



**MICHAEL N. FEUER**  
CITY ATTORNEY

REPORT NO. R 15 - 0 2 5 5  
OCT 0 2 2015

**REPORT RE:**

**DRAFT ORDINANCE AMENDING DIVISIONS 93 AND 95 OF ARTICLE 1, CHAPTER IX OF THE LOS ANGELES MUNICIPAL CODE TO ESTABLISH MANDATORY STANDARDS FOR EARTHQUAKE HAZARD REDUCTION IN EXISTING WOOD-FRAME BUILDINGS WITH SOFT, WEAK OR OPEN-FRONT WALLS AND EXISTING NON-DUCTILE CONCRETE BUILDINGS; AND AMENDING SECTIONS 152.04, 152.05 AND 152.08 OF ARTICLE 2 OF CHAPTER XV OF THE LOS ANGELES MUNICIPAL CODE TO AUTHORIZE THE RENT ADJUSTMENT COMMISSION TO MODIFY TENANT HABITABILITY PROGRAM REQUIREMENTS FOR PURPOSES OF IMPLEMENTING SEISMIC RETROFIT MANDATES**

The Honorable City Council  
of the City of Los Angeles  
Room 395, City Hall  
200 North Spring Street  
Los Angeles, California 90012

Council File No. 14-1697-S1

Honorable Members:

This Office has prepared and now transmits for your consideration the enclosed draft ordinance, approved as to form and legality. This draft ordinance amends Division 93 and Division 95 of Article 1, Chapter IX of the Los Angeles Municipal Code (LAMC) to mandate standards for earthquake hazard reduction in existing wood-frame buildings with soft, weak or open-front walls and in existing non-ductile concrete buildings. The draft ordinance also amends Sections 152.04, 152.05 and 152.08 of Article 2 of Chapter XV of the LAMC to grant authority to the Rent Adjustment Commission to modify service and notice requirements and time provisions of the Tenant Habitability Program in order to carry out seismic retrofit mandates.

## Background

On January 14, 2015, Dr. Lucy Jones presented to the Council a report prepared by the Mayoral Seismic Safety Task Force entitled *Resilience by Design*. The report describes the structural vulnerabilities of wood-frame soft-story and non-ductile concrete buildings within the City, and includes recommendations that the City mandate the retrofit of soft-first-story buildings<sup>1</sup> and non-ductile concrete buildings<sup>2</sup> that were designed prior to the enactment of the 1976 Uniform Building Code.

In the report, the Mayoral Seismic Task Force discusses not only the extensive property damage and physical harm that may result from the structural deficiencies of soft-story and concrete buildings, but also the foreseeable and significant loss of affordable housing units after a major earthquake. For instance, there are more than 29,000 wood-frame apartment buildings with five or more units built prior to 1978 in the City; over 15,000 of these are estimated to be soft-first-story buildings. All of them are subject to the rent-stabilization ordinance.

On January 14, 2015, a motion (Cedillo-Englander) was introduced requesting the Housing and Community Investment Department (HCID) to report on the costs of retrofitting to tenants and landlords, and to work with the City Attorney to draft language that mandates the retrofitting of soft story and concrete buildings within the City of Los Angeles. On January 28, 2015, the Housing Committee considered the motion and continued the matter, requesting reports back from the Department of Building and Safety (DBS) and HCID relative to the seismic retrofit mandates recommended by the Mayoral Seismic Task Force.

On September 22, 2015, the Council adopted a Housing Committee report requesting that the City Attorney, assisted by DBS, prepare an ordinance to mandate seismic retrofitting of existing soft-story and concrete buildings within the City of Los Angeles as outlined in the Mayor's *Resilience by Design* report.

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<sup>1</sup> Soft-first-story buildings are buildings with open sections on the first floor, such as garages, tuck-under parking spaces, or large windows that create a weak first story. As an example of these structures' particular susceptibility to collapse, in the 1994 Northridge earthquake, two-thirds of the 49,000 housing units made uninhabitable by earthquake damage were structures with soft first stories. In the City of Los Angeles, the Department of Building and Safety estimated there to be roughly 13,500 such buildings to which the seismic mandate requirements would apply.

<sup>2</sup> Non-ductile concrete buildings are concrete buildings that were constructed to building code standards in effect before the 1976 Uniform Building Code update, and, therefore, were not required to include ductile materials. While ductile materials and appropriate connections and detailing have the ability to bend in order to absorb high amounts of energy before failure, the brittle materials and detailing of non-ductile buildings do not. As a result, non-ductile concrete buildings having a higher likelihood to collapse during a major earthquake. According to the Network for Earthquake Engineering Simulation (NEES), Los Angeles has an estimated 1,400 non-ductile reinforced concrete buildings, including apartment complexes, schools, hospitals, and office buildings.

### Summary of Ordinance Provisions

The draft ordinance establishes minimum building code standards to retrofit wood-frame soft-story and non-ductile concrete buildings and sets forth the time limits by which property owners must meet these standards. For existing wood-frame soft-story buildings, unless subject to an exception, if the permit application for a new building was submitted before January 1, 1978, property owners are required to complete retrofit or demolition work within two years of receiving an order from DBS. For concrete buildings built pursuant to permit applications submitted before January 13, 1977, unless subject to an exception, property owners are required to complete retrofit or demolition work within 25 years of receiving the order.

The ordinance further creates administrative procedures and enforcement tools to implement the seismic retrofit standards, and confers specific authority upon the Rent Adjustment Commission (RAC) to permit exceptions from other LAMC requirements if they impede compliance with seismic retrofit provisions. Specifically, under the proposed ordinance, RAC may, by regulation, modify the service and notice requirements of Section 152.04 of the Tenant Habitability Program, and extend the time provisions of Section 152.05 by up to an additional 180 days.

### CEQA Determination

The California Environmental Quality Act (CEQA) exempts certain classes of projects from its provisions through statutory and categorical exemptions. Public Resources Code Section 21084 and CEQA Guidelines Sections 15300, *et seq.* Pursuant to the Notice of Exemption prepared by the Department of City Planning and filed concurrently with the City Clerk, the proposed ordinance is exempt from CEQA pursuant to CEQA Guidelines Sections 15061(b)(3), 15301 (Class 1 – Existing Facilities), 15302 (Class 2 - Replacement or Reconstruction) and 15269 (Statutory Exemption for Emergency). Moreover, under the City of LA CEQA Guidelines, the proposed ordinance is exempt under the City of LA CEQA Guidelines, Class 1, Type 1 and Class 2, Type 2.

### Charter Findings Not Required

The enclosed draft ordinance relates to the application of new building code standards for seismic retrofitting of existing wood-frame soft-story buildings and non-ductile concrete buildings. It creates compliance timelines, enforcement mechanisms, and administrative procedures pursuant to the ordinance. For this reason, this draft ordinance is not subject to approval by the City Planning Commission pursuant to Charter Section 558.

Findings Required Under the California Health and Safety Code

Under California Health and Safety Code Section 19163, any local ordinance establishing seismic retrofit standards for certain buildings shall comply with a nationally recognized model code relating to the retrofit of existing buildings. If the City adopts local amendments to those provisions, it must determine that those amendments are consistent with Health and Safety Code Section 17958.5. Pursuant to California Health and Safety Code Section 17958.7, before making any changes or modifications pursuant to Section 17958.5, the Council shall make an express finding that any changes or modifications to the building standards contained in the California Building Code is reasonably necessary because of local climatic, geological or topographical conditions. To the extent that the provisions of the proposed ordinance constitute a change or modification to the building standards contained in the California Building Code, our office recommends that the Council make the following findings:

1. WHEREAS, California Health and Safety Code Section 17958.5 authorizes the Council to make reasonably necessary changes or modifications to the State adopted building codes, including the California Building Code, based on local conditions; and

2. WHEREAS, California Health and Safety Code Section 17958.7 requires the Council to make express findings of the necessity for modifications to the building standards contained in the California Building Code, and

3. WHEREAS, in support of these modifications and changes, the City Council hereby expressly finds that the amendments and modifications to building standards contained in the California Building Code, as adopted by the City Council, are reasonably necessary due to the following local climatic, geological or topographical conditions:

a. The City of Los Angeles is bounded on the east by the San Andreas Fault and interlaced with other earthquake faults, which run through, adjacent and under the City, and therefore has the geological conditions of earthquake faults; and

b. The City is located in Seismic Zone 4, which is considered by experts to be the most seismically active of the four seismic zones in the world; and

c. Seismic experts predict a massive earthquake on one of these faults within the next 30 years and several earthquakes similar in intensity to the Northridge Earthquake during the same period; and

d. The 1994 Northridge Earthquake, which was a moderate size (6.8 magnitude) earthquake, caused extensive damage to buildings and structures, including damage to more than 115,000 buildings, moderate to major damage to more than 3,000 buildings and the vacating of about 21,000 residential units including 2,000 homes, and resulted in the loss of human life; and

e. Massive earthquakes pose unusual and extraordinary stresses on buildings and structures requiring more stringent building regulations than would otherwise be required; and

6. Therefore, any amendments to building standards contained in the proposed ordinance are reasonably necessary due to the local geological conditions described herein.

Council Rule 38 Referral

A copy of the draft ordinance was sent, pursuant to Council Rule 38, to the Department of Building and Safety, the Housing and Community Investment Department, and the Department of City Planning with a request that all comments, if any, be presented directly to the City Council or its Committees when this matter is considered.

If you have any questions regarding this matter, please contact Deputy City Attorney Monica Castillo at (213) 978-8228. She or another member of this Office will be present when you consider this matter to answer any questions you may have.

Very truly yours,

MICHAEL N. FEUER, City Attorney

By 

DAVID MICHAELSON  
Chief Assistant City Attorney

DM/MDC:pj  
Transmittal