancy in which electrical circuits or similarly manufactured devices are created.

**SPECULATIVE WAREHOUSING** is a building constructed without a specific use, occupancy hazard designation, or tenant. Buildings that do not have a designed fire sprinkler system for a specific use (occupancy) or storage commodity classification.

**STORAGE OR USE FACILITY** is a building, portion of a building, or exterior area used for the storage, use, or handling of hazardous materials where the quantity of hazardous materials is equal to or greater than the permit amounts specified in Appendix Chapter 1, Section 105.

**STORAGE OR USE SYSTEM** is any one or combination of tanks, sumps, waste treatment facilities, pipes, vaults or other portable or fixed containers, and their secondary

containment systems which are used, or designed to be used, for the storage, use, or handling of hazardous materials at a storage or use facility. For purposes of this code, a workstation having limited quantities of hazardous materials shall not be treated as a storage system.

TEMPORARY INSTALLATIONS shall mean those that do not exceed one year.

TOXIC {CFC text not modified}

1. – 3. {CFC text not modified}

4. A chemical that has a health hazard rating of 3 in accordance with NFPA Standard 704.

VALUE OF REPAIR is the dollar value, as determined by the building official, of making the necessary repairs to a damaged structure.

WASTE OIL is a Class III-B waste liquid resulting from the use of Class III-B combustible liquids such as waste motor oil, hydraulic oil, lubricating oil, brake fluids and transmission fluids.

**Sec. 15.35.100            Amendment to 2013 CFC Section 503 (Fire Apparatus Access Roads).**

*Section 503 of the 2013 California Fire Code is amended as follows:*

503.1 – 503.2.8 {CFC text not modified}

503.3 Marking, Fire Lanes. Where necessary to maintain adequate emergency vehicle access to buildings or fire apparatus access roads, the Fire Code Official may establish designated "Fire Lanes."

503.3.1 Restrictions and requirements as specified in the California Vehicle Code shall apply to fire lanes established by this section.

503.2.2 The means by which fire lanes are designated shall be maintained in a clean and legible condition at all times and be replaced when necessary to provide adequate visibility.

503.4 Obstruction of fire apparatus access road. Fire apparatus access roads shall not be obstructed in any manner, which includes parking of vehicles. The minimum width and clearances established by Section 503.2.1 or as applicable, Appendix Section D105, shall be maintained at all times.

503.4.1 Traffic Calming Devices {CFC text not modified}

503.5 – 503.5.2 {CFC text not modified}

503.6 Security Gates: {CFC text not modified}

503.6.1 Automatic security gates that cross fire department access roadways, shall be equipped with an approved infrared receiver and key override switch.

503.6.2 Manual security gates shall be equipped with an approved key box.

**Sec. 15.35.110            Amendment to 2013 CFC Section 506 (Key Boxes).**

*Section 506 of the 2013 California Fire Code is amended as follows:*

506.1 – 506.2 {CFC text not modified}

506.3 Emergency information boxes. When an occupancy contains storage of hazardous materials that exceed the exempt amounts listed in Chapter 50 of the California Fire Code, or the occupancy is required by the fire chief to have available on site pre-fire plans, the fire chief may require an approved emergency information box be installed on the premises for the storage of such information. The emergency information box shall be installed in an approved location and the enclosed information shall be updated, annually or as changes dictate, by the occupant.

**Sec. 15.35.120            Amendment to 2013 CFC Section 507 (Fire Protection Water Supplies).**

*Section 507 of the 2013 California Fire Code is amended as follows:*

507.1 – 507.5 {CFC text not modified}

507.5.1 Distribution of fire hydrants. Fire hydrants shall be nominally spaced every 500 linear feet in residential areas comprised of single-family dwellings. In commercial or industrial areas, or in residential areas containing condominiums, townhouses, or apartments, fire hydrants shall be nominally spaced every 300 feet. The chief may require that fire hydrants be placed at closer intervals to conform to street intersections, unusual street curvatures, or fire-flow requirements. Divided streets shall have hydrants on both sides of the street and shall, where applicable, be installed in alternate or staggered positions so that hydrants will not be directly across from each other.

Exceptions: deleted

507.5.2 – 507.5.6 {CFC text not modified}

507.5.7 Hydrants. The chief is authorized to determine the types of hydrants acceptable for installation. In areas where public or private water mains are not available for the provision of required fire flow, the fire chief may require that water supply for firefighting is provided in accordance with the most current addition of NFPA Standard #1142, (Standard on Water Supplies for Suburban and Rural Fire Fighting)

507.5.8 Hydrant Identification. All fire hydrants shall be identified with a reflective, raised, blue pavement marker installed in the centerline of public and private roadways perpendicular to the location of the hydrant. Fire hydrants shall also be painted in

accordance with the standard detail issued by the city of Fremont. Public and private hydrant shall be periodically painted to maintain rust protection and visibility.

**Sec. 15.35.130            Amendment to 2013 CFC Section 508 (Fire Command Center).**

*Sections 508 of the 2013 California Fire Code is amended as follows:*

508.1 General. When required by other sections of this code and in all buildings four (4) or more stories in height and all buildings classified as high-rise buildings by the California Building Code and Group I-2 occupancies having occupied floors located more than 75 feet (22,860mm) above the lowest level of fire department vehicle access, a fire command center for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.7.

508.1.1 {CFC text not modified}

508.1.2 {CFC text not modified}

508.1.3 {CFC text not modified}

Exception: In buildings four (4) or more stories in height, but not classified as a high-rise by the California Building Code, the fire command center shall be a minimum of 96 square feet (9 m<sup>2</sup>) with a minimum dimension of 8 feet (2438mm).

508.1.4 –5 {CFC text not modified}

508.1.6 {CFC text not modified}

Exception: In buildings four (4) or more stories in height, but not classified as a high-rise by the California Building Code

508.1.7 Floor Plan Signs. Building four (4) or more stories in height and all buildings classified as high-rise buildings by the California Building Code shall post a floor plan sign which provide emergency procedures at every stairway landing, elevator landing, and immediately inside all public entrances to the building. Information contained in the floor plan signs shall include, but not be limited to the following:

1. Location of exits and fire alarm initiating stations;
2. Description of fire alarm sounds and appearance;
3. Fire Department emergency telephone number 911;
4. Prohibition of the use of elevators during emergencies;
5. Instructions to be followed by ambulatory, non-ambulatory, and disabled persons in the event of an emergency

6. Notation "you are here" or other readily understandable marking specifying the location on the floor plan sign.

7. Floor plan signs shall be printed in non-decorative lettering which shall not be less than three-sixteenths of an inch (3/16") in height and shall provide a sharp contrast with the background. The information shall accurately depict the layout of the floor where the sign is located.

**Sec. 15.35.140 Amendments to 2013 CFC Section 903.**

*Sections 903 of the 2013 California Fire Code is amended as follows:*

903.1 – 903.1.1 {CFC text not modified}

903.2 Where required. Approved automatic sprinkler systems in new buildings and structures shall be provided in the locations described in this section.

Exceptions:

1. Automatic fire sprinkler protection for fixed guideway transit systems shall be as per Section 903.2.17.
2. Canopies over motor vehicle fuel dispensing facilities when constructed in accordance with Section 406.7.2 of the 2013 California Building Code.
3. Temporary construction trailers, less than 1,650 square feet, on-site less than one year and 20' from property lines, building, structures and combustibles.
4. The following detached Group U occupancies: Barns, fences more than 6 feet high, grain silos accessory to residential occupancies, green houses, gazebos or similar structures accessory to residential occupancies, livestock shelters, retaining walls, tool or storage sheds, stables, tanks, towers
5. Detached Group U occupancies housing dumpsters or refuse containers with floor areas of 500 sq. ft. or less are exempt from installation of automatic fire extinguishing systems.
6. Detached one-story Group U occupancies housing dumpsters or refuse containers with floor area of 500 to 1500 sq. ft. are exempt from installation of automatic fire extinguishing systems provided all of the following requirements are met:
  - a. Building is constructed to Type IV, Type V 1-Hour, or a higher fire-resistive construction, and
  - b. Minimum five-foot setback to property line and ten-foot setback to any other building on the site is maintained.
7. Airport Control Towers (see 903.2.11.3 exception #1)

8. Parking shade structures or solar trellises when constructed of non-combustible materials, set back from property lines and separated from buildings in accordance with the California Building Code.

903.2.1 Group A and B. An automatic sprinkler system shall be provided throughout buildings and portions thereof used as Group A and B occupancies.

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided throughout Group A-1 occupancies.

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided throughout Group A-2 occupancies.

903.2.1.3 Group A-3. An automatic sprinkler system shall be provided throughout Group A-3 occupancies.

903.2.1.4 Group A-4. An automatic sprinkler system shall be provided throughout Group A-4 occupancies.

903.2.1.5 Group A-5. An automatic sprinkler system shall be provided throughout Group A-5 occupancies.

903.2.2 Ambulatory care facilities. An automatic sprinkler system shall be provided throughout Ambulatory care facilities.

903.2.3 Group E. Except as provided for in Sections 903.2.3.1 for a new public school campus and 907.2.29 (fire alarm and detection) for modernization of an existing public school campus building(s), an automatic sprinkler system shall be provided for Group E occupancies.

903.2.4 Group F. An automatic sprinkler system shall be provided throughout all buildings containing Group F occupancies.

903.2.5 Group H. An automatic sprinkler system shall be provided throughout all buildings containing Group H occupancies.

903.2.5.1 Pyroxylin plastics. An automatic sprinkler system shall be provided throughout all buildings, portions thereof, where cellulose nitrate film or pyroxylin plastics are manufactured, stored or handled in quantities exceeding 100 pounds (45kg).

903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area.

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy.

903.2.8 Group R. An automatic sprinkler system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R fire area.

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy.

903.2.10 Group S-2. An automatic sprinkler system shall be provided throughout buildings classified as parking garages in accordance with Section 406.4 of the California Building Code or where located beneath other groups.

903.2.10.1 Commercial Parking Garages. An automatic sprinkler system shall be provided throughout buildings used for the storage of commercial trucks and buses.

903.2.11 Specific building areas and hazards. In all occupancies, an automatic sprinkler system shall be installed for building design or hazards in the locations set forth in Sections 903.2.11.1 through 903.2.11.6.

903.2.11.1 Stories without openings. An automatic sprinkler system shall be installed throughout every story or basement without openings.

903.2.11.1.2 through 903.2.11.1.3 - deleted

903.2.11.2 through 903.2.17.2.6 {CFC text not modified}

903.2.11.3 {CFC text not modified}

Exceptions – deleted

903.2.11.4 – 903.2.17.2.6 {CFC text not modified}

903.2.18 Group U private garages and carports accessory to Group R-3 occupancies. Carports and attached garages, accessory to Group R-3 occupancies, shall be protected by residential fire sprinklers in accordance with this section. Residential fire sprinklers shall be connected to, and installed in accordance with, an automatic residential fire sprinkler system that complies with Section R313 of the California Residential Code or with NFPA 13-D. Fire sprinklers shall be residential or quick response sprinklers, designed to provide a minimum density of .05 gpm/ft<sup>2</sup> over the area of the garage and/or carport, but not to exceed two sprinklers for hydraulic calculation purposes. Garage doors shall not be considered obstructions with respect to sprinkler placement.

Exception: deleted

903.2.20 {CFC text not modified} Additions to Group A, B, E, F, H, I, L, M, R, S, and certain miscellaneous group U occupancies. For additions to existing Group A, B, E, F, H, I, L, M, R, S, and U occupancies not exempted in 903.2, an automatic fire extinguishing system (AFES) shall be required throughout the entire building when one of the following thresholds is exceeded. For purposes of floor area calculations, Group U (private garages or similar) occupancies shall be included in the floor area calculation.

1. The combined floor area of the existing building plus the addition exceeds 5,000 square feet.

2. The addition exceeds 2,500 square feet.
3. The addition increases the floor area of the existing building by 50%. The increase in floor area shall be calculated cumulatively from July 1, 1999.

Exception: The existing portion of a one or two story building with no basement does not require automatic fire extinguishing systems when the following conditions are met:

- (a) The addition is protected by an AFES.
- (b) The addition and the existing structure are separated from the remaining spaces based on the non-sprinklered type of construction and occupancy in accordance with the CBC, including any required protection and fire rated openings.
- (c) An Assembly, Education, Institutional and Multi-Family Residential occupancy installs an underwriter laboratory certified and National Fire Protection Association Standard 72 compliant fire alarm system.

903.2.20 Additions to existing R-3 occupancies. For additions to R-3 occupancies, an automatic fire extinguishing system (AFES) shall be required throughout the entire building when one of the following thresholds is exceeded. For purposes of floor area calculations, Group U (private garages or similar) occupancies shall be included in the floor area calculation:

1. The combined floor area of the existing building plus the addition exceeds 5,000 square feet.
2. The addition increases the floor area of the existing structure by 50%.

Exception: The entire residence including the addition does not require an AFES when the following conditions are met:

- (a) The approved addition is less than 500 square feet and the cumulative floor area is 5,000 square feet or less

or

The approved addition is less than 1,000 square feet, the cumulative floor area is 5,000 square feet or less and an approved local, hard wired or similarly configured, fire alarm and smoke detection system is installed throughout the existing structure and the addition.

- (b) No Planning or Building Department variances or exceptions are needed to accommodate the addition.

- (c) Exception (a) may be used only once for the first addition or conversion of existing space to habitable space occurring after July 1, 1999.

903.2.21 Repair/Retrofit. All occupancies except Group U occupancies exempted in 903.2 damaged during a fire or natural disaster shall require an automatic fire-

extinguishing system to be installed in the entire structure. Retrofit criteria shall be as follows:

1. All installations of automatic fire extinguishing systems and signaling devices shall comply with the then current code.
2. Any occupancy that has been damaged as a result of a fire or natural disaster, except as otherwise noted, shall be retrofitted with an automatic fire extinguishing system to the entire building and structure in accordance with the following criteria:
  - a. When the estimated value of repair is less than 50 percent (50%) of the replacement value of the structure, the damaged portion(s) may be restored to their pre-damaged condition.
  - b. When the estimated value of repair is 50 percent (50%) or more of the replacement value of the structure, the entire building shall be retrofitted with an automatic fire extinguishing system.

903.2.22 Retrofit for Essential Services Facilities. When the estimated value of repair contained in the engineering evaluation is more than thirty percent (30%) of the replacement value of the structure, the entire building shall be retrofitted with an automatic fire extinguishing system.

903.2.23 Retrofit for Historic Buildings or Structures. The minimum criteria for retrofit of Historic Buildings or Structures shall be as included in FMC Section 7-9115 (b), with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in the California Code of Regulations and the State of California Historic Building Code, shall apply.

Where conflicts exist between the standards contained herein and the State of California Historic Building Code, the Historic Building Code shall govern.

903.3 through 903.3.1.1.1 (CFC text not modified)

903.3.1.2. NFPA 13R in Group R Occupancies. Automatic sprinkler system in group R occupancies up to and including 4 stories in height shall be permitted to be installed throughout in accordance with NFPA 13R as amended in Chapter 80 and as follows.

The sprinkler system shall include protection in the following areas: garages, carports, bathrooms, concealed spaces, closets, water heater closets, laundry rooms, attic spaces, under walkways, or overhangs, balconies or decks greater than four feet in depth, at each floor under stair landing that is wholly or partially enclosed, and other areas where deemed necessary by the Fire Chief and the Building Official to protect the public health and safety.

903.3.1.2.1 - deleted

903.3.1.3 (CFC text not modified)

903.3.1.3.1 NFPA 13D in Group R-3 Occupancies. An automatic fire sprinkler system shall be installed in all Group R-3 occupancies including garages, detached garages over 500 square feet, and other attached rooms.

When an Automatic Fire Extinguishing System is required, the system in R-3 occupancies up to 12,000 square feet may be installed to a modified NFPA 13D standard as follows:

A modified NFPA 13D system shall include areas such as; garages, carports, bathrooms, concealed spaces, closets, water heater closets, laundry rooms and attic spaces, under walkways, overhangs or balconies over four feet in depth, at each floor under stair landing that is wholly or partially enclosed; and meet the following requirements:

1. A one-inch water meter or larger may be required to meet AFES hydraulic calculations.
2. For new residences over 5,000 square feet, hydraulic calculations shall be required for all sprinkler heads in the most remote fire area up to a maximum of four sprinkler heads. For new residences of less than 5,000 square feet, hydraulic calculations shall be required for all sprinkler heads in the most remote area up to a maximum of two sprinkler heads.
3. Five gallons per minute for domestic use shall be added at the domestic and fire water supply split point.
4. In residences with high, sloped, beamed, soffited, cathedral ceilings or smooth flat ceilings greater than nine feet, additional fire sprinkler head discharge calculations may be required.
5. Copper pipe shall not be used with steel or iron riser assemblies.
6. Each system shall have a single control valve arranged to shut off both the domestic and sprinkler systems.
7. In residential sprinkler projects, the fire chief with the concurrence of the building official may grant alternate methods of construction.

Exceptions. This section does not apply to:

- (a) Any structure exempt from permit requirements per the currently adopted California Building Code or the California Fire Code is exempt from the requirements for fire sprinklers.
- (b) All exterior decks without roof covering adjacent to R-3 occupancies, unless otherwise required by the fire chief or building official. This exemption shall not apply to R-3 occupancies in the Wildland Urban Interface.

903.3.2 through 903.3.5.2 {CFC text not modified}

903.3.5.3 Underground water supply. The location of the fire department connection, post indicator valve and the routing of the water supply for multi-building facilities shall be evaluated on an individual basis.

903.3.6 {CFC text not modified}

903.3.7 Fire department connections. A fire department connection shall be provided for all buildings, or when the Fire Code Official deems them necessary. The location of fire department connections shall be approved by the fire code official.

Exception: Group R-3 occupancies less than 12,000 square feet do not require fire department connections.

903.3.8 Floor control valves. Floor control valves and waterflow detection assemblies shall be installed at each floor. An exterior control valve shall be provided for all buildings except Group R, Division 3 occupancies.

Exception: Group R-2 without an interior hallway, R-3 and R-3.1.

903.3.9 Underground corrosion protection. A corrosion protection plan, including details and specifications for all ferrous underground piping must be designed and provided by a qualified corrosion engineer.

Exception: underground piping systems with cathodic protection on all ferrous piping.

903.3.10 Control Valves. Control valves and flow switches shall be installed on each floor. All control valves shall be monitored by a Central Station.

903.3.11 Stages. All stages shall be provided with an automatic fire extinguishing system. Such systems shall be provided throughout the stage and in dressing rooms, workshops, storerooms and other accessory spaces contiguous to such stages.

903.3.12 Stairs. An automatic sprinkler system shall be installed in enclosed usable space below or over a stairway in all occupancies.

903.3.13 Speculative Warehousing. The sprinkler system shall be designed to discharge at the following rates:

1. Where clear ceiling heights are 20 feet or less, 0.33 gallons per minute, per square foot, over a minimum area of 3,000 square feet.
2. Where clear ceiling heights are between 20 and 30 feet, 0.495 gallons per minute, per square foot, over a minimum area of 3,000 square feet.
3. Where clear ceiling heights are over 30 feet, 0.60 gallons per minute, per square foot, over a minimum of 3,000 square feet.

903.3.14 Modification to existing automatic fire extinguishing system (AFES). All changes or additions to any existing automatic fire sprinkler systems or underground fire lines must comply with all regulations within this section.

903.4 {CFC text not modified}

Exceptions:

1. - 4. {CFC text not modified}

5. deleted

6. - 7. {CFC text not modified}

903.4.1 Monitoring. Alarm, supervisory and trouble signals shall be distinctly and descriptively different, transmitted to the control panel, local annunciator and automatically transmitted to an approved central station, remote supervising station, or proprietary supervising station as defined in NFPA 72 and the most current version of Fire Department Standard 25A. When approved by the fire code official, signals may sound an audible signal at a constantly attended location.

Exceptions: {CFC text not modified}

903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarms devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided inside each tenant space in a normally occupied area and on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall activate the building fire alarm system.

Group R-3 occupancies shall have local alarms. Local alarms shall be of sufficient intensity to be clearly audible in all bedrooms over background noise levels with all intervening doors closed.

1. An exterior alarm bell shall be installed on the front 1/3 of the building facing public or private street access.

2. Interior alarm devices (minimum DCBL rating of 88) may be recessed into the wall, centrally located between sleeping rooms in hallway.

3. Such alarms shall be audible in all sleeping rooms with doors closed.

903.4.3 {CFC text not modified}

903.4.4 Central Station Monitoring. An approved central alarm monitoring company shall mean approved by the State Fire Marshal or a nationally recognized testing

laboratory. All alarm transmitting devices and systems shall be installed and maintained in accordance with nationally recognized standards.

Valve supervision, water-flow alarm and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote station or proprietary supervising station as defined by national standards or, when approved by the building official with the concurrence of the fire chief, sound an audible signal at a consistently attended location.

Exceptions:

(a) Underground key or hub valves in roadway boxes provided by the municipality or public utility need not be supervised.

(b) Monitored systems are not required for Group R, Division 3 occupancies.

904.5 – 904.11.6.3 {CFC text not modified}

**Sec. 15.35.150            Amendment to the 2013 CFC Section 904 (Alternative Automatic Fire-Extinguishing Systems).**

*Section 904 of the 2013 California Fire Code is amended as follows:*

904.1 – 904.3.4 {CFC text not modified}

904.3.5 Monitoring. Where a building fire alarm system is installed, automatic fire-extinguishing systems shall be monitored by the building fire alarm system in accordance with NFPA 72 and Fire Department Standard 25A.

904.4 - 904.11.6.3 {CFC text not modified}

904.11.7 Ventilating Hood and Duct Systems and Air Handlers. All buildings with an existing or new fire alarm/sprinkler monitoring control panel shall interconnect all hood and duct systems and air handlers over 2000 cfm to the alarm panel. The hood and duct shall report to a central station as a fire condition. Air handlers shall report as a supervisory or trouble condition when the building is provided with fire sprinklers. They shall report as an alarm in buildings without fire sprinklers.

**Sec. 15.35.160            Amendment to 2013 CFC Section 905 (Standpipes).**

*Section 905 of the 2013 California Fire Code is amended as follows:*

905.1 {CFC text not modified}

905.1.1 Hose connections. All Class I, II and III standpipe outlets in multi-storied buildings or buildings with basements shall be installed on intermediate landings between floors.

905.2 – 905.3.1 {CFC text not modified}

905.3.2 Group A. Class I standpipes shall be provided in Group A buildings having an occupant load exceeding 1,000 persons.

Exceptions: deleted

**Sec. 15.35.170          Amendment to the 2013 CFC Section 907 (Fire Alarm and Detection Systems).**

*Section 907 of the 2013 California Fire Code is amended as follows:*

907.1 – 907.1.2 {CFC text not modified}

907.1.3 Equipment. Systems and their components shall be California State Fire Marshal listed and approved for the purpose for which they are installed. The building owner shall provide a serially numbered certificate from an approved nationally recognized testing laboratory for all fire alarm systems indicating that the system has been installed in accordance with the approved plans and specification and meets minimum NFPA Standards. A copy shall be provided to the fire marshal's office at no cost to the city. Certification shall be required for all new systems to be installed after January 1, 1996. Existing systems that can no longer be serviced or maintained or those that are deemed problematic shall also be required to obtain this certification within 12 months of notification.

907.1.3.1 Remote Annunciator Location. All new or existing systems that require a new Fire Alarm Control Panel shall have a remote annunciator at the main entrance. It shall be visible to approaching emergency personnel.

907.1.4 – 907.1.5 {CFC text not modified}

907.2 {CFC text not modified}

Exceptions:

1. deleted

2. – 3. {CFC text not modified}

907.2.1 – 907.2.5.1 {CFC text not modified}

907.2.5.2 All new H occupancies, or existing H occupancies that require a new fire alarm control panel, and that have a local detection systems(s) shall interconnect, or otherwise configure, the system(s) to report to a Central Station as a fire condition or alarm condition. The report shall be in nomenclature easy to understand (e. g. Water, not H2O).

907.2.6 – 907.2.9 {CFC text not modified}

907.2.9.1 Group R-2 and R-2.1. A manual fire alarm system shall be in Group R-2 occupancies where:

1. {CFC text not modified}
2. {CFC text not modified}
3. The building contains more than eight (8) dwelling units or sleeping units.
4. {CFC text not modified}

Exceptions: {CFC text not modified}

907.2.9.2 – 907.2.29 {CFC text not modified}

**907.3 Fire safety functions.** Automatic fire detectors utilized for the purpose of performing fire safety functions shall be connected to the building's fire alarm control unit where a fire alarm or sprinkler monitoring system is installed. Detectors shall, upon actuation, perform the intended function and activate the alarm notification appliance or activate a visible and audible supervisory signal at a constantly attended location when approved by the Fire Code Official. In buildings not required to be equipped with a fire alarm or sprinkler monitoring system, the automatic fire detector shall be powered by normal electrical service and, upon actuation, perform the intended function. The detectors shall be located in accordance with NFPA 72 and Fire Department Standard 25A.

**907.3.1 Duct Smoke Detectors.** Smoke detectors installed in ducts shall be listed for the air velocity, temperature and humidity present in the duct. Duct smoke detectors shall be connected to the building's fire alarm control unit when a fire alarm/sprinkler monitoring system is installed. Activation of a duct smoke detector shall initiate a visible and audible supervisory signal at a central station or when approved by the fire code official at a constantly attended location and shall perform the intended fire safety function in accordance with this code and the California Mechanical Code. Duct smoke detectors shall not be used as a substitute for required open area detection.

Exceptions:

1. The supervisory signal at a constantly attended location is not required where duct smoke detectors activate the building's notification appliances.
2. In occupancies, not required to be equipped with a fire alarm or sprinkler monitoring system, actuation of a smoke detector shall activate a visible and an audible signal in an approved location and shall be identified as air duct detector supervisory.

907.3.2 - 907.5.2.3.3 {CFC text not modified}

**907.5.2.3.4 Group R-2.** In Group R-2 occupancies required by Section 907 to have a fire alarm system, all dwelling units and sleeping units shall be provided with the capacity to support visible alarm notification appliances. Each dwelling unit and sleeping unit shall be pre-wired and the control unit/notification power supply shall have the current capacity to support the cumulative number of appliances.

907.5.2.3.5 - 907.6.1 {CFC text not modified}

907.6.2 Power Supply. The primary and secondary power supply for the alarm system shall be provided in accordance with NFPA 72 and Fire Department Standard 25A.

Exception: {CFC text not modified}

907.6.3 Zones. Fire alarm and sprinkler monitoring systems shall be divided into zones where required by this section. For the purposes of annunciation and notification, zoning shall be in accordance with Fire Department Standard 25A.

907.6.3.1 - 907.6.3.1.1 {CFC text not modified}

907.6.3.2 High-rise buildings. In high-rise buildings, and Group I-2 occupancies having occupied floors located more than 75 feet (22860mm) above the lowest level of fire department vehicle access, a separate zone by floor shall be provided for all of the following types of alarm-initiating devices where provided:

1. Smoke detectors.
2. Sprinkler water-flow devices.
3. Manual fire alarm boxes.
4. Other approved types of automatic fire detection devices or suppression systems in accordance with Fire Department Standard 25A.

907.6.3.3 {CFC text not modified}

1. Fire alarm initiating devices with individual annunciation in accordance with the Fire Department Standard 25A.
2. {CFC text not modified}
3. Fire alarm system troubles in accordance with the Fire Department Standard 25A.
4. {CFC text not modified}
5. {CFC text not modified}

907.6.4 {CFC text not modified}

907.6.5 Monitoring. Fire alarm system shall transmit distinctly and descriptively different alarm, supervisory and trouble signals to an approved supervising station in accordance with NFPA 72 and Fire Department Standard 25A or when approved by the Fire Code Official, shall sound an audible signal at a constantly attended location.

Exceptions: {CFC text not modified}

**Sec. 15.35.180      Amendment to 2013 CFC Section 914 (Fire Protection Based on special Detailed Requirements of Use and Occupancy).**

*Section 914 of the 2013 California Fire Code is amended as follows:*

914.1 – 914.2.2 {CFC text not modified}

914.2.3 Emergency voice/alarm communication system. A covered mall building or buildings within the perimeter line of an open mall shall be provided with an emergency voice/alarm communication system. Emergency voice/alarm communication system serving a mall, required or otherwise, shall be accessible to the fire department. The system shall be provided in accordance with Section 907.5.2.2.

914.2.4 – 914.11.3 {CFC text not modified}

**Sec. 15.35.190      Amendment to 2013 CFC Section 1103 (Fire Safety requirements for existing buildings).**

*Section 1103 of the 2013 California Fire Code is amended as follows:*

1103.1 – 1103.7.5 {CFC text not modified}

1103.7.5.1 Group R-1 hotels and motels manual fire alarm system. A manual fire alarm system shall be installed in existing Group R-1 hotels and motels more than three stories or with more than eight sleeping units.

Exceptions:

1. Buildings less than two stories in height where all sleeping units, attics and crawl spaces are separated by 1 hour fire resistance-rated construction and each sleeping unit has direct access to a public way, exit court or yard.
2. Manual fire alarm boxes are not required throughout the building when the following conditions are met:
  - 2.1. The building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
  - 2.2 The notification appliances will activate upon sprinkler water-flow; and
  - 2.3 At least one manual fire box is installed at an approved location.

1103.7.5.1.1 – 1103.7.5.2.1 {CFC text not modified}

1103.7.6 Group R-2. An automatic or manual fire alarm system that activates the occupant notification system in accordance with Section 907.6 shall be installed in existing Group R-2 occupancies more than 2 stories in height or more than 8 dwelling or sleeping units.

Exceptions:

1. deleted
2. {CFC text not modified}
3. {CFC text not modified}

1103.7.7 - 1103.9 {CFC text not modified}

**Sec. 15.35.200            Amendment to 2013 CFC Section 4902 (Definitions).**

*Section 4902 of the 2013 California Fire Code is amended by modifying the following definitions in Section 4902.1. All other provisions of Section 4902 are not modified.*

**LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE** means those areas designated by the city of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code Chapter 16.65.

**WILDLAND-URBAN INTERFACE FIRE AREA** is a geographical area identified by the state as a "Fire Hazard Severity Zone" in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Sections 51176 through 51189, and includes those areas designated by the city of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code, Chapter 16.65.

**Sec. 15.35.210            Amendment to 2013 CFC Section 4903 (Fire Protection Plans).**

*Section 4903 of the 2013 California Fire Code is amended as follows:*

4903.1 General. When required by the fire chief, a fire protection plan shall be prepared.

4903.2 Content. The plan shall be based upon a site-specific wildfire risk assessment that includes considerations of location, topography, aspect, flammable vegetation, climatic conditions and fire history. The plan shall address water supply, access, building ignition and fire-resistance factors, fire protection systems and equipment, defensible space and vegetation management.

4903.3 Cost. The cost of fire protection plan preparation and review shall be the responsibility of the applicant.

4903.4 Plan Retention. The fire protection plan shall be retained by the fire code official.

**Sec. 15.35.220            Amendment to 2013 CFC Section 4905 (Wildfire Protection Building Construction).**

*Section 4905 of the 2013 California Fire Code is amended as follows:*

4905.1 - 4905.2 {CFC text not modified}

4905.3 Establishment of limits. The establishment of limits for the Wildland-Urban Interface Fire Area's required construction methods shall be designated under the California Public Resources Code for the State Responsibility areas and by the areas designated as Very High Fire Hazard Severity Zones by the city of Fremont under Government Code Section 51179 as set forth in Fremont Municipal Code, Chapter 15.65 for areas outside the State Responsibility areas and within the city of Fremont.

**Sec. 15.35.230            Amendment to 2013 CFC Section 4907 (Defensible Space).**

*Section 4907 of the 2013 California Fire Code is amended as follows:*

4907.1 Requirements. Persons owning, leasing, controlling, operating or maintaining buildings or structures in, upon or adjoining the Wildland-Urban Interface Fire Area and persons owning, leasing or controlling land adjacent to such buildings or structures, shall:

4907.1.1 At all times comply with the provisions of Government Code Section 51182 and Public Resources Code Section 4291 as adopted and amended by this Article. In the event of a conflict between these provisions, the more restrictive requirement shall prevail.

4907.1.2 When required by the Fire Chief under either Government Code Section 51182(a)(2) due to steepness of terrain or other conditions that would cause a defensible space of only 30 feet (9144 mm) to be insufficient, or by rules or regulations adopted by the Fire Chief under Public Resources Code Section 4117, maintain additional effective defensible space by removing brush, flammable vegetation and combustible growth located 30 feet to 100 feet (9144 mm to 30480 mm) from the buildings or structures.

Exception: Grass and other vegetation located more than 30 feet (9144 mm) from buildings or structures and less than 18 inches (457 mm) in height above the ground need not be removed where necessary to stabilize the soil and prevent erosion.

**Sec. 15.35.240            Amendment to 2013 CFC Section 5001 (General).**

*Section 5001 of the 2013 California Fire Code is amended as follows:*

5001.1 –5001.5 {CFC text not modified}

5001.5.1 {CFC text not modified}

1. – 9. {CFC text not modified}

10. The HMMP, also known as the Hazardous Materials Business Plan (HMBP) and HMIS are to be reviewed at a minimum of once per year and any needed changes made and submitted to the fire chief as provided in Fremont Municipal Code Section 8.35.010 et seq. Major changes to the facility may require updating of the HMBP and HMIS more often than annually.

11. If the chief, or his authorized representative, determines that a facility poses a significant likelihood of risk to public health and safety or the environment, whether or not the facility handles regulated materials (federal and state RMP chemicals), the fire chief can require at the expense of the owner or operator that the facility prepare a California Accidental Release Prevention Program in accordance with the California Health and Safety Code Sections 25500 et seq.

The HMMP shall comply with Health and Safety Code, Chapter 6.95, Sections 25500 through 25545, and Title 19, Division 2, Chapter 4.

**Sec. 15.35.250            Amendment to 2013 CFC Section 5003 (General Requirements).**

*Section 5003 of the 2013 California Fire Code is amended as follows:*

5003.1 – 5003.2.4 {CFC text not modified}

5003.2.4.1 Underground Tanks. Underground tanks used for the storage of liquid hazardous materials shall be provided with secondary containment. In lieu of providing secondary containment for an underground tank, an above-ground tank in an underground vault complying with Section 5704.2.8 may be permitted.

Underground tanks shall also comply with the laws and regulations set forth in Chapter 6.7, Division 20, Sections 25280 through 25299.7, Underground Storage of Hazardous Substances, of the California Health and Safety Code and the associate regulations in the California Code of Regulations Title 23, Waters, Chapter 3, Water Resources Control Board, subchapter 16, Underground Tank Regulations, as amended, are adopted by reference to be the minimum standards in effect in the city. The city can require more stringent standards through other sections of this code.

5003.2.4.2 – 5003.2.9.2 {CFC text not modified}

5003.2.10 Fire Protection for Workstations. When the building is protected by an automatic fire protection system, an approved fire protection system in accordance with Section 2703.10 shall be provided for all combustible (plastic) workstations where hazardous materials are dispensed, stored or used.

Exception: Internal fire protection is not required for Biological Safety Cabinets that carry NSF/ANSI certification and where aggregate quantities of flammable liquids in use or storage within the cabinet do not exceed 500ml.

The chief may approve alternate automatic fire-extinguishing systems. Activation of such systems shall deactivate the related processing equipment. An alternative automatic fire-extinguishing system other than automatic fire sprinkler heads may be installed where:

1. In process equipment that operates at temperatures exceeding 932 degrees F (500 degrees C).

2. In exhaust ducts 10 inches (254 mm) or less in diameter for flammable gas storage cabinets that are part of a workstation.

5003.3 – 5003.5 {CFC text not modified}

5003.5.1 Markings. Individual containers, cartons or packages shall be conspicuously marked or labeled in an approved manner. Rooms or cabinets containing compressed gases shall be conspicuously labeled: COMPRESSED GAS. Product conveying ducts for venting hazardous materials operations shall be labeled with the hazard class of the material being vented and the direction of flow.

5003.6 – 5003.9.10 {CFC text not modified}

5003.9.11 Monitoring. Liquid and solid hazardous materials storage or use systems must be monitored on a regular or continuous basis. A written monitoring plan must be submitted for approval by the chief and must be included in the Hazardous Materials Business Plan. Monitoring methods may include but are not limited to the following:

1. Visual inspection, no less than monthly (requires trained personnel and documentation).
2. Approved continuous leak detection and alarm system.
3. Any system which will provide continuous, reliable monitoring of the primary container(s) capable of alerting occupants to an alarm or trouble condition; all systems are subject to approval by the chief.

5003.9.12 Spill Control for hazardous materials liquids. Regardless of the exempt amounts and containment requirements in Chapter 50, all containers of liquid hazardous materials regulated by this or any other article shall be provided with an approved means to control spills. The spill control shall take into consideration the amount and hazard of the materials and the nature of the facility.

5003.9.13 Secondary Containment requirements. When deemed necessary to protect life safety, emergency responders, or the environment and regardless of the exempt amounts and secondary containment requirements in Chapter 50, the fire chief, or his designee, may require containers of liquid, solid, or gaseous hazardous materials regulated by this or any other article to be provided with secondary containment in accordance with Section 5004.2.2.

If parts of this code differ in their requirements for secondary containment, the more stringent shall apply. The chief may require outside containment areas to be covered with a roof or canopy for protection from the environment.

5003.10 – 5003.12 {CFC text not modified}

**Sec. 15.35.260            Amendment to 2013 CFC Section 5004 (Storage).**

*Section 5004 of the 2013 California Fire Code is amended as follows:*

5004.1 Scope. Storage of hazardous materials in amounts exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001, 5003, and 5004. Storage of hazardous materials in amounts not exceeding the maximum allowable quantity per control area as set forth in Section 5003.1 shall be in accordance with Sections 5001 and 5003. Retail and wholesale storage and display of nonflammable solid and nonflammable and noncombustible hazardous materials in Group M occupancies and Group S storage shall be in accordance with Section 5003.11.

Notwithstanding CFC Chapter 50, hazardous materials present below the exempt amounts specified in Section 5003.1 shall be provided with an approved method of spill protection designed to address a release from the single largest container. The spill protection shall take into consideration the amount and hazard of the materials and the nature of the facility.

5004.2 {CFC text not modified}

5004.2.1 Spill control for hazardous materials liquids. Rooms, buildings or areas used for the storage of hazardous materials in excess of their permit amount or fifty-five (55) gallons, whichever is less, shall be provided with spill control to prevent the flow of liquids to adjoining areas. Floors in indoor locations and similar surfaces in outdoor locations shall be constructed to contain a spill from the largest single vessel by one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas in outdoor locations provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Other approved engineered systems.

Except for surfacing, the floors, sills, dikes, sumps and collection systems shall be constructed of noncombustible material, and the liquid-tight seal shall be compatible with the material stored. When liquid-tight sills or dikes are provided, they are not required at perimeter openings that are provided with an open-grate trench across the opening that connects to an approved collection system.

5004.2.2 Secondary containment for hazardous materials liquids and solids. Buildings, rooms or areas used for the storage of hazardous materials liquids or solids shall be provided with secondary containment in accordance with this section when the capacity

of an individual vessel or the aggregate capacity of multiple vessels exceeds the following:

1. Liquids: Capacity of an individual vessel exceeds 55 gallons (208.2L) or the aggregate capacity of multiple vessels exceeds 1,000 gallons (3,785L); and
2. Solids: Capacity of an individual vessel exceeds 550 pounds (248.8 kg) or the aggregate capacity of multiple vessels exceeds 10,000 pounds (4,524.8 kg).

5004.2.2.1 Containment and drainage methods. The building, room or area shall contain or drain the hazardous materials and fire-protection water through the use of one of the following methods:

1. Liquid-tight sloped or recessed floors in indoor locations or similar areas in outdoor locations.
2. Liquid-tight floors in indoor locations or similar areas in outdoor locations provided with liquid-tight raised or recessed sills or dikes.
3. Sumps and collection systems.
4. Drainage systems leading to an approved location.
5. Other approved engineered systems.

5004.2.2.2 Incompatible materials. Incompatible materials shall be separated from each other in discrete secondary containment system(s).

5004.2.2.3 – 5004.2.2.6 {CFC text not modified}

5004.2.2.7 Weather protection. The chief may require weather protection for exterior storage and containment of hazardous materials.

*Table 5004.2.2 (Required Secondary Containment-Hazardous Materials Solids and Liquids Storage) is deleted.*

**Sec.15.35.270            Amendment to 2013 CFC Section 5005 (Use, Dispensing and Handling).**

*Section 5005 of the 2013 California Fire Code is amended as follows:*

*Table 5005.2.1.4 (Required Secondary Containment-Hazardous Liquids Use) is deleted.*

5005.1 – 5005.2.1.2 {CFC text not modified}

5005.2.1.3 Spill control for hazardous materials liquids. Buildings, rooms or areas where hazardous materials liquids are dispensed into vessels or used in open systems shall be provided with spill control in accordance with Section 5004.2.1.

5005.2.1.4 Secondary containment for hazardous materials liquids. Buildings, rooms or areas where hazardous materials liquids are dispensed or used in open vessels or systems shall be provided with secondary containment in accordance with Section 5004.2.2 when the capacity of an individual vessel or system or the capacity of multiple vessels or systems exceeds the following:

1. Individual Vessel or System: Greater than 1.3 gallons (5 L)
2. Multiple Vessels or Systems: Greater than 5.3 gallons (20 L)

5005.2.2 – 5005.2.2.2 {CFC text not modified}

5005.2.2.3 Spill control for hazardous materials liquids. Buildings, rooms or areas where hazardous materials liquids are used shall be provided with spill control in accordance with Section 5004.2.1.

5005.2.2.4 Secondary containment for hazardous materials liquids. Buildings, rooms or areas where hazardous materials liquids are used in vessels or systems shall be provided with secondary containment in accordance with Section 5004.2.2 when the capacity of an individual vessel or system or the capacity of multiple vessels or systems exceeds the following:

1. Individual Vessel or System: Greater than 55 gallons (208.2 L)
2. Multiple Vessels or Systems: Greater than 1,000 gallons (3785 L)

5005.3 – 5005.3.3 {CFC text not modified}

5005.3.4 Spill control for hazardous materials liquids in open systems. Outdoor areas where hazardous materials liquids are dispensed or used in open systems shall be provided with spill control in accordance with Section 5004.2.1.

5005.3.5 Secondary containment for hazardous materials liquids in open systems. Buildings, rooms or areas where hazardous materials liquids are dispensed or used in open systems shall be provided with secondary containment in accordance with Section 5004.2.2 when the capacity of an individual vessel or system or the capacity of multiple vessels or systems exceeds the following:

1. Individual Vessel or System: Greater than 1.3 gallons (5 L)
2. Multiple Vessels or Systems: Greater than 5.3 gallons (20 L)

5005.3.6 Spill control for hazardous materials liquids in closed systems. Outdoor areas where hazardous materials liquids are used in closed systems shall be provided with spill control in accordance with Section 5004.2.1.

5005.3.7 Secondary containment for hazardous materials liquids in closed systems. Outdoor areas where hazardous materials liquids are dispensed or used in closed systems

shall be provided with secondary containment in accordance with Section 5004.2.2 when the capacity of an individual vessel or system or the capacity of multiple vessels or systems exceeds the following:

1. Individual Vessel or System: Greater than 55 gallons (208.2 L)
2. Multiple Vessels or Systems: Greater than 1,000 gallons (3785 L)

5005.3.8 – 5005.4.4 {CFC text not modified}

**Sec. 15.35.280            Amendment to 2013 CFC Section 5601 (General).**

*Section 5601 of the 2013 California Fire Code is amended as follows:*

5601.1 Scope. For explosives requirements, see Title 19 California Code of Regulations Chapter 10 and Section 5601.1.1 of this Chapter. For fireworks regulations and requirements, see Title 19 California Code of Regulations Chapter 6 and FMC Chapter 9.20.

Exceptions:

1. The armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition when packaged in accordance with DOT packaging requirements.
4. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
5. Items preempted by federal regulations.

3101.2 {CFC text not modified}

**Sec. 15.35.290            Amendment to 2013 CFC Section 5602 (Reserved).**

*Section 5602 of the 2013 California Fire Code is amended to read:*

5602.1 Explosives. The possession, manufacture, storage, sale, handling, and use of explosives are prohibited without first obtaining a permit from the Fire Chief.

Exceptions:

1. Possession, storage, handling and use of explosives for test and research purposes is allowed with permit and approval of the fire code official.

2. Possession, storage, handling and use of squibs, explosive nuts or bolts and similar small quantity explosive devices is allowed with permit and approval of the fire code official.

5602.2 Fireworks. Nothing in this Chapter authorizes the sale, use, storage, possession or discharge of any fireworks prohibited by FMC Chapter 9.20.

5602.3 Fireworks Display Permit. No person shall store, handle or discharge fireworks and pyrotechnic special effects used for public or proximate audience displays, motion picture, television, theatrical and group entertainment productions outside or inside of buildings without first obtaining a permit from the Fire Chief.

5602.4 Model Rocketry. The storage, handling, and use of model rockets shall be in accordance with Title 19 of the California Code of Regulations and as approved by the Fire Code Official.

**Sec. 15.35.300            Amendment to 2013 CFC Section 5701 (General).**

*Section 5701 of the 2013 California Fire Code is amended as follows:*

5701.1 – 5701.4 {CFC text not modified}

5701.4.1 Plans. Plans shall be submitted with each application for a permit to store liquids outside of buildings in drums or tanks. The plans shall indicate the method of storage, quantities to be stored, distances from buildings and property lines, access ways, fire-protection facilities, and provisions for spill control and secondary containment.

All plans and specifications shall be prepared and wet stamped by a fire protection engineer, professional engineer, architect or similarly registered individual.

5701.5 {CFC text not modified}

**Sec. 15.35.310            Amendment to 2013 CFC Section 5703 (General Requirements).**

*Section 3403 of the 2013 California Fire Code is amended as follows:*

5703.1 –5703.6.11 {CFC text not modified}

5703.6.12 Monitoring. Flammable and combustible liquid storage or use systems must be monitored on a regular or continuous basis. A written monitoring plan must be submitted for approval by the chief and must be included in the Hazardous Materials Business Plan. Monitoring methods may include but are not limited to the following:

1. Visual inspection, no less than monthly.
2. Continuous leak detection and alarm system.

3. Any system which will provide continuous, reliable monitoring of the primary container(s) capable of alerting occupants to an alarm or trouble condition; all systems are subject to approval by the fire chief.

**Sec 15.35.320            Amendment to 2013 CFC Section 5705 (Dispensing, Use, Mixing and Handling).**

*Section 5705 of the 2013 California Fire Code is amended as follows:*

5705.1 – 5705.3.7.5.2 {CFC text not modified}

5705.3.7.5.3 Spill Control and Secondary Containment. Spill control shall be provided in accordance with Section 5703.4 when flammable or combustible liquids are dispensed into containers or mixed or used in open containers or systems. Spill control and secondary containment shall be provided in accordance with Section 5703.4 when the capacity of an individual container exceeds 1.3 gallon (5L) or the aggregate capacity of multiple containers or tanks exceeds 5.3 gallons (20L).

5705.3.7.6 – 5705.3.7.6.2 {CFC text not modified}

5705.3.7.6.3 Spill Control and Secondary Containment. Spill control shall be provided in accordance with Section 5703.4 when flammable or combustible liquids are dispensed, used or mixed. Spill control and secondary containment shall be provided in accordance with Section 5703.4 when the capacity of an individual container exceeds 55 gallons (208L) or the aggregate capacity of multiple containers or tanks exceeds 1,000 gallons (3785L).

5705.3.8 – 5705.5.1 {CFC text not modified}

**Sec. 15.35.330            Amendment to 2013 CFC Section 6004 (Highly Toxic and Toxic Compressed Gases).**

*Section 3704 of the 2013 California Fire Code is amended as follows:*

6004.1 General. The storage and use of highly toxic and toxic compressed gases and those with health hazard rankings of 3 or 4 in accordance with NFPA 49 or NFPA704 shall comply with this section.

6004.1.1 – 6004.1.1.3 {CFC text not modified}

6004.1.1.4 Other areas of Group B, F, M, S or L occupancies. Storage, use, and handling of highly toxic and toxic compressed gases shall comply with the following:

1. When located inside, highly toxic and toxic compressed gases shall be permitted, stored or used only when located within approved gas cabinets, exhausted enclosures, or gas rooms. See also Sections 6004.1.2, 6004.1.3, and 6004.2.2.6.

Exceptions:

1.1 Cylinders of compressed gases with a health hazard ranking of 4 and with a capacity not exceeding 10 cubic feet at normal temperature and pressure (NTP) are allowed in gas cabinets or fume hoods.

1.2 Cylinders of compressed gases with a health hazard ranking of 3 and with a capacity not exceeding 20 cubic feet at normal temperature and pressure (NTP) are allowed in gas cabinets, fume hoods or approved tools designed for their use.

2. When located outside, and when approved by the fire chief, highly toxic and toxic compressed gases shall be kept under a canopy in accordance with Section 3704.3.3.

6004.1.2 – 3704.1.3 {CFC text not modified}

6004.1.4 Automatic Shut-Off Valve. An automatic shut-off valve, which is of a fail-safe to close design, shall be provided to shut off the supply of highly toxic gases for any of the following:

1. Activation of a manual fire alarm system.
2. Activation of the gas detection system.
3. Failure of emergency power.
4. Failure of primary containment.
5. Seismic activity.
6. Failure of required ventilation.
7. Manual activation at an approved remote location.

6004.1.5 Emergency Control Station. Signals from emergency equipment used for highly toxic gases shall be transmitted to an emergency control station or other approved monitoring station, which is continually staffed by trained personnel.

6004.1.6 Maximum Allowable Quantity. Toxic gases stored or used in quantities exceeding the maximum allowable quantity in a single vessel per control area or outdoor control area shall comply with the additional requirements for highly toxic gases of Section 6004 of this code.

6004.1.7 Reduced Flow Valve. All containers of materials other than lecture bottles containing Highly Toxic material and having a vapor pressure exceeding 29 psia shall be equipped with a reduced flow valve when available. If a reduced flow valve is not available, the container shall be used with a flow-limiting device. All flow limiting devices shall be part of the valve assembly and visible to the eye when possible; otherwise, they shall be installed as close as possible to the cylinder source.

6004.1.8 Annual Maintenance. All safety control systems at a facility shall be

maintained in good working condition and tested not less frequently than annually. Maintenance and testing shall be performed by persons qualified to perform the maintenance and tests. Maintenance records and certifications shall be available to any representative of the Fire Department for inspection upon request.

**6004.1.9 Fire Extinguishing Systems.** Buildings and covered exterior areas for storage and use areas of materials regulated by this Chapter shall be protected by an automatic fire sprinkler system in accordance with NFPA 13. The design of the sprinkler system for any room or area where highly toxic or toxic gases are stored, handled or used shall be in accordance with Section 5004.5.

**6004.1.10 Local Gas Shut Off.** Manual activation controls shall be provided at locations near the point of use and near the source, as approved by the fire code official. The fire code official may require additional controls at other places, including, but not limited to, the entry to the building, storage or use areas, and emergency control stations.

Manual activated shut-off valves shall be of a "fail-safe-to-close" design.

**6004.1.11 Exhaust Ventilation Monitoring.** For highly toxic gases and toxic gases exceeding threshold quantities, a continuous monitoring system shall be provided to assure that the required exhaust ventilation rate is maintained. The monitoring system shall initiate a local alarm. The alarm shall be both visual and audible and shall be designed to provide warning both inside and outside of the interior storage, use, or handling area.

**6004.1.12 Emergency Response Plan.** If the preparation of an emergency response plan for the facility is not required by any other law, responsible persons shall prepare, or cause to be prepared, and filed with the fire code official, a written emergency response plan. If the preparation of an emergency response plan is required by other law, a responsible person shall file a copy of the plan with the Fire Chief.

**6004.1.13 Emergency Response Team.** Responsible persons shall be designated the on-site emergency response team and trained to be liaison personnel for the Fire Department. These persons shall aid the Fire Department in preplanning emergency responses, identifying locations where regulated materials are stored, handled and used, and be familiar with the chemical nature of such material. An adequate number of personnel for each work shift shall be designated.

**6004.1.14 Emergency Drills.** Emergency drills of the on-site emergency response team shall be conducted on a regular basis but not less than once every three months. Records of drills conducted shall be maintained.

**6004.1.15 Cylinder Leak Testing.** Cylinders shall be tested for leaks immediately upon delivery and again immediately prior to departure. Testing shall be approved by the fire code official in accordance with appropriate nationally recognized industry standards and practices, if any. Appropriate remedial action shall be immediately undertaken when leaks are detected

6004.1.16 Inert Gas Purge System. Gas systems shall be provided with dedicated inert gas purge systems. A dedicated inert gas purge system may be used to purge more than one gas, provided the gases are compatible. Purge gas systems inside buildings shall be located in an approved gas cabinet unless the system operates by vacuum demand.

Exceptions:

1. Cylinders of compressed gases with a health hazard ranking of 4 and with a capacity not exceeding 10 cubic feet at normal temperature and pressure (NTP) when used in gas cabinets or fume hoods.
2. Cylinders of compressed gases with a health hazard ranking of 3 and with a capacity not exceeding 20 cubic feet at normal temperature and pressure (NTP) when used in gas cabinets, fume hoods or approved tools designed for their use.

6004.1.17 Seismic Shutoff Valve. An automatic seismic shutoff valve, which is of a fail-safe to close design, shall be provided to shutoff the supply of highly toxic, and toxic gases upon a seismic event within 5 seconds of a horizontal sinusoidal oscillation having a peak acceleration of 0.3G (1.47m/sec<sup>2</sup>) and a period of 0.4 seconds.

Exceptions:

1. Cylinders of compressed gases with a health hazard ranking of 4 and with a capacity not exceeding 10 cubic feet at normal temperature and pressure (NTP) when used in gas cabinets or fume hoods.
2. Cylinders of compressed gases with a health hazard ranking of 3 and with a capacity not exceeding 20 cubic feet at normal temperature and pressure (NTP) when used in gas cabinets, fume hoods or approved tools designed for their use.

6004.2 – 6004.2.2.6 {CFC text not modified}

6004.2.2.7 {CFC text not modified}

Exceptions: deleted

6004.2.2.7.1 - 6004.2.2.7.5 {CFC text not modified}

6004.2.2.8 {CFC text not modified}

Exceptions:

1. Emergency power is not required for mechanical exhaust ventilation, treatment systems and temperature control systems where approved fail-safe systems are installed.
2. When the aggregate quantities of toxic or highly toxic gases do not exceed the maximum allowable quantities set forth in Tables 5003.1.1 (2) and 5003.1.1 (4).

6004.2.2.9 – 6004.3.2.4 {CFC text not modified}

6004.3.3 Outdoor Storage Weather Protection for Portable Tanks and Cylinders. Weather protection in accordance with Section 5004.13 and this section shall be provided for portable tanks and cylinders located outdoors and not within gas cabinets or exhausted enclosures. The storage area shall be equipped with an approved automatic sprinkler system in accordance with Section 5004.5.

Exception: deleted

6004.3.3.1 Gas Detection Under Canopies. Gas detection in conformance with 6004.2.2.10 shall be provided when the maximum rate of release from a cylinder or tank could result in gas levels above the accepted permissible exposure level at the property line.

6004.3.4 – 6004.3.4.3 {CFC text not modified}

**15.35.340                      Amendment to 2013 CFC Chapter 80 (REFERENCED STANDARDS).**

(a) The reference standards in Chapter 80 of the 2013 California Fire Code are amended as provided in this section.

(b) NFPA 13-13 is amended to read:

[2.2 – 8.15.1.2.15 text unchanged]

8.15.7.1. Sprinklers shall be installed under exterior roofs, canopies, balconies, decks, or similar projections exceeding 4 feet in depth.

[A.8.15.7.2 – 8.16.1.5.1 text unchanged]

8.16.1.5.1.1 – Deleted

[8.16.1.5.1.2 – 24.6.1 text unchanged]

(c) NFPA 13D-13 is amended to read:

6.2. Water Supply Sources. When approved by the Fire Code Official and the requirements are met, the following water supply sources shall be considered to be acceptable by this standard.

1. A connection to a reliable waterworks system with or without an automatically operated pump
2. An elevated tank
3. A pressure tank designed to American Society of Mechanical Engineers (ASME) standards for the pressure vessel with a reliable pressure source.
4. A stored water source with an automatically operated pump.

5. A well with a pump sufficient capacity and pressure to meet the sprinkler system demand. The stored water requirement of 6.1.2 or 6.1.3 shall be permitted to be a combination of the water and the well (including the refill rate) plus the water in the holding tank if such tank can supply the sprinkler system.

[6.2.2. – 6.2.4 text unchanged]

8.6.4 – Deleted

(c) NFPA 13R-13 Fire Code is unchanged:

(d) NFPA 14-13 is amended to read:

6.3.7.1 System Water Supply valves, isolation control valves and other valves in fire mains shall be supervised in an approved manner in an open position by one of the following approved methods:

1. Where a building has a fire alarm system or a sprinkler monitoring system installed, the valve shall be supervised by:

(a) A central station, proprietary or remote supervising station.

(b) deleted

2. Where a building does not have a fire alarm system or a sprinkler monitoring system installed, the valve shall be supervised by:

(a) Locking the valves in the open position or

(b) Sealing valves in an approved weekly recorded inspection where valves are located within fenced enclosures under the control of the owner.

(e) NFPA 15-13 - 22-13 is unchanged:

(f) NFPA 24-13 is amended to read:

[4.2.1 – 6.5.1 text unchanged]

6.5.2.1 – deleted

[6.5.2.2 – 10.9.1 text unchanged]

(g) NFPA 25.11 CA – 70.13 is unchanged:

(h) Section NFPA 72-10 is amended to read:

[10.3.1 – 23.4.2.2(4) text unchanged]

23.8.5.1.2 – Exception deleted

[23.8.5.4.1 – 29.7.5.7.1 unchanged]

(i) NFPA 80-13 – 2001-08 is unchanged:

(j) SFM is amended by adding:

SFM- State Fire Marshal- Solar Photovoltaic Installation Guideline

**Sec. 15.35.350 Supplemental Fire Protection Standards.**

The provisions of Fremont Municipal Code Title 15 (Building Regulations), Chapter 15.60 (Automatic Fire Extinguishing Systems Retrofit Requirements for Certain Types of Apartment Buildings) known as the Fremont Central Corridor Retrofit Ordinance amend the 2013 California Building and Fire Codes as adopted by this Chapter.

**Sec. 15.35.360 Location limitations on the storage of explosive, combustible or flammable materials.**

(a) Explosive, combustible or flammable materials. The storage of the explosive, combustible or flammable materials listed below is prohibited in all locations within the city of Fremont except as provided in subsections (b) and (c).

- (1) Flammable or combustible liquids in outside aboveground tanks (see CFC Chapter 57).
- (2) Bulk storage of liquefied petroleum gas (see CFC Chapter 61).
- (3) Explosives and blasting agents (see CFC Chapter 56).
- (4) Compressed natural gas (see CFC Chapter 53 and NFPA 52).
- (5) Flammable cryogenic fluids in stationary containers (see CFC Chapter 55).

(b) Location limitations. The materials listed in subsection (a) may be stored in the following districts. The zoning districts listed in this subsection are defined in Title 18 of the Fremont Municipal Code.

- (1) I-L (Light Industrial District).
- (2) I-R (Restricted Industrial District).
- (3) G-I (General Industrial District).
- (4) A (Agricultural District).
- (5) A (F) (Agricultural with Flood Combining District).

(c) Aboveground Class I, II or III-A storage tanks. Aboveground Class I, II or III-A flammable or combustible liquid storage tanks may be allowed when the installation of

underground tank(s) is impractical or because of property or building limitations. The tank area may be used for private and governmental fleets, construction vehicles, waste oil storage, and any situation where the fire chief deems it would create a safer condition. Tanks shall not be approved for service stations or other commercial retail applications.

The fire chief or his designee shall have the sole discretion to prohibit use of these tanks based on the safety of the public.

**Sec. 15.35.370      Staffing Standards Not Adopted.**

Notwithstanding any other provision of this chapter, or any provision contained in the 2013 California Fire Code, the 2012 International Fire Code, or the standards established by the National Fire Protection Association (NFPA), staffing standards are not established by this chapter and any direct or indirect reference by any document incorporated by reference by this chapter pertaining to staffing standards is expressly excluded and not adopted by this chapter.

**SECTION 3. CEQA**

The City Council finds under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk in accordance with the CEQA Guidelines.

**SECTION 4. EFFECTIVE DATE**

This ordinance shall take effect and be enforced beginning January 1, 2014.

**SECTION 5. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Fremont hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION 6. POSTING AND PUBLICATION**

The City Clerk has prepared and published at least five days before the date of adoption a summary of this ordinance once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause the summary to be published again with the names of those City Council members voting for and

against the ordinance and shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

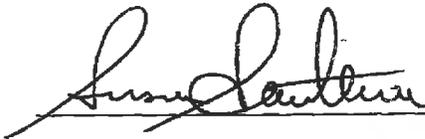
The foregoing ordinance was introduced before the City Council of the City of Fremont, County of Alameda, State of California, at the regular meeting of the City Council, held on the 15<sup>th</sup> day of October, 2013, and finally adopted at a regular meeting of the City Council held on the 19<sup>th</sup> day of November, 2013, by the following vote:

AYES: Mayor Harrison; Councilmembers Chan and Salwan  
NOES: None  
ABSENT: Vice Mayor Natarajan and Councilmember Bacon  
ABSTAIN: None



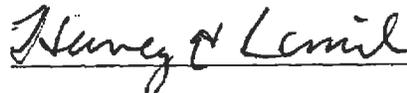
Mayor

ATTEST:



Assistant City Clerk

APPROVED AS TO FORM:



City Attorney

I HEREBY CERTIFY THAT THE ABOVE  
IS A TRUE AND CORRECT COPY OF  
A DOCUMENT IN THE FILES OF THE  
CITY OF FREMONT.

  
CITY CLERK

## **ORDINANCE NO. 16-2013**

**AN ORDINANCE OF THE CITY OF FREMONT ADOPTING AND AMENDING THE 2013 CALIFORNIA BUILDING, PLUMBING, MECHANICAL, ELECTRICAL, EXISTING BUILDING, RESIDENTIAL, ENERGY, AND ABATEMENT OF DANGEROUS BUILDINGS CODES; ADOPTING AND AMENDING THE INTERNATIONAL PROPERTY MAINTENANCE CODE; AND AMENDING FREMONT MUNICIPAL CODE TITLE 15 BUILDING AND CONSTRUCTION DIVISION 1 FREMONT BUILDING STANDARDS CODE**

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

### **SECTION 1.     DRAFTING SYNTAX**

The Fremont Municipal Code (FMC) text adopting the local modification is italicized in this ordinance to assist the reader in distinguishing between City of Fremont modifications to the California Building Standards Code and the FMC section text adopting the modifications.

Each section of the California Building Standards Code that is modified by the City of Fremont is listed. However, whole subsections may not be modified and those unmodified subsections are indicated by the subsection number followed by “{CBC text not modified}” with the appropriate acronym for the specific Building Standards Code. The unmodified subsections are to be codified as written in the California Code. Each subsection that is deleted in its entirety by the City of Fremont is indicated by the subsection number followed by “deleted”.

### **SECTION 2.     FMC CHAPTER 15.05 REPEALED AND REPLACED**

Chapter 15.05 (General Provisions) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

**Sec. 15.05.010    Title.**

This division shall be known and may be cited as the “Fremont building standards code” or “FBSC.” The Fremont building standards code consists of the California Building Standards Code, as codified in Title 24 of the California Code of Regulations, and as amended by this division.

**Sec. 15.05.020    Administration & Enforcement.**

(a) The building and safety division is responsible for the administration and enforcement of the provisions of Title 15, Division 1, Chapters 15.05 through Chapter 15.30 and Chapters 15.40 through 15. 48 of this code. “building official” as referenced in this code means the Building Official.

(b) The fire prevention bureau, under the direction of the fire chief, is responsible for the administration and enforcement of the provisions of Chapter 15.35. “Fire marshal” as

referenced in this division means the individual specified by the fire chief under Section 15.35.020(b).

**Sec. 15.05.030 Permit Applications Pending as of December 31, 2013.**

The provisions of this division shall take effect on January 1, 2014 except that where complete working drawings, plans, structural designs and specifications for buildings have been filed for building permits before this date, permits may be issued based on the previous ordinances and codes effective at the time of filing, and the applicant may proceed with the construction, provided physical construction is started within 180 days from the date of issuing the permit and continued to completion. Where construction has not commenced within 180 days of the issuance of a building permit which has been issued under any previous ordinance, no renewal or extension of such building permit shall be granted unless all of the requirements of the 2013 California Building Standards Code, as amended by the city of Fremont, are met.

**Sec. 15.05.040 Findings.**

The city council has adopted updated findings by resolution under Health and Safety Code Section 17958.7 for local modifications to the building standards contained in the 2013 California Building Standards Code based on local climatic, geological and topographical conditions as required by Health and Safety Code Sections 18941.5 and 17958.5.

**Sec. 15.05.050 Violations.**

A violation of any provision or failing to comply with any mandatory requirement of this division shall constitute an offense as set forth in Section 1.15.010. Each person, firm or corporation shall be charged with a separate offense for each and every day during any portion of which any violation of any of this division is committed, continued, or permitted by the person, firm or corporation and shall, upon conviction, be punished as set forth in Section 1.15.020.

It is hereby declared that any violation of this division constitutes a public nuisance, and in addition to any other remedies provided by this division for the enforcement of this division, the Fremont city attorney may bring a civil or criminal action to enjoin the violation of any provision of this division or pursue any other legal remedy.

The remedies described in this division are cumulative and in addition to any other remedies available for a violation of this division

**Sec. 15.05.060 Appeals.**

- (a) Where the provisions of this title allow for a board of appeals, the board shall be an administrative hearing officer appointed by the city manager. The appeal shall follow the process and procedures of Fremont Municipal Code Sections 8.60.120 through 8.60.150. The decisions of the hearing officer are final as to the city. The hearing officer shall have no authority relative to interpretation of the administrative provisions of this title nor shall the hearing officer be empowered to waive requirements of this title.

- (b) An application for appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of this code do not fully apply or an alternative provides at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

**SECTION 3. FMC CHAPTER 15.10 REPEALED AND REPLACED**

Chapter 15.10 (Fremont Building Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

**Sec. 15.10.010 Title.**

This chapter shall be known and may be cited as the "Fremont building code" or "FBC" and will be referred to in this chapter as "this code."

**Sec. 15.10.020 Adoption of the 2013 CBC with Amendments.**

The 2013 edition of the California Building Code as published by the International Code Council is adopted as the Building Code of the city of Fremont, California, as if fully set out in this chapter and is amended as provided in this chapter. A copy of 2013 CBC shall be maintained on file in the office of the city clerk.

**Sec. 15.10.030 Adoption of Certain 2013 CBC Appendix Chapters.**

The following Appendix Chapters of the 2013 California Building Code are adopted by the city of Fremont. The remaining Appendix Chapters are not adopted.

- (a) Appendix Chapter A: This appendix contains provisions for employee qualifications
- (b) Appendix Chapter C: This appendix chapter contains provisions for the construction of agricultural buildings.
- (c) Appendix Chapter F: This chapter includes provisions that require rodent proofing of dwellings.
- (d) Appendix Chapter I: This appendix chapter contains requirements for patio covers.

**Sec. 15.10.040 Adoption of 2013 CBC Chapter 1, Division II.**

Chapter 1, Division II of the 2013 California Building Code is adopted by the city of Fremont and made a part of the Fremont Building Code. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the city of Fremont.

**Sec. 15.10.050 Amendment of 2013 CBC Section 104 (Duties and Powers of the Building Official).**

*Section 104 of the 2013 California Building Code is amended as follows:*

104.1-104.11.4{CBC text not modified}

104.12 Authority to condemn building service equipment. Whenever the Building Official ascertains that any building service equipment regulated in the technical codes has become hazardous to life, health, property, or becomes unsanitary, he or she shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of the disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building or the associated service equipment is maintained in violation of the technical codes and in violation of any notice issued pursuant to the provisions of this section, the Building Official may institute any appropriate action to prevent, restrain, correct or abate the violation. The Building Official shall be authorized to affix an approved placard to said building or equipment stating the date, corrections required, address and allowable time for repairs if any. Damage or removal of said placard shall be a violation of this code.

104.13 Connection after order to disconnect. No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of the equipment.

**Sec. 15.10.060 Amendment of 2013 CBC Section 105 (Permits).**

*Section 105 of the 2013 California Building Code is amended as follows:*

105.1 {CBC text not modified}

105.1.1 - 105.1.2 - deleted

105.2 Work exempt from permit{CBC text not modified}

Building:

1. {CBC text not modified}

2. Fences not over 7 feet (1829 mm) high when not subject to specific city of Fremont Planning and Zoning regulations.

3. {CBC text not modified}

4. deleted

5. – 13. {CBC text not modified}

Electrical {CBC text not modified}

Gas {CBC text not modified}

Mechanical {CBC text not modified}

Plumbing {CBC text not modified}

105.2.1 – 105.3.1 {CBC text not modified}

105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one extension of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

105.4 {CBC text not modified}

105.5 Expiration. Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The construction is deemed suspended or abandoned unless an inspection indicating substantial progress in construction has been requested every 180 days or sooner. Before work may resume on a construction project declared suspended or abandoned, a new permit first must be obtained. Where suspension or abandonment has not exceeded one year and no changes have been made or will be made to the original plans and specifications for the work, the renewal fee shall be one half the amount required for a new permit for the work. Otherwise, the renewal fee shall be the full amount required for a new permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

105.6 – 105.7 {CBC text not modified}

**Sec. 15.10.070 Amendment of 2013 CBC Section 107 (Submittal Documents).**

*Section 107 of the 2013 California Building Code is amended to read:*

107.1 – 107.2.5.1 {CBC text not modified}

107.2.6 Required plat of survey. Any person, firm or corporation applying for a permit for the erection or construction of a building or structure, or moving an existing building to a new location shall, when required by the Building Official, file with the set of plans and specifications required by the foregoing provisions of this section a minimum of three (3) copies of a plat of a survey of the property proposed to be improved by said building or structure, on which plat shall be delineated the accurate location of said proposed improvement and the grades at which it is to be constructed, the location of every existing building on the lot, the location of existing curbs, sidewalks, and main sewers and the location of waterways, storm drains, inlets, and culverts affecting the lot. Said plat shall be drawn to a scale of not smaller than twenty (20) feet to one (1) inch, unless authorized by the Building Official, and shall show the contours at one (1) foot intervals for predominant ground slopes between level and four (4) percent and five (5) foot contours for predominant ground slopes over four (4) percent which contours shall extend to the center of the street when said Street is unimproved, or to the curb line when the street is improved. All grades and contours shall be based on United States Coast and Geodetic Survey datum (mean sea level) except when authorized otherwise by the Building Official. The survey shall have been made by a licensed land surveyor or registered civil engineer in the State of California and the map of said survey shall be signed and certified with their license or certificate number, and the property shall be located thereon by map or deed distance to the nearest street intersection. The exterior boundaries of said property shall be clearly outlined on the ground by appropriate permanent stakes or monuments. The location of said stakes or monuments shall be shown on the survey map with elevations thereon.

107.3 {CBC text not modified}

107.3.1. Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved". One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

107.3.2 – 107.5 {CBC text not modified}

**Sec. 15.10.080 Amendment of 2013 CBC Section 109 (Fees).**

*Section 109 of the 2010 California Building Code is amended as follows:*

109.1 {CBC text not modified}

109.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as

required, in accordance with the schedule of fees established by resolution of the Fremont city council. Where issuance of a permit for the construction of part of a building or structure has been approved, the fees shall be established by a city of Fremont Fee Resolution as adopted by the city council.

109.3 Building permit valuation. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. If in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

109.3.1 Plan review fees. When submittal documents are required by Section 106.1 a plan review fee shall be paid at the time of submitting the documents for plan review. Said plan review fee shall be as established by resolution of the city council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section 109.2 and are in addition to the permit fees.

When submittal documents are incomplete or changed so as to require additional plan review or when the project involves deferred submittal items as defined in Section 107.3.4.2, an additional plan review fee shall be charged at the rate established by resolution of the city council.

109.4 {CBC text not modified}

109.4.1 An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

109.5 {CBC text not modified}

109.6 Refunds. The Building Official is authorized to establish a refund policy. As part of the policy, the Building Official may authorize refunding a portion of the fee equal to 80 percent of the permit fee paid less the application fee when no work has been done under a permit issued in accordance with this code.

**Sec. 15.10.090 Amendment to 2013 CBC Section 110 (Inspections).**

*Section 110 of the 2013 California Building Code is amended as follows:*

110.1 – 110.6 {CBC text not modified}

110.6.1 Gas or electrical utilities. There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning,

security and zoning inspections are made and approval has been given on any building sought to be connected to such utilities unless approval has been first obtained from the Building Official, as provided by the Temporary Certificate of Occupancy in Section 110.3.

110.7 Re-inspection fee. When re-inspection is required, an additional inspection fee shall be charged at the rate fee established by resolution of the city council.

**Sec. 15.10.100 Amendment of 2013 CBC Section 111 (Certificate of Occupancy).**

*Section 111 of the 2013 California Building Code is amended as follows:*

111.1 Use and occupancy. {CBC text not modified}

111.1.1 Change in Use. Where a change in the existing occupancy classification is made, an inspection of the premises as deemed necessary by the Building Official to determine that the provisions of Section 111.1 are met before issuance of said certificate. Said certificate of occupancy shall be obtained from the Building Official upon completion of an application for the certificate and the payment of a fee as established by resolution of the city council.

111.2 Certificate issued. After final inspection when it is found that the building or structure complies with the provisions of this Code and other laws which are enforced by the city of Fremont, and, when required, the Engineer or Architect of Record has stated in writing that based on field observation conducted by him or her, or his or her designee, the building or structure is in general conformance with the approved plan, then the Building Official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building complies with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.

111.3 {CBC text not modified}

111.3.1 Limitations. An application for temporary certificate of occupancy must be filed, clearance for connection of the gas and electrical utilities must be obtained and the required fees as established in the city of Fremont Fee Resolution shall be paid before the temporary certificate of occupancy is issued.

111.3.2 Discontinuance of temporary occupancy. In the event the building is not completed and ready for final inspection in the time prescribed by the Building Official, the building shall be vacated and the utilities disconnected until such time as the building is completed and final inspection is made and a certificate of occupancy is issued as set forth above.

111.4 {CBC text not modified}

**Sec. 15.10.110 Amendment of 2013 CBC Section 112 (Service Utilities).**

*Section 112 of the 2013 California Building Code is amended as follows:*

112.1 – 112.2 {CBC text not modified}

112.3 Authority to disconnect utilities. The Building Official or his or her authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever reasonably possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

**Sec. 15.10.120 Amendment to 2013 CBC Section 406 (Motor Vehicle Related Occupancies).**

*Section 406 of the 2013 California Building Code is amended as follows:*

406.1 – 406.3.3 {CBC text not modified}

406.3.4 Separation. {CBC text not modified}

1. The private garage shall be separated from the dwelling unit and its attic area by means of gypsum board, not less than 5/8-inch thick Type X, or equivalent 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 3/8 inches (34.9 mm) thick, or doors in compliance with Section 716.5.3 with a fire protection rating of not less than 20 minutes. 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. -3 {CBC text not modified}

406.3.5 – 406.9.4 {CBC text not modified}

**Sec. 15.10.130 Amendment to 2013 CBC Section 602 (Construction Classification).**

*Table 602, footnote c of the 2013 California Building Code is amended as follows. All other subsections and tables within Section 602 are not modified.*

c. Except in high-rise buildings, Group A, E, F-1, H, I, L, M, R-1, R-2, and S-1 occupancies, fire protection of structural members shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. For Group A, E, I, L, R-1, and R-2 occupancies and other applications listed in Section 111 regulated by the Office of the State Fire Marshal, fire protection of members other than the structural frame shall not be required, including protection of roof framing and decking where every part of the roof construction is 20 feet or more above any floor immediately below. Fire-retardant-treated wood members shall be allowed to be used for such unprotected members.

**Sec. 15.10.140 Amendment to 2013 CBC Section 708 (Fire Partitions).**

*Section 708 of the 2013 California Building Code is amended as follows:*

708.1 – 708.2 {CBC text not modified}

708.3 Fire-resistance rating. {CBC text not modified}

Exceptions:

1. {CBC text not modified}

2. deleted

3. {CBC text not modified}

708.4 – 708.9 {CBC text not modified}

**Sec. 15.10.150 Amendment to 2013 CBC Section 711 (Horizontal Assemblies).**

*Section 711 of the 2013 California Building Code is amended as follows:*

711.1 – 711.2 {CBC text not modified}

711.3 Fire-resistance rating. {CBC text not modified}

Exception: deleted

711.3.1 -711.9 {CBC text not modified}

**Sec. 15.10.160 Amendment to 2013 CBC Section 701A (Scope, Purpose and Application).**

*Section 701A of the 2013 California Building Code is amended as follows:*

701A.1 Scope: This chapter applies to building materials, systems and/or assemblies used in the exterior design and construction of new and existing buildings or structures erected, constructed, altered, or moved within a Wildland-Urban Interface Fire Area as defined in Section 702A.

701A.2 {CBC text not modified}

701A.3 Application. New or existing buildings or structures erected, constructed, altered, or moved in any Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

Exceptions:

1. – 3. {CBC text not modified}

4. deleted.

701A.3.1 – 701A.5 {CBC text not modified}

**Sec. 15.10.170 Amendment to 2013 CBC Section 702A (Definitions).**

*Section 702A of the 2013 California Building Code is amended by modifying the following definitions. The remaining definitions are not modified.*

**LOCAL AGENCY VERY HIGH FIRE HAZARD SEVERITY ZONE** means those areas designated by the city of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code Title 15, Chapter 15.65.

**WILDLAND-URBAN INTERFACE FIRE AREA** is a geographical area identified by the state as a “Fire Hazard Severity Zone” in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, and includes those areas designated by the city of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code Title 15, Chapter 15.65.

**Sec. 15.10.180 Amendment to 2013 CBC Section 705A (Roofing).**

*Section 705A of the 2013 California Building Code is amended as follows:*

705A.1 – 705A.2 {CBC text not modified}

705A.2.1 Wildland Urban-Interface Fire Area. The roof covering of any new structure or the re-roofing of any existing building within Wildland-Urban Interface Fire Area, regardless of the type of construction or occupancy classification, shall be a fire-retardant roof covering that is at least Class A. All alteration, repair, replacement or reroofing shall conform to the applicable provisions of the 2013 California Building Code Section 1604 “General Design Requirements” and any other applicable engineering requirements, including Chapter 15, “Roof Assemblies and Rooftop Structures”.

705A.3 – 705A.4 {CBC text not modified}

**Sec. 15.10.190 Amendment to 2013 CBC Section 707A (Exterior Covering).**

*Section 707A of the 2013 California Building Code is amended as follows:*

707A.1 – 707A.3.1 {CBC text not modified}

707A.3.1.2 Exterior wall covering. All exterior faces of the exterior walls shall be of an assembly qualified for exterior face of recognized one-hour fire resistive assemblies. All exterior wall coverings shall meet a Class I flame spread requirement and be installed over materials approved for one-hour fire-resistive construction.

Exception: Class I flame spread requirement may be waived for additions not to exceed 50%, cumulatively over the life of the structure, of the existing structure including garage areas with 1-hour fire resistive exterior wall assembly.

707A.4 – 707A.8 {CBC text not modified}

707A.9 Utilities. Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed under-floor area of a building or structure shall be enclosed with material as required for exterior, one-hour, fire-resistive construction. Adequate covered access opening for servicing such utilities shall be provided as required by appropriate codes.

707A.10 Historical buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the Building Official, provided:

1. The building or structure conforms to Part 8, Title 24, of the California Code of Regulations; and
2. A fire protection plan is implemented so that the building or structure will be no more of a fire hazard than any new building. The plan must be prepared and signed by a registered Fire Protection Engineer. The plan must be approved by the Building Official and fire chief prior to the commencement of any work.

**Sec. 15.10.200 Amendment to 2013 CBC Section 902 (Definitions).**

*Section 902 of 2013 California Building Code is amended by adding additional definitions to Section 902.1 as follows. The remaining definitions are not modified.*

CURRENT CODE means the edition of the California Building Standards Code published by the International Code Council (ICC) as adopted by the city of Fremont under Health and Safety Code Section 18941.5. The edition to be applied shall be that edition in effect at the time damage occurs.

**ENGINEERING EVALUATION** means an evaluation of a suspected damaged building or structure, performed under the direction of a fire protection engineer, structural engineer, civil engineer or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with an appropriate estimate of the construction cost for those repairs.

**ESSENTIAL SERVICE FACILITY** means that building or structure which has been designated by the city Council to house facilities which are necessary for emergency operations.

**FIRE PROTECTION ENGINEER** means an individual registered by the State of California to practice fire protection engineering and to use the title, Fire Protection Engineer, as defined in the State of California Business and Professions Code.

**HAZARDOUS FIRE AREA** means the “Wildland-Urban Interface Fire Area” as defined in Section 702A as amended by the city of Fremont.

**HISTORIC BUILDING OR STRUCTURE** means as defined in the Section 8-201, Chapter 2, Part 8, 2010 California Historical Building Code, Title 24 of the California Codes of Regulations.

**REPLACEMENT VALUE** is the dollar value, as determined by the Building Official based upon the square footage and the guidelines used in establishing the valuation of new construction, of replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.

**VALUE OF REPAIR** is the dollar value, as determined by the Building Official, of making the necessary repairs to a damaged structure.

**Sec. 15.10.210 Amendment to 2013 CBC Section 903 (Automatic Sprinkler System).**

*Section 903 of the 2013 California Building Code is amended as follows:*

903.1 General. Automatic sprinkler systems shall be provided as set forth in Section 903 of the California Fire Code as adopted and amended by FMC Section 15.35.150.903.

903.1.1 – 903.5 deleted

**Sec. 15.10.220 Amendment to the 2013 CBC Section 1018 (Corridors).**

*Table 1018.1 of the 2013 California Building Code is amended by modifying the third row below the header to read as follows. The remainder of Table 1018.1 is unchanged.:*

A <sup>d</sup> , B, E, F, M, S, U	Greater than 30	1	1
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**Sec. 15.10.230 Amendment to 2013 CBC Section 1507 (Requirement for Roof Covering).**

*Section 1507 of the 2013 California Building Code is amended as follows:*

1507.1 {CBC text not modified}

1507.1.1 Certification. The installer of the roof covering shall provide certification of the roof covering classification to the building owner and to the city when roof covering installation is subject to the 2013 CBC Chapter 7A.

Exceptions:

1. The certification requirements of this section shall not apply to any building which is subject to addition, repair, alterations, roof installation, or replacement of less than 50% of the existing building's roof area over the life of the building commencing on or after the effective date of February 15, 1991.

2. For accessory building, refer to Section 105.2, exception 1.

1507.2 – 1507.17.3 {CBC text not modified}

**Sec. 15.10.240 Amendment to the 2013 CBC Section 1612 (Flood Loads).**

*Section 1612 of the 2013 California Building Code is amended as follows:*

1612.1 – 1612.2 {CBC text not modified}

1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the governing body shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency in an engineering report entitled "The Flood Insurance Study for Alameda County, California, revision dated August 3, 2009, as amended, with the accompanying Flood Insurance Rate Map (FIRM) and related supporting data along with any revisions thereto. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

Exception: {CBC text not modified}

1612.3.1. – 1612.5 {CBC text not modified}

**Sec. 15.10.250 Amendment to 2013 CBC Section 1613 (Earthquake Load).**

*Section 1613 of the 2013 California Building Code is amended and additional sections added as follows:*

1613.1 – 1613.5.2 {CBC text not modified}

1613.6 Minimum distance for structural separation. ASCE-7 Equation 12.12-1 is amended as shown

$$\delta_M = \frac{C_d \delta_{max}}{I} \quad \text{(Equation 12.12-1)}$$

where:

- $C_d$  = Deflection amplification factor in Table 12.2-1 of ASCE 7.  
 $\delta_{max}$  = Maximum displacement defined in Section 12.8.4.3 of ASCE 7.

1613.7 Modified ASCE 7, 12.2.3.1, Exception 3. ASCE 7 Section 12.2.3.1 Exception 3 is amended as follows:

3. Detached one and two family dwellings *up to two stories in height* of light frame construction.

1613.8 Suspended Ceilings. Minimum design and installation standards for suspended ceilings shall be determined in accordance with the requirements of Section 2504 of this Code and this subsection.

1613.8.1 Scope. This part contains special requirements for suspended ceilings and lighting systems. Provisions of Section 13.5.6 of ASCE 7-10 shall apply except as modified herein.

1613.8.2 General. The suspended ceilings and lighting systems shall be limited to 6 feet (1828 mm) below the structural deck unless the lateral bracing is designed by a licensed engineer or architect.

1613.8.3 Design and Installation Requirements.

1613.8.3.1 Bracing at Discontinuity. Positive bracing to the structure shall be provided at changes in the ceiling plane elevation or at discontinuities in the ceiling grid system.

1613.8.2 Support for Appendages. Cable trays, electrical conduits and piping shall be independently supported and independently braced from the structure.

1613.8.3.3 Sprinkler Heads. All sprinkler heads (drops) except fire-resistance-rated floor/ceiling or roof/ceiling assemblies, shall be designed to allow for free movement of the sprinkler pipes with oversize rings, sleeves or adaptors through the ceiling tile.

Sprinkler heads penetrating fire-resistance-rated floor/ceiling or roof/ceiling assemblies shall comply with Section 714 of this Code.

1613.8.3.4 Perimeter Members. A minimum wall angle size of at least a two-inch (51 mm) horizontal leg shall be used at perimeter walls and interior full height partitions. The first ceiling tile shall maintain 3/4 inch (19 mm) clear from the finish wall surface. An equivalent alternative detail that will provide sufficient movement due to anticipated lateral building displacement may be used in lieu of the long leg angle subject to the approval of the Building Official.

1613.8.4 Special Requirements for Means of Egress. Suspended ceiling assemblies located along means of egress serving an occupant load of 30 or more shall comply with the following provisions.

1613.8.4.1 General. Ceiling suspension systems shall be connected and braced with

vertical hangers attached directly to the structural deck along the means of egress serving an occupant load of 30 or more and at lobbies accessory to Group A Occupancies. Spacing of vertical hangers shall not exceed 2 feet (610 mm) on center along the entire length of the suspended ceiling assembly located along the means of egress or at the lobby.

1613.8.4.2 Assembly Device. All lay-in panels shall be secured to the suspension ceiling assembly with two hold-down clips minimum for each tile within a 4-foot (1219 mm) radius of the exit lights and exit signs.

1613.8.4.3 Emergency Systems. Independent supports and braces shall be provided for light fixtures required for exit illumination. Power supply for exit illumination shall comply with the requirements of Section 1006.3 of this Code.

1613.8.4.4 Supports for Appendage. Separate support from the structural deck shall be provided for all appendages such as light fixtures, air diffusers, exit signs, and similar elements.

**Sec. 15.10.260 Amendment to 2013 CBC Section 1705 (Required Verification and Inspection).**

*Section 1705 of the 2013 California Building Code is amended as follows:*

1705.1 – 1705.2.2.2 {CBC text not modified}

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 above 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 in height 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. Deleted

5. Concrete patios, driveways and sidewalks, on grade.

1705.4 – 1711.2.2 {CBC text not modified}

**Sec. 15.10.270 Amendment to 2013 CBC Section 1803 (Geotechnical Investigations).**

*Section 1803 of the 2013 California Building Code is amended as follows:*

1803.1 – 1803.1.1.5 {CBC text not modified}

1803.2 Investigations required. {CBC text not modified}

Exceptions: The following occupancies are exempt:

1. Group U occupancies;
2. Single story additions to existing Group R3 occupancies when total added floor area is less than 1,000 square feet and the building site is not within seismic induced landslide hazard zone.
3. Multi-story addition to existing single family dwelling (R3) occupancies when all of the following conditions are met:
  - a. Added floor area above the first floor is no more than 1,000 square feet,
  - b. When an Architect, Civil or Structural engineer registered in the State of California provides the structural design,
  - c. The Architect or Engineer of Record shall certify in writing that the new foundation matches existing foundation,
  - d. Building site is not within seismic induced landslide hazard zone.
4. A new soil report is not required when a soil report is available for the original construction of the existing structure and soil engineer allows extension of the existing report to the proposed addition construction.
5. Accessories and minor additions may be exempted by the Building Official.

1803.3 – 1803.5.12 {CBC text not modified}

1803.6 Reporting. {CBC text not modified}

1. – 11. {CBC text not modified}

12. Drainage and erosion control recommendations.
13. Minimum building setbacks to slope tops or toes.
14. Equivalent-fluid-density lateral loads used in design of retaining walls or basement walls.
15. Ground response evaluation by geologist licensed in California for:
  - a. Flexible structures located on site having soft to medium cohesion less soils in upper 50 feet and depth to bedrock is 400 feet or greater; and
  - b. Structures having irregular shapes, framing systems, or other unusual features as determined by the Building Official.
16. Liquefaction evaluation for the following uses:
  - a. Subdivisions of Group R-3 occupancy having 100 units or more;
  - b. Apartment or condominium complexes of Group R- I occupancy having 50 or more units;
  - c. Structure of four or more stories or over 35 feet high;
  - d. Commercial, industrial, and institutional projects having 250 occupants or more;
  - e. Essential facilities.
17. Slope stability evaluation in areas subject to localized or major landslides.
18. Surface rupture evaluation by geologist licensed in California for all projects for human occupancy located with a Geologic Hazards Special Studies Zone, as mapped by the California Division of Mines and Geology.
19. Soil corrosivity analysis and long-term corrosion control design recommendations.

1803.7 {CBC text not modified}

**1803.8 Review.** Before issuing a permit for a building where soil and foundation investigation is required, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall state in writing (must be signed and stamped):

1. The plans and specifications substantially conform to the recommendations in the soil investigation.
2. The Geotechnical Engineer or Civil Engineer who prepared the soil investigation has been retained to provide soil site observation and provide periodic and final reports to the city.

1803.9 Field Report. Before requesting a foundation inspection from the city, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall provide a written field report stating:

1. The building pad was prepared and compacted in accordance with the soil report and specification.
2. The foundation or pier excavation, depth, backfill materials, and drainage (if applicable), substantially conforms with the soil report and approved plans.

1803.10 Final Report. Before final inspection for any building or structure, the Geotechnical Engineer or Civil Engineer who prepared the soil investigation shall issue a final report stating the completed pad, foundation, finish grading, drainage, and associated site work substantially conforms to the approved plans, specifications, and investigation.

**Sec. 15.10.280 Amendment to 2013 CBC Section 1804 (Excavation, Grading and Fill).**

*Section 1804 of the 2013 California Building Code is amended as follows:*

1804.1 – 1804.3.1 {CBC text not modified}

1804.3.2 Slopes for permanent fills shall not be steeper than 3 horizontal to 1 vertical. Cut slopes for permanent excavations shall not be steeper than 3 horizontal to 1 vertical unless substantiating data justifying steeper cut slopes is submitted. Deviation from the foregoing limitations for cut slopes shall be permitted only upon the presentation of a soils report acceptable to the Building Official. All site improvements shall be designed and constructed in accordance with the recommendations contained in the soil report.

1804.3.3 Where cuts or fills are to be made as described above, pad elevation certification(s) will be required prior to foundation inspection. Required certification shall be made by a licensed Land surveyor or registered civil engineer in the State of California.

1804.4 – 1806.3.4 {CBC text not modified}

**Sec. 15.10.290 Amendment to 2013 CBC Section 1807 (Foundation Walls, Retaining Walls and Embedded Posts and Poles).**

*Section 1807 of the 2013 California Building Code is amended as follows:*

1807.1 – 1807.1.5 {CBC text not modified}

1807.1.6 Prescriptive design of concrete and masonry foundation walls. Concrete and masonry foundation walls that are laterally supported at the top and bottom shall be permitted to be designed and constructed in accordance with this section. Prescriptive design of foundation walls shall not be used for structures assigned to Seismic Design Category D, E or F.

1807.1.6.1 – 1808.9 {CBC text not modified}

**Sec. 15.10.300 Amendment to 2013 CBC Section 1809 (Shallow Foundations).**

*Section 1809 of the 2013 California Building Code is amended as follows:*

1809.1 – 1809.6 {CBC text not modified}

1809.7 Prescriptive footings for light-frame construction. Where a specific design is not provided, concrete or masonry-unit footings supporting walls of light-frame construction shall be permitted to be designed in accordance with Table 1809.7. Prescriptive footings in Table 1809.7 shall not exceed one story above grade plane for structures assigned to Seismic Design Category D, E or F.

**TABLE 1809.7  
PRESCRIPTIVE FOOTINGS SUPPORTING WALLS OF  
LIGHT-FRAME CONSTRUCTION<sup>a, b, c, d, e</sup>**

<b>NUMBER OF FLOORS SUPPORTED BY THE FOOTING<sup>f</sup></b>	<b>WIDTH OF FOOTING (inches)</b>	<b>THICKNESS OF FOOTING (inches)</b>
1	12	6
2	15	6
3	18	8 <sup>g</sup>

For SI: 1 inch = 25.4 mm, 1 foot = 304.8 mm

- a. Depth of footings shall be in accordance with Section 1809.4.
- b. The ground under the floor shall be permitted to be excavated to the elevation of the top of the footing.
- c. Not adopted, deleted
- d. See Section 1908 for additional requirements for concrete footings of structures assigned to Seismic Design Category C, D, E or F.
- e. For thickness of foundation walls, see Section 1807.1.6.
- f. Footings shall be permitted to support a roof addition to the stipulated number of floors. Footings supporting roof only shall be as required for supporting one floor.
- g. deleted

1809.8 – 1809.13 {CBC text not modified}

**Sec. 15.10.310 Amendment to 2013 CBC Section 1905 (Modifications to ACI 318).**

*Section 1905 of the 2013 California Building Code is amended as follows:*

1905.1.1 – 1905.1.2 {CBC text not modified}

1905.1.3 ACI 318, Section 21.4. Modify ACI 318, Section 21.4, by renumbering Section 21.4.3 to become 21.4.4 and adding new Sections 21.4.3, 21.4.5, 21.4.6 and 21.4.7 to read as follows:

21.4.3 – Connections that are designed to yield shall be capable of maintaining 80 percent of their design strength at the deformation induced by the design displacement or shall use Type 2 mechanical splices.

21.4.4 – Elements of the connection that are not designed to yield shall develop at least 1.5 S<sub>y</sub>.

21.4.5 – In structures assigned to Seismic Design Category D, E or F, intermediate precast wall panels and wall piers shall be designed in accordance with Section 21.9 or 21.13.

21.4.6 – Wall piers not designed as part of a moment frame in buildings assigned to Seismic Design Category C shall have transverse reinforcement designed to resist the shear forces determined from 21.3.3. Spacing of transverse reinforcement shall not exceed 8 inches (203 mm). Transverse reinforcement shall be extended beyond the pier clear height for at least 12 inches (305 mm).

Exceptions:

1. Wall piers that satisfy 21.13.
2. Wall piers along a wall line within a story where other shear wall segments provide lateral support to the wall piers and such segments have a total stiffness of at least six times the sum of the stiffnesses of all the wall piers.

21.4.7 – Wall segments with a horizontal length-to-thickness ratio less than 2.5 shall be designed as columns.

1905.1.4 – 1905.1.7 {CBC text not modified}

1905.1.8 ACI 318, Section 22.10. Delete ACI 318, Section 22.10, 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) Concrete used for fill with a minimum cement content of two (2) sacks of Portland cement or cementitious material per cubic yard.
- (b) 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: Deleted.

(c) Plain concrete footings 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. 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.

Exceptions:

1. In detached one- and two-family dwellings three stories or less in height and constructed with stud-bearing walls, are permitted to have plain concrete footings 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.

2. Deleted.

3. Deleted.

1905.1.9 {CBC text not modified}

1905.1.10 ACI 318, Section 21.6.4. Modify ACI 318, Section 21.6.4, by adding Section 21.6.4.8 and 21.6.4.9 as follows:

21.6.4.8 Where the calculated point of contraflexure is not within the middle half of the member clear height, provide transverse reinforcement as specified in ACI 318 Sections 21.6.4.1, Items (a) through (c), over the full height of the member.

21.6.4.9 – At any section where the design strength,  $\phi P_n$ , of the column is less than the sum of the shears  $V_e$  computed in accordance with ACI 318 Sections 21.5.4.1 and 21.6.5.1 for all the beams framing into the column above the level under consideration, transverse reinforcement as specified in ACI 318 Sections 21.6.4.1 through 21.6.4.3 shall be provided. For beams framing into opposite sides of the column, the moment components are permitted to be assumed to be of opposite sign. For the determination of the design strength,  $\phi P_n$ , of the column, these moments are permitted to be assumed to result from the deformation of the frame in any one principal axis.

1905.1.11 ACI 318, Section 21.9.4. Modify ACI 318, Section 21.9.4, by adding Section 21.9.4.6 as follows:

21.9.4.6 – Walls and portions of walls with  $P_u > 0.35P_o$  shall not be considered to contribute to the calculated shear strength of the structure for resisting earthquake-induced forces. Such walls shall conform to the requirements of ACI 318 Section 21.13.

1905.1.12 ACI 318, Section 21.11.6. Modify ACI 318, by adding Section 21.11.6.1 as follows:

21.11.6.1 Collector and boundary elements in topping slabs placed over precast floor and roof elements shall not be less than 3 inches (76 mm) or  $6 d_b$  in thickness, where  $d_b$  is the diameter of the largest reinforcement in the topping slab.

1906.1 – 1913.5 {CBC text not modified}

**Sec. 15.10.320 Amendment to 2013 CBC Section 2304 (General Construction Requirements).**

*Section 2304 text and Table 2304.9.1 of the 2013 California Building Code are amended as follows:*

2304.1 – 2304.9 {CBC text not modified}

2304.9.1 Fastener requirements. Connections for wood members shall be designed in accordance with the appropriate methodology in Section 2301.2. The number and size of fasteners connecting wood members shall not be less than that set forth in Table 2304.9.1. Staple fasteners in Table 2304.9.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

2304.9.2. – 2304.12 {CBC text not modified}

#### TABLE 2304.9.1

*Add new footnote q to Table 2304.9.1. to read as follows. The remaining portions of Table 2304.9.1 are not modified.*

q. Staples shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

#### **Sec. 15.10.330 Amendment to 2013 CBC Section 2305 (General Design Requirements for Lateral-Force-Resisting Systems).**

*Section 2305 of the 2013 California Building Code is amended as follows:*

2305.1 – 2305.3 {CBC text not modified}

2305.4 Quality of Nails. In Seismic Design Category D, E or F, mechanically driven nails used in wood structural panel shear walls shall meet the same dimensions as that required for hand-driven nails, including diameter, minimum length and minimum head diameter. Clipped head or box nails are not permitted in new construction. The allowable design value for clipped head nails in existing construction may be taken at no more than the nail-head-area ratio of that of the same size hand-driven nails.

2305.5 Hold-down connectors. In Seismic Design Category D, E or F, hold-down connectors shall be designed to resist shear wall overturning moments using approved cyclic load values or 75 percent of the allowable seismic load values that do not consider cyclic loading of the product. Connector bolts into wood framing shall require steel plate washers on the post on the opposite side of the anchorage device. Plate size shall be a minimum of 0.229 inch by 3 inches by 3 inches (5.82 mm by 76 mm by 76 mm) in size. Hold-down connectors shall be tightened to finger tight plus one half (1/2) wrench turn just prior to covering the wall framing.

#### **Sec. 15.10.340 Amendment to 2013 CBC Section 2306 (Allowable Stress Design).**

*Section 2306 of the 2013 California Building Code is amended as follows:*

2306.1 – 2306.1.4 {CBC text not modified}

2306.2 Wood-frame diaphragms. Wood-frame diaphragms shall be designed and constructed in accordance with AF&PA SDPWS. Where panels are fastened to framing members with staples, requirements and limitations of AF&PA SDPWS shall be met and the allowable shear values set forth in Table 2306.2(1) or 2306.2(2) shall *only* be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the Building Official.

The allowable shear values in Tables 2306.2(1) and 2306.2(2) are permitted to be increased 40 percent for wind design.

Exception: [DSA-SS, DSA-SS/CC and OSHPD 1, 2 &4] Wood structural panel diaphragms using staples as fasteners are not permitted by DSA and OSHPD.

Wood structural panel diaphragms used to resist seismic forces in structures assigned to Seismic Design Category D, E or F shall be applied directly to the framing members.

Exception: Wood structural panel diaphragms are permitted to be fastened over solid lumber planking or laminated decking, provided the panel joints and lumber planking or laminated decking joints do not coincide.

2306.2.1 {CBC text not modified}

2306.3 Wood structural panel shear walls. Wood-frame shear walls shall be designed and constructed in accordance with AF&PA SDPWS. For structures assigned to Seismic Design Category D, E, or F, application of Tables 4.3A and 4.3B of AF&PA SDPWS shall include the following:

1. Wood structural panel thickness for shear walls shall not be less than 3/8 inch thick and studs shall not be spaced at more than 16 inches on center.
2. The maximum nominal unit shear capacities for 3/8 inch wood structural panels resisting seismic forces in structures assigned to Seismic Design Category D, E or F is 400 pounds per linear foot (plf).

Exception: Other nominal unit shear capacities may be permitted if such values are substantiated by cyclic testing and approved by the Building Official.

3. Where shear design values using allow stress design (ASD) exceed 350 plf or load and resistance factor design (LRFD) exceed 500 plf, all framing members receiving edge nailing from abutting panels shall not be less than a single 3-inch nominal member, or two 2-inch nominal members fastened together in accordance with Section 2306.1 to transfer the design shear value between framing members. Wood structural panel joint and sill plate nailing shall be staggered at all panel edges. See Sections 4.3.6.1 and 4.3.6.4.3 of AF&PA SDPWS for sill plate size and anchorage requirements.

4. Nails shall be placed not less than 1/2 inch in from the panel edges and not less than 3/8 inch from the edge of the connecting members for shear greater than 350 plf using ASD or 500 plf using LRFD. Nails shall be placed not less than 3/8 inch from panel edges and not less than 1/4 inch from the edge of the connecting members for shears of 350 plf or less using ASD or 500 plf or less using LRFD.

5. Table 4.3B application is not allowed for structures assigned to Seismic Design Category D, E, or F.

For structures assigned to Seismic Design Category D, application of Table 4.3C of AF&PA SDPWS shall not be used below the top level in a multi-level building for structures.

Where panels are fastened to framing members with staples, requirements and limitations of AF&PA SDPWS shall be met and the allowable shear values set forth in Table 2306.3(1), 2306.3(2) or 2306.3(3) shall only be permitted for structures assigned to Seismic Design Category A, B, or C.

Exception: Allowable shear values where panels are fastened to framing members with staples may be used if such values are substantiated by cyclic testing and approved by the Building Official.

The allowable shear values in Tables 2306.3(1) and 2306.3(2) are permitted to be increased 40 percent for wind design. Panels complying with ANSI/APA PRP-210 shall be permitted to use design values for Plywood Siding in the AF&PA SDPWS.

Exception: [DSA-SS 7DSA-SS/CC and OSHPD 1, 2 &4] Wood structural panel shear walls using staples as fasteners are not permitted by DSA and OSHPD.

**Sec. 15.10.350 Amendment to 2013 CBC Section 2307 (Load and Resistant Factor Design).**

*Section 2307 of the 2013 California Building Code is amended as follows:*

2307.1 {CBC text not modified}

2307.2 Wood-frame shear walls. Wood-frame shear walls shall be designed and constructed in accordance with Section 2306.3 as applicable.

**Sec. 15.10.360 Amendment to 2013 CBC Section 2308 (Conventional Light Frame Construction).**

*Section 2308 of the 2013 California Building Code is amended as follows:*

2308.1 – 2308.12.4.1 {CBC text not modified}

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. Staple fasteners in Table 2304.9.1 shall not be used to resist or transfer seismic forces in structures assigned to Seismic Design Category D, E or F.

Exception: Staples may be used to resist or transfer seismic forces when the allowable shear values are substantiated by cyclic testing and approved by the Building Official.

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 inches (6096 mm) intervals along the top plate of discontinuous vertical framing.

2308.12.6 – 2308.12.9 {CBC text not modified}

**Sec. 15.10.370 Amendment to 2013 CBC Section 2508 (Gypsum Construction).**

*Section 2508 of the 2013 California Building Code is amended as follows.*

2508.1 – 2508.4 {CBC text not modified}

2508.5 Horizontal gypsum board diaphragm ceilings. *Deleted.*

**Sec. 15.10.380 Amendment to 2013 CBC 3401 (General).**

*Section 3401 of 2013 California Building Code is amended as follows:*

3401.1 Scope. {CBC text not modified}

[DSA- AC] - {CBC text not modified}

Additions, alterations or repairs to an existing building or structure which are located within the Wildland-Urban Interface Fire Area shall comply with the requirements of FBC Section 15.10.180.

Exceptions: {CBC text not modified}

3401.1.1 – 3401.9 {CBC text not modified}

**Sec. 15.10.390 Amendment to 2013 CBC 3408 (Change of Occupancy).**

*Section 3408 of 2013 California Building Code is amended as follows:*

3408.1 – 3408.4 {CBC text not modified}

3408.5 AFES. When a change of occupancy results in a structure being reclassified to a higher occupancy category per table 3408.5.1, an automatic fire extinguishing system shall be installed throughout the structure.

**\*Table 3408.5.1**

<b>Relative Hazard</b>	<b>Occupancy Classifications</b>
1 (Highest Hazard)	H
2	I-2, I-3, I-4
3	A,E, I-1,M,R-1,R-2,R-4
4	B,F-1,R-3,S-1
5 (Lowest Hazard)	F-2,S-2,U

\* Ref: 2009 IEBC Table 912.4

**Sec. 15.10.400 Supplemental Building Codes.**

The provisions of Fremont Municipal Code Title 15 (Buildings and Construction), Chapter 15.50 (Building Security) supplement the 2013 California Building Code as adopted by this chapter as provided in Penal Code §14051.

**SECTION 4. FMC CHAPTER 15.15 REPEALED AND REPLACED**

Chapter 15.15 (Fremont Mechanical Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

**Sec. 15.15.010 Title.**

This chapter shall be known and may be cited as the "Fremont mechanical code" or "Fremont municipal mechanical code" or "FMMC" and will be referred to in this chapter as "this code."

**Sec. 15.15.020 Adoption of the 2013 CMC with Amendments.**

The 2013 edition of the California Mechanical Code (CMC) as published by the International Code Council is adopted as the mechanical code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this chapter. A copy of 2013 CMC shall be maintained on file in the office of the city clerk.

**Sec. 15.15.030 2013 CMC Appendix Chapters Adopted.**

The following Appendix Chapters and Divisions of the 2013 California Mechanical Code are adopted by the city of Fremont.

- (a) Appendix A, Standard No. 2-2, 6-2, 6-5
- (b) Appendix B
- (c) Appendix C
- (d) Appendix D

**Sec. 15.15.040 2013 CMC Chapter 1, Division II Adopted.**

Chapter 1, Division II of the 2013 California Mechanical Code is adopted by the city of Fremont and made a part of the Fremont Mechanical Code. References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the city of Fremont.

**Sec. 15.15.050 Amendment of 2013 CMC Section 112 (Permits Required).**

*Section 112 of the 2013 California Mechanical Code is amended as follows:*

112.0 - 112.1 {CMC text not modified}

112.1.1 Who may be issued a permit. Permits shall be issued only to State licensed contractors or their respective authorized representative but only to the extent and to the work the person is licensed by the State of California to do so.

Exception: Permits may be issued to owners certifying proof of exemption under the exemptions specified in California Business and Professions Code Section 7044.

112.2 -112.2.5 {CMC text not modified}

**Sec. 15.15.060 Amendment of 2013 CMC Section 113 (Application for Permit).**

*Section 113 of the 2013 California Mechanical Code is amended as follows:*

113.0 – 113.1.4 {CMC text not modified}

113.1.5. The application shall be signed by the permittee, contractor, or authorized representative of the permittee who may also be required to submit additional evidence to indicate such authority. Applicant must certify that the contents thereof are true and correct under penalty of perjury.

113.6 {CMC text not modified}

**Sec. 15.15.070 Amendment of 2013 CMC Section 114 (Permit Issuance).**

*Section 114 of the 2013 California Mechanical Code is amended as follows:*

114.0 - 114.1 {CMC text not modified}

114.1.1 Withhold permit. The Building Official may withhold the issuance of a permit if the proposed work is in conjunction with construction requiring the issuance of a building permit where no building permit has been issued.

114.2 – 114.5 {CMC text not modified}

**Sec. 15.15.080 Amendment of 2013 CMC Section 115 (Fees).**

*Sections 115 of the 2013 California Mechanical Code is amended as follows:*

115.0 - 115.1 {CMC text not modified}

115.2 Permit fees. Permit fees shall be established by resolution of the City Council for any permit, inspection, review, approval, determination, or other procedure established pursuant to this Code.

115.3 Plan review fees. When a plan or other data is required to be submitted by Section 113.2 of the California Mechanical Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for mechanical work shall be as established by resolution of the city Council.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 115.2 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate established by resolution of the city Council.

115.4 - 115.6.3 {CMC text not modified}

**Sec. 15.15.090 Amendment of 2013 CMC Section 117 (Connection Approval).**

*Section 116 of the 2013 California Mechanical Code is amended as follows:*

116.0 {CMC text not modified}

116.1 Energy connections. There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning and zoning inspections are made and approval has been given on any building sought to be connected to such utilities unless approval has first been obtained from the Building Official.

116.2 {CMC text not modified}

116.3 All utility connections in areas prone to liquefaction shall be flexible and designed for differential settlement.

**Sec. 15.15.100 Amendment of 2013 CMC Section 507 (Commercial Hoods & Kitchen Ventilation).**

507.0 – 507.2.8 { CMC text not modified}

507.2.9 Type I hoods or portions thereof penetrating a ceiling or furred space must conform to the grease duct enclosure requirements in Section 510.7.

507.2.10 Hoods less than 12 inches from a ceiling or wall shall be solidly flashed with materials of the same thickness as the hood as specified in Section 508.1.1.

507.3 – 507.4 {CMC text not modified}

**Sec. 15.15.110 Amendment of 2013 CMC Section 510 (Exhaust Duct Systems).**

510.0 – 510.7 {CMC text not modified}

510.7.1 In all buildings, the ducts shall be enclosed in a continuous enclosure extending from the lowest fire-rated ceiling or floor above the hood, through any concealed spaces, to or through the roof so as to maintain the integrity of the fire separations required by the applicable building code provisions. The enclosure shall be sealed around the duct at the point of penetration of the lowest fire-rated ceiling or floor above the hood in order to maintain the fire resistance rating of the enclosure and shall be vented to the exterior of the building through weather-protected openings.

Exception: {CMC text not modified}

510.7.2 – 510.9 {CMC text not modified}

**SECTION 5. FMC CHAPTER 15.20 REPEALED AND REPLACED**

Chapter 15.20 (Fremont Plumbing Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

**Sec. 15.20.010 Title.**

This chapter shall be known and may be cited as the “Fremont plumbing code” or “FPC” and will be referred to in this chapter as “this code.”

**Sec. 15.20.020 Adoption of the 2013 CPC With Amendments.**

The 2013 edition of the California Plumbing Code (CPC) as published by the International Code Council is adopted as the Plumbing Code of the city of Fremont, California, as if fully set out in this Article, and is amended as set forth in this Article. A copy of 2013 CPC shall be maintained on file in the office of the city clerk.

**Sec. 15.20.030 2013 CPC Appendix Chapters Adopted.**

The following Appendix Chapters of the 2013 California Plumbing Code are adopted by the city of Fremont.

- (a) Appendix A, (Sizing Water Supply System)
- (b) Appendix B (Combination Waste and Vent System)
- (c) Appendix D (Sizing Storm Water System)
- (d) Appendix I (Installation Standard)

**Sec. 15.20.040 Adoption of Certain Portions of 2013 CPC Chapter 1, Division II.**

- (a) Chapter 1, Division II of the 2013 California Plumbing Code is adopted by the city of

Fremont and made a part of the Fremont Plumbing Code, except for the sections set forth in subsection (b). References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the city of Fremont.

**Sec. 15.20.050 Amendment of 2013 CPC Section 102 (Organization and Enforcement).**

*Section 102 of the 2013 California Plumbing Code is amended as follows.*

102.0 {CPC text not modified}

102.1 Authority having jurisdiction. Whenever the term "Authority Having Jurisdiction" is used in this Article, it shall be construed to mean the Building Official or his or her authorized representative.

102.2 {CPC text not modified}

102.2.1 {not adopted}

102.2.2 – 102.2.5 {CPC text not modified}

102.2.6 {not adopted}

102.3 – 102.3.2 {not adopted}

**Sec. 15.20.060 Amendment of 2013 CPC Section 103 (Permits and Inspections).**

*Section 103 of the 2013 California Plumbing Code is amended as follows:*

103.0 -103.2.1.6 {CPC text not modified}

103.2.1.7 Permits shall be issued only to contractors or their respective authorized representatives licensed by the State to perform the work authorized by the permit. Permits may be issued to owners certifying proof of exemption under Chapter 9, Division 3, Section 7044 of the State of California Business and Professions Code.

103.2.1.8 The application shall be signed by the permittee, contractor, or authorized representative of the permittee who may also be required to submit additional evidence to indicate such authority. Applicant must certify that the contents thereof are true and correct under penalty of perjury.

103.2.2 – 103.3.1 {CPC text not modified}

103.3.1.1 The Building Official may withhold the issuance of a permit if the proposed work is in conjunction with construction requiring the issuance of a building permit and where no building permit has been issued.

103.3.2 – 103.3.5 {CPC text not modified}

103.4.1 Permit fees. The applicant shall pay for each permit at the time of issuance a fee

established by resolution of the city council for any permit, inspection review, approval, determination or other procedure established pursuant to this Code.

103.4.2 Plan review fees. When a plan or other data is required to be submitted by Section 103.2.2 of the California Plumbing Code, a plan review fee shall be paid at the time of submitting plans and specifications for review. The plan review fees for plumbing work shall be as established by resolution of the city Council. When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate established by resolution of the city council.

The plan review fees specified in this subsection are separate fees from the permit fees specified in Section 103.4.1 and are in addition to the permit fees.

When plans are incomplete or changed so as to require additional review, a fee shall be charged at the rate established by resolution of the city council.

103.4.3 - 103.6.3 {CPC text not modified}

103.6. Clearance of connections. There shall be no clearance for connection of gas or electrical utilities until final building, electrical, plumbing, heating, air conditioning and zoning inspections are made and approval has been given on any building or system sought to be connected to such utilities unless approval has been first obtained from the Building Official, as provided for a certificate of final inspection in Section 103.5.6.3.

103.6.3 All utility connections in areas prone to liquefaction shall be flexible and designed for differential settlement.

103.7 – 103.8.2 - deleted

## SECTION 6. FMC CHAPTER 15.25 REPEALED AND REPLACED

Chapter 15.25 (Fremont Electrical Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

### **Sec. 15.25.010 Title.**

This chapter shall be known and may be cited as the "Fremont Electrical Code" or "FEC" and will be referred to in this chapter as "this code."

### **Sec. 15.25.020 Adoption of the 2013 California Electrical Code without amendments.**

The 2013 edition of the California Electrical Code as published by the International Code Council is adopted as the Electrical Code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this chapter. A copy of 2013 CEC shall be maintained on file in the office of the city clerk.

### **Sec. 15.25.030 Amendment of 2013 CEC Article 110 (Requirements for Electrical Installations).**

*Article 110 of the 2013 California Electrical Code is amended as follows.*

110.1-110.3(A)(1) {text not modified}

110.3(A)(2) Mechanical strength and durability, including, for parts designed to enclose and protect their equipment, the adequacy of the protection thus provided. Grounding electrodes, metallic raceways, or other metallic components of electrical systems, intended for direct contact with the earth shall be constructed of non-ferrous materials such as copper where highly corrosive conditions exist based on reports from a licensed soils engineer.

110.3(A)(3)-110.79 {text not modified}

**Sec. 15.25.040 Amendment of-2013 CEC Article 230 (Services)**

*Article 230 of the 2013 California Electrical Code is amended as follows.*

230.1-230.31 {text not modified}

230.32 Protection Against Damage. Underground service-lateral conductors shall be protected against damage in accordance with 300.5. Service-lateral conductors entering a building shall be installed in accordance with 230.6 or protected by a raceway wiring method identified in 230.43. Flexible utility connections prevent undue strain on utilities during settlement and in the event of an earthquake will reduce the likely hood of significant utility failures and reduce fire ignition and fuel sources.

230.33-230.212 {text not modified}

**SECTION 7. FMC CHAPTER 15.30 REPEALED AND REPLACED**

Chapter 15.30 (Fremont Existing Building Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

**Sec. 15.30.010 Title.**

This chapter shall be known and may be cited as the "Fremont existing building code" or "FEBC" and will be referred to in this chapter as "this code."

**Sec. 15.30.020 Adoption of the 2013 California Existing Building Code Without Amendments.**

The 2013 edition of the California Existing Building Code (CEBC) as published by the International Code Council is adopted as the Existing Building Code of the city of Fremont, California, without amendments, as if fully set out in this chapter. A copy of 2013 CEBC shall be maintained on file in the office of the city clerk.

**SECTION 8. FMC SECTION 15.40.020 REPEALED AND REPLACED**

Section 15.40.020 of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code), Chapter 15.40 (Fremont Housing Code) is repealed and replaced to read as follows:

**Sec. 15.40.020 Amendments to the 1997 edition of the Uniform Housing Code to Conform to the 2013 California Building Standards Code.**

*The text of the 1997 Edition of the Uniform Housing Code, as adopted and amended by Section 15.40.020, is further amended to conform to the 2013 California Building Standards Code as follows:*

*(a) The reference to "Section 106 of the Building Code" in Section 301 is changed to "the Building Code".*

*(b) The reference to "Section 107 of the Building Code" in Section 302 is changed to "the Building Code".*

*(c) The reference to "Sections 108 and 1701 of the Building Code" in Section 303 is changed to "the Building Code".*

*(d) The definition of "Building Code" in Section 401 is amended to read:*

BUILDING CODE is the 2013 California Building Code as adopted and amended by the city of Fremont.

*(e) The definition of "Mechanical Code" in Section 401 is amended to read:*

MECHANICAL CODE is the 2013 California Mechanical Code as adopted and amended by the city of Fremont.

*(f) The definition of "Plumbing Code" in Section 401 is amended to read:*

PLUMBING CODE is the 2013 California Plumbing Code as adopted and amended by the city of Fremont.

*(g) [text unchanged]*

*(h) [text unchanged]*

*(i) The reference to "Section 102 of the Building Code" in Section 1001 is changed to "the Building Code".*

*(j) Chapter 12 "Appeals" is not adopted and THE appeal process of Section 502 is deleted and is replaced with FMC Sections 8.60.120 – 8.60.150.*

**SECTION 9. FMC CHAPTER 15.44 ADDED**

Chapter 15.44 (Fremont Energy Code) of Fremont Municipal Code Title 15 (Buildings and

Construction), Division 1 (Fremont Building Standards Code) is added to read as follows:

**Sec. 15.44.010 Title.**

This chapter shall be known and may be cited as the “Fremont energy code” or “FEC” and will be referred to in this chapter as “this code.”

**Sec. 15.44.020 Adoption of the 2013 California Energy Code Without Amendments.**

The 2013 edition of the California Energy Code (CEC) as published by the State of California is adopted as the Energy Code of the city of Fremont, California, without amendments, as if fully set out in this chapter. A copy of 2013 CEBC shall be maintained on file in the office of the city clerk.

**SECTION 10. FMC CHAPTER 15.45 REPEALED AND REPLACED**

Chapter 15.45 (Fremont Abatement of Dangerous Buildings Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

**Sec. 15.45.010 Uniform Code for the Abatement of Dangerous Buildings.**

The 1997 Edition of the Uniform Code for the Abatement of Dangerous Buildings, Chapters 1 through 3, is adopted as written, excluding Section 205, which is not adopted. For the purposes of this chapter, the Building Official may act as health officer. Chapters 4 through 9 of the Uniform Code for the Abatement of Dangerous Buildings and Chapters 11 through 16 of the Uniform Housing Code are combined and changed to read as follows:

**A. Inspection and notice to repair, notice to vacate.**

1. The Building Official may inspect or cause to be inspected every building or structure or portion thereof reported dangerous, damaged or substandard. If the building or structure is found to be an unsafe building, the Building Official shall obtain a preliminary or survey title report as to the building or structure or land on which it is located, which shall identify all owners of record, holders of mortgages, deeds of trust or other liens and encumbrances of record. The Building Official shall serve upon each such person by personal service or by certified mail, postage prepaid, return receipt requested, a written notice stating the defects of the building or structure and requiring the owner to commence either the required repairs or improvements or demolition and removal of the building or structure or portions thereof within sixty days from the date of notice or within such time as deemed reasonable by the Building Official. All such work must be completed within such time as deemed reasonable by the Building Official.

The notice shall also inform recipients of their rights to and the procedures for filing an appeal of the action to the city manager within ten days of the date of the notice and that their failure to appeal will constitute a waiver of their right to an administrative hearing and adjudication of the notice and order or any portion thereof.

The notice shall be sent to each such person at his/her address as it appears on the last equalized assessment roll of the county or as known to the Building Official. If no address of any such person so appears or is known to the Building Official, then a copy of the notice shall be so mailed, addressed to such person, at the address of the building or structure found by the Building Official to be unsafe. Service by certified mail shall be effective on the date of mailing. The Building Official shall cause at least one copy of the notice, bearing title letters at least one inch high reading "NOTICE TO ABATE NUISANCE," to be posted conspicuously on the building, structure, or portion thereof alleged to be unsafe.

2. If the building or structure is occupied, and the Building Official finds that protection of human safety necessitates that it be vacated, the notice shall also require that the building, structure, or portion thereof be vacated not later than thirty days from the date of the notice or within such time as deemed reasonable by the Building Official.

The Building Official shall serve by first class mail postage prepaid, a notice to the occupant of each dwelling unit or unit under separate use in the building or structure found to be unsafe, stating that the Building Official has, as a result of an inspection, found the building or structure to be unsafe and unfit for human occupancy, and advising the occupants that they must vacate the building or structure within the specified time, and that further occupancy of the building or structure beyond the date required for vacancy is unlawful and constitutes a misdemeanor. The Building Official shall cause to be posted at or upon each exit of the building or structure a notice in substantially the following form:

#### NOTICE TO VACATE

The Building Official of the City of Fremont has found this building to be unsafe and unfit for continued human occupancy. This building or structure must be vacated not later than \_\_\_\_\_.

It is a misdemeanor to occupy this building or structure beyond such date, or to remove or deface this Notice.

#### BUILDING OFFICIAL

Dated: \_\_\_\_\_  
City of Fremont

3. No person shall enter or remain in any building which has been posted with a Notice to Vacate as specified in this subsection after the date upon which such notice requires the building to be vacated, except that entry can be made: (a) to repair, demolish, or remove such building under permit, (b) by the Building Official or his/her duly authorized representative for purposes of inspection; and (c) after any required repairs have been completed and a certificate of occupancy has been issued pursuant to the California Building Code.

No person shall remove or deface any notice posted pursuant to this subsection until the required repairs, demolition, or removal have been completed and a certificate of occupancy issued pursuant to the provisions of the California Building Code.

4. Proof of services of notices shall be certified at the time of service by a written declaration under penalty of perjury executed by the person effecting service, declaring the time, date, and manner in which service was made. The declaration, together with any receipt card returned in acknowledgment of receipt by certified mail shall be affixed to the copy of the notice and order retained by the Building Official.

B. Appeals and appeal hearings. Appeals and appeal hearings shall be conducted as provided for in Title 8 (Health and Safety), Chapter 8.60 (Neighborhood Preservation) Section 8.60.120 through Section 8.60.150 of this Code unless other procedures are specified herein.

C. Recordation of notice and order. If the dangerous, damaged or substandard building is not repaired or demolished by the owner within the prescribed time(s), recordation of notice and order shall be accomplished in accordance with Section 402, Uniform Code for the Abatement of Dangerous Buildings, if such recordation has not already been made during the course of the proceedings.

D. Abatement by Building Official. In the event the dangerous, damaged or substandard building is not repaired or demolished by the owner within the time prescribed, the Building Official is authorized to raze, demolish, remove, rehabilitate, or repair the building or pertinent portion thereof, or have the work done under his/her direction or supervision, or pursuant to purchase order or contract.

The Building Official shall keep an itemized account of the expenses, including any administrative costs, involved in the razing, demolishing, removing, rehabilitation, reconstruction, or repair of any building. The Building Official shall mail a copy of the itemized statement of expenses to the property owner demanding payment within thirty days. Copies of this statement will also be mailed to any holder of any interest of record. The statement of expenses will also advise the owner of the right to appeal the costs of the abatement within ten calendar days and the procedure by which such an appeal may be filed. Any appeal filed hereunder shall be heard by a hearing officer appointed by the city manager. The owner will be notified of the time and place for the hearing in writing. Said notice will be served personally or by first class mail, postage prepaid.

E. Hearing by hearing officer – statement of expense. At the time fixed for the hearing of the statement of expense, the hearing officer shall consider the statement together with any objections or protests which may be raised by any of the property owners liable to be assessed for such abatement costs. The hearing officer may make such revision, correction, or modification in the statement as she/he may deem just, after which the statement as submitted, or as revised, corrected, or modified, shall be confirmed. The hearing officer shall notify the property owner in writing of his/her confirmation, setting a thirty-day payment deadline, and serve the confirmation personally or by first class mail, postage prepaid. The hearing officer may continue the hearings from time to time. The decision on all protests and objections which may be made shall be final and conclusive. The hearing officer shall prepare and preserve a full record of the proceeding, including an audio tape, for thirty-seven months after the close of the hearing.

**F. Assessment of cost of abatement; lien.** The cost of abatement shall be assessed by the city against the property upon which the nuisance was abated, and such cost so assessed, if not paid within thirty days after its confirmation by the hearing officer, shall constitute a special assessment against the parcel of property and shall be a lien on such property for the amount thereof from the time of recordation of the notice of lien, which lien shall continue until the assessment is paid or until it is discharged of record.

From and after the date of the recording of the notice of a lien, all persons shall be deemed to have notice of the contents thereof. The notice of lien shall be delivered by the city finance director to the county auditor, who shall enter the amount thereof on the county assessment book opposite the description of the particular property and the amount shall be collected together with all other taxes thereon against the property. The notice of lien shall be delivered to the county auditor before the date fixed by law for the delivery of the assessment roll to the county board of equalization. Thereafter the amount of the lien shall be collected at the same time and in the same manner as ordinary county taxes are collected, and shall be subject to the same penalties and interest and to the same procedure under foreclosure and sale in case of delinquency as provided for ordinary county taxes. All laws applicable to the levy, collection, and enforcement of county taxes are hereby made applicable to such special assessment taxes.

**G. Power of Building Official to secure hazardous structures.** In addition to the procedures provided for abatement of nuisances caused by dangerous and hazardous structures as set forth in this code, the Building Official is hereby given summary power to secure from entry any structure which in his/her discretion is determined to be immediately dangerous, or immediately hazardous, or in any other manner injurious to public health or safety. Such structures may be secured by the Building Official by nailing boards over the doors and windows of such structures. However, the Building Official shall not be limited to only this method and may use other methods at his/her discretion to accomplish the same purpose which may be more appropriate under the circumstances. The Building Official shall also post a sign stating in effect, "DANGER, DO NOT ENTER" upon the structure in at least one conspicuous place, with the wording "DANGER" in letters at least one inch in height. The Building Official shall immediately upon such action send notice to the owners of the real property upon which the structure is located, as shown on the last equalized assessment rolls. Such notice shall contain the following information:

1. That he/she has secured the structure;
2. The cost incurred by the city thereby;
3. That signs have been posted as provided by this section;
4. The reasons the action has been taken;
5. That an appeal may be made within ten days to the city manager, as provided by in Title 8 (Health and Safety), Chapter 8.60 (Neighborhood Preservation) Section 8.60.120 through Section 8.60.150 of this Code;

6. That if his/her action is not altered by the hearing officer, the cost of securing the property shall become a lien upon the real property unless the cost is paid to the city within thirty days of the mailing of the notice.

At the appeal after hearing all evidence and other relevant matters presented at said hearing, the hearing officer may then confirm, amend, or annul the action of the Building Official. If the action of the Building Official is annulled, the city, at its own expense shall remove any and all signs stating that the building is unsafe to enter. If, however, the hearing officer confirms the action of the Building Official in securing the structure, at the hearing of appeal, then the cost incurred by the city in securing the structure shall become a lien against the property and be enforced pursuant to subsection F above.

H. Power of Building Official to abate immediately dangerous or hazardous nuisances. The same procedure as provided for in subsection G for abating nuisances through securing from entry any structure which is determined by the Building Official to be immediately dangerous or immediately hazardous may also be used by the Building Official in connection with the summary abatement of all other public nuisances upon private property which the Building Official determines, at his/her discretion, to constitute an immediate dangerous or hazardous condition. The Building Official may then summarily abate such nuisance at his/her discretion in the most appropriate manner under the circumstances, which may include, but shall not be limited to, the following methods: fencing, draining water from swimming pools, and filling with appropriate ballast, removing fire hazards, filling or covering open holes and grading or strengthening landfills or excavations. Although the manner and method used by the Building Official shall be at his/her discretion, he/she shall, in making his/her determinations, seek the most economical method and endeavor not to place an undue economic hardship upon the owner of the property, and only use those measures which will eliminate the dangerous and hazardous features. Notice of the action shall be sent to the record owner of the property affected as shown on the last equalized assessment rolls, and procedures for appeals, hearings establishing liens, collection of liens by the assessor, and other actions shall be the same as that provided in this section.

I. Discontinuation of utility services. In the event the Building Official shall order the abatement of or abate any condition on property pursuant to this section, the Building Official is authorized to order discontinuation of any utility services or utility connection to the property upon which the structure is located.

J. Contracts, purchase orders, and bonds. Whenever this code provides that the Building Official is authorized to cause a building, structure, or portion thereof which has been declared to be a public nuisance to be demolished, removed, reconstructed, rehabilitated, or repaired, or to abate any nuisance by appropriate action involving the construction, grading, filling, removal or demolition of any object, such Building Official is authorized to issue purchase orders or to enter into contracts on behalf of the city with private contractors in accordance with the procedures set forth in such ordinance or ordinances of the city governing the solicitation of bids for purchases and contracts, and such rules and regulations as have been or may be promulgated thereunder. Such contracts, if for amounts exceeding fifty thousand dollars, shall require that the contractor furnish bonds by one or more corporate sureties authorized to transact business in California as follows:

1. In the amount of the contract, conditioned upon the faithful performance thereof;
2. In an amount equivalent to fifty percent of the amount of the contract, securing payment to any and all subcontractors, and persons furnishing labor, materials, or equipment to the contractor or subcontractors. Such contracts shall be either for work regularly budgeted or for work for which the cost may be recovered by imposing a lien upon the land, and collected with real property taxes or assessments.

K. Permit fees. If any owner or person in possession of real property applies for a permit to either demolish or rehabilitate any building or structure or portion thereof, after proceedings have been commenced to determine whether such building, structure, or portion thereof should be declared to be a public nuisance, the fee for such permit shall be increased over and above the amount otherwise due by an additional amount determined by the Building Official to cover all administrative costs incurred by the city on such proceedings up to that point. If the applicant for such permit is aggrieved by such determination, he/she may file an appeal to the city manager as set forth in Title 8 (Health and Safety), Chapter 8.60 (Neighborhood Preservation) Section 8.60.120 through Section 8.60.150 of this Code. For purposes of this subsection, proceedings shall have been deemed to have been commenced when the Building Official shall have served written notice pursuant to Subsection C stating the defects of the building or structure and requiring the owner to commence repairs, improvements, demolition, or removal.

L. Violation. Any person, firm or corporation violating or causing the violation of any of the provisions of this ordinance as specified in subsection A.1. shall be guilty of a misdemeanor, but may be charged with an infraction at the discretion of the enforcement officer, and upon conviction, shall be punishable by a fine as set forth in Fremont Municipal Code Section 1.15.020 as amended.

M. Each day a separate offense. Each day during any portion of which any violation of this ordinance is committed or continued by such person, firm or corporation, shall constitute a separate offense and shall be punishable as herein provided.

N. Public nuisance. It is declared that any violation of this Chapter constitutes a public nuisance. In addition to any other remedies this code provides for enforcement, the city may bring civil suit to enjoin violation of its provisions.

**Sec. 15.45.020 Amendments to the 1997 Edition of the Uniform Code for Abatement of Dangerous Buildings to conform to the 2013 California Building Standards Code.**

The text of the 1997 Edition of the Uniform Code for Abatement of Dangerous Buildings, as adopted and amended by Section 15.45.010, is further amended to conform to the 2013 California Building Standards Code as follows:

- (a) The reference to "Section 3403" of the Building Code in Section 103 is changed to "Section 3401.2."

(b) The reference to “Sections 108 and 1701 of the Building Code” in Section 204 is changed to “the Building Code”.

(c) The definition of “Building Code” in Section 301 is changed to read as follows”

BUILDING CODE is the 2010 California Building Code as adopted and amended by the city of Fremont.

(d) The appeals process of Section 502 is deleted and is replaced with the procedure in Fremont Municipal Code Title 8 (Health and Safety), Chapter 8.60 (Neighborhood Preservation) Section 8.60.120 through Section 8.60.150.

## SECTION 11. FMC CHAPTER 15.47 REPEALED AND REPLACED

Chapter 15.47 (Fremont Residential Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

### **Sec. 15.47.010 Adoption of the 2013 CRC with Amendments.**

The 2013 edition of the California Residential Code (CRC) as published by the International Code Council is adopted with amendments as the Residential Code of the city of Fremont, California, as if fully set out in this chapter, and is amended as set forth in this chapter. A copy of 2013 CRC shall be maintained on file in the office of the city clerk.

### **Sec. 15.47.020 Adoption of Certain 2013 CRC Appendix Chapters.**

The following Appendix Chapters of the 2013 California Building Code are adopted by the city of Fremont. The remaining Appendix Chapters are not adopted.

- (a) Appendix Chapter G (Swimming Pools, Spas & Hot Tubs)
- (b) Appendix Chapter H (Patio Covers)
- (c) Appendix Chapter J (Existing Buildings and Structures)
- (d) Appendix Chapter K (Sound Transmission)

### **Sec. 15.47.030 Administration of Residential Code**

- (a) Chapter 1, Division II of the 2013 California Residential Code is adopted by the city of Fremont and made a part of the Fremont Residential Code, except for the section set forth in subsection (b). References to model codes in the adopted sections shall mean the corresponding California Codes as adopted by the city of Fremont.
- (b) The following section of Chapter 1, Division II of the 2013 California Residential Code are not adopted: 101, 102, 103, 113 and 114.

**Sec. 15.47.040 Amendment of 2013 CRC Section R104 (Duties and Powers of the Building Official)**

*Section R104 of the 2013 California Residential Code is amended as follows:*

R104.1 – R104.11.1 {CBC text not modified}

R104.12 Limits on repair/remodel for R-3 and U occupancies. When the scope of work for R-3, single family dwelling and U, garage or storage, occupancies involves the removal or replacement of 50 percent or greater of the linear length of the walls of the building (exterior plus interior) and 50 percent of the roof within a one-year period, the project shall be considered as new construction; and the entire building shall comply with all current codes including local ordinances. For automatic fire extinguishing system requirements, see FMC Section 15.35.150.

R104.13 Authority to condemn building service equipment. Whenever the Building Official ascertains that any building service equipment regulated in the technical codes has become hazardous to life, health, property, or becomes unsanitary, he or she shall order in writing that such equipment either be removed or restored to a safe or sanitary condition, whichever is appropriate. The written notice itself shall fix a time limit for compliance with such order. No person shall use or maintain defective building service equipment after receiving such notice.

When such equipment or installation is to be disconnected, a written notice of the disconnection and causes therefore shall be given within 24 hours to the serving utility, the owner and occupant of such building, structure or premises.

When any building or the associated service equipment is maintained in violation of the technical codes and in violation of any notice issued pursuant to the provisions of this section, the Building Official may institute any appropriate action to prevent, restrain, correct or abate the violation. The Building Official shall be authorized to affix an approved placard to said building or equipment stating the Date, Corrections Required, address and allowable time for repairs if any. Damage or removal of said placard shall be deemed a misdemeanor.

R104.14 Connection after order to disconnect. No person shall make connections from any energy, fuel or power supply nor supply energy or fuel to any building service equipment which has been disconnected or ordered to be disconnected by the Building Official or the use of which has been ordered to be discontinued by the Building Official until the Building Official authorizes the reconnection and use of the equipment.

**Sec. 15.47.050 Amendment of 2013 CRC Section R105 (Permits).**

*Section R105 of the 2013 California Residential Code is amended as follows:*

R105.1 {CRC text not modified}

R105.2 Work exempt from permit {CRC text not modified}

**Building:**

1. {CBC text not modified}

2. Fences not over 7 feet (1829 mm) high when not subject to specific city of Fremont Planning and Zoning regulations.

3. deleted

5. – 10. {CBC text not modified}

Electrical {CBC text not modified}

Gas {CBC text not modified}

Mechanical {CBC text not modified}

Plumbing {CBC text not modified}

R105.2.1 – R105.3.1.1 {CBC text not modified}

R105.3.2 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing unless such application has been pursued in good faith or a permit has been issued; except that the Building Official is authorized to grant one extension of time for an additional period not exceeding 180 days. The extension shall be requested in writing and justifiable cause demonstrated.

R105.4 {CRC text not modified}

R105.5 Expiration. Every permit issued by the Building Official under the provisions of this code shall expire by limitation and become null and void if the building or work authorized by such permit is not commenced within 180 days from the date of such permit, or if the building or work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. The construction is deemed suspended or abandoned unless an inspection indicating substantial progress in construction has been requested every 180 days or sooner. Before work may resume on a construction project declared suspended or abandoned, a new permit first must be obtained. Where suspension or abandonment has not exceeded one year and no changes have been made or will be made to the original plans and specifications for the work, the renewal fee shall be one half the amount required for a new permit for the work. Otherwise, the renewal fee shall be the full amount required for a new permit.

Any permittee holding an unexpired permit may apply for an extension of the time within which work may commence under that permit when the permittee is unable to perform work within the time required by this section for good and satisfactory reasons. The Building Official may extend the time for action by the permittee for a period not exceeding 180 days on written request by the permittee showing that circumstances beyond the control of the permittee have prevented action from being taken.

R105.6 – R105.9 {CRC text not modified}

**Sec. 15.47.060 Amendment of 2013 CRC Section R106 (Construction Documents).**

*Section R106 of the 2013 California Residential Code is amended as follows:*

R106.1 – R106.2 {CBC text not modified}

R106.2.1 Required plat of survey. Any person, firm or corporation applying for a permit for the erection or construction of a building or structure, or moving an existing building to a new location shall, when required by the Building Official, file with the set of plans and specifications required by the foregoing provisions of this section a minimum of three (3) copies of a plat of a survey of the property proposed to be improved by said building or structure, on which plat shall be delineated the accurate location of said proposed improvement and the grades at which it is to be constructed, the location of every existing building on the lot, the location of existing curbs, sidewalks, and main sewers and the location of waterways, storm drains, inlets, and culverts affecting the lot. Said plat shall be drawn to a scale of not smaller than twenty (20) feet to one (1) inch, unless authorized by the Building Official, and shall show the contours at one (1) foot intervals for predominant ground slopes between level and four (4) percent and five (5) foot contours for predominant ground slopes over four (4) percent which contours shall extend to the center of the street when said Street is unimproved, or to the curb line when the street is improved. All grades and contours shall be based on United States Coast and Geodetic Survey datum (mean sea level) except when authorized otherwise by the Building Official. The survey shall have been made by a licensed land surveyor or registered civil engineer in the State of California and the map of said survey shall be signed and certified with their license or certificate number, and the property shall be located thereon by map or deed distance to the nearest street intersection. The exterior boundaries of said property shall be clearly outlined on the ground by appropriate permanent stakes or monuments. The location of said stakes or monuments shall be shown on the survey map with elevations thereon.

R106.3 {CRC text not modified}

R106.3.1. Approval of construction documents. When the Building Official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Approved". One set of construction documents so reviewed shall be retained by the Building Official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the Building Official or a duly authorized representative.

R106.3.2 – R106.3.5 {CRC text not modified}

**Sec. 15.47.070 Amendment of 2013 CRC Section R108 (Fees).**

*Section R108 of the 2013 California Residential Code is amended as follows:*

R108.1 {CRC text not modified}

R108.2 Schedule of permit fees. On buildings, structures, electrical, gas, mechanical, and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule of fees established by resolution of the Fremont city council. Where issuance of a permit for the construction of part of a building or structure has been approved, the fees shall be established by a city of Fremont Fee Resolution as adopted by the city council.

R108.3 Building permit valuation. The value to be used in computing the building permit and building plan review fees shall be the total value of all construction work for which the permit is issued, as well as all finish work, painting, roofing, electrical, plumbing, heating, air conditioning, elevators, fire-extinguishing systems and any other permanent equipment. If in the opinion of the Building Official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the Building Official. Final building permit valuation shall be set by the Building Official.

R108.3.1 Plan review fees. When submittal documents are required by Section 106.1 a plan review fee shall be paid at the time of submitting the documents for plan review. Said plan review fee shall be as established by resolution of the city council.

The plan review fees specified in this section are separate fees from the permit fees specified in Section R108.2 and are in addition to the permit fees.

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 shall be charged at the rate established by resolution of the city council.

R108.4 {CRC text not modified}

R108.4.1 An investigation fee, in addition to the permit fee, shall be collected whether or not a permit is then or subsequently issued. The investigation fee shall be equal to the amount of the permit fee required by this code. The payment of such investigation fee shall not exempt any person from compliance with all other provisions of this code nor from any penalty prescribed by law.

R108.5 Refunds. The Building Official is authorized to establish a refund policy. As part of the policy, the Building Official may authorize refunding a portion of the fee equal to 80 percent of the permit fee paid less the application fee when no work has been done under a permit issued in accordance with this code.

R108.6 {CRC text not modified}

**Sec. 15.47.080 Amendment of 2013 CRC Section R109 (Inspections).**

*Section R109 of the 2013 California Residential Code is amended as follows:*

R109.1 – R109.6.2 {CRC text not modified}

R109.6.3 Gas or electrical utilities. There shall be no clearance for connection of gas or

electrical utilities until final building, electrical, plumbing, heating, air conditioning, security and zoning inspections are made and approval has been given on any building sought to be connected to such utilities unless approval has been first obtained from the Building Official, as provided by the Temporary Certificate of Occupancy in Section R110.4.

R109.7 Re-inspection fee. When re-inspection is required, an additional inspection fee shall be charged at the rate fee established by resolution of the city council.

**Sec. 15.47.090 Amendment of 2013 CRC Section R110 (Certificate of Occupancy).**

*Section R110 of the 2013 California Residential Code is amended as follows:*

R110.1 Use and occupancy. {CBC text not modified}

R110.2.1 Change in Use. Where a change in the existing occupancy classification is made, an inspection of the premises as deemed necessary by the Building Official to determine that the provisions of Section 111.1 are met before issuance of said certificate. Said certificate of occupancy shall be obtained from the Building Official upon completion of an application for the certificate and the payment of a fee as established by resolution of the city council.

R110.3 Certificate issued. After final inspection when it is found that the building or structure complies with the provisions of this Code and other laws which are enforced by the city of Fremont, and, when required, the Engineer or Architect of Record has stated in writing that based on field observation conducted by him or her, or his or her designee, the building or structure is in general conformance with the approved plan, then the Building Official shall issue a certificate of occupancy which shall contain the following:

1. The building permit number.
2. The address of the building.
3. The name and address of the owner.
4. A description of that portion of the building for which the certificate is issued.
5. A statement that the described portion of the building complies with the requirements of this code for the group and division of occupancy and the use for which the proposed occupancy is classified.
6. The name of the Building Official.

R110.4 {CRC text not modified}

R110.4.1 Limitations. An application for temporary certificate of occupancy must be filed, clearance for connection of the gas and electrical utilities must be obtained and the required fees as established in the city of Fremont Fee Resolution shall be paid before the temporary certificate of occupancy is issued.

R110.4.2 Discontinuance of temporary occupancy. In the event the building is not completed and ready for final inspection in the time prescribed by the Building Official, the building shall be vacated and the utilities disconnected until such time as the building is completed and final inspection is made and a certificate of occupancy is issued as set forth above.

R110.5 {CRC text not modified}

**Sec. 15.47.100 Amendment of 2013 CRC Section R111, (Service Utilities).**

*Section R111 of the 2013 California Residential Code is amended as follows:*

R111.1 – R111.2 {CRC text not modified}

R111.3 Authority to disconnect utilities. The Building Official or his or her authorized representative shall have the authority to disconnect any utility service or energy supplied to the building, structure or building service equipment therein regulated by this code or the technical codes in case of emergency where necessary to eliminate an immediate hazard to life or property. The Building Official shall whenever reasonably possible notify the serving utility, the owner and occupant of the building, structure or building service equipment of the decision to disconnect prior to taking such action, and shall notify such serving utility, owner and occupant of the building, structure or building service equipment, in writing, of such disconnection immediately thereafter.

**Sec. 15.47.110 Amendment of 2013 CBC Section R302 (Fire-Resistant Construction).**

*Section R302 of the 2013 California Residential Code is amended as follows:*

R302.1 – 302.2.4 {CRC text not modified}

R302.3 Two-family dwellings {CRC text not modified}

Exceptions:

1. deleted.

2. {CRC text not modified}

R302.3.1 – R302.5 {CRC text not modified}

R302.5.1 Opening protection. {CRC text not modified}

Exception: deleted

*Table R302.6 is amended as follows:*

**TABLE R302.6  
DWELLING/GARAGE AND/OR CARPORT SEPARATION**

SEPARATION	MATERIAL
From the residence and attics	Not less than 5/8-inch Type X gypsum board or equivalent applied to the garage side
From all habitable rooms above the garage or carport	Not less than 5/8-inch Type X gypsum board or equivalent
Structure(s) supporting floor/ceiling assemblies used for separation required by this section	Not less than 5/8-inch Type X gypsum board or equivalent
Garages located less than 3 feet from a dwelling unit on the same lot	Not less than 5/8-inch Type X gypsum board or equivalent applied to the interior side of exterior walls that are within this area

**Sec. 15.47.120 Amendment to 2013 CRC Section R313 (Automatic Fire Sprinkler Systems).**

*Section R313 of the 2013 California Residential Code is amended as follows:*

**R313.1 Townhouse automatic fire sprinkler systems.** Automatic sprinkler systems shall be installed in townhouses.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alteration are made to existing townhouses that do not have an automatic residential fire sprinkler system installed unless as required by FMC Section 15.35.150.

**R313.1.1 Design and Installation.** Automatic residential fire sprinkler systems for townhouses shall be designed and installed in accordance with Section R313 and as amended by FMC Section 15.35.150.

**R313.2 One- and two-family dwellings automatic fire systems.** An automatic residential fire sprinkler system shall be installed in one- and two-family dwellings.

Exception: An automatic residential fire sprinkler system shall not be required for addition or alteration to existing buildings that are not already provided with an automatic residential sprinkler system unless as required by FMC Section 15.35.150.

**R313.2.1 Design and Installation.** Automatic residential fire sprinkler systems shall be designed and installed in accordance with Section 313 and as amended by FMC Section 15.35.150..

**R313.3 – R313.3.8.2 deleted**

**Sec. 15.47.130 Amendment to 2013 CRC Section R322 (Flood-Resistant Construction).**

*Section R322 of the 2013 California Residential Code is amended as follows:*

R322.1 – R322.1.3 {CRC text not modified}

R322.1.4 Determination of design flood elevation. See FMC Section 15.10.250 for design flood elevation.

R322.1.5 – R322.3.6 {CRC text not modified}

**Sec. 15.47.140 Amendment to 2013 CRC Section R3271.1 (Scope, Purpose and Application).**

*Section R327.1.1 of the 2013 California Residential Code is amended as follows:*

R327.1.1 Scope. This chapter applies to building materials, systems and or assemblies used in the exterior design and construction of new or existing buildings or structures erected, constructed, altered, or moved within a Wildland-Urban Interface Fire area as defined in Section R327.2A.

R327.1.2 {CRC text not modified}

R327.1.3 Application. New or existing buildings or structures erected, constructed, altered, or moved in any Fire Hazard Severity Zone or any Wildland-Urban Interface Fire Area designated by the enforcing agency constructed after the application date shall comply with the provisions of this chapter.

Exceptions:

1. {CRC text not modified}

2. {CRC text not modified}

3. {CRC text not modified}

4. - deleted.

R327.1.3.1 – R327.1.5 {CRC text not modified}

**Sec. 15.47.150 Amendment to 2013 CRC Section R327.2 (Definitions).**

*Section R327.2 of the 2013 California Building Code is amended by modifying the following definitions. The remaining definitions are not modified.*

**LOCAL AGENCY VERY-HIGH FIRE HAZARD SEVERITY ZONE** means those areas designated by the city of Fremont as Very High Fire Hazard Severity Zones in Fremont Municipal Code Title 15, Chapter 15.65.

WILDLAND-URBAN INTERFACE FIRE AREA is a geographical area identified by the state as a "fire hazard severity zone" in accordance with Public Resources Code Sections 4201 through 4204 and Government Code Sections 51175 through 51189, and includes those areas designated by the city of Fremont as very high fire hazard severity zones in Fremont Municipal Code Title 15, Chapter 15.65.

**Sec. 15.47.160 Amendment to 2013 CRC Section R327.5 (Roofing).**

*Section R327.5 of the 2013 California Building Code is amended as follows:*

R327.5.1 – R327.5.2 {CRC text not modified}

R327.5.2 Wildland Urban-Interface Fire Area. The roof covering of any new structure or the re-roofing of any existing building within Wildland-Urban Interface Fire Area, regardless of the type of construction or occupancy classification, shall be a fire-retardant roof covering that is at least Class A. All alteration, repair, replacement or reroofing shall conform to the applicable provisions of the 2013 California Residential Code Chapter 8 "Roof-Ceiling Construction" and any other applicable engineering requirements, including Chapter 9, "Roof Assemblies".

R327.5.3 – R327.5.4 {CRC text not modified}

**Sec. 15.47.170 Amendment to 2013 CRC Section R327.7 (Exterior Covering).**

*Section R327.7 of the 2013 California Building Code is amended as follows:*

R327.7.1 – R327.7.3.1 {CRC text not modified}

R327.7.3.1.2 Exterior wall covering. All exterior faces of the exterior walls shall be of an assembly qualified for exterior face of recognized one-hour fire resistive assemblies. All exterior wall coverings shall meet a Class I flame spread requirement and be installed over materials approved for one-hour fire-resistive construction.

Exception: Class I flame spread requirement may be waived for additions not to exceed 50%, cumulatively over the life of the structure, of the existing structure including garage areas with 1-hour fire resistive exterior wall assembly.

R327.7.4 – R327.7.8 {CRC text not modified}

R327.7.9 Utilities. Utilities, pipes, furnaces, water heaters or other mechanical devices located in an exposed under-floor area of a building or structure shall be enclosed with material as required for exterior, one-hour, fire-resistive construction. Adequate covered access opening for servicing such utilities shall be provided as required by appropriate codes.

R327.7.10 Historical buildings. Repairs, alterations and additions necessary for the preservation, restoration, rehabilitation or continued use of a building or structure may be made without conformance to all the requirements of this code when authorized by the Building Official, provided:

1. The building or structure conforms to Part 8, Title 24, of the California Code of Regulations; and

2. A fire protection plan is implemented so that the building or structure will be no more of a fire hazard than any new building. The plan must be prepared and signed by a registered Fire Protection Engineer. The plan must be approved by the Building Official and fire chief prior to the commencement *of any work*.

**Sec. 15.47.180 Amendment to 2013 CRC Section R401 (General).**

*Section R401 of the 2013 California Residential Code is amended as follows:*

R401.1 – R401.3 {CRC text not modified}

R401.4 Soils tests. Following is added at end of the CRC text:

Exceptions: The following occupancies are exempt:

1. Group U occupancies;
2. Single story additions to existing Group R3 occupancies when total added floor area is less than 1,000 square feet and the building site is not within seismic induced landslide hazard zone.
3. Multi-story addition to existing single family dwelling (R3) occupancies when all of the following conditions are met:
  - a. Added floor area above the first floor is no more than 1,000 square feet,
  - b. When an Architect, Civil or Structural engineer registered in the State of California provides the structural design,
  - c. The Architect or Engineer of Record shall certify in writing that the new foundation matches existing foundation,
  - d. Building site is not within seismic induced landslide hazard zone.
4. A new soil report is not required when a soil report is available for the original construction of the existing structure and soil engineer allows extension of the existing report to the proposed addition construction.
5. Accessories and minor additions may be exempted by the Building Official.

R401.4.1 Geotechnical evaluation. When permitted by the Building Official, in lieu of a complete geotechnical evaluation, the load-bearing values in Table R401.4.1 shall be assumed.

R401.4.1.1 – R401.4.2 {CRC text not modified}

**Sec. 15.47.190 Amendment to 2013 CRC Section R404 (Foundation and Retaining Walls).**

*Section R404 of the 2013 California Residential Code is amended as follows:*

R404.1 – R404.1.8 {CRC text not modified}

R404.2 Wood foundation walls. Wood foundation walls shall be constructed in accordance with the provisions of Sections R404.2.1 through R404.2.6 and with the details shown in Figures R403.1(2) and R403.2(3). *Wood foundation walls shall not be used for structures located in Seismic Design Category D<sub>0</sub>, D<sub>1</sub> or D<sub>2</sub>.*

R404.2.1 – R404.5.3 {CRC text not modified}

**Sec. 15.47.200 Amendment to 2013 CRC Section R602 (Wood Wall Framing).**

*Section R602 of the 2013 California Residential Code is amended as follows:*

**TABLE R602.10.1.3(1)**

*Footnote d. is added to Table R602.10.1.3(1) of the 2013 California Residential Code to read as follows. The remaining portions of Table R602.10.1.3(1) are not modified.*

d. Bracing methods LIB, GB and PCP are not permitted.

**TABLE R602.10.1.3(2)**

*Footnote d. is added to Table R602.10.1.3(2) of the 2013 California Residential Code to read as follow. The remaining portions of Table R602.10.1.3(2) are not modified.*

d. Bracing methods LIB, GB and PCP are not permitted.

**TABLE R602.10.1.3(3)**

*Footnote e. is added to Table R602.10.1.3(3) of the 2013 California Residential Code to read as follow. The remaining portions of Table R602.10.1.3(3) are not modified.*

e. Bracing methods LIB, GB and PCP are not permitted.

**TABLE R602.10.4**

*Footnote f. is added to Table R602.10.4 of the 2013 California Residential Code to read as follows. The remaining portions of Table R602.10.4 are not modified.*

f. Bracing methods LIB, GB and PCP are not permitted.

**Sec. 15.47.210 Amendment to 2013 CRC Section R606 (General Masonry Construction).**

*Section R606 of the 2013 California Residential Code is amended as follows:*

R606.1 – R606.12.2.2.2 {CRC text not modified}

R606.12.2.2.3 Reinforcement of requirements for masonry elements. Masonry elements listed in Section R606.12.2.2.2 shall be reinforced in either the horizontal or vertical direction as shown in Figure R606.11(3) and in accordance with the following:

1. Horizontal reinforcement. Horizontal joint reinforcement shall consist of Horizontal reinforcement shall be provided within 16 inches (406 mm) of the top and bottom of these masonry elements.
2. Vertical reinforcement. Vertical reinforcement shall consist of at least one No. 4 bar spaced not more than 48 inches (1219 mm). Vertical reinforcement shall be within 8 inches (406mm) of the ends of masonry walls.

**Sec. 15.47.220 Amendment to 2013 CRC Section R802 (Wood Roof Framing).**

*Section R802 of the 2013 California Residential Code is amended as follows:*

R802.1 – R802.10.1 {CRC text not modified}

R802.10.2 Design. Wood trusses shall be designed in accordance with accepted engineering practice. The design and manufacture of metal-plate-connected wood trusses shall comply with ANSI/TPI 1. The truss design drawings shall be prepared by a registered professional.

R802.10.2.1 Applicable limits. deleted

R802.10.3 - R802.11.1.3 {CRC text not modified}

**SECTION 12. FMC CHAPTER 15.48 REPEALED AND REPLACED**

Chapter 15.48 (Fremont Green Building Code) of Fremont Municipal Code Title 15 (Buildings and Construction), Division 1 (Fremont Building Standards Code) is repealed and replaced to read as follows:

**Sec. 15.48.010 Adoption of the 2013 CGBC without Amendments.**

The 2013 edition of the California Green Building Code (CGBC) as published by the International Code Council is adopted without amendments as the Green Building Code of the city of Fremont, California, as if fully set out in this chapter. A copy of 2013 CGBC shall be maintained on file in the office of the city clerk.

**SECTION 13. EFFECTIVE DATE**

This ordinance shall take effect and be enforced beginning on January 1, 2014.

**SECTION 14. CEQA**

The City Council finds under Title 14 of the California Code of Regulations, Section 15061(b)(3), that this ordinance is exempt from the requirements of the California

Environmental Quality Act (CEQA) in that it is not a Project which has the potential for causing a significant effect on the environment. The Council therefore directs that a Notice of Exemption be filed with the Alameda County Clerk in accordance with the CEQA Guidelines.

**SECTION 15. SEVERABILITY**

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be invalid, such a decision shall not affect the validity of the remaining portions of this ordinance. Such section, subsection, sentence, clause or phrase, instead, shall be superseded and replaced by the corresponding provisions, if any exist, of Title 24 of the California Code of Regulations. The City Council of the City of Fremont hereby declares that it would have passed this ordinance and each section or subsection, sentence, clause and phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases be declared invalid.

**SECTION 16. PUBLICATION OF SUMMARY**

The City Clerk has prepared and published at least five days before the date of adoption a summary of this ordinance once in a newspaper of general circulation printed and published in Alameda County and circulated in the City of Fremont. A certified copy of the full text of the ordinance was posted in the office of the City Clerk since at least five days before this date of adoption. Within 15 days after adoption of this ordinance, the City Clerk shall cause the summary to be published again with the names of those City Council members voting for and against the ordinance and shall post in the office of the City Clerk a certified copy of the full text of this adopted ordinance with the names of those City Council members voting for and against the ordinance.

The foregoing ordinance was introduced before the City Council of the City of Fremont, County of Alameda, State of California, at the regular meeting of the City Council, held on the 15<sup>th</sup> day of October, 2013 and finally adopted at a regular meeting of the City Council held on the 19<sup>th</sup> day of November, 2013, by the following vote:

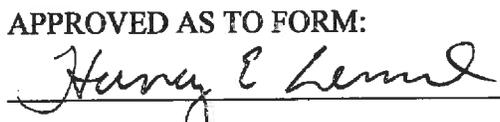
- AYES: Mayor Harrison; Councilmembers Chan and Salwan
- NOES: None
- ABSENT: Vice Mayor Natarajan and Councilmember Bacon
- ABSTAIN: None



Mayor

ATTEST: 

Assistant City Clerk

APPROVED AS TO FORM: 

City Attorney

I HEREBY CERTIFY THAT THE ABOVE IS A TRUE AND CORRECT COPY OF A DOCUMENT IN THE FILES OF THE CITY OF FREMONT.

  
CITY CLERK