

## ANALYSIS

This ordinance amends Title 26 – Building Code – of the Los Angeles County Code to add Chapter 97 to establish regulations for seismic retrofitting of certain high-rise, concrete buildings that are located in the unincorporated County or are owned by the County; the regulations provide for the seismic retrofitting to be completed within twenty (20) years.

The changes and modifications to the requirements contained in the building standards published in the 2022 California Building Code that are contained in this ordinance are based on express findings, contained in the ordinance, that such changes are reasonably necessary due to local climatic, geological, or topographical conditions.

This ordinance also makes certain modifications to the administrative provisions of Title 26 – Building Code – for which express findings are not required.

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MFA:lm

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**ORDINANCE NO. \_\_\_\_\_**

An ordinance amending Title 26 – Building Code – of the Los Angeles County Code to establish regulations for seismic retrofitting of certain high-rise, concrete buildings.

The Board of Supervisors of the County of Los Angeles ordains as follows:

**SECTION 1.** Chapter 97 of Title 26 – Building Code – is hereby added to read as follows:

**CHAPTER 97 EARTHQUAKE HAZARD REDUCTION FOR CERTAIN EXISTING HIGH-RISE, CONCRETE BUILDINGS**

**SECTION 9701 PURPOSE AND SCOPE**

The purpose of this Chapter is to promote public safety and welfare by reducing the risk of death or injury that might otherwise result from earthquake damage to certain existing high-rise, concrete buildings that are located in the unincorporated County or are owned by the County. The provisions of this Chapter apply to such high-rise, concrete buildings: (1) that were constructed prior to November 1, 1977, or (2) for which an application for a building permit was submitted prior to November 1, 1977, or (3) that the Building Official otherwise determines were built under building standards enacted before the 1977 Los Angeles County Building Code. With respect to high-rise, concrete buildings that meet any of the foregoing three criteria, this Chapter refers to such buildings as being "within the scope of this Chapter." Due to the prevalence of non-ductile structural elements in such high-rise, concrete buildings, this ordinance recognizes that these buildings may be rendered deficient in sustaining gravity loads

when subjected to earthquake-induced lateral displacements, thereby potentially posing a significant risk of damage, including partial or complete collapse.

This Chapter sets forth minimum standards for structural seismic resistance to improve the performance of these buildings during earthquakes and to reduce, but not necessarily prevent, the loss of life, injury, or earthquake-related damage. This Chapter does not require existing electrical, plumbing, mechanical, or fire protection systems to be altered unless determined by the Building Official to constitute a hazard to life or property.

If the Building Official determines that a high-rise, concrete building is "within the scope of this Chapter," the Building Official will inform the owner of such determination by issuing an Earthquake Hazard Reduction Compliance Order ("Order"), as defined in subsection 9703.1 below. Upon receipt of such an Order, the owner shall cause an investigation and a seismic evaluation of the existing construction of the building to be performed by a civil or structural engineer or an architect licensed by the State of California. If the building does not meet the minimum standards specified in this Chapter, the owner shall cause the building to be retrofitted to conform to such standards within the period provided in this Chapter. Failure to comply within the required period may result in enforcement and nuisance abatement.

Each high-rise, concrete building subject to an Order that has been subsequently evaluated to demonstrate compliance or has been retrofitted to comply with the minimum standards in this Chapter, shall be maintained in conformity with the requirements of this Chapter in effect at the time of such evaluation or retrofit.

## **SECTION 9702     DEFINITIONS**

For purposes of this Chapter, words and terms shall be defined as set forth in this Section. Where terms are not defined in this Section and are defined elsewhere in this Code, such terms shall have the meanings ascribed to them in this Code. Where terms are not defined through the methods authorized by this Section, those terms shall have such ordinary accepted meanings as implied by their context in this Code.

**CONCRETE BUILDING.** A building, or any portion thereof, having concrete floors and/or roofs, either with or without beams, and a lateral-force-resisting system composed of concrete walls and/or concrete frames with or without masonry infills, or any combination thereof. Lift-slab buildings shall be considered concrete buildings with or without a concrete lateral-force-resisting system.

**HIGH-RISE BUILDING.** A building of any type of construction or occupancy having floors used for human occupancy located more than seventy-five (75) feet above the lowest floor level having high-rise building access, except buildings used as hospitals as defined in Health and Safety Code section 1250.

**HIGH-RISE BUILDING ACCESS.** An exterior door opening that conforms to all the following:

1. Suitable and available for fire department use.
2. Located not more than two (2) feet (610 mm) above the adjacent ground level.
3. Leading to a space, room, or area having foot traffic communication capabilities with the remainder of the building.

4. Designed to permit penetration through the use of fire department forcible-entry tools and equipment unless other approved arrangements have been made with the fire authority having jurisdiction.

**HISTORICAL BUILDING.** Any building designated as a qualified historical building as defined in Part 8, Title 24, of the California Code of Regulations.

**MASONRY INFILL.** Unreinforced or reinforced masonry wall construction within a reinforced concrete frame.

**OWNER.** Any person, agent, operator, entity, firm, or corporation, including successors and assigns, who has a legal or equitable interest in a high-rise, concrete building subject to an Order; or who is a record owner of such building in the official records of the County Registrar-Recorder; or who otherwise has rights to authorize evaluation and retrofit of such building.

**RETROFIT (as a noun or a verb in any tense).** An improvement of the lateral-force-resisting system by alteration of its existing structural elements, or addition of new structural elements, so that the building complies with the standards required by Section 9707.

## **SECTION 9703 ADMINISTRATION**

### **9703.1 Issuance of Earthquake Hazard Reduction Compliance Order.**

As described in Section 9701, above, whenever this Chapter refers to high-rise, concrete buildings as being "within the scope of this Chapter," this reference means high-rise, concrete buildings: (1) that were constructed prior to November 1, 1977, or

(2) for which an application for a building permit was submitted prior to November 1, 1977, or (3) that the Building Official otherwise determines were built under building standards enacted before the 1977 Los Angeles County Building Code.

The Building Official shall exercise their best efforts to identify all high-rise, concrete buildings located in unincorporated County or owned by the County that are "within the scope of this Chapter," and the Building Official shall issue an Order to the owners of such buildings as provided in this Chapter.

**9703.2 Service and Contents of Order.**

An Order shall be in writing and shall be served either personally or by registered or certified mail, postage prepaid, upon the owner and by posting on the building. The Order shall specify that the building has been determined by the Building Official to be of a type that is within the scope of this Chapter and, therefore, is required to meet the requirements of this Chapter. The Order shall specify the time limits for appeal of the Order and for compliance with the Order.

The Building Official may, but is not required to, send copies of the Order to any party concerned as defined in Section 102.1.

Failure of any owner, party concerned, or other interested party to receive the Order shall not affect the validity of any proceedings taken thereunder.

**9703.3 Appeal of Order.**

The owner may appeal the Order to the Building Board of Appeals established by Section 105. Such an appeal shall be filed with the Building Board of Appeals within sixty (60) days from the service date of the Order. Such an appeal shall be made in

writing, and the grounds thereof shall be stated clearly and concisely. Appeals shall be made in accordance with the procedures established in this Code. The Building Board of Appeal's decision on the appeal shall be final.

The time for appeal may be extended by the Building Official for good cause shown. Failure to submit a timely written request for appeal or to appear at a scheduled hearing shall be deemed a waiver of the right to a hearing before the Building Board of Appeals.

**9703.4 Recordation.**

At or about the time the Order is served, the Building Official shall file with the office of the Los Angeles County Recorder a certificate stating that the Building Official has determined that the subject high-rise, concrete building is "within the scope of this Chapter" (as defined herein, with the certificate describing which specific criteria have been met). The certificate shall state that the owner thereof has been ordered to conduct a seismic evaluation of the building, and, if necessary, to retrofit or demolish the building as set forth in this Chapter. The certificate shall also state that the owner has sixty (60) days from the date of the Order to appeal the determination, and that if such an appeal is not submitted, the determination will be final and binding.

If the building is subsequently determined to not be of a type or design properly subject to an Order, or is demolished, or is retrofitted in accordance with this Chapter, or is otherwise found to meet the minimum standards specified in this Chapter, the Building Official shall file with the Office of the County Recorder a certificate terminating the status of the building as being subject to the Order.

## **SECTION 9704 TIME PERIOD FOR COMPLIANCE**

### **9704.1 Compliance Time Period.**

The owner of a high-rise, concrete building who is served with an Order shall complete the following actions according to the compliance time periods stated below:

1. Within three (3) years after service of the Order described in Section 9703, obtain approval of the Non-ductile Concrete Building Checklist ("Checklist"), provided by the Building Official. The Checklist shall be completed by a civil or structural engineer or architect licensed by the State of California. Such licensed professional shall determine, to the satisfaction of the Building Official, whether or not the high-rise, concrete building meets the minimum standards specified in this Chapter. A high-rise, concrete building determined to not meet the minimum standards specified in this Chapter is required to be retrofitted in accordance with this Chapter.

2. Within seven (7) years after service of the Order, submit a complete permit application consistent with Section 106.4.1 and an engineering report from a licensed professional consisting of an evaluation report per ASCE 41-17 Section 1.4.5, the structural analysis, and plans for retrofit of the building in accordance with this Chapter; or submit plans for demolition of the building.

3. Within nine (9) years after service of the Order, obtain the permit for retrofit in accordance with this Chapter or demolition of the building according to Section 106.5.1. The owner shall maintain the permit as active and not allow it to expire, according to Section 106.5.4, unless extended pursuant to Section 9704.2.

4. Within ten (10) years after service of the Order, when opting to demolish the building, complete the demolition of the building.

5. Within twenty (20) years after service of the Order, complete all necessary retrofit work on the building consistent with the structural analysis and plans approved by the Building Official.

Time limits for compliance shall be based on the service date of the Order from the Building Official. Transfer of title shall not change the compliance time periods.

Notwithstanding any other provisions of this Code to the contrary, a building that is the subject of an Order and is not brought into compliance with this Chapter within the compliance period, is subject to enforcement pursuant to Section 9708.

**9704.2 Extensions.**

The owner may request an extension to the period set forth in Section 106.4.1.1. The Building Official may, for good cause shown, grant additional extensions beyond the two extensions authorized by Section 106.4.1.1. Extensions approved by the Building Official shall not exceed 180 days and shall require payment of an extension fee as determined by the Building Official, not to exceed 25 percent of the plan check fee per extension.

The owner may request an extension to the period for compliance set forth in Section 9704.1.3, Section 9704.1.5, or in Section 106.5.4. An application for extension may only be filed after the owner has submitted an engineering report to the County with a structural analysis pursuant to Section 9704.1.2, and the retrofit plans have been approved by the County. The owner must also provide a proposed schedule for

compliance. The Building Official may, for good cause shown, approve, approve with modifications, or deny the extension request in writing. The length of any extension that might be granted by the Building Official should be reasonably commensurate with the justification. Extensions shall require payment of an extension fee, as determined by the Building Official, not to exceed 25 percent of the plan check fee for extensions to the time limits required by Section 9704.1.3 or the permit fee for extension to the time limits required by Sections 9704.1.5 or 106.5.4.

**9704.3 Appeal of Period for Compliance.**

The owner of the building may appeal the determination of the Building Official pursuant to Section 9704.2 to the Building Board of Appeals. Such an appeal shall be filed with the Board within sixty (60) days of the Building Official's determination. Such an appeal shall be made in writing, and the grounds thereof shall be stated clearly and concisely. Appeals shall be made in accordance with the procedures established in this Code. The Building Board of Appeal's decision on the appeal shall be final. Failure to submit a timely written request for appeal or to appear at a scheduled hearing shall be deemed a waiver of the right to a hearing before the Building Board of Appeals.

**SECTION 9705 OCCUPANCY AND TENANT ADVISORY**

The owner shall provide written notification to all current and prospective residential and nonresidential tenants, subtenants, lessees, sublessees, or any other persons entitled to the use and/or occupancy of the building of a retrofit project approved pursuant to this Chapter. The notice shall include information for the retrofit project, including the scope of and expected duration of the work.

**SECTION 9706 HISTORICAL BUILDINGS**

High-rise, concrete buildings subject to an Order that are also historical buildings (as defined herein) shall comply with the California Historical Building Code and the provisions of this Chapter. Modifications to the standards set forth in this Chapter may be permitted when such modifications are consistent with the provisions of the California Historical Building Code. Such modifications shall be clearly specified in the engineering report and plans for retrofit of the building.

**SECTION 9707 BUILDING STRUCTURAL ANALYSIS, DESIGN, AND EVALUATION**

High-rise, concrete buildings subject to an Order shall meet or exceed the requirements specified for the "Structural Performance Level" for the associated earthquake hazard levels as indicated in Table A based on the Risk Category as defined in the American Society of Civil Engineers (ASCE) 41-17.

**TABLE A  
SEISMIC PERFORMANCE REQUIREMENTS BY RISK CATEGORY**

<b>Risk Category</b>	<b>Hazard Level 1</b>	<b>Hazard Level 2</b>
I & II	BSE-1E, S-3	BSE-2E, S-5
III & IV	BSE-1E, S-2	BSE-2E, S-5

**SECTION 9708 ENFORCEMENT AND PROSECUTION**

It shall be unlawful to own, use, occupy, maintain, or be in control of a building for which an Order requiring compliance with this Chapter has been served and where said Order and/or decision of the Building Board of Appeals has not been complied with. Such a building may be declared unsafe pursuant to Section 102.

In case the owner fails, neglects, or refuses to comply with the Order or with any decision of the Building Board of Appeals, the owner shall be guilty of a misdemeanor and the Building Official may cause such owner of the building to be prosecuted as a violator of this Code. The owner shall be responsible for the costs incurred by the County, as provided in this Code, resulting from the owner's failure to comply.

The provisions of this Chapter shall not in any manner limit or restrict the County or the District Attorney from enforcing any other County ordinances or abating public nuisances in any other manner provided by law.

**EXCEPTION:** This Section 9708 shall not apply to any building on which work is proceeding in compliance with the time limits set forth in this Chapter, or in compliance with any extensions of time granted by the Building Official, or in compliance with any action, order, or determination made by the Building Official in the implementation of this Chapter.

#### **SECTION 9709 SEVERABILITY**

If any section, subsection, sentence, clause, or phrase of this Chapter is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction or by reason of any preemptive legislation, such court decision or legislation shall not affect the validity of the remaining portions of this ordinance. The County Board of Supervisors hereby declares that it would have adopted this Chapter, and each and every section, subsection, sentence, clause, and phrase thereof not declared invalid or unconstitutional, without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

**SECTION 2.** The provisions of this ordinance contain various changes, modifications, and additions to the 2022 California Building Codes. Some of those changes are administrative in nature in that they do not constitute changes or modifications to requirements contained in the building standards published in the California Building Standards Codes.

Pursuant to California Health and Safety Code sections 17958.5, 17958.7, and 18941.5, the Board of Supervisors hereby expressly finds that all of the changes and modifications to requirements contained in the building standards published in the California Building Standards Codes that are contained in this ordinance are reasonably necessary because of local climatic, geological, or topographical conditions in the County of Los Angeles due to the potential for seismic activity in the region, topographical conditions that contribute to the spread of wild fires, and climatic conditions that impact air quality and increase the risk of wild fires.

Without limiting the foregoing, the County makes additional findings as follows:

**BUILDING CODE AMENDMENTS**

<b>Code Section</b>	<b>Condition</b>	<b>Explanation of Amendment</b>
Title 26 Chapter 97	Administrative Geologic	<p>The greater Los Angeles/Long Beach region is situated over a vast array of earthquake fault systems capable of producing major earthquakes, similar to or exceeding the geologic activities occurring during the 1994 Northridge Earthquake. Due to the risk of geologic activities in the Southern California area, buildings and structures require a higher level of performance. High-rise, concrete buildings that were constructed under building standards enacted before the 1977 Los Angeles County Building Code (including such buildings: that were constructed before November 1, 1977; or for which an application for a building permit was submitted before November 1, 1977; or that the Building Official otherwise determines were built using building standards enacted before the 1977 Los Angeles County Building Code) have been recognized as having a potentially significant risk of damage, including partial or complete collapse, during moderate to strong earthquakes, due to non-ductile detailing of structural elements that render the building incapable of sustaining gravity loads when the building is subjected to earthquake-induced lateral displacements. This ordinance will require the retrofit of such buildings in accordance with this Chapter to enhance their safety in the event of a major earthquake.</p>

[TITLE26MACC]