

ORDINANCE NO. _____

An ordinance amending Title 26 – Building Code and Title 27 – Electrical Code – of the Los Angeles County Code, to establish regulations for the seismic retrofit of high-rise non-ductile concrete buildings; to define minor or standard excavation or grading pursuant to the California Permit Streamlining Act; and to modify Consumer Price Index adjustments for fees in Title 27 – Electrical Code to be consistent with the Building Code.

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

SECTION 1. Chapter 97 is hereby added to read as follows:

**CHAPTER 97 EARTHQUAKE HAZARD REDUCTION FOR EXISTING
HIGH-RISE NON-DUCTILE 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 which might otherwise result from earthquake damage to high-rise non-ductile concrete buildings constructed or for which an application for a building permit was submitted prior to November 1, 1977. The provisions of this Chapter shall apply to any existing high-rise concrete building determined by the Building Official to have been built under building standards enacted before the 1977 Los Angeles County Building Code. Such buildings 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 deficient in sustaining gravity loads when the building is subjected to earthquake-induced lateral displacements.

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.

The owner of each building subject to this Chapter shall cause an investigation of the existing construction and a seismic evaluation to be performed on the building by a civil or structural engineer or architect licensed by the State of California. If the building does not meet the minimum standards specified in this Chapter, the owner shall cause it to be retrofitted to conform to such standards within the period provided in this Chapter. Failure to comply within the required time period may result in enforcement and nuisance abatement.

Each building within the scope of this Chapter, which has been 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 as in this Code.

Where terms are not defined through the methods authorized by this Section, such terms shall have ordinary accepted meanings such as the context implies.

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

HIGH-RISE NON-DUCTILE CONCRETE BUILDING. A high-rise concrete building determined by the Building Official to have been built according to the building standards enacted before the effective date of the 1977 Los Angeles County Building Code.

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, with legal or equitable interest in a building subject to this Chapter; is a record owner of the property in the official records of the County Registrar-Recorder; or otherwise has rights to authorize evaluation and retrofit of the building.

RETROFIT. An improvement of the lateral-force-resisting system by alteration of existing structural elements or addition of new structural elements to the standards required by Section 9707.

SECTION 9703 ADMINISTRATION

9703.1 Issuance of Earthquake Hazard Reduction Compliance Order.

The Building Official shall attempt to identify those high-rise concrete buildings within the scope of this Chapter and shall take reasonable measures to issue an Earthquake Hazard Reduction Compliance Order ("Order") as provided in this Section.

9703.2 Service and Contents of Order.

The 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 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 Order shall include a Non-ductile Concrete Building Checklist to be completed per Section 9704.1.1.

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 appeal shall be filed with the Building Board of Appeals within sixty (60) days from the service date of the Order. Such 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 County Recorder a certificate stating that the subject building appears to be within the scope of this Chapter 97. 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 within the scope of this Chapter, or is demolished, or is retrofitted, 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 building subject to this Chapter 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 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 complete the form and determine, to the satisfaction of the Building Official, whether the high-rise concrete building is non-ductile and retrofitting is required 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; or submit plans for demolition of the building.

3. Within nine (9) years after service of the Order, obtain the permit for retrofit or demolition of the building according to Section 106.5.1. The permit shall be maintained active and not allowed to expire, according to Section 106.5.4, unless extended pursuant to 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 found to be within the scope of this Chapter and is not brought into compliance with

this Chapter within the compliance time period, is subject to enforcement pursuant to Section 9708.

9704.2 Extensions.

The owner may request an extension to the time 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 time period for compliance set forth in Section 9704.1.3, in Section 9704.1.5, or in Section 106.5.4. A written request 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 extension timeframe determined by the Building Official shall be 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 time limits required by Section 9704.1.3 or the permit fee for extension to time limits required by Sections 9704.1.5 or 106.5.4.

9704.3 Appeal of Time 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 appeal shall be filed with the Board within sixty (60) days of the Building Official's determination. Such 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 person(s) 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

Historical Buildings 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 provision 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

Buildings subject to this Chapter 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

Risk Category	Hazard Level 1	Hazard Level 2
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 shall fail, neglect, or refuse 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 costs incurred by the County, as provided in this Code, resulting from 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 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.