

AUGUST 7, 2017

SUBJECT: **ORDINANCE NO. 17-1011 (2ND READING) "AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING SEISMIC STRENGTHENING REQUIREMENTS FOR TWO CATEGORIES OF EXISTING BUILDINGS IN THE CITY AND AMENDING TITLES 13 AND 9 OF THE WEST HOLLYWOOD MUNICIPAL CODE"**

INITIATED BY: **ADMINISTRATIVE SERVICES DEPARTMENT**
Yvonne Quarker, City Clerk's Division, City Clerk *YQ*,
Melissa Crowder, City Clerk's Division, Assistant City Clerk

STATEMENT ON THE SUBJECT:

The City Council will waive further reading and adopt Ordinance No. 17-1011 establishing seismic strengthening requirements for two categories of existing buildings in the City and amending Titles 13 and 9 of the West Hollywood Municipal Code.

RECOMMENDATION:

Waive further reading and adopt Ordinance No. 17-1011, "**AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING SEISMIC STRENGTHENING REQUIREMENTS FOR TWO CATEGORIES OF EXISTING BUILDINGS IN THE CITY AND AMENDING TITLES 13 AND 9 OF THE WEST HOLLYWOOD MUNICIPAL CODE**".

BACKGROUND / ANALYSIS:

On July 17, 2017, the City Council introduced on first reading Ordinance No. 17-1011.

Ayes: Councilmember D'Amico, Councilmember Horvath, Councilmember Meister, Mayor Pro Tempore Duran, and Mayor Heilman.

Noes: None.

Abstain: None.

Absent: None.

CONFORMANCE WITH VISION 2020 AND THE GOALS OF THE WEST HOLLYWOOD GENERAL PLAN:

This item is consistent with the Primary Strategic Goal(s) (PSG) and/or Ongoing Strategic Program(s) (OSP) of:

- OSP-2: Institutional Integrity.

In addition, this item is compliant with the following goal(s) of the West Hollywood General Plan:

- G-2: Maintain transparency and integrity in West Hollywood's decision-making process.

EVALUATION PROCESSES:

N/A

ENVIRONMENTAL SUSTAINABILITY AND HEALTH:

N/A

COMMUNITY ENGAGEMENT:

N/A

OFFICE OF PRIMARY RESPONSIBILITY:

ADMINISTRATIVE SERVICES DEPARTMENT / CITY CLERK DIVISION

FISCAL IMPACT:

There is no Fiscal Impact.

ATTACHMENT:

Attachment A: Ordinance 17-1011

ORDINANCE NO. 17-1011

AN ORDINANCE OF THE CITY OF WEST HOLLYWOOD ESTABLISHING SEISMIC STRENGTHENING REQUIREMENTS FOR TWO CATEGORIES OF EXISTING BUILDINGS IN THE CITY AND AMENDING TITLES 13 AND 9 OF THE WEST HOLLYWOOD MUNICIPAL CODE

The City Council of the City of West Hollywood does hereby ordain as follows:

Section 1. A new Chapter 13.36 is added to Title 13 of the West Hollywood Municipal Code to read as follows:

Chapter 13.36 Mandatory Seismic Strengthening Provisions for Non-Ductile Concrete Structures.

13.36.010 Purpose.

The provisions of this Chapter are intended to promote the public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on older existing concrete buildings. The poor performance of older concrete buildings is well documented and typically attributed to the 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 Chapter creates minimum standards intended to improve the performance of these buildings during earthquakes and reduce, but not necessarily prevent, the loss of life, injury or earthquake-related damage.

13.36.020 Scope.

The provisions of this Chapter shall apply to any existing concrete building determined by the Building Official to have been built under Building Code standards enacted before the 1979 Uniform Building Code with local amendments.

Exceptions: This Chapter shall not apply to the following structure types:

1. Concrete structures with flexible diaphragms.
2. Single Story structures, unless the lateral system contains concrete moment frame elements.
3. Wood structures over concrete podium unless the podium contains a Major Deficiency as specified in section 13.36.050.a.
4. Buildings with a steel lateral resisting system encased in concrete.
5. Residential common interest developments as that term is defined in the West Hollywood Municipal Code Section 19.90.020.

Notwithstanding any provision of the Building Code, compliance with this Chapter shall not require existing electrical, plumbing, mechanical or fire-safety systems to be altered to comply with the current Building Code unless they constitute a hazard to life or property as determined by Building Official.

13.36.030 Definitions.

Notwithstanding the applicable definitions, symbols and notations in the Building Code, the following definitions shall apply for the purposes of this Chapter:

Building Code is the current Building Code of the City of West Hollywood.

Captive Column Deficiency occurs when there are columns at a level with height/depth ratios less than 50% of the nominal height/depth ratio of the typical columns at the level.

Concrete Building is a building 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. Lift-slab buildings shall be considered as part of the concrete buildings with or without a concrete lateral resisting system.

Historical Building is any building designated as a "qualified historical building" as defined in Part 8, Title 24 of the California Code of Regulations.

Load Path Deficiency occurs when a structure does not contain a complete, well defined load path, including structural elements and connections, that serves to transfer the inertial forces associated with the mass of all elements of the building to the foundation.

Masonry Infill is the unreinforced or reinforced masonry wall construction within a reinforced concrete frame.

Owner or Building Owner is the individual(s), agent, firm, corporation, or entity having legal possession, equitable interest in the property, or rights to sanction evaluation or Retrofit of a building.

Retrofit is an improvement of the lateral force resisting system by alteration of existing structural elements or addition of new structural elements.

Soft Story Deficiency occurs when the stiffness of the seismic-force-resisting system in any Story is less than 70% of the seismic-force-

resisting system in an adjacent Story above or less than 80% of the average seismic-force system stiffness of the three stories above.

Story is as defined in the Building Code, but includes any basement or underfloor space of a building with cripple walls exceeding four feet in height.

Torsion Deficiency occurs when the estimated distance between the Story center of mass and the Story center of rigidity is more than 20% of the building width in either plan dimension.

Vertical Irregularities Deficiency occurs when all vertical elements in the seismic-force-resisting system are not continuous to the foundation.

Weak Story Deficiency occurs when the sum of the shear strengths of the seismic-force-resisting system in any Story in each direction is less than 80% of the strength in the adjacent Story above.

13.36.040 Compliance Requirements.

The Owner of each building within the scope of this Chapter shall cause an investigation of the existing construction and a structural analysis to be performed on the building by a Registered Civil or Structural Engineer licensed in the State of California and if the building does not meet the minimum standards specified in this Chapter, the Owner shall cause it to be structurally altered to conform to such standards.

Each building within the scope of this Chapter, which has been analyzed to demonstrate compliance or has been structurally altered 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 analysis or structural alteration.

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 in the time frame indicated in Table A, shall be declared unsafe and subject to the requirements of Section 102 of the Building Code.

13.36.050 Time Period For Compliance/Priority Designation.

a. *Retrofit Phases.* The Owner of any building subject to the provisions of this Chapter shall meet the requirements as specified in the following two Phases:

Phase 1: Engineering Report and Major Deficiency Mitigation. The Owner shall submit an engineering report to the Building and Safety Division demonstrating whether the structure conforms to the design provisions

contained in this Chapter and identify all structural deficiencies in accordance with ASCE 41. Minimum report requirements shall be as specified by the Building Official. Buildings identified to have any of the Major Deficiencies listed below shall be required to Retrofit the building in such a way to mitigate the identified Major Deficiency within the time limits allowed in Table A. Alternatively, the engineering report may show that the Major Deficiencies meet the requirements of ASCE 41 through advanced analysis.

Major Deficiencies:

1. Load Path
2. Weak or Soft Story
3. Vertical Irregularity
4. Torsion
5. Captive Column

Alterations made to the structure to mitigate the Major Deficiencies listed above shall not impact existing lateral load elements by increasing any demand-to-capacity ratio by more than 10 percent unless the existing elements are shown to be capable of resisting the increased demand. In addition, the mitigation of the Major Deficiencies shall not create additional structural deficiencies or make the existing structural deficiencies more severe.

Phase 2: Complete Retrofit. The Owner shall complete the Retrofit of the structure to meet the requirements specified in Section 13.36.090 and mitigate all remaining structural deficiencies within the time limits allowed in Table A.

**TABLE A
TIME PERIOD FOR COMPLIANCE**

	Phase 1: Engineering Report & Major Deficiency Mitigation ^{a, b}				Phase 2: Complete Retrofit ^d		
Phase	Submit Engineering Report & Determine All Structural Deficiencies	Submit Retrofit Plans for Major Deficiency Mitigation	Obtain Building Permit & Commence Construction	Complete Major Deficiency Mitigation Construction ^c	Submit Retrofit Plans	Obtain Building Permit & Commence Construction	Complete Construction
Milestone	3 Years from notice to the Owner	5 Years from notice to the Owner	7 Years from notice to the Owner	10 Years from notice to the Owner	13 Years from notice to the Owner	15 Years from notice to the Owner	20 Years from notice to the Owner

a. All buildings within the scope of this Chapter are required to submit an engineering report & determine all structural deficiencies. Buildings that do not contain any of the Major Deficiencies as defined in this Chapter are not required to submit Retrofit plans for Major Deficiency mitigation, commence construction, and complete construction in Phase 1, but shall provide Retrofit plans and complete construction within the time limits provided in Phase 2.

b. Phase 1 Retrofit plans must indicate preliminary Phase 2 Retrofit extents. Minimum Phase 2 scoping requirements shall be as specified by the Building Official.

c. Completion of Phase 1 may be extended by 3 years if Retrofit plans in accordance with the scope of Phase 2 are designed, approved, permitted and constructed within Phase 1.

d. The Building Code version governing Phase 1 shall be permitted to be utilized in Phase 2.

b. Priority Designations. The Building Official shall prioritize enforcement of this Chapter as defined in Table B.

**TABLE B
PRIORITY DESIGNATION**

Priority	Description
Priority I.	Buildings with 8 or more stories
Priority II.	Buildings with 3 to 7 stories
Priority III.	Buildings with 2 or less Stories

13.36.060 Administration.

a. *Service of Order.* The Building Official shall, in accordance with the priorities set forth in Table B, issue an order as provided in this Section to the Owner of each building that is expected to be within the scope of this Chapter.

b. *Contents of Order.* The order shall be in writing and shall be served either personally or by certified or registered mail to the Owner as shown on the last equalized Los Angeles County assessment roll of 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 standards of this Chapter.

c. *Service of Order.* Proper service of a notice shall be by registered or certified mail. It shall be deemed a reasonable effort has been made to serve such notice when registered or certified letters have been mailed to the address of the interested party as shown on the official record. The designated period within which the Owner or person in charge is required to comply with such notice shall begin as of the date the Owner or person in charge receives such notice by personal service or certified mail.

d. *Failure to Receive Order.* Failure of any Owner, party concerned or other person to receive such notice shall not affect the validity of any proceedings taken thereunder.

e. *Appeal from Order.* The Owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Chapter to the Building Board of Appeals established by Section 105 of the Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section 13.36.060.b. Any such appeal shall be decided by the Board no later than 90 days after the date that the appeal is filed. Such appeal shall be made in writing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Chapter shall be made in accordance with the procedures established in Sections 104.2.7 and 105 of the Building Code.

f. *Extensions.* The Building Owner may request an extension to the time period for compliance set forth in Table A of section 13.36.050. An application for extension may only be filed after the Owner has submitted an Engineering Report to the City with a determination of all deficiencies and the Retrofit Plans for major deficiency mitigation have been approved by the City. The Building Owner has the burden of proof to establish with substantial evidence that good cause for the extension exists. The Building Owner must also provide a new proposed schedule for compliance, and plan to comply with the provisions of this chapter during that timeframe. Upon good cause shown, the Building Official

may approve, approve with modifications or deny the extension request for an extension that is commensurate with the justification for the extension. The Owner of the building may appeal the Building Official's decision on the extension to the Building Board of Appeals established by Section 105 of the Building Code. Such appeal shall be filed with the Board within 20 days from the date of the decision. Any such appeal shall be decided by the Board no later than 90 days after the date that the appeal is filed. 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 Section 105 of the Building Code. The Board's decision on the Appeal shall be final.

g. The Building Official may promulgate implementing regulations and policies consistent with this Chapter.

13.36.070 Occupancy and Tenant Advisory.

a. *Notification to Tenants and Occupants.* The Owner shall advise all current and prospective residential and non-residential tenants, subtenants, lessees, sublessees, or any other person(s) entitled to the use and/or occupancy of the building of a proposed project submitted pursuant to this Chapter. The notice shall include the information for the project, as determined by the City, including the scope of work, expected duration, and contact information for a representative of the contractor.

b. *Tenant Impact Mitigation Plan.* If required by Title 17 of this Code, the property Owner shall submit to the Rent Stabilization Department a Tenant Impact Mitigation Plan.

13.36.080 Historical Buildings.

Historical Buildings shall also comply with the provisions of this Chapter. At the Building Official's discretion, 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.

13.36.090 Analysis and Design

a. *Scope of Analysis.* This Chapter requires the evaluation, alteration, repair, replacement or addition of structural elements and their connections to meet the requirements of this section.

b. *Building Structural Analysis, Design and Evaluation.* The building shall meet or exceed the structural performance level for the associate earthquake hazard levels as indicated in Table C based on the Risk Category as defined in ASCE 41:

Table C: 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

c. Material Testing and Condition Assessment. The engineer shall conduct material testing and condition assessment on the existing structure as specified by the Building Official.

d. Alternate Analysis, Base Shear and Design Parameters. The Building Official may approve alternate design methodologies that meet the same performance intent as those prescribed by this Chapter and that achieve the objectives established by this Chapter. A design criteria shall be submitted to the Building Official for review and approval prior to submission of plans.

13.36.100 Information Required On Plans.

a. General. The plans and specifications required by the Building Official shall be of sufficient clarity to indicate the nature, design methodology, and extent of the proposed work and to show in detail that it will conform to the provisions of this Chapter and the Building Code.

b. Phase 1 Engineer's Statement. Where engineering plans are required, the responsible engineer shall provide the following statements on the approved plans:

"I am responsible for designing this building's Phase 1 seismic strengthening in compliance with the minimum standards of the Mandatory Seismic Strengthening Provisions For Non-Ductile Concrete Structures (Chapter 13.36)."

c. Phase 2 Engineer's Statement. The responsible engineer shall provide the following statements on the approved plans:

"I am responsible for designing this building's Phase 2 seismic strengthening in compliance with the minimum standards of the Mandatory Seismic Strengthening Provisions For Non-Ductile Concrete structures (Chapter 13.36)."

d. Phase 1 Owner or Owner's Representative Statement. The Owner shall provide and sign the following statement on the cover of the drawings:

"I ----- understand the seismic evaluation and strengthening performed under this project is limited to a deficiency only mitigation under the Phase 1 requirements of the Mandatory Seismic Strengthening Provisions for Non-Ductile Concrete Structures (Chapter 13.36) which is intended to

reduce the risk under a seismic event. I understand the full building has not been strengthened for other potential structural deficiencies that may cause a life safety concern, injury or property damage risk under a seismic event.”

e. Phase 2 Owner or Owner’s Representative Statement. The Owner shall provide and sign the following statement on the cover of the drawings:

“I ----- understand the seismic evaluation and strengthening performed under this project is in conformance with the Mandatory Seismic Strengthening Provisions for non-Ductile Concrete structures (Chapter 13.36) which is intended to limit the risk under a seismic event.”

f. Quality Control and Assurance Requirements. General notes shall show the requirements for material testing, special inspection, structural observation and the proper installation of newly added materials.

13.36.110 Quality Assurance.

a. Structural Observation. All structures regulated by this Chapter require structural observation during construction. The Owner shall employ the Engineer of Record responsible for the structural design, or another registered Engineer designated by the Engineer of Record to perform structural observation as defined in the Building Code.

b. Special Inspection. Special inspections shall be provided as required by the Building Code. Additional inspections shall be noted on drawings as required by Building Official.

13.36.120 Violation/Penalty.

a. Violation. It shall be unlawful for any person to own, use, occupy or maintain any building or structure or portion thereof, or cause the same to be done, contrary to, or in violation of, any of the provisions of this Chapter.

b. Penalty. Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of the misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$1,000, (one thousand dollars) or by imprisonment for not more than six months, or by both such fine and imprisonment. The provisions of this section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Chapter.

c. *Recordation of violation.*

1. *General.* The Building Official may record a notice with the County Recorder's Office that a property, building or structure, or any part thereof, is in violation of any provision of this Chapter provided that the provisions of this section are complied with. The remedy provided by this section is cumulative to any other enforcement actions permitted by this Chapter.

2. *Recordation.* If (A) the Building Official determines that any property, building, or structure, or any part thereof is in violation of any provision of this Chapter; and if (B) the Building Official gives written notice as specified below of said violation; then the Building Official may have sole discretion to, at any time thereafter, record with the County Recorder's Office a notice that the property and/or any building or structure located thereon is in violation of this Chapter.

3. *Notice.* The written notice given pursuant to this Section shall indicate:

- A. The nature of the violation(s); and
- B. That if the violation is not remedied to the satisfaction of the Building Official, the Building Official may, at any time thereafter, record with the County Recorder's Office a notice that the property and/or any building or structure located thereon is in violation of this Chapter. The notice shall be posted on the property and shall be mailed to the Owner of the property as indicated on the last equalized County Assessment roll. The mailed notice may be by registered, certified, or first-class mail.

4. *Rescission.* Any person who desires to have recorded a notice rescinding the notice of violation must first obtain the necessary approvals and permit(s) to correct the violation. Once the Building Official determines that the work covered by such permit(s) has been satisfactorily completed, the Building Official may record a notice rescinding the prior notice of violation.

Following the recordation of the notice of violation the Building Official is not required to make any inspection or review of the premises to determine the continued existence of the cited violation. It is the responsibility of the property Owner, occupant or other similarly interested private party to comply with the above provisions.

d. *Costs.* Any person that has violated any provision of this Code shall be responsible for the costs of any and all Chapter Enforcement actions taken by the Building Official in response to such violations. These costs shall be based on the amounts specified by the current fee schedule.

13.36.130 Applicability

a. Internal conflict. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different Sections of this Chapter specify different materials, methods of construction, or other requirements, the most restrictive shall govern.

b. Other laws. The provisions of this Chapter shall not be deemed to nullify any provisions of local, state or federal law.

c. Codes and references. The provisions of the codes and standards referenced in this Chapter shall be considered part of the requirements of this Chapter to the prescribed extent of each such reference. Where there are conflicts between provisions of this Chapter and the provisions of any referenced code or standard, the provisions of this Chapter shall apply.

Section 2 A new Chapter 13.40 is added to Title 13 of the West Hollywood Municipal Code to read as follows:

Chapter 13.40 Mandatory Seismic Strengthening Provisions For Pre-Northridge Steel Moment Frame Buildings.

13.40.010 Purpose.

The provisions of this Chapter are intended to promote the public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing Pre-Northridge Steel Moment Frame Buildings. The poor performance of these buildings is well documented and typically attributed to deficiencies in the lateral force resisting system beam-column connections that render the building incapable of performing as intended when subject to large earthquake ground motions. This Chapter creates minimum standards intended to improve the performance of these buildings during earthquakes and reduce, but not necessarily prevent, the loss of life, injury or earthquake-related damage.

13.40.020 Scope.

The provisions of this Chapter shall apply to any building utilizing a Steel Moment Frames that are determined by the Building Official to have been built under building code standards enacted before December 1995.

This Chapter shall not apply to the following structure types:

1. Unreinforced Masonry Buildings previously strengthened with Steel Moment Frames
2. Residential Wood-Framed Buildings utilizing Steel Moment Frames.

3. Residential common interest developments as that term is defined in the West Hollywood Municipal Code Section 19.90.020.

Notwithstanding any provision of the Building Code, compliance with this Chapter shall not require existing electrical, plumbing, mechanical or fire-safety systems to be altered to comply with the current Building Code unless they constitute a hazard to life or property as determined by the Building Official.

13.40.030 Definitions.

Notwithstanding the applicable definitions, symbols and notations in the Building Code, the following definitions shall apply for the purposes of this Chapter:

Building Code is the current Building Code of the City of West Hollywood.

Historical Building is any building designated as a “qualified historical building” as defined in Part 8, Title 24 of the California Code of Regulations.

Load Path Deficiency occurs when the structure does not contain a complete, well defined load path, including structural elements and connections, that serves to transfer the inertial forces associated with the mass of all elements of the building to the foundation.

Owner or Building Owner is the individual(s), agent, firm, corporation, or entity having legal possession, equitable interest in the property, or rights to sanction evaluation or Retrofit of a building.

Retrofit is an improvement of the lateral force resisting system by alteration of existing structural elements or addition of new structural elements.

Soft Story Deficiency occurs when the stiffness of the seismic-force-resisting system in any Story is less than 70% of the seismic-force-resisting system in an adjacent Story above or less than 80% of the average seismic-force system stiffness of the three stories above.

Steel Moment Frame is a frame capable of resisting horizontal forces caused by the steel members (beams and column) and joints resisting forces primarily by flexure.

Story is as defined in the Building Code, but includes any basement or underfloor space of a building with cripple walls exceeding four feet in height.

Torsion Deficiency occurs when the estimated distance between the Story center of mass and the Story center of rigidity is more than 20% of the building width in either plan dimension.

Vertical Irregularities Deficiency occurs when all vertical elements in the seismic-force-resisting system are not continuous to the foundation.

Weak Story Deficiency occurs when the sum of the shear strengths of the seismic-force-resisting system in any Story in each direction is less than 80% of the strength in the adjacent Story above.

13.40.040 Compliance Requirements.

The Owner of each building within the scope of this Chapter shall cause an investigation of the existing construction and a structural analysis to be performed on the building by a Registered Civil or Structural Engineer licensed in the State of California and if the building does not meet the minimum standards specified in this Chapter, the Owner shall cause it to be structurally altered to conform to such standards.

Each building within the scope of this Chapter, which has been analyzed to demonstrate compliance or has been structurally altered to comply with the minimum earthquake standards in this Chapter, shall be maintained in conformity with the requirements of this Chapter in effect at the time of such analysis or structural alteration.

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 in the time frame indicated in Table A, shall be declared unsafe and subject to the requirements of Section 102 of the California Building Code.

13.40.050 Time Period for Compliance/Priority Designation.

a. Retrofit Phases. The Owner of any building subject to the provisions of this Chapter shall meet the requirements as specified in the following two Phases:

Phase 1: Engineering Report and Major Deficiency Mitigation. The Owner shall submit an engineering report to the Building and Safety Division demonstrating whether the structure conforms to the design provisions contained in this Chapter and identify all structural deficiencies in accordance with ASCE 41. Minimum report requirements shall be as specified by the Building Official. Buildings identified to have any of the Major Deficiencies listed below shall be required to Retrofit the building in such a way to mitigate the identified Major Deficiency within the time limits allowed in Table A. Alternatively, the engineering report may show that the

Major Deficiencies meet the requirements of ASCE 41 through advanced analysis.

Major Deficiencies:

1. Load Path
2. Weak or Soft Story
3. Vertical Irregularity
4. Torsion

Alterations made to the structure to mitigate the Major Deficiencies listed above shall not impact existing lateral load elements by increasing any demand-to-capacity ratio by more than 10 percent unless the existing elements are shown to be capable of resisting the increased demand. In addition, the mitigation of the Major Deficiencies shall not create additional structural deficiencies or make the existing structural deficiencies more severe.

Phase 2: Complete Retrofit. The Owner shall complete the Retrofit of the structure to meet the requirements specified in Section 13.40.090 and mitigate all remaining structural deficiencies within the time limits allowed in Table A.

TABLE A
TIME PERIOD FOR COMPLIANCE

	Phase 1: Engineering Report & Major Deficiency Mitigation ^{a, b}				Phase 2: Complete Retrofit ^d		
Phase	Submit Engineering Report & Determine All Structural Deficiencies	Submit Retrofit Plans for Major Deficiency Mitigation	Obtain Building Permit & Commence Construction	Complete Major Deficiency Mitigation Construction ^c	Submit Retrofit Plans	Obtain Building Permit & Commence Construction	Complete Construction
Milestone	3 Years from notice to the Owner	5 Years from notice to the Owner	7 Years from notice to the Owner	10 Years from notice to the Owner	13 Years from notice to the Owner	15 Years from notice to the Owner	20 Years from notice to the Owner

a. All buildings within the scope of this Chapter are required to submit an engineering report & determine all structural deficiencies. Buildings that do not contain any of the Major Deficiencies as defined in this Chapter are not required to submit Retrofit plans for Major Deficiency mitigation, commence construction, and

complete construction in Phase 1, but shall provide Retrofit plans and complete construction within the time limits provided in Phase 2.

b. Phase 1 Retrofit plans must indicate preliminary Phase 2 Retrofit extents. Minimum Phase 2 scoping requirements shall be as specified by the Building Official.

c. Completion of Phase 1 may be extended by 3 years if Retrofit plans in accordance with the scope of Phase 2 are designed, approved, permitted and constructed within Phase 1.

d. The Building Code version governing Phase 1 shall be permitted to be utilized in Phase 2.

b. *Priority Designations.* The Building Official shall prioritize its enforcement of this Chapter as defined in Table B.

TABLE B
PRIORITY DESIGNATION

Priority	Description
Priority I.	Buildings with 8 or more stories
Priority II.	Buildings with 3 to 7 stories
Priority III.	Buildings with 2 or less Stories

13.40.060 Administration.

a. *Service of Order.* The Building Official shall, in accordance with the priorities set forth in Table B, issue an order as provided in this Section to the Owner of each building that is expected to be within the scope of this Chapter.

b. *Contents of Order.* The order shall be in writing and shall be served either personally or by certified or registered mail to the Owner as shown on the last equalized Los Angeles County assessment roll of 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 standards of this Chapter.

c. *Service of Order.* Proper service of a notice shall be by registered or certified. It shall be deemed a reasonable effort has been made to serve such notice when registered or certified letters have been mailed to the address of the interested party as shown on the official record. The designated period within which the Owner or person in charge is required to comply with such notice shall begin as of the date the Owner or person in charge receives such notice by personal service or certified mail.

d. Failure to Receive Order. Failure of any Owner, party concerned or other person to receive such notice shall not affect the validity of any proceedings taken thereunder.

e. Appeal from Order. The Owner of the building may appeal the Building Official's initial determination that the building is within the scope of this Chapter to the Building Board of Appeals established by Section 105 of the Building Code. Such appeal shall be filed with the Board within 60 days from the service date of the order described in Section 13.40.060.b. Any such appeal shall be decided by the Board no later than 90 days after the date that the appeal is filed. Such appeal shall be made in writing and the grounds thereof shall be stated clearly and concisely. Appeals or requests for modifications from any other determinations, orders or actions by the Building Official pursuant to this Chapter shall be made in accordance with the procedures established in Sections 104.2.7 and 105 of the Building Code.

f. Extensions. The Building Owner may request an extension to the time period for compliance set forth in Table A of section 13.40.050. An application for extension may only be filed after the Owner has submitted an Engineering Report to the City with a determination of all deficiencies and the Retrofit Plans for major deficiency mitigation have been approved by the City. The Building Owner has the burden of proof to establish with substantial evidence that good cause for the extension exists. The Building Owner must also provide a new proposed schedule for compliance, and plan to comply with the provisions of this chapter during that timeframe. Upon good cause shown, the Building Official may approve, approve with modifications or deny the extension request for an extension that is commensurate with the justification for the extension. The Owner of the building may appeal the Building Official's decision on the extension to the Building Board of Appeals established by Section 105 of the Building Code. Such appeal shall be filed with the Board within 20 days from the date of the decision. Any such appeal shall be decided by the Board no later than 90 days after the date that the appeal is filed. 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 Section 105 of the Building Code. The Board's decision on the Appeal shall be final.

g. The Building Official may promulgate implementing regulations and policies consistent with this Chapter.

13.40.070 Occupancy and Tenant Advisory.

a. Notification to Tenants and Occupants. The Owner shall advise all current and prospective residential and non-residential tenants, subtenants, lessees, sublessees, or any other person(s) entitled to the use and/or occupancy of the building of a proposed project submitted pursuant to this chapter. The notice shall include the information for the project, as determined by the City, including

the scope of work, expected duration, and contact information for a representative of the contractor.

b. Tenant Impact Mitigation Plan. If required by Title 17 of this Code, the property Owner shall submit to the Rent Stabilization Department a Tenant Impact Mitigation Plan.

13.40.080 Historical Buildings.

Historical Buildings shall also comply with the provisions of this Chapter. At the Building Official's discretion, 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.

13.40.090 Analysis and Design.

a. Scope of Analysis. This Chapter requires the evaluation, alteration, repair, replacement or addition of structural elements and their connections to meet the following requirements in this section.

b. Building Structural Analysis, Design and Evaluation. The building shall meet or exceed the structural performance level for the associate earthquake hazard levels as indicated in Table C based on the Risk Category as defined in ASCE 41:

Table C: 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

c. Material Testing and Condition Assessment. The engineer shall conduct material testing and condition assessment on the existing structure as specified by the Building Official.

d. Alternate Analysis, Base Shear and Design Parameters. The Building Official may approve alternate design methodologies that meet the same performance intent as those prescribed by this Chapter and that achieve the objectives established by this Chapter. A design criteria shall be submitted to the City for review and approval prior to submission of plans.

13.40.100 Information Required On Plans.

a. *General.* The plans and specifications required by the Building Official shall be of sufficient clarity to indicate the nature, design methodology, and extent of the proposed work and to show in detail that it will conform to the provisions of this Chapter and the Building Code.

b. *Phase 1 Engineer's Statement.* Where engineering plans are required, the responsible engineer shall provide the following statements on the approved plans:

"I am responsible for designing this building's Phase 1 seismic strengthening in compliance with the minimum standards of the Mandatory Seismic Strengthening Provisions For Pre-Northridge Steel Moment Frame Buildings (Chapter 13.40)."

c. *Phase 2 Engineer's Statement.* The responsible engineer shall provide the following statements on the approved plans:

"I am responsible for designing this building's Phase 2 seismic strengthening in compliance with the minimum standards of the Mandatory Seismic Strengthening Provisions For Pre-Northridge Steel Moment Frame Buildings (Chapter 13.40)."

d. *Phase 1 Owner or Owner's Representative Statement.* The Owner shall provide and sign the following statement on the cover of the drawings:

"I ----- understand the seismic evaluation and strengthening performed under this project is limited to a deficiency only mitigation under the Phase 1 requirements of the Mandatory Seismic Strengthening Provisions For Pre-Northridge Steel Moment Frame Buildings (Chapter 13.40) which is intended to limit the risk under a seismic event. I understand the full building has not been strengthened for other potential structural deficiencies that may cause a life safety concern, injury or property damage risk under a seismic event."

e. *Phase 2 Owner or Owner's Representative Statement.* The Owner shall provide and sign the following statement on the cover of the drawings:

"I ----- understand the seismic evaluation and strengthening performed under this project is in conformance with the Mandatory Seismic Strengthening Provisions For Pre-Northridge Steel Moment Frame Buildings (Chapter 13.40) which is intended to reduce the risk under a seismic event."

f. *Quality Control and Assurance Requirements.* General notes shall show the requirements for material testing, special inspection, structural observation and the proper installation of newly added materials.

13.40.110 Quality Assurance.

a. Structural Observation. All structures regulated by this Chapter require structural observation during construction. The Owner shall employ the Engineer of Record responsible for the structural design, or another registered Engineer designated by the Engineer of Record to perform structural observation as defined in the Building Code.

b. Special Inspection. Special inspections shall be provided as required by the Building Code. Additional inspections shall be noted on drawings as required by Building Official.

13.40.120 Violation/Penalty.

a. Violation. It shall be unlawful for any person to own, use, occupy or maintain any building or structure or portion thereof, or cause the same to be done, contrary to, or in violation of, any of the provisions of this Chapter.

b. Penalty. Any person, firm or corporation violating any of the provisions of this Chapter shall be guilty of the misdemeanor, and each such person shall be guilty of a separate offense for each and every day or portion thereof during which any violation of any of the provisions of this Chapter is committed, continued or permitted, and upon conviction of any such violation such person shall be punishable by a fine of not more than \$1,000, (one thousand dollars) or by imprisonment for not more than six months, or by both such fine and imprisonment. The provisions of this section are in addition to and independent of any other sanctions, penalties or costs which are or may be imposed for a violation of any of the provisions of this Chapter.

c. Recordation of violation.

1. General. The Building Official may record a notice with the County Recorder's Office that a property, building or structure, or any part thereof, is in violation of any provision of this Chapter provided that the provisions of this section are complied with. The remedy provided by this section is cumulative to any other enforcement actions permitted by this Chapter.

2. Recordation. If (A) the Building Official determines that any property, building, or structure, or any part thereof is in violation of any provision of this Chapter; and if (B) the Building Official gives written notice as specified below of said violation; then the Building Official may have sole discretion to, at any time thereafter, record with the County Recorder's Office a notice that the property and/or any building or structure located thereon is in violation of this Chapter.

3. *Notice.* The written notice given pursuant to this Section shall indicate:

- A. The nature of the violation(s); and
- B. That if the violation is not remedied to the satisfaction of the Building Official, the Building Official may, at any time thereafter, record with the County Recorder's Office a notice that the property and/or any building or structure located thereon is in violation of this Chapter. The notice shall be posted on the property and shall be mailed to the Owner of the property as indicated on the last equalized County Assessment roll. The mailed notice may be by registered, certified, or first-class mail.

4. *Rescission.* Any person who desires to have recorded a notice rescinding the notice of violation must first obtain the necessary approvals and permit(s) to correct the violation. Once the Building Official determines that the work covered by such permit(s) has been satisfactorily completed, the Building Official may record a notice rescinding the prior notice of violation.

Following the recordation of the notice of violation the Building Official is not required to make any inspection or review of the premises to determine the continued existence of the cited violation. It is the responsibility of the property Owner, occupant or other similarly interested private party to comply with the above provisions.

d. *Costs.* Any person that has violated any provision of this Chapter shall be responsible for the costs of any and all Code Enforcement actions taken by the Building Official in response to such violations. These costs shall be based on the amounts specified by the current fee schedule.

13.40.140 Applicability.

a. *Internal conflict.* Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where, in any specific case, different Sections of this Chapter specify different materials, methods of construction, or other requirements, the most restrictive shall govern.

b. *Other laws.* The provisions of this Chapter shall not be deemed to nullify any provisions of local, state or federal law.

c. *Codes and references.* The provisions of the codes and standards referenced in this Chapter shall be considered part of the requirements of this Chapter to the prescribed extent of each such reference. Where there are conflicts between provisions of this Chapter and the provisions of any referenced code or standard, the provisions of this Chapter shall apply.

Section 3. A new Chapter 9.25 is added to Title 9 of the West Hollywood Municipal Code to read as follows:

Chapter 9.25 Disclosures Upon Sale of Property

Section 9.25.010 Disclosure of Seismic Retrofit Ordinances.

In addition to any disclosure requirement required by law, any Agreement of Sale for real property in the City shall include the following disclosure:

“Buyer is aware that the City of West Hollywood has adopted requirements for seismic retrofits of different types of buildings. The requirements can be found at West Hollywood Municipal Code Chapters 13.28, 13.36 and 13.40. For more information on which types of buildings fall within the categories of buildings that are required to retrofit for seismic safety, Buyer is advised to contact the City of West Hollywood Building and Safety Department at 323-848-6320.”

For purposes of this section, Agreement of sale shall mean any agreement or written instrument which provides that title to any property shall thereafter be transferred from one owner to another owner.

Section 4. This Ordinance was assessed in accordance with the authority and criteria contained in the California Environmental Quality Act (CEQA), the State CEQA Guidelines (the Guidelines), and the environmental regulations of the City. The City Council hereby finds that under Section 15301, 15302 and 15308 of the State CEQA Guidelines, this Ordinance is exempt from the requirements of CEQA because it can be seen with certainty that the provisions contained herein would not have the potential for causing a significant effect on the environment. This ordinance establishes requirements to retrofit existing buildings for seismic safety. The retrofits involve no expansion of existing uses and will require buildings to meet seismic strengthening requirements, which are designed to reduce the risk of catastrophic building failures and loss of life and property during seismic events.

Section 5. Certification. The City Clerk is directed to certify the passage and adoption of this Ordinance; cause it to be entered into the City of West Hollywood's book of original ordinances; make a note of the passage and adoption in the records of this meeting; and, within fifteen days after the passage and adoption of this Ordinance, cause it to be published or posted in accordance with California law.

Section 6. Operative Date. This Ordinance shall become operative one (1) year after its effective date.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of West Hollywood at a regular meeting held this 7th day of August, 2017 by the following vote:

AYES:	Councilmember:	D'Amico, Horvath, Meister, Mayor Pro Tempore Duran, and Mayor Heilman.
NOES:	Councilmember:	None.
ABSENT:	Councilmember:	None.
ABSTAIN:	Councilmember:	None.

JOHN HEILMAN, MAYOR

ATTEST:

YVONNE QUARKER, CITY CLERK

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES)
CITY OF WEST HOLLYWOOD)

I, YVONNE QUARKER, City Clerk of the City of West Hollywood, do hereby certify that the foregoing Ordinance No. 17-1011 was duly passed, approved, and adopted by the City Council of the City of West Hollywood at a regular meeting held on the 7th day of August, 2017, after having its first reading at the regular meeting of said City Council on the 17th day of July, 2017.

I further certify that this ordinance was posted in three public places as provided for in Resolution No. 5, adopted the 29th day of November, 1984.

WITNESS MY HAND AND OFFICIAL SEAL THIS 8th DAY OF AUGUST, 2017.

YVONNE QUARKER, CITY CLERK