

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA) NARRATIVE:

ENV-2015-3582-CE

I. PROJECT DESCRIPTION

A proposed ordinance¹ amending Division 95 of Article 1 of Chapter IX of the Los Angeles Municipal Code to require the mandatory retrofit of pre-1980 non-ductile reinforced concrete buildings to prevent the potential loss of affordable or rent stabilized residential units, to alleviate safety concerns to the public, including loss of human life, and to prevent economic disruption to the City following a catastrophic event such as an earthquake. A non-ductile concrete building is a brittle concrete building that does not have the structural ability to plastically deform or bend in order to absorb high amounts of energy before failure, increasing the likelihood of collapse and mortality for the inhabitants in an earthquake.

II. PROJECT HISTORY

The City of Los Angeles has taken steps to prevent and reduce earthquake related damage to existing buildings with the adoption of several voluntary earthquake retrofit ordinances in conjunction with mandatory adherence to the Los Angeles Building Code for new construction and additions to resist lateral earthquake loads.

Non-ductile reinforced concrete buildings are among the deadliest buildings in earthquakes around the world. In the 1971 San Fernando 6.6 magnitude earthquake, the collapse of the Olive View Hospital and the Veterans Administration Hospital, both non-ductile reinforced concrete buildings, resulted in over 50 deaths, exposed the deficiencies of these types of buildings and ultimately led to significant changes in the building code to require structures to be constructed to higher, safer, standards. However, older concrete buildings, specifically those constructed prior to 1976, were constructed with the same building materials as the Olive View Hospital and the VA Hospital and may be susceptible to collapse during moderate levels of shaking during an earthquake.

People live and work in older non-ductile reinforced concrete buildings including apartment complexes, schools, office buildings, and warehouses. Significant damage to non-ductile concrete buildings, human

¹ This narrative was originally prepared when the non-ductile concrete ordinance was drafted as a separate ordinance from the soft-story retrofit ordinance. The week the ordinances were submitted to City Council, the non-ductile concrete ordinance was combined into one ordinance bill with the soft-story ordinance for purposes of administrative simplification and efficiency. For purposes of the analysis in this Narrative, any reference to "the" or "this" "ordinance" or "project" refers to the proposed amendments to Division 95 of Article 1 of Chapter IX of the LA Municipal Code. Otherwise, the amendments to the City Building Code related to the soft-story buildings and to the non-ductile concrete buildings, are not dependent on each other, have independent utility, and neither are the reasonably foreseeable result of the other.

health and welfare and even death would likely result from an earthquake equivalent to the 1971 San Fernando earthquake within the City. Significant damage to a non-ductile concrete building could not only present immediate safety concerns following a major earthquake, but could cause long-term or even permanent disruption to a community. Repairing damage or demolishing unsafe and damaged buildings in the event of a serious earthquake, with the resulting loss of tenant space and the closure of businesses, are costs that can cripple the economy of the region. The loss of historical buildings and landmarks could also dramatically change the character of Los Angeles' built environment and neighborhoods.

The Network for Earthquake Engineering Simulation (NEES) data estimates that Los Angeles has over 1,400 non-ductile reinforced concrete buildings, many of which could be at risk for collapse in future earthquakes². The "ShakeOut Scenario", prepared by the United States Geologic Survey, estimates that if the San Andreas earthquake happens on a weekday morning, almost 8,000 people will be in commercial concrete buildings that suffer partial or total collapse³. Non-ductile reinforced concrete buildings, therefore, pose a significant threat to the life-safety, business continuity, and economic resilience of the Los Angeles region

A voluntary retrofit ordinance in the City of Los Angeles exists for some types of construction that have been determined to be prone to earthquake damage. The voluntary ordinance for soft-story wood framed construction became effective in May of 1998.

Division 95 of the Los Angeles Municipal Code currently provides standards for voluntary retrofit of non-ductile reinforced concrete buildings. In addition, retrofit is required for concrete buildings seeking a change of use or occupancy. For example, 14 older commercial buildings with non-ductile concrete construction have been retrofitted for use as residential buildings under the Adaptive Reuse Ordinance, adopted in 1999.

In an effort to set a higher standard for earthquake resiliency, Los Angeles Mayor Eric Garcetti appointed Dr. Lucy Jones as his Science Advisor for Seismic Safety and created the Seismic Safety Task Force consisting of experts in emergency management, law, infrastructure, housing, building safety, structural engineering, water systems and communications. In December 2014, the Mayor and Task Force, issued "Resilience by Design" a report outlining the City's vulnerability to the "Big One" and presents recommendations by the Mayoral Seismic Safety Task Force to address earthquake vulnerability to existing buildings proactively. The recommendations of the Task Force are to:

² Anagnos, T., Comerio, M., Goulet, C., May, P., Greene, M., McCormick, D., & Bonowitz, D.. (2012). Developing Regional Building Inventories: Lessons from the Field. *Earthquake Spectra*, V. 28, n.4, p. 1305-1329.

³ Jones, L. M., Bernknopf, R., Cox, D., Goltz, J., Hudnut, K., Mileti, D., Perry, S., Ponti, D., Porter, K., Reichle, M., Seligson, H., Shoaf, K., Treiman, J., & Wein, A. (2008). The ShakeOut Scenario: U.S. Geological Survey Open-File Report 2008-1150 and California Geological Survey Preliminary Report 25. <http://pubs.usgs.gov/of/2008/1150/> accessed October 7, 2015.

- Protect lives during earthquakes;
- Improve the City's capacity to respond to earthquakes;
- Prepare the City to recover quickly after earthquakes; and
- Protect the City's economy after earthquakes.⁴

The proposed ordinance shall apply to all existing concrete buildings, except detached single family dwellings, which have been determined by the Department of Building and Safety to have been permitted before January 1, 1980.

As discussed above, the City has adopted a number of voluntary retrofit ordinances, including an ordinance for non-ductile reinforced concrete, however the number of buildings voluntarily retrofitted has been minimal. Some California cities have enacted mandatory retrofit ordinances of certain soft-story structures, including Santa Monica (although implementation of the program ceased soon after its approval) and most recently, San Francisco. In 2013 the Board of Supervisors of the City and County of San Francisco passed an ordinance requiring the mandatory retrofit of wood buildings three or more stories in height over a basement or underfloor area extending above grade and containing five or more dwelling units where the permit to construct was applied for prior to January 1, 1978. No California city has yet adopted a mandatory retrofit ordinance for non-ductile reinforced concrete buildings.

III. DESCRIPTION OF THE NON-DUCTILE REINFORCED CONCRETE ORDINANCE

Under the proposed ordinance building owners are required to take certain actions upon receipt of a notice order from the Department of Building and Safety that their building is within the scope of the ordinance. Specifically, building owners have 3 years to submit a checklist to the Department on a form approved by the Department.

Building owners have 10 years to submit one of the following to the Department:

1. Proof showing that the building was previously retrofitted to all provision in Chapters 85 or 95 of the Los Angeles Building Code;
2. Proof showing that the building was voluntarily retrofitted to the design criteria indicated in the proposed ordinance;
3. A report summarizing structural analysis results that indicate that the existing building meets the minimum structural requirement of the proposed ordinance;

⁴ Jones, Dr. Lucy and the Mayor's Seismic Safety Task Force. "Resilience by Design", (2014): 4.

https://d3n8a8pro7vhmx.cloudfront.net/mayorofla/pages/16797/attachments/original/1420504740/Resilience_by_Design_Full_Report_Dec_11_FINAL.pdf?1420504740

4. A report summarizing structural analysis results and plans for the proposed structural alteration of the building necessary to comply with the minimum requirements of the proposed ordinance; or
5. Plans for the demolition of the building.

Building owners that cannot provide proof that the building has been retrofitted or otherwise meets the minimum standards of the Ordinance have 25 years to bring the building into full compliance with the minimum standards of the Ordinance. The proposed structural alteration of the building may include alteration, repair, replacement, and/or addition of structural elements and their connections to meet the minimum requirements. This may require columns or beams to be modified such that the frame satisfies the collapse prevention level of ASCE-41, and or adding shear walls to significantly improve the seismic performance and reduce the probability of collapse. Required retrofit work will primarily, if not solely, take place within an existing building.

The minimum requirements that a building must ultimately meet under the Ordinance are the following:

1. Strength of the code conforming lateral resisting system shall meet or exceed seventy five percent (75%) of the base shear specified in the current Los Angeles Building Code seismic provisions. Elements not designated to be part of the lateral-force resisting system shall be adequate for gravity load effects and seismic displacement due to the full (100%) of the design story drift specified in the current Los Angeles Building Code seismic provisions.
2. Meet or exceed the requirements specified for "Basic Safety Objective" using ground motions and procedures established by the Department based on ASCE 41.
3. Other methods approved by the Department, deemed to be equivalent to the approaches in 1 and 2.

Qualified historical buildings will be required to comply with the requirements of the California Historical Building Code.

IV. EXISTING ENVIRONMENT AND ORDINANCES

Earthquake Risks in the City of Los Angeles

The City of Los Angeles faces the third greatest risk of catastrophic loss due to earthquakes in the world.⁵ The U.S. Geological Survey forecasts that the chance of a 6.7 magnitude earthquake, the same size as the 1994 Northridge, is expected to hit California once every 6.3 years while the chance of a

⁵ Swiss Re. "Mind the Risk. A global ranking of cities threat from natural disasters" (2013): 11.
<http://pubs.usgs.gov/of/2008/1150/of2008-1150small.pdf>

magnitude 8 or larger hitting the state in the next 30 years is 7 percent.⁶ There is a 93% chance of a 6.7 scale (Northridge) earthquake hitting California within 30 years. Although the California Integrated Seismic Network is working on a reliable system to detect seismic waves as an earthquake happens, called the Earthquake Early Warning, we are still a long way from predicting precisely when an earthquake would occur. Thus, the threat of an earthquake is imminent with the initial threat from earthquakes being loss of life and physical damage to buildings. A strong earthquake in the City would cause some buildings to collapse and many more would be left uninhabitable, making the mandatory retrofit of non-ductile reinforced concrete buildings a priority for the City.

Existing Non-Ductile Concrete Buildings

The City estimates there are approximately 1,400 non-ductile concrete buildings across the City, constructed before the 1976 building code was implemented. Those that are residential are generally subject to the Rent-Stabilization Ordinance. Approximately one-third of the 1,400 non-ductile concrete buildings have been retrofitted or otherwise meet current building code standards, resulting in almost 1,000 buildings that would be subject to the regulations of the Ordinance. These buildings include residential, commercial, and industrial structures. When taken in context with the more than 1,100,000 total structures within the City of Los Angeles, those 1,000 buildings represent less than one-tenth of one percent of the structures citywide. The buildings are located Citywide. However, the majority of the City's tallest non-ductile concrete buildings are located in the densely populated portions of the Central City area, Hollywood area, Wilshire corridor, and Koreatown.

V. Foreseeable Activities From the Project

Foreseeable Retrofit Related Activities

The Ordinance requires owners to retrofit non-ductile concrete buildings which is expected to result in one or more of the following likely construction activities:

- Removal of concrete walls, floors, beams, and columns, then installation of modern concrete or steel elements that provide supplemental strength for retrofit standards of the ordinance.
 - The installation of modern concrete or steel elements may supplement the existing structural features of the building, potentially adding additional framing, bracing, or support elements to the existing structure or removing and replacing a building's structural features. Features may be internal to the structure, or may include external elements. The addition of a structural moment frame will assist in transferring and distributing loads and stress throughout the building to minimize structural failure in the event of an earthquake. The installation of sheer walls normally will be of reinforced concrete and will reinforce existing structural columns to provide lateral support to improve resilience. The retrofit process will result in the removal of existing structural and non-structural elements, including concrete debris and existing tenant

⁶ USGS. "New Long-Term Earthquake Forecast for California" (2015).
http://www.usgs.gov/newsroom/article.asp?ID=4146#.VSL_yO7F_eo

improvements and finished where necessary to work on the core structure. All work will be regulated through the implementation of the City's existing best management practices, including application of existing codes and regulations as outlined below in the Additional Factual Support section.

- Temporary closure of sidewalks, streets and alleys, as needed, in order to facilitate construction.
- Potential displacement of commercial, industrial or residential tenants during construction.
- Removal and disposal of any hazardous materials (i.e. asbestos) stored or installed in buildings being retrofitted.
- Potential loss of parking spaces, and limited yard reductions and open space reductions may result in order to accommodate new structural braces, columns and walls. All retrofit work shall comply with regulations of the Los Angeles Municipal Code regarding zoning and development.

Foreseeable Timing and Scope of Citywide Activities from Project

The retrofitting process, as outlined in the Ordinance, assures that evaluation of the building, the submission of plans, and retrofit construction activity will be complete within 25 years. Building owners will have 25 years from the date of the original notice order from Building and Safety to bring their building into compliance. Based on estimated costs and historical practices, the City would expect that buildings will be retrofit over time as buildings/tenant spaces are vacated. The longer time horizon for non-ductile reinforced concrete retrofits is intended to allow retrofit activity to coincide with building renovation and other structural improvements that are likely to occur naturally in this timeframe. The retrofit of an individual building may occur in phases, to minimize displacement of tenants. Retrofit activity such as exterior bracing may not require internal displacement. Retrofit activity such as installation of shear walls may affect a portion, or the entirety, of each building floor. The duration of construction activity, as outlined in this analysis, is expected to range from 12 to 24 months for the most significant and intensive retrofit methods. For the sake of conservative environmental analysis, assuming the full displacement of 1000 buildings over a 25 year time frame, averaging 40 per year, this would result in a reasonably foreseeable average of 80 buildings being vacant or underutilized at any one point.

Some years will see higher degrees of activity, others will see a lower degree of activity. Furthermore, retrofit work on a particular building may occur in phases to minimize displacement of tenants and to coordinate work around regularly occurring building maintenance and upgrades. Phased retrofit activity may include structural phases, in which certain components of a building are upgraded such as lateral bracing, shear walls, and support columns in vertical or horizontal phases. Phases may allow tenants to remain in place or to relocate within the building during retrofit activity. Horizontal phases may include work on core elements around elevators, stairs, and common areas on a floor by floor basis, or vertical phases may include retrofit of upper and lower floors on different timelines. Lower floors may contain

common areas, lobbies, mailrooms, support offices, and parking areas. Upper floors may be solely dedicated to residential or commercial tenant spaces. Retrofit activity may be tailored to each physical use and structural design of the building. Although whole-building retrofit may be the most straightforward approach, the ability to phase retrofit activity over the 25 year compliance period will further reduce and spread out any impacts to a negligible level.

Looking at an expected 1,000 of the 1,400 buildings requiring retrofit, it is expected that retrofit work of these buildings will not occur concurrently and will be spread over the 25 year compliance time. This is based on the City's experience of retrofits under the adaptive reuse program. Several concrete buildings have already completed the structural retrofit process as part of the adaptive reuse process where buildings have been rehabilitated for new uses. This has been shown to be a successful and feasible process that has not resulted in any adverse impacts and in many cases has extended the life of the building resulting in decreased overall demolition debris and positive environmental effects. In fact, in the downtown area, the retrofit process has not resulted in any wholesale demolition activity.

The mandatory retrofit of non-ductile reinforced concrete buildings is not reasonably expected to cause an aggregate rise in construction or demolition related work due to the relatively small number of affected buildings (0.1% of the City's buildings) and the extended duration of the 25 year retrofit compliance period. It is anticipated that this work would cause some disruption to tenants, but as a result of the 25 year timeline, most retrofit work is expected to be coordinated around periods of general building vacancy or general building remodeling and structural upgrades over the normal life of the building. In most cases, the retrofit work would require only the issuance of a building permit from the Department of Building and Safety which would be ministerial. It is also not foreseeable that the pass through of part or all of the costs for retrofit work would cause a mass displacement of tenants because building owners will be limited on the amount of pass through under the Rent Stabilization Ordinance and they would also be capped to limiting rent increases to what the market can withstand.

Demolitions and Re-Build Not Foreseeable

In addition to the above, in light of the City's Adaptive Reuse Ordinance, it is also not reasonably anticipated that the proposed retrofit mandate will result in increased demolition by owners choosing to demolish whole buildings and rebuild. The retrofit of non-ductile reinforced concrete buildings is already required by Code for any building seeking a change of use. In application, this requirement has resulted in the retrofit of older commercial buildings being retrofitted as residential lofts as part of the City's Adaptive Reuse Ordinance, LAMC 12.24-X,1, initially adopted in 1999. The ordinance applies to the Central City area by right, and is also available citywide through discretionary approval by the Zoning Administrator. The Adaptive Reuse Ordinance provides relief to parking and open space requirements, which are specifically targeted to make reuse feasible. Application of the Adaptive Reuse Ordinance will normally result in full retrofit activity where required without demolition. In fact, the incentives available under the Adaptive Reuse Ordinance have been shown to create a greater benefit to developers to retain and retrofit existing buildings rather than tear them down and rebuild, including throughout the Central City area, Koreatown area, Hollywood area, and in other eligible sites across the

city. Furthermore, the Adaptive Reuse Ordinance allows the incentives of the program to be available on a citywide basis through a discretionary Zoning Administrator review process pursuant to LAMC 12.26 A 26. All discretionary reviews will include project level environmental analysis.

In many instances, including the densely populated portions of the Central City area, Hollywood area, Wilshire corridor, and Koreatown area where a majority of the residential non-ductile concrete buildings are located, existing zoning, height, floor area, and density regulations would not permit the reconstruction of older buildings. For example, prior to the 1970's and 1980's, the citywide floor area ratio in regional center areas was 13:1, allowing heights generally up to 150 feet. As of the late 1980's, as part of the AB283 zoning consistency program, the citywide zoning capacity was significantly reduced with floor area ratios in regional centers reduced from 13:1 to 6:1, while nearly all other commercial corridors were reduced to 1.5:1. As a result, there seems to be no market incentive to demolish larger pre-1978 buildings, especially multi-floor buildings on commercial corridors. Any demolition and reconstruction would need to adhere to current zoning code regulations, and in these instances would most likely result in a smaller building. To that end, it is neither anticipated nor foreseen that these retrofit activities will result in widespread demolition.

Finally, any new construction or rebuilding of a to-be-demolished structure is expected to trigger a new discretionary land use entitlement which will also require environmental review. New entitlements will be required due to the City's adopted Site Plan Review Ordinance and compliance with current zoning regulations including floor area ratio, parking, setbacks and height regulations.

VI. ENVIRONMENTAL REVIEW UNDER CEQA

A. State CEQA Guidelines Section 15301 consists of *"the operation, repair, maintenance, permitting, leasing, licensing, or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that existing at the time of the lead agency's determination"*; and

City of Los Angeles Environmental Quality Act Guidelines, Article III, Class 1 consists of *"the operation, repair, maintenance or minor alteration of existing public or private structures, facilities, mechanical equipment, or topographical features, involving negligible or no expansion of use beyond that previously existing."* Subsection 1, specifically relates to *"interior or exterior alterations involving remodeling or minor construction where there be negligible or no expansion of use."* Subsection 1 would apply to the mandatory retrofit of an existing non-ductile reinforced concrete under the proposed ordinance. The ordinance, as discussed above, is expected to result in the removal of concrete walls, floors, beams, and columns, then installation of modern concrete or steel elements in buildings subject to the ordinance. The ordinance is not expected to result in demolition and reconstruction of buildings or expanded or change of use, based on the discussion above related to the Adaptive Reuse Ordinance and because a change of use already requires retrofit of the building.

B. State CEQA Guidelines Section 15302 (Class 2 exemption) consists of *"replacement or reconstruction of existing structures and facilities where the new structure will be located on the same site as the*

structure replaced and will have substantially the same purpose and capacity as the structure replaced....” Although it is not expected based on the City’s experience with the Adaptive Reuse Program, to the extent that the Ordinance results in the demolition and reconstruction of buildings within the scope of the Ordinance, it would be expected to be exempt under the Class 2 categorical exemption. Replacement or reconstruction of buildings under the proposed Ordinance would be located on the same site. Additionally, it is not foreseeable that buildings with a different capacity or use would be built as a result of the adoption of the proposed Ordinance because the current Los Angeles Building Code already requires retrofitting for non-ductile concrete buildings when there is a change of use. Also, any reconstruction would be subject to the existing zoning regulations, which as discussed above, generally allow reduced FARs or heights.

Retrofit activity will be minor in context of the building as a whole, and will be limited to the repair and upgrade of structural systems, externally or internally. Similar to building modernization or rehabilitation, the structural retrofit of a building will likely take place around regularly occurring building upgrades and/or tenant improvements that will occur over the 25 year compliance period.

D. State CEQA Guidelines Section 15269 (c), states that emergency projects are exempt from CEQA requirements if *“Specific actions necessary to prevent or mitigate an emergency” are taken*. This Statutory Exemption would apply to any mandatory retrofit of a non-ductile concrete building because the threat of a catastrophic earthquake is imminent. While the risk of an earthquake in any given year, including in 2015 or 2016 is less than 5%, the risk of catastrophic damage (including damage to human health and even death) caused by the failure of non-ductile concrete buildings in a 6.5-6.7 scale earthquake (such, as the Olive View Hospital and the Veterans Administration Hospital collapses in the 1971 San Fernando earthquake), is certain if such an earthquake occurs in the City’s populated areas. Additionally, the USGS has forecasted that there is a 93% chance of a 6.7 scale sometime in the next 30 years. Based upon this, the need to adopt a mandatory retrofit ordinance is necessary to mitigate the existing emergency conditions caused by people residing and working in hundreds of non-ductile concrete buildings in the City which pose an ongoing imminent threat to human health and life.

IV. EXCEPTIONS TO THE USE OF CATEGORICAL EXEMPTIONS

Planning staff evaluated the exceptions to the use of Categorical Exemptions for the proposed ordinance listed in “CEQA Guidelines” Section 15300.2 and determined that none of the exceptions apply to the proposed ordinance as described below:

A. Location: *A categorical exemption, Class 3, 4, 5, 6 and 11 shall not be used when a project that is ordinarily insignificant in its impact on the environment may in a particularly sensitive environment be significant.*

Categorical exemptions, Class 3, 4, 5, 6 and 11 have not been considered for the proposed ordinance. Therefore, this exception is not applicable.

B. Cumulative Impact: The exception applies when the cumulative impact of successive projects of the same type in the same place, over time is significant.

It is estimated that there are approximately 1,400 buildings in the City of Los Angeles that are within the scope of the Ordinance. It is further estimated that one-third of these buildings will not require alteration, repair, replacement, and/or addition of structural elements and their connections to meet the minimum requirements. These will include buildings that have already undergone structural retrofits and buildings that otherwise meet or exceed the requirements specified for “Basic Safety Objective” using ground motions and procedures established by the Department of Building and Safety based on ASCE 41. The roughly two-thirds that do require retrofit will make repairs over a 25-year period. The retrofits may require temporary relocation of existing occupants and/or uses in order to perform the necessary retrofit work. The number of buildings subject to the requirements of this Ordinance is approximately 0.1% of the City’s buildings. Based on the above, it is not reasonably foreseeable that the proposed ordinance would result in cumulative considerable impacts for the same type of projects in the same place over time.

There is another Citywide ordinance concurrently proposed⁷ that will affect existing soft-story buildings that would require mandatory retrofit, however the activities expected under the soft-story ordinance are not of the same type expected under the subject non-ductile concrete ordinance and the soft-story ordinance is not expected to result in any adverse impacts, including cumulatively considerable. The City is not aware of any basis or evidence that would support finding that the impacts from the soft-story ordinance and the non-ductile ordinance, individually or collectively, will result in cumulative impacts.

C. Significant Effect Due to Unusual Circumstances: A categorical exemption shall not be used for an activity where there is a reasonable possibility that the project will have a significant effect due to unusual circumstances.

There is no reasonable possibility that the proposed ordinance will have a significant effect due to unusual circumstances. Non-ductile reinforced concrete buildings occur throughout the City, the type of work called for in the Ordinance is not unique or different. Retrofit work has been successfully completed on dozens of non-ductile reinforced concrete buildings as part of Adaptive Reuse Ordinance and other building upgrades. The methods of retrofit construction are not unusual in that they are standard construction methods such as adding shear walls, additional lateral supports, or a moment frame.

Notwithstanding the above, to the extent a court would find that there is an unusual circumstance, the Additional Factual Support provides substantial evidence that there is no fair argument that the Project will result in a significant impact.

⁷ As discussed in Note 1, above, the soft-story and non-ductile reinforced concrete ordinances were originally proposed as two separate ordinances, thus two separate environmental case numbers were created and two separate narratives have been prepared. The two ordinances have since been combined into one ordinance.

D. Scenic Highway: *A categorical exemption shall not be used for a project that may result in damage to scenic resources, including but not limited to, trees, historic buildings, rock outcroppings, or similar resources within a highway officially designated as a state scenic highway.*

The proposed ordinance will not damage scenic resources within a designated scenic highway. The proposed ordinance merely mandates the retrofit of existing non-ductile reinforced concrete structures which would have a positive impact on the structures and their inhabitants. The retrofitting of buildings would not significantly alter a buildings appearance, height or mass and therefore not damage any scenic resource.

E. Hazardous Waste Site: *A categorical exemption shall not be used for a project located on a site which is listed pursuant to California Government Code 65962.5.*

It is not expected at this time, and the Department of City Planning has no reason to believe, that any non-ductile concrete buildings requiring mandatory retrofit are located on any hazardous waste sites.⁸

F. Historical Resources: *A categorical exemption shall not be used for a project which may cause a substantial adverse change in the significance of a historical resource.*

The proposed ordinance would not cause an adverse change in the significance of a historical resource as defined in State CEQA 15064.5 because the proposed ordinance affects structural deficiencies of existing structures that are already built-out. The Ordinance requires the alteration, repair, replacement or addition of structural elements and their connections to meet minimum structural standards. As discussed above, the Project is not reasonably expected to result in the demolition and reconstruction of buildings, expanded uses or changes in uses. Although an existing non-ductile reinforced concrete building may be a designated historical resource, the Ordinance provides for a ten-year period from the date of the original notice order from the Department of Building and Safety, in which a structure may be analyzed and a retrofit plan created that would not cause impact to a historic resource. For qualified historical buildings, retrofits required under the proposed would be regulated by the 2013 California Historical Building Code established under Part 8, Title 24 of the California Code Regulations. Additionally, retrofits may be done under the Secretary of the Interior's Standards and Guidelines. Finally, any designated historic building, including those subject to the regulations of the proposed ordinance, would be required to go through historic preservation review by the Department of City Planning's Office of Historic Resources prior to issuances of a building permit to ensure the character defining features of the building would not be adversely impacted.

⁸ See Hazardous Waste and Substance Site List on CA.Gov Site, at , http://www.envirostor.dtsc.ca.gov/public/search.asp?cmd=search&reporttype=CORTESE&site_type=CSITES%2COPEN%2CFUDS%2CCLOSE&status=ACT%2CBKLG%2CCOM&reporttitle=HAZARDOUS%20WASTE%20AND%20SUBSTANCES%20SITE%20LIST

V. ADDITIONAL FACTUAL SUPPORT

Below is a consideration of all categories on the Initial Study Checklist to demonstrate further that the proposed ordinance qualifies for the listed categorical exemptions and that even if a threshold test is met for any exception, there is no substantial evidence supporting a fair argument that a significant impact will occur from the Project:

A. Aesthetics

This proposed ordinance will not create any aesthetic environmental effects. The mandatory retrofit of non-ductile reinforced concrete buildings will not alter any scenic vistas. Scenic vistas are generally defined as panoramic public views to natural features, including views of the ocean, striking or unusual natural terrain, or unique urban or historic features.

The proposed ordinance would not impact scenic resources because it merely affects existing structural integrity without changing height, massing, or orientation. The proposed ordinance would have a positive potential impact on the structures themselves and surrounding environment as mandatory retrofit of the buildings would strengthen buildings that would be vulnerable to lateral loads such as an earthquake.

The retrofit activity of existing structures will not result in building additions or new reconstruction activity, and is ministerial in nature. As discussed above, the Project is not reasonably expected to result in the demolition and reconstruction of buildings, expanded uses or changes in uses. Therefore the proposed ordinance would have no new impact on aesthetics.

B. Agricultural and Forest Resources

The proposed ordinance would mandate the retrofit of existing non-ductile reinforced concrete buildings and would not impact agricultural or forest uses because the retrofit would not require the expansion of existing buildings. After adoption of the proposed ordinance, these uses can continue operating in the same fashion as they did prior to adoption.

C. Air Quality

The proposed ordinance would not be expected to conflict with or obstruct the implementation of the SCAQMD or congestion management plan, violate any air quality standard, or contribute substantially to an existing or projected air quality violation. There would not be cumulatively considerable net increases of any criteria pollutant for which the air basin is in non-attainment. The proposed ordinance would mandate the retrofit of existing non-ductile reinforced concrete buildings and is not expected to require undue grading or dust creation due to compliance with existing ordinances. As discussed above, the proposed ordinance is not reasonably expected to result in the demolition and reconstruction of buildings or expanded uses.

All projects would be subject to air quality regulations developed and implemented at the federal, state, and local levels to mitigate construction impacts. Compliance with the rules and regulations of the Federal Clean Air Act of 1963, the California Clean Air Act, the California Air Resources Board, the South Coast Air Quality Management District, South Coast Air Quality and Management District, Southern California Association of Governments and the City's Air Quality Element would be mandated. Any new construction (which is not foreseeable, but speculative at this point in time) would be subject to regulatory compliance measures including the regulations of SCAQMD District Rule 403 and Section 2485, Title 13, of the California Code of Regulations to mitigate impacts such as fugitive dust and to minimize exhaust emissions from diesel engines. Also, any such new construction would be subject to environmental review by the Department of City Planning where mitigation measures could be implemented to reduce any potential impacts related to Air Quality to a less than significant level. Based on the above, the project is not expected to result in adverse air impacts.

D. Biological Resources

The proposed ordinance will not create changes in conditions that could yield an incremental increase in potential impacts to any species identified as a candidate, sensitive, or special status species or habitat to such species. No biological resources, including riparian habitat, or other sensitive natural community or federally protected wetlands, native resident or migratory fish/wildlife species that would be impacted. The proposed ordinance would not result in direct removal, filling, or hydrological interruption to any resources. This is because the proposed ordinance would require construction on existing buildings. As discussed above, the Project is not reasonably expected to result in the demolition and reconstruction of buildings, expanded uses or changes in uses. Based on this, the Ordinance is not reasonably expected to have an impact on biological resources.

E. Cultural Resources

The proposed ordinance is expected to result in retrofitting, repairing or reconstruction of existing structures and is not expected to result in grading or excavation. Therefore, the proposed ordinance will not cause an adverse change in significance of an archaeological resource, paleontological resource, site, or unique geologic feature, or any human remains. As discussed above in the exceptions, the proposed ordinance would not reasonably be expected to cause an adverse change of a historical resource as defined in State CEQA 15064.5. Any historic buildings or buildings that are eligible for listing in the National Register of Historic Places, the California Register of Historical Resources, Historic Preservation Overlay Zone, or local designation will be required to comply with the requirements of the California Historical Building Code and be subject to review by the Department of City Planning's Office of Historic Resources prior to issuance of a building permit ensure the retrofit does not adversely impact the building's character defining features, which results in compliance with the Secretary of the Interior's Standards and Guidelines. As discussed above, the proposed ordinance is not reasonably expected to result in the demolition and reconstruction of buildings. Based on the above, the project is not expected to have impacts to cultural resources.

F. Geology and Soils

The proposed ordinance will require the mandatory retrofit of non-ductile reinforced concrete buildings, however the Ordinance will not expose people or structures to potential adverse effects as a result of earthquakes, landslides, liquefaction or soil erosion. As is common in the Southern California region, there will be continued risks of human injury and property damage because of potential regional earthquakes, however the mandatory requirements of the proposed ordinance will substantially reduce the risk of loss, injury or death as well as reduce potential damage to rent stabilized housing units. No expansion or additions, excavation or grading, is proposed or expected as a result of the ordinance; therefore the ordinance would have no new impact on geological resources. Compared with the existing condition, the adoption of the proposed ordinance will lessen the exposure to the continued risks of human injury and property damage from earthquakes.

G. Greenhouse Gas Emissions

The proposed ordinance will not have an adverse impact on the generation of greenhouse gas emissions, either directly or indirectly, or conflict with an applicable plan, policy or regulation adopted for the purpose of reducing the emissions of greenhouse gases. As discussed above, the proposed ordinance is not reasonably expected to result in the demolition and reconstruction of buildings, expanded uses or changes in uses. Short term construction trips could generate some level of greenhouse gases, however a reduction in building activity levels during construction will offset this. Additionally, vehicle emission benefits from implementation of the Pavley Standards (AB 1493) and Pavley Phase II Standards is expected to result in overall reduction in GHG emissions from light-duty vehicles. In addition, the state of California has implemented policies to further reduce greenhouse gas emissions, including AB 32, the California Global Warming Solutions Act of 2006, which focuses on reducing GHG emission levels in California to 1990 levels by 2020. Furthermore over the life of the ordinance, the structural upgrades to the buildings will result in less demolition activity due to earthquake damage, and a corresponding reduction in the need for wholesale rebuilding after an earthquake.

H. Hazards and Hazardous Materials

The proposed ordinance would not result in the routine transport, use, production or disposal of hazardous materials. The proposed ordinance would merely mandate the retrofit of existing non-ductile reinforced concrete buildings and would not involve the routine use of potentially hazardous materials that could create a significant public hazard through the accidental release of hazardous materials into the environment. Construction equipment may require oils, and result in household hazardous waste, but compliance with federal, state and local regulations is expected to result in no new impacts from these chemicals.

Any renovation work of existing older structures may result in the disturbance of hazardous materials. Asbestos use was generally phased out of most building materials in the 1980's, therefore it is reasonable to assume that some level of asbestos and lead paint may occur in buildings undergoing

retrofit. This would not be expected to result in any adverse impacts related to hazards or hazardous materials. The owner would be required to comply with all applicable state and local regulations for the abatement, handling and disposal of asbestos and lead paint, including but not limited to, the South Coast Air Quality Management District's Rule 1403 for abatement and implement OSHA regulations for the handling and disposal of lead paint and materials, and the City's existing regulations requiring the use of licensed asbestos and lead paint contractors.

Based on the above, the proposed ordinance is not expected to result in any hazards or hazardous material impacts. The project is expected to result in a beneficial impact to hazards based on the reduction in catastrophic failure of existing buildings which contain asbestos and lead.

I. Hydrology and Water Quality

As discussed above, the proposed ordinance is not reasonably expected to result in the demolition and reconstruction of buildings, expanded uses or changes in uses. The type of work required for retrofits is not expected to require significant water use. Therefore, the proposed ordinance would not have an adverse impact on hydrology and water quality. The proposed ordinance would merely mandate the retrofit of existing non-ductile reinforced concrete buildings and would not reasonably be expected to violate any water quality standards, deplete groundwater supplies, alter existing drainage patterns, create or contribute water runoff or expose people or structures to flooding or other natural water related catastrophes.

Although a standard retrofit would not generally have an impact on hydrology and water quality, any project that may have any potential to degrade water quality would be subject to the provisions of the Low Impact Development (LID) Ordinance (Ordinance No. 181,899) to ensure that projects mitigate runoff and stormwater pollution. Based upon this, the proposed ordinance is not expected to result in any hydrology or water quality impacts.

J. Land Use and Planning

The 2013-2021 Housing Element of the City's General Plan identifies the City's housing conditions and needs and establishes goals, objectives and policies for a growth strategy with programs to achieve livable neighborhoods for all residents. Objective 1.2 states that the City should "preserve quality rental and ownership housing for households of all income levels and special needs." The following policy encourages the importance of safe housing:

Policy 1.2.1 "Facilitate the maintenance of existing housing in decent, safe and healthy condition."

Corresponding Housing Program 28 encourages the preservation of rent-stabilized housing units to include seismic work and rehabilitation of buildings.

California state law requires city general plans to include a safety element which addresses protection of its residents from unreasonable risks associated with natural disasters including fires, floods and

earthquakes. The Safety Element of the City's General Plan, adopted in 1996, includes a "Seismic Events" section as well Goal 1 which envisions *"a city where potential injury, loss of life, property damage and disruption of the social and economic life of the City due to fire, water related hazard, seismic event, geologic conditions or release of hazardous materials disasters is minimized."*

Additionally, the proposed ordinance upholds the State of California's Health and Safety Code, Division 13, Part 3, Chapter 2, Article 4 which states that *"each city, city and county, or county, may assess the earthquake hazard in its jurisdiction and identify buildings subject to its jurisdiction as being potentially hazardous to life in the event of an earthquake."* Therefore, the proposed ordinance is consistent with the City's plans and would not result in an adverse impact to the environment from an inconsistency with a plan or any other impact related to land use or plans.

K. Mineral Resources

The proposed ordinance would not result in the loss of availability of a known mineral resource or locally-important mineral resource recovery site. The proposed ordinance would merely mandate the retrofit of existing non-ductile reinforced concrete buildings and would not involve be expected to result in new construction.

L. Noise

As discussed above, the Project is not reasonably expected to result in the demolition and reconstruction of buildings, expanded uses or changes in uses. There is no basis or evidence at this time to reasonably expect the project to result in noise impacts. The ordinance and any activities associated with the adoption of the ordinance would be subject to the regulations of Chapter XI of the LAMC, titled "Noise Regulation", added by Ordinance No. 144,331. Therefore, the proposed ordinance would not reasonably be expected to result in the exposure of persons to or generation of noise in levels in excess of standard levels. Furthermore, the proposed ordinance would not result in the exposure of people to or generation of excessive ground borne vibration or ground borne noise levels or create a substantial periodic or permanent increase in ambient noise levels.

Should a project result in new construction (which is speculative and not foreseeable at this time), the project would be subject to noise regulations developed and implemented by the City to mitigate construction and operational impacts. New construction of a project has the potential to generate temporary on and off-site noise impacts from construction activities and operational noise impacts from sources such as traffic, people, fixed mechanical equipment, loading activities and refuse collection. Compliance with the regulations of the Los Angeles Municipal Code would be mandated.

As stated above, the City's Noise Regulation is provided in Chapter XI of the Los Angeles Municipal Code (LAMC). Section 111.02 of the LAMC provides procedures and criteria for the measurement of the sound level of "offending" noise sources. In accordance with the LAMC, a noise level increase of 5 dBA over the existing average ambient noise level at an adjacent property line is considered a noise violation. To account for people's increased tolerance for short-duration noise events, the Noise Regulation

provides a 5 dBA allowance for noise source occurring more than five but less than fifteen minutes in any one-hour period and an additional 5 dBA allowance (total of 10 dBA) for noise source occurring five minutes or less in any one-hour period.

LAMC Section 112.02 limits increases in noise levels from air conditioning, refrigeration, heating, pumping and filtering equipment. Such equipment may not be operated in such manner as to create any noise which would cause the noise level on the premises of any other occupied property, or, if a condominium, apartment house, duplex, or attached business, within any adjoining unit, to exceed the ambient noise level by more than five (5) decibels.

LAMC Section 112.05 sets a maximum noise level for construction equipment of 75 dBA at a distance of 50 feet when operated within 500 feet of a residential zone. Section 41.40 of the LAMC prohibits construction between the hours of 9:00 P.M. and 7:00 A.M. Monday through Friday, 6:00 P.M. and 8:00 A.M. on Saturday, and at any time on Sunday (i.e., construction is allowed Monday through Friday between 7:00 A.M. to 9:00 P.M.; and Saturdays and National Holidays between 8:00 A.M. to 6:00 P.M.). In general, the Los Angeles Department of Building and Safety enforces Noise Ordinance provisions relative to equipment and the Los Angeles Police Department enforces provisions relative to noise generated by people.

LAMC Section 113.01 prohibits collecting or disposing of rubbish or garbage, to operate any refuse disposal truck, or to collect, load, pick up, transfer, unload, dump, discard, or dispose of any rubbish or garbage, as such terms are defined in LAMC Section 66.00, within 200 feet of any residential building between the hours of 9:00 P.M. and 6:00 A.M. of the following day, unless a permit has been duly obtained beforehand from the Board of Police Commissioners.

As stated above, new construction would be subject to regulatory compliance measures including the regulations of the LAMC regarding noise. Also, any such new construction would be subject to environmental review by the Department of City Planning where mitigation measures could be implemented to reduce any potential impacts related to Noise to a less than significant level. Typical mitigation to reduce noise impacts for new construction includes the provision of a temporary construction fence equipped with noise blankets.

Based on all of the above, the project is not expected to result in adverse impacts related to noise.

M. Population and Housing

The proposed ordinance would not induce population growth nor displace substantial numbers of people. Conversely, the existing condition would likely result in the displacement of a potentially significant number of people in the event of a catastrophic earthquake. The purpose of the proposed ordinance is to make existing residential and commercial non-ductile reinforced concrete buildings safer by improving resistance to lateral loads, thus reducing the risk of substantial damage to buildings or the potential loss of life due to an earthquake. Therefore, the proposed ordinance will not impact residential uses. After adoption of the proposed ordinance, residential uses can continue operating in the same

fashion as they did prior to adoption. It is reasonably foreseeable that an earthquake at a magnitude of 6.7 will occur in the next thirty years, a little over the life of this project, and when it does, many of these non-ductile buildings will be permanently lost. Based on this, the project is expected to have a beneficial impact in reducing the loss of housing, including affordable housing.

Further, any retrofit work affecting buildings that are subject to the Rent Stabilization Ordinance would also be subject to the Tenant Habitability Program pursuant to Ordinance No. 176,544. The program is intended to facilitate renovations without subjecting tenants to either untenable housing conditions during renovation work or forced permanent displacement. The Program requires landlords to prepare a tenant habitability plan to mitigate temporary untenable conditions, either through actions to ensure that tenants can safely remain in place during construction or through temporary relocation of tenants to alternative accommodations. A tenant habitability plan would require approval from the Department of Housing and Community Investment prior to issuance of a building permit from the Department of Building and Safety.

Based on the above, the project is not expected to result in adverse impacts related to Population and Housing.

N. Public Services

The proposed ordinance will not result in substantial adverse impacts on any public services including fire protection, police protection, schools, parks or other public facilities. The proposed ordinance would merely mandate the retrofit of existing non-ductile reinforced concrete buildings and would not involve new construction or the expansion of existing buildings.

O. Recreation

The proposed ordinance will not increase the use of existing neighborhood and regional parks nor would it require the construction or expansion of recreational facilities. The proposed ordinance would merely mandate the retrofit of existing non-ductile reinforced concrete buildings and would not involve new construction or the expansion of existing buildings.

P. Transportation/Traffic

The proposed ordinance would not conflict with any applicable plans or policies regarding circulation systems, conflict with any applicable congestion management programs, result in a change in air traffic patterns, increase street hazards, result in inadequate emergency access or conflict with any adopted plans or policies regarding public transit, bicycle or pedestrian facilities. The proposed ordinance would merely mandate the retrofit of existing non-ductile reinforced concrete buildings and would not involve new construction or the expansion of existing buildings. Therefore, the proposed ordinance is not reasonably expected to have any impacts related to transportation/traffic. The proposed ordinance is expected to have a beneficial impact to emergency plan based on the reduction of catastrophic failure of non-ductile concrete buildings in the event of an earthquake.

Q. Utilities and Service Systems

As discussed above, the proposed ordinance is not reasonably expected to result in the demolition and reconstruction of buildings, expanded uses or changes in uses. The proposed ordinance is not growth inducing. Additionally, the type of work associated with the retrofits is not expected to require additional discharges to the sewer system. The proposed ordinance would not exceed wastewater treatment requirements of the applicable regional water quality control board, nor require the construction of new water or wastewater treatment facilities. The proposed ordinance would not require the construction of new storm water drainage facilities or expansion of existing facilities. The proposed ordinance would not have an effect on water supplies, nor affect wastewater treatment. Moreover, the proposed ordinance would not have any solid waste disposal needs or generate any solid waste disposal itself.

Construction debris from retrofit work will depend on the method of retrofit. A reasonably expected level of debris generation will range from “none” for projects involving the addition of structural elements to “up to 50%” of an existing building for wholesale replacement of structural systems.

The generation of any solid waste, including construction debris, will adhere to the California Integrated Waste Management Act of 1989 (AB 939), enacted to reduce, recycle, and reuse solid waste to the maximum extend feasible. In addition, any solid waste created as a result of compliance with the proposed ordinance would be subject to the regulations of the Los Angeles Green Building Code, Section 99.04.408 for construction waste reduction, disposal and recycling.

Demolition and new construction, where it occurs, will include a recycling plan addressing all phases of site preparation and building construction. Construction and demolition debris could include concrete, wood, drywall, metals, and other miscellaneous and composite materials. Off-site recycling centers, such as asphalt or concrete crushers, are used to provide crushed materials for roadbed base, diverting them from landfills.

Although it is not reasonably anticipated to be the outcome of this ordinance, full demolition of a typical non-ductile reinforced concrete building, comprising 50 residential units averaging 1,500 square feet, and each square foot of demolition generating 127 pounds of debris, would generate a total of 4,763 tons of construction debris.⁹ Best practices show recycling and re-use of construction debris consistently achieves 75% reuse. Even assuming a diversion rate of 50% for purposes of this analysis, the total amount of construction debris heading to landfills would be 2,382 tons per building. The Department of Building and Safety’s “Construction and Demolition Recycling Guide” includes detailed resources for recycling.

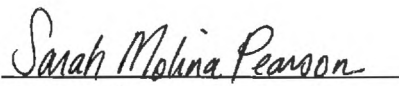
⁹ USEPA Report No. EPA530-98-010. Characterization of Building Related Construction and Demolition Debris in the United States, June 1998, page 2-6.

The City of Los Angeles is served by multiple landfills, including two primary landfills at Sunshine Canyon and Chiquita Canyon. As of October 31, 2012, the Sunshine Canyon Landfill had approximately 96.8 million tons of remaining capacity.¹⁰ The landfill has a permitted maximum daily intake of 12,100 tpd and an estimated closure date in 2037.¹¹ Currently, Sunshine Canyon Landfill is taking in 9,000 tpd on average or two-thirds of its permitted capacity on a daily basis.¹² Based upon this, it is not reasonably foreseeable that the project would have impacts to utilities related to solid waste.

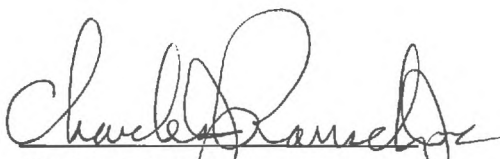
R. Mandatory Findings of Significance

Based on all of the above, the proposed ordinance would not substantially degrade environmental quality, substantially reduce fish or wildlife habitat, cause a fish or wildlife population to drop below self-sustaining levels, threaten to eliminate a plant or animal community, reduce the number or restrict the range of a rare or endangered plant or animal or eliminate important examples of the major periods of California history or prehistory. The proposed ordinance would merely mandate the retrofit of existing non-ductile reinforced concrete buildings and would not involve new construction, excavation, or grading and is not growth-inducing. As noted previously in the Exceptions to the Use of Categorical Exemptions section, and as supported in this Additional Factual Support section, the proposed ordinance would not have a cumulatively considerable impact. As discussed herein, the proposed ordinance is expected to have a beneficial impact to human health.

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10/8/2015
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10/8/15
Date

¹⁰ California Integrated Waste Management Board, Solid Waste Information System, Facility/Site Summary Details, website: <http://www.calrecycle.ca.gov/SWFacilities/Directory/19-AA-2000/Detail/>, accessed: December 4, 2014.

¹¹ Ibid.

¹² http://www.sunshinecanyonlandfill.com/home/pdf/How_Sunshine_is_Sustainable_Fact_Sheet.pdf, accessed on October 6, 2015.