

ORDINANCE NO. 17-\_\_\_\_

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

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

Section 1. A new Chapter 13.28 is added to Title 13 of the West Hollywood Municipal Code to read as follows:

Chapter 13.28 Mandatory Seismic Strengthening Provisions For Existing Wood-Frame Buildings With Soft, Weak Or Open-Front Walls.

13.28.010 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 wood-framed multi-story buildings with Soft, Weak or Open-Front Walls. Generally, this type of structure consists of partial tuck-under parking on the first floor level with single or multifamily living space in the floors above. In past earthquakes many of these types of structures have performed poorly and collapsed causing loss of life, personal injury, and substantial property damage. This Chapter creates minimum standards intended to reduce the risk of collapse and improve the performance of these buildings during earthquakes, but not necessarily prevent, the loss of life, injury and damage to property.

13.28.020 Scope.

The provisions of this Chapter shall apply to all existing buildings of wood-frame construction, or wood-frame portions thereof, where:

1. A permit for construction of a new building was applied for before January 1, 1978, or if no permit can be located, the structure is determined by the Building Official to have been built under Building Code standards enacted prior to January 1, 1978, and
2. The Ground Floor or basement portion of the structure contains parking or other similar open floor space that causes Soft, Weak, Open-Front Wall Lines, or the majority of the Ground Floor or basement portion of the structure contains an open floor space, and there exists one or more stories above.

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.

#### 13.28.030 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.

*Cripple Wall* is a wood-framed stud wall extending from the top of the foundation wall to the underside of the lowest floor framing.

*Ground Floor* is any floor within the wood-frame portion of a building whose elevation is immediately accessible from an adjacent grade by vehicles or pedestrians. The ground floor portion of the structure does not include any floor that is completely below adjacent grades.

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

*Open-Front Wall Line* is an exterior Wall Line, without vertical elements of the lateral force-resisting system, which requires tributary seismic forces to be resisted by diaphragm rotation or contains an excessive cantilever beyond parallel lines of shear walls. Diaphragms that cantilever more than 25 percent of the distance between lines of lateral force resisting elements from which the diaphragm cantilevers shall be considered excessive. Diaphragm cantilevers or exterior balconies of 6 feet or less in width shall not be considered excessive cantilevers.

*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.

*Seismic Design Guidelines* are framework guidelines developed by the Building Official which are intended to calibrate, delineate and detail technical requirements to be used for the retrofitting of buildings subject to this Chapter.

*Soft Wall Line* is a deficiency in a Wall Line in which the lateral stiffness is less than what is required by story drift limitations and deformation compatibility requirements of this Chapter. In lieu of the engineering analysis required by this Chapter to determine whether a wall line's lateral stiffness is less than the aforementioned story drift limitations and deformation compatibility requirements, a Soft Wall Line deficiency may be defined as a Wall Line in a Story where the wall stiffness is less than 70 percent of the stiffness of the exterior wall above for the direction under consideration.

*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.

*Story Strength* is the total strength of all seismic-resisting elements sharing the same Story shear in the direction under consideration.

*Wall Line* is any length of a wall along a principal axis of the building used to provide resistance to lateral loads.

*Weak Wall Line* is a deficiency of a Wall Line at the Ground Floor in which the wall strength is less than 80 percent of the strength of the wall above in the direction under consideration or is an exterior wall where the majority of the Ground Floor or basement portion of the structure contains an open floor space and the ground floor Story Strength is less than 80 percent of the Story Strength above.

#### 13.28.040 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 Chapter to the contrary, a building that is found to be within the scope of this Chapter and is not brought into compliance in the time frame indicated in Table A, shall be declared unsafe and subject to the requirements of Section 102 of the Building Code.

13.28.050 Time Period for Compliance/Priority Designation.

a. *Screening Report.* Within the time limits allowed in Table A, the Owner of any building subject to the provisions of this Chapter shall submit a screening report to the Building and Safety Division. The report shall demonstrate whether the structure conforms to the earthquake design provisions contained in this Chapter. Minimum form requirements shall be as specified by the Building Official.

b. *Plan, Permits and Construction.* If the screening report concludes the structure does not comply with the provisions of this Chapter, the structure shall be strengthened to comply with the standards of this Chapter within the time periods shown in Table A. Minimum plan requirements shall be as specified by the Building Official.

**TABLE A**  
**TIME PERIOD FOR COMPLIANCE**

<b>Required Action by Owner</b>	<b>Submit Screening Report</b>	<b>Submit Retrofit Plans</b>	<b>Obtain Permit &amp; Commence Construction</b>	<b>Complete Construction</b>
	1 year	2 years	4 years	5 years
<b>Milestone</b>	from notice to the Owner	from notice to the Owner	from notice to the Owner	from notice to the Owner

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

**TABLE B**  
**PRIORITY DESIGNATION**

<b>Priority</b>	<b>Description</b>
Priority I.	Buildings containing 16 or more dwelling units
Priority II.	3 stories or more containing fewer than 16 dwelling units
Priority III.	Buildings not falling within the definition of Priority I or II.

13.28.060 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 13.28.060.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 13.28.050. An application for extension may only be filed after the Owner has submitted a Screening Report to the City and the Retrofit Plans 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.

#### 13.28.070 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.

#### 13.28.080 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.

#### 13.28.090 Analysis and Design.

*a. Scope of Analysis.* This Chapter requires the alteration, repair, replacement or addition of structural elements and their connections to meet the strength and stiffness in conformance with the Building Code except as modified herein. The lateral-load-path analysis shall include the resisting elements and connections from the wood diaphragm immediately above any Soft, Weak or Open-Front Wall lines to and including the foundation. Stories above the Weak Wall Line shall be considered in the analysis but need not be modified. The Engineer shall investigate existing conditions as applicable for the required analysis, including performing initial material testing and verification of existing conditions.

*b. Design Base Shear and Design Parameters.* The design force in a given direction shall not be less than 75% of that derived from the Base Shear as determined from the seismic provisions of ASCE 7 and design provisions as specified by the current Seismic Design Guidelines. The structure shall be analyzed and/or strengthened in order to mitigate the Weak and/or Soft Wall Line deficiencies defined in Section 13.28.030.

Exception: Alternatively, the structure may be retrofitted per Appendix A4 of the California Existing Building Code, provided the entire Story is analyzed and/or strengthened in order to mitigate the Weak and/or Soft Wall Line deficiencies defined in Section 13.28.030.

*c. Lateral Vertical Systems.* Strengthening systems with concrete walls or masonry walls, or steel braced frames shall not be permitted unless a full building analysis considering diaphragm stiffness and torsional behavior is performed.

*d. Horizontal Structural Irregularities in Buildings with Three or More Stories.* Structures with three or more stories having horizontal structural irregularities of either type 2, 3, 4, or 5 listed in ASCE 7, "Horizontal Structural Irregularities", shall be altered to meet the additional requirements of those sections referenced in the table for the Weak, Soft or Open-Front Wall lines being considered.

*e. Alternate Analysis, Base Shear and Design Parameters.* The Building Official may approve alternate analysis and/or 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.

*f. Additional Anchorage Requirements for Buildings on Hillsides.* Where any portion of a building within the scope of this Chapter is constructed on or into a slope steeper than one-unit vertical in three units horizontal (33-percent slope), the lateral-force-resisting system, at and below the base level diaphragm, shall also be analyzed for the effects of concentrated lateral loads caused at the building base from the hillside conditions and comply with the provisions of the Building Code.

*g. Story Drift Limitations.* The calculated story drift for each retrofitted Story shall not exceed the allowable deformation compatible with all vertical load-resisting elements and 0.025 times the Story height. The calculated story drift shall not be reduced by the effects of horizontal diaphragm stiffness, but shall be increased when these effects produce rotation. Drift calculations shall be in accordance with ASCE 7 requirements.

*h. Pole Structures.* The effects of rotation and soil stiffness shall be included in the calculated story drift where lateral loads are resisted by vertical elements

whose required depth of embedment is determined by pole formulas. The coefficient of subgrade reaction used in deflection calculations shall be based on an approved geotechnical investigation conducted in accordance with approved geotechnical engineering reports.

*i. P-Delta Effect.* The requirements of the Building Code shall apply, except as modified herein. All structural framing elements and their connections not required by the design to be part of the lateral force resisting system shall be designed and detailed to be adequate to maintain support of design dead plus live loads when subject to the expected deformations caused by seismic forces. The stress analysis of cantilever columns shall use an effective length factor of 2.1 for the direction normal to the axis of the beam.

*j. Ties, Continuity and Collectors.* All parts of the structure included in the scope of analysis shall be interconnected and the connection shall be capable of resisting the seismic force created by the parts being connected as required per the Building Code.

#### 13.28.100 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. Engineer's Statement.* The responsible engineer shall provide the following statements on the approved plans:

"I am responsible for designing this building's seismic strengthening in compliance with the minimum standards of the Mandatory Seismic Strengthening Provisions For Existing Wood Frame Buildings With Soft, Weak or Open-Front Walls (Chapter 13.28)."

*c. Owner or Owner's Representative Statement.* Unless the entire building has been retrofitted to meet the full intent of the current Building Code, 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 that specified in the Mandatory Seismic Strengthening Provisions For Existing Wood Frame Buildings With Soft, Weak or Open-Front Walls (Chapter 13.28) which is intended to reduce the risk under a seismic event. I understand the full building has not been evaluated nor strengthen for other potential structural deficiencies that may cause a life safety concern, injury, or property damage risk under a seismic event."



*d. 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.

13.28.110 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.

13.28.120 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.

#### 13.28.130 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 13.32 is added to Title 13 of the West Hollywood Municipal Code to read as follows:

**Chapter 13.32 Voluntary Seismic Strengthening Provisions For Cripple Walls And Sill Plate Anchorage In Existing Wood-Frame Buildings.**

**13.32.010 Purpose.**

The provisions of this Chapter are intended to promote public safety and welfare by reducing the risk of earthquake-induced damage to existing wood-frame buildings with unbraced cripple walls and/or sill plates unanchored to the foundation. The requirements contained in this chapter are intended to improve the seismic performance of wood-framed buildings; however, will not necessarily prevent earthquake damage.

**13.32.020 Scope.**

The provisions of this Chapter shall apply to all existing buildings of light-frame wood construction containing one or more of the structural weaknesses specified below:

- (1) Sill plates or floor framing that are supported directly on the ground without an approved foundation system.
- (2) Perimeter foundation system that is constructed only of wood posts supported on isolated pad footings.
- (3) Perimeter foundation system that is not continuous at locations other than existing single-story exterior walls not exceeding ten feet in length forming an extension of floor area beyond the line of an existing continuous perimeter foundation or at porches, storage rooms and similar spaces not containing fuel-burning appliances.
- (4) Perimeter foundation system that is constructed of unreinforced masonry.
- (5) Sill plates that are not connected to the foundation or sill plate that are connected with less than what is required by the Building Code.
- (6) Cripple Walls that are not braced in accordance with the requirements of this Chapter and or Cripple Walls not braced with diagonal sheathing or wood structural panels in accordance with the Building Code.
- (7) Cripple Walls or sill plates that are not connected to the floor diaphragm above or are connected with less than what is required by the Building Code.

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.

#### 13.32.030 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.

*Cripple Wall* is a wood-framed stud wall extending from the top of the foundation wall to the underside of the lowest floor framing.

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

*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.

*Perimeter Foundation* is a foundation system that is located under the exterior walls 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.

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

#### 13.32.040 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.

#### 13.32.050 Analysis and Design.

*a. Scope of Analysis.* The analysis and Retrofit of this Chapter shall be as established in Chapter A3 of the California Existing Building Code.

Exception: The provisions of this Chapter do not apply to the buildings, or elements thereof, listed below. These buildings or elements require analysis by a California Registered Engineer or Architect in accordance with Section 13.32.050.b to determine the appropriate strengthening:

1. Group R-1, R-2 or R-4 occupancies with more than four dwelling units.
2. Buildings with a lateral force resisting system using poles or columns embedded in the ground.
3. Cripple walls that exceed 4 feet in height.
4. Buildings exceeding three stories in height and any three-story building with Cripple Wall studs exceeding 14 inches in height.
5. Buildings where the Building Official determines that conditions exist that are beyond the scope of the prescriptive requirements of this Chapter.
6. Buildings or portions thereof constructed on concrete slabs on grade.

*b. Analysis by Engineer or Architect.* When analysis by an Engineer or Architect is required in accordance with section 13.32.050.a, such analysis shall be in accordance with the Building Code, except that the Base Shear may be taken as 75 percent of the horizontal forces specified in the Building Code.

*c. Alternate Analysis 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 provided to the City for review and approval prior to submission of plans. Alternative details and methods may be used where designed by a Registered Architect or Engineer licensed in the State of California and approved by the Building Official.

#### 13.32.060 Information Required On Plans.

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.

Section 3. 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.

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 <sup>a, b</sup>				Phase 2: Complete Retrofit <sup>d</sup>		
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 <sup>c</sup>	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 4. 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.

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 <sup>a, b</sup>				Phase 2: Complete Retrofit <sup>d</sup>		
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 <sup>c</sup>	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 5. 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 mandatory and voluntary 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 6. 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.

PASSED, APPROVED AND ADOPTED THIS \_\_\_\_ day of January 2017.

\_\_\_\_\_  
LAUREN MEISTER, MAYOR

ATTEST:

\_\_\_\_\_  
Yvonne Quarker, City Clerk