

ORDINANCE NUMBER 2537 (CCS)

(City Council Series)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF
SANTA MONICA AMENDING ARTICLES IV and VIII OF THE SANTA MONICA
MUNICIPAL CODE BY UPDATING SEISMIC RETROFIT STANDARDS AND TENANT
PROTECTION LAWS

WHEREAS, the City of Santa Monica is located in a geological area of high seismicity and prone to earthquakes of significant magnitude; and

WHEREAS, world leading experts and scientists in seismicity have predicted major seismic activity in the Southern California region in the near future with catastrophic destruction potential; and

WHEREAS, a fault line known as the Santa Monica Fault runs through the extent of the City and the City of Santa Monica Safety Element has deemed the Santa Monica Fault an active earthquake fault; and

WHEREAS, earthquakes and seismic activity are known to have the potential to cause significant damage to buildings and related occurrences of possible injury, death, resident displacement, interruption to business and economic continuity; and

WHEREAS, Santa Monica's inventory of older buildings have been proven to have substandard performance in earthquakes; and

WHEREAS, prior retrofit requirements of the City of Santa Monica resulted in the strengthening and retrofitting of some buildings, but many structures remain unretrofitted; and

WHEREAS, the safety of the City's residents, workforce, and visitors are of paramount concern to the City; and

WHEREAS, updating the City's requirements for seismic retrofit and strengthening of buildings will allow greater performance of buildings during earthquakes and aftershocks and will lessen the chance of injury, death, and damage to buildings; and

WHEREAS, seismic retrofit of older buildings will also provide a greater chance for continuity of building occupancy, business operation and resident habitation after a seismic event; and

WHEREAS, California Health and Safety Code Sections 19101, 19162-63.6 authorize and encourage local jurisdictions to establish seismic retrofit standards; and

WHEREAS, Health and Safety Code Section 18941.5 provides that the City may establish more restrictive building standards if they are reasonably necessary due to local climatic, geological or topographical conditions; and

WHEREAS, based upon the findings contained in the Resolution adopted concurrently with this Ordinance, the City Council has found that certain modifications and additions to the California Building Standards Code, relating to seismic retrofit, are reasonably necessary based upon local climactic, topographic, and geological conditions; and

WHEREAS, relocation benefits are vital to Santa Monica tenants including those who must vacate their homes for repairs necessitated by law or government order or if their residence is rendered uninhabitable through no fault of their own; and

WHEREAS, benefits must be sufficient in length of time and in amount to cover actual relocation costs; and

WHEREAS, experience has shown that certain provisions within the existing relocation law have been subject to differing interpretations by landlords and tenants, and such differences in opinion can lead to unnecessary litigation and uncertainty; and

WHEREAS, both tenants and landlords will benefit from enhancements to the clarity and certainty of relocation requirements and obligations; and

WHEREAS, the City's relocation requirements are intended to protect the rights of both tenants and landlords.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SANTA MONICA DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. Chapter 8.58 of the Santa Monica Municipal Code is hereby added to read as follows:

Chapter 8.58 Mandatory Seismic Retrofit Administrative Requirements

8.58.010 Purpose and Scope.

The provisions of this Chapter are intended to establish administrative and general requirements to ensure compliance with and facilitate implementation of the retrofit requirements set forth in Chapters 8.60, 8.64, 8.68, 8.72, 8.76, 8.80 of this Code.

8.58.020 Definitions.

The following words and phrases as used to enforce the provisions of Chapters 8.58, 8.60, 8.64, 8.72, 8.76, and 8.80 shall have the following meanings:

(a) "California Building Code" shall mean the 2016 edition of the California Building Standards Code.

(b) "Santa Monica Seismic Retrofit Laws" shall mean Chapters 8.60, 8.64, 8.72, 8.76, and 8.80 of this Code.

8.58.030 General requirements.

(a) Upon being ordered by the Building Officer, an owner of a building within the scope of the Santa Monica Seismic Retrofit Laws shall perform a structural analysis of the building by a civil or structural engineer or architect licensed by the State of California, and if the building does not meet the minimum earthquake standards specified in Santa Monica Seismic Retrofit Laws, the owner shall cause the building to be structurally retrofitted to conform to such standards.

(b) Structural observation, in accordance with Chapter 17 of the California Building Code, shall be required for all structures in which seismic retrofit is being performed. Structural observation shall include confirmations of work required for conformance with the approved construction documents and existing building elements that are part of the lateral force resisting system. Structural testing and inspection for new and existing construction materials shall be conducted in accordance with the California Building Code and other applicable standards.

(c) Special inspection, in accordance with Chapter 17 of the California Building Code and other applicable codes and standards, shall be conducted to confirm work related to the seismic retrofitting of the building. Special inspections shall be conducted

by certified special inspectors. Special inspectors shall be hired by the building owner and shall provide reports of special inspection findings to the Building Officer.

(d) The structural investigation, structural analysis report, and structural design plans for the seismic strengthening and retrofit for buildings within the scope of the Santa Monica Seismic Retrofit Laws shall be designed by a State of California licensed civil or structural engineer, or a State of California registered architect. Plans and associated documents shall bear the seal and signature of the design professional.

8.58.040 Priority Designations.

The Building Officer shall prioritize his or her enforcement efforts as follows:

Priority 1. Unreinforced Masonry Buildings and Concrete Tilt-Up Buildings

Priority 2. Soft-Story Buildings with 3 or more stories

Priority 3. Soft-Story Buildings with 16 or more units

Priority 4. Non-Ductile Concrete Buildings and Steel Moment Frame Buildings

Priority 5. Soft-Story Buildings with 7 to 15 Units

Priority 6. Soft-Story Buildings with 6 or Less Units

8.58.050 Compliance Time Limits.

(a) Compliance time limits for buildings within the scope of the Santa Monica Seismic Retrofit Laws shall be based on the service date of original order issued by the Building Officer

(b) Sale or transfer of title in the building shall not change compliance dates.

8.58.060 Issuance of Order.

a) Service of Order. When the Building Officer determines that a building is within the scope of the Santa Monica Seismic Retrofit Laws, the Building Officer shall

issue an order to the owner(s) of the building to seismically evaluate and, if necessary, retrofit the building. For this purpose, the last known name and address of each property owner as contained in the records of the Los Angeles County Assessor shall be used. The Building Officer shall serve the order in accordance with Section 1.12.080 of this Code. No person shall fail to comply with the Building Officer's order.

b) Proof of Service. Proof of giving notice shall be made in accordance with Section 1.12.090 of this Code.

c) Failure to Receive Notice. Failure of the owner to receive notice of an order shall not relieve the owner of any obligation to comply with the requirement to retrofit a building within the scope the Santa Monica Seismic Retrofit Laws.

d) Contents of Order. The order required by subsection (a) shall specify that the building has been determined by the Building Officer to be within the scope of the Santa Monica Seismic Retrofit Laws and shall contain the following information:

- 1) Building Address
- 2) Assessor's Parcel Number
- 3) Building Type
- 4) Year Built
- 5) The factual basis supporting the order
- 6) The relevant Santa Monica Municipal Code Sections outlining the retrofit standards with which the building owner is required to comply
- 7) Compliance Timeframes
- 8) A description of the appeal process, including time frames within which the appeal must be filed.

8.58.070 Tenant and Occupant Advisory

(a) When the Building Officer determines that a building does not meet the minimum earthquake standards specified in the Santa Monica Seismic Retrofit Laws, the owner shall, within the time period established by the Building Officer, advise all current and prospective tenants, subtenants, lessees, and subleases of the building. This requirement applies regardless of the length of time the person may use and/or occupy the building.

(b) With respect to current tenants or lessees, the notice required by subsection (a) of this Section shall be hand-delivered, with a proof of service, or sent by certified mail or otherwise delivered in a form of electronic means acceptable to the Building Officer. A copy of the Building Officer's order shall meet the requirements of this Section.

(c) With respect to current subtenants and subleases or prospective tenants, subtenants, lessees, and subleases, the owner shall advise such persons of the Building Officer's determination in a method and written format approved by the Building Officer or designee. A copy of the Building Officer's order shall meet the requirements of this Section.

8.58.080 Appeals.

Except as otherwise provided by Section 8.58.090 of this Code, the owner of any building may appeal any decision or order issued by the Building Officer pursuant to the Santa Monica Seismic Retrofit Laws, including but not limited to, the initial determination that a building is within the Scope of the Santa Monica Seismic Retrofit Laws or the conclusion that a building must be retrofitted, to the Building and Fire Life Safety Commission. Any such appeal shall be filed with the Commission within sixty days of the

date of the Building Officer's order or decision. Any such appeal shall be decided by the Commission no later than ninety days after filing. The filing of an appeal would stay the underlying order or decision and the associated time limits. Should the appeal be denied by the Commission the initial time limits shall be restored, unless the Commission authorizes alternate time limits. The Commission's decision shall be final except for judicial review.

8.58.090 Extensions.

(a) Notwithstanding any other provisions of this Code, extensions of time from the stated time limits set forth in the Santa Monica Seismic Retrofit Laws may be granted for good cause, provided that the building owner files a written request with the Director of Planning and Community Development or designee.

(b) The decision of the Director of Planning and Community Development or designee may be appealed to a Hearing Examiner, pursuant to relevant procedures set forth in Chapter 6.16 of this Code. The decision of the Hearing Examiner shall be final except for judicial review.

(c) Notwithstanding any other provisions of this Code and upon good cause shown, the Building Officer may extend a construction permit issued solely for the purpose of retrofitting a building to comply with Chapters 8.60, 8.64, 8.68, 8.72, 8.76, and 8.80 of this Code.

8.58.100 Parking Requirements.

Notwithstanding any other provisions of this Code to the contrary, the Zoning Administrator, or designee, may reduce the size of required parking spaces or the number of required parking spaces, to the minimum extent necessary, to achieve compliance with

the requirements of the Santa Monica Seismic Retrofit Laws, if the building owner can show that there is no practicable method to complete the required retrofit without the reduction. The reduction in parking spaces shall not exceed 20% of required parking spaces or one (1) space, whichever is greater. Nothing in this section shall be intended to reduce, change, or eliminate an owner's obligations under the Rent Control laws.

8.58.110 Exception to Construction Rate Program

Notwithstanding any other provisions of this Code to the contrary, construction projects undertaken solely for the purpose of complying with the Santa Monica Seismic Retrofit Laws shall be exempt from the Construction Rate Program set forth in Section 9.37.110 of this Code.

8.58.120 Trash Screening and Enclosure Requirements.

Notwithstanding any other provisions of this Code to the contrary, the Public Works Director, or designee, may waive or reduce the requirements of Section 9.21.130 (Resource Recovery and Recycling Standards) of this Code, to the minimum extent necessary, if the building owner can show that there is no practicable method to complete the required retrofit and comply with Section 9.21.130.

SECTION 2. Chapter 8.60 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 8.60 Mandatory Seismic Retrofit Requirements for Unreinforced Masonry Bearing Wall Buildings

8.60.010 Adoption.

Appendix Chapter A1 of the California Existing Building Code 2016 Edition, entitled “Seismic Strengthening Provisions for Unreinforced Masonry Bearing Wall Buildings” which adopts by reference Appendix Chapter A1 of the International Existing Building Code, 2015 Edition, as published by the California Building Standards Commission and the International Code Council, (excluding Sections A101, A102, A105, A114, Table A1-G), is hereby adopted as the Mandatory Seismic Retrofit Requirements for Unreinforced Bearing Wall Buildings, of the City of Santa Monica.

8.60.020 Purpose.

The purpose of this Chapter is to enhance public safety by providing improved measures for seismic strengthening to unreinforced masonry bearing wall buildings (“URM Buildings”) and reducing risks from the effects of seismic activity. This Chapter and the requirements for mandatory seismic strengthening and retrofit, addresses the hazards of URM Buildings and associated elements of these buildings that are unreinforced such as non-bearing masonry walls and parapets.

This Chapter and the requirements therein are considered minimum standards for structural seismic resistance. They are intended to provide a greater measure of safety through improved performance of URM Buildings. Compliance with this Chapter does not necessarily prevent the loss of life or injury or damage to retrofitted URM Buildings.

8.60.030 Scope and Applicability.

(a) The provisions of this Chapter shall apply to all buildings built under building code standards enacted before January 11, 1977 that contain any unreinforced masonry bearing or non-bearing walls or attachments and appurtenances (“URM Buildings”).

(b) An owner of any buildings within the scope of this Chapter shall demonstrate compliance with the Mandatory Seismic Retrofit Requirements of this Chapter consistent with the time limits set forth in this Chapter.

(c) URM Buildings that have completed all required seismic retrofit work, with a lateral load resisting analysis and structural design plans, and obtained valid final approval from the City of Santa Monica prior to the adoption of this Ordinance, are exempt from the requirements this Chapter, except that:

Tall slender URM Buildings with wall height to thickness ratio of thirteen or greater (≥ 13) shall be subject to the requirements of this Chapter regardless of previously retrofit status.

8.60.050 Time limits for compliance.

The owner of any URM Building covered by this Chapter shall comply with the following time limits.

Action by Building Owner	Time Limits from Date of Service of Order
Structural Evaluation Report	90 Days or 3 Months
Application for Building Permit and Submission of Plans	180 Days or 6 Months
Final Approval	2 Years or 24 Months

SECTION 3. Chapter 8.64 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 8.64 Mandatory Seismic Retrofit Requirements for Existing Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms

8.64.010 Adoption.

Appendix Chapter A2 entitled "Earthquake Hazard Reduction in Existing Reinforced Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms" of the International Existing Building Code, 2015 Edition, as published by the International Code Council (excluding Section A201, A202, A203, A204, A205, A207) is hereby adopted as the Mandatory Seismic Retrofit Requirements for Existing Concrete and Reinforced Masonry Wall Buildings with Flexible Diaphragms of the City of Santa Monica.

8.64.020 Purpose.

The purpose of this Chapter is to enhance public safety by providing an improved component of seismic strengthening to existing concrete and reinforced masonry wall buildings with flexible diaphragms and reducing risks from the effect of earthquakes. This Chapter addresses the hazards of these buildings by establishing requirements for the analysis, design of structural strengthening elements, and seismic retrofit of these buildings.

This Chapter and the requirements therein are considered minimum standards for structural seismic resistance. They are intended to provide a greater measure of safety through improved performance of existing concrete and reinforced masonry wall buildings with flexible diaphragms. Compliance with this Chapter does not necessarily prevent the loss of life or injury or damage to retrofitted buildings.

8.64.030 Scope and Applicability.

The provisions of this Chapter shall apply to all concrete or reinforced masonry buildings with flexible diaphragms, including tilt-up concrete wall buildings, built under building code standards enacted before January 1, 1996.

Concrete or reinforced masonry buildings with flexible diaphragms, including tilt-up concrete wall buildings that have completed all required seismic retrofit work, with a lateral load resisting analysis and structural design plans, and obtained valid final approval from the City of Santa Monica prior to the adoption of this Ordinance, are exempt from the requirements this Chapter.

An owner of any building within the scope of this Chapter shall demonstrate compliance with the Mandatory Seismic Retrofit Requirements of this Chapter consistent with the time limits set forth in this Chapter.

8.64.040 Definitions.

For purposes of this Chapter, applicable definitions in the California Building Code and the following shall apply:

Anchorage system is the system of all structural elements and connections which support the concrete or masonry wall in the lateral direction, including diaphragms and subdiaphragms, wall anchorage and continuity or cross tie connectors in subdiaphragms and main diaphragms for retrofit and repairs.

Expansion anchor is a mechanical fastener placed in hardened concrete or assembled masonry, designed to expand in a self-drilled or predrilled hole of a specified size and engage the sides of the hole in one or more locations to develop shear and/or tension resistance to applied loads without grout, adhesive or drypack.

Flexible diaphragm is any diaphragm constructed of wood structural panel, diagonal or straight wood sheathing or decking, metal decking without a structural concrete topping, or horizontal rod bracing.

Reinforced masonry wall building is a building with masonry walls which have twenty-five percent or more of the reinforcing steel ratios required by the Building Code for reinforced masonry and is not classified as an unreinforced masonry wall building pursuant to Chapter 8.60 of the Santa Monica Municipal Code.

Tilt-up concrete wall is a form of precast concrete panel construction either cast in the horizontal position at the site or cast off-site in a fabricator's shop, and then lifted and moved into place in a vertical position.

8.64.050 Engineering Analysis and Design.

(a) Reinforced concrete and reinforced masonry wall anchorage. Concrete and masonry walls shall be anchored to all floors and roofs that provide lateral support for the wall. The anchorage shall provide a positive direct connection between the wall and floor or roof construction capable of resisting 75 percent of the horizontal forces specified in Chapter 16 of the California Building Code.

(b) Special requirements for wall anchorage systems. The steel elements of the wall anchorage system shall be designed in accordance with the building code without the use of the 1.33 short duration allowable stress increase when using allowable stress design.

Wall anchors shall be provided to resist out-of-plane forces, independent of existing shear anchors.

Exception: Existing cast-in-place shear anchors are allowed to be used as wall anchors if the tie element can be readily attached to the anchors, and if the engineer or architect can establish tension values for the existing anchors through the use of approved as-built plans or testing and through analysis showing that the bolts are capable of resisting the total shear load (including dead load) while being acted upon by the maximum tension force due to an earthquake.

Expansion anchors are only allowed with special inspection and approved testing for seismic loading.

Attaching the edge of plywood sheathing to steel ledgers is not considered compliant with the positive anchoring requirements of this Chapter. Attaching the edge of steel decks to steel ledgers is not considered as providing the positive anchorage of this Chapter unless testing and/or analysis are performed to establish shear values for the attachment perpendicular to the edge of the deck. Where steel decking is used as a wall anchor system, the existing connections shall be subject to field verification and the new connections shall be subject to special inspection.

(c) Development of anchor loads into the diaphragm. Development of anchor loads into roof and floor diaphragms shall comply with Chapter 16 of the California Building Code using horizontal forces that are 75 percent of those used for new construction.

Exception: If continuously tied girders are present, the maximum spacing of the continuity ties is the greater of the girder spacing or 24 feet (7315 mm).

In wood diaphragms, anchorage shall not be accomplished by use of toenails or nails subject to withdrawal. Wood ledgers, top plates or framing shall not be used in cross

grain bending or cross grain tension. The continuous ties required in Chapter 16 of the California Building Code shall be used in addition to the diaphragm sheathing.

Lengths of development of anchor loads in wood diaphragms shall be based on existing field nailing of the sheathing unless existing edge nailing is positively identified on the original construction plans or at the site.

(d) Anchorage at pilasters. Anchorage at pilasters shall be designed for the tributary wall-anchoring load per Section 8.64.050(a), considering the wall as a two-way slab. The edges of the two-way slab shall be considered fixed when there is continuity at pilasters and shall be considered pinned at roof and floor. The pilasters or the walls immediately adjacent to the pilasters shall be anchored directly to the roof framing such that the existing vertical anchor bolts at the top of the pilasters are bypassed without permitting tension or shear failure at the top of the pilasters.

Exception: If existing vertical anchor bolts at the top of the pilasters are used for the anchorage, additional exterior confinement shall be provided as required to resist the total anchorage force.

The minimum anchorage force at a floor or roof between the pilasters shall be that specified in Section 8.64.050(a).

(e) Symmetry. Symmetry of wall anchorage and continuity connectors about the minor axis of the framing member is required.

Exception: Eccentricity may be allowed when it can be shown that all components of forces are positively resisted. The resistance must be supported by calculations or tests.

(f) Combination of anchor types. New anchors used in combination on a single framing member shall be of compatible behavior and stiffness.

(g) Anchorage at interior walls. Existing interior reinforced concrete or reinforced masonry walls that extend to the floor above or to the roof diaphragm shall be anchored for out-of-plane forces per Sections 8.64.050(a) and (c). Walls extending through the roof diaphragm shall be anchored for out-of-plane forces on both sides, and continuity ties shall be spliced across or continuous through the interior wall to provide diaphragm continuity.

(h) Collectors. If collectors are not present at reentrant corners or interior shear walls, they shall be provided. Existing or new collectors shall be designed for the capacity required to develop into the diaphragm a force equal to the lesser of the rocking or shear capacity of the reentrant wall or the tributary shear based on 75 percent of the horizontal forces specified in Chapter 16 of the California Building Code. The capacity of the collector need not exceed the capacity of the diaphragm to deliver loads to the collector. A connection shall be provided from the collector to the reentrant wall to transfer the full collector force (load). If a truss or beam other than a rafter or purlin is supported by the reentrant wall or by a column integral with the reentrant wall, then an independent secondary column is required to support the roof or floor members whenever rocking or shear capacity of the reentrant wall is less than the tributary shear.

(i) Mezzanines. Existing mezzanines relying on reinforced concrete or reinforced masonry walls for vertical and/or lateral support shall be anchored to the walls for the tributary mezzanine load. Walls depending on the mezzanine for lateral support shall be anchored per Sections 8.64.050(a), (b), (c).

Exception: Existing mezzanines that have independent lateral and vertical support need not be anchored to the walls.

8.64.070 Time limits for compliance.

The owner of any building covered by this Chapter shall comply with the following time limits.

Action by Building Owner	Time Limits from Date of Service of Order
Structural Evaluation Report	120 Days or 4 Months
Application for Building Permit and Submission of Plans	270 Days or 9 Months
Final Approval	3 Years or 36 Months

SECTION 4. Chapter 8.68 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 8.68 Voluntary Seismic Retrofit Requirements for Cripple Walls and Sill Plate Anchorage in Single-Family Dwellings

8.68.010 Adoption.

Appendix Chapter A3 of the California Existing Building Code 2016 Edition, entitled "Prescriptive Provisions for Seismic Strengthening Provisions of Cripple Walls and Sill

Plate Anchorage of Light, Wood-Frame Residential Buildings” which adopts by reference Appendix Chapter A3 of the International Existing Building Code, 2015 Edition, as published by the California Building Standards Commission and the International Code Council, (excluding Sections A301), is hereby adopted as the Voluntary Seismic Retrofit Requirements for Cripple Walls and Sill Plate Anchorage in Single-Family Dwellings of the City of Santa Monica.

8.68.020 Purpose.

The provisions of this Chapter is intended to promote the safety and welfare of occupants in single-family dwellings by reducing the risks of earthquake-induced damage to existing wood-framed structures. The standards contained in this Chapter are intended to substantially improve the seismic performance of these buildings but will not necessarily prevent all earthquake-related damage. When fully followed, these standards will strengthen the portion of the structure that is most vulnerable to earthquake damage.

Prior to 1960, many wood frame dwellings were built with raised wood floors supported by short wood stud walls known as cripple walls. These cripple walls are typically braced with weaker seismic materials such as portland cement plaster or horizontal wood siding. In addition, earlier building codes did not require wood frame buildings to be bolted to their foundations. Recent earthquakes of moderate magnitude have shown that if a building has weak cripple walls or is unbolted, it may fall off its foundation. Fallen buildings have collapsed, caught fire or needed extensive repairs to restore their occupancy.

8.68.030 Scope and Applicability.

Owners of any light wood-frame single-family dwellings, which contain one or more of the following structural weaknesses, are encouraged to seismically retrofit their buildings pursuant to the provisions of this Chapter:

(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 (3,084 mm) 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 California Building Code.

(6) Floor framing members that are supported directly on an approved foundation system without a sill plate and are not connected to the foundation or are connected with less than what is required by the California Building Code.

(7) Cripple walls that are not braced in accordance with the requirements of this Chapter or cripple walls not braced with diagonal sheathing or wood structural panels in accordance with the California Building Code.

(8) 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 California Building Code.

SECTION 5. Chapter 8.72 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 8.72 Mandatory Seismic Retrofit Requirements for Soft, Weak or Open Front Walls in Light, Wood-Framed Buildings

8.72.010 Purpose.

The purpose of this Chapter is to promote public welfare and safety by reducing the risk of death or injury that may result from the effects of earthquakes on existing wood-frame multi-story buildings with soft, weak or open front walls (Soft Story Buildings). This Chapter creates minimum standards to mitigate hazards from structural deficiencies in soft story, weak or open front wall buildings. Adherence to these minimum standards will improve the performance of these buildings during earthquakes and reduce, but not necessarily prevent the loss of life, injury or earthquake-related damage.

8.72.020 Scope and Applicability.

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

1. The structure was built under building code standards enacted before November 10, 1980; and

2. The ground floor portion of the structure contains parking or other similar open floor space that causes soft, weak or open-front wall lines, and there exists one or more stories above.

b) Buildings described in subsection (a) have completed all required seismic retrofit work, with a lateral load resisting analysis and structural design plans, and

obtained valid final approval from the City of Santa Monica prior to the adoption of this Ordinance, are exempt from the requirements this Chapter, except that:

1. Buildings with pole structures supporting the soft, weak or open front walls shall be subject to this Chapter regardless of previous retrofit status;
 2. Buildings of three or more stories having horizontal structural irregularities of Type 2, 3, 4, or 5 listed in ASCE 7-10 "Horizontal Structural Irregularities" Table 12.3-1, shall be subject to this Chapter regardless of previous retrofit status.
- c) An owner of any buildings within the scope of this Chapter shall demonstrate compliance with the mandatory seismic retrofit requirements of this Chapter, as set forth in Section 8.72.050, consistent with the time limits set forth in this Chapter.

8.72.030 Definitions.

ASCE 7-10 (March 7, 2013) is a standards publication by the American Society of Civil Engineers entitled "Minimum Design Loads for Buildings and Other Structures." It provides requirements for general structural design. This publication is referenced in Chapter 35 of the California Building Code.

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

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.

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 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. Exterior exit balconies of six feet or less in width shall not be considered excessive cantilevers.

Soft Wall Line is a wall line, the lateral stiffness of which is less than what is required by story drift limitations or 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 or deformation compatibility requirements, a soft wall line 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 California 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 wall line at the ground floor where the wall strength is less than 80 percent of the strength of the wall above in the direction under consideration.

8.72.050 Engineering Analysis and Design.

(a) **Scope of analysis.** This Chapter requires the alteration, repair, retrofit, replacement or addition of structural elements and their connections to meet the strength

and stiffness requirements set forth in this Chapter, except as modified herein. The structural evaluation required by this Chapter shall analyze and identify structural deficiencies in accordance with ASCE 7-10. As part of the structural evaluation, the lateral-load-path analysis shall include the resisting elements and connections from the wood diaphragm immediately above any soft, weak or open wall lines to the foundation. Stories above the weak wall line shall be considered in the analysis but need not be structurally strengthened.

(b) Design base shear and design parameters. The design force in a given direction shall be 75% of the design base shear specified in the seismic provision of ASCE 7-10. The value of response modification coefficient, R , need not be less than 3.5, provided the strengthening systems are not cantilevered column systems and the strengthened structure will not have vertical structural irregularities of either Type 1a, 1b, 5a or 5b listed in ASCE 7-10, "Vertical Structural Irregularities" Table 12.3-2.

(c) Lateral vertical systems. Strengthening systems with concrete walls or masonry walls, or steel braced frames shall not be permitted.

(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 7-10, "Horizontal Structural Irregularities" Table 12.3-1, shall be altered to meet the additional requirements of those sections referenced in the table for the entire story with weak or open wall lines.

(e) Alternate analysis, base shear and design parameters. Alternate design methodologies that improve the whole first story seismic performance that are at least equivalent to those prescribed by this Chapter and that achieve the life safety objectives

established by this Chapter may be submitted to the City for alternative analysis for base shear and design parameters.

(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 City of Santa Monica 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 7-10 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 California 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 California Building Code.

8.72.060 Time limits for compliance.

The owner of any building covered by this Chapter shall comply with the following time limits.

Action by Building Owner	Time Limits from Date of Service of Order
Structural Evaluation Report	2 Years or 24 Months
Application for Building Permit and Submission of Plans	3 Years or 36 Months
Final Approval	6 Years or 72 Months

SECTION 6. Chapter 8.76 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 8.76 Mandatory Seismic Retrofit Requirements for Existing Welded Steel Moment Frame Structures

8.76.010 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 Welded Steel Moment Frame Buildings. The welded connections

and non-ductility of the steel connecting elements introduce poor performance of these buildings in seismic events. The deficiencies in the lateral force resisting system beam-column connections could experience damage and possible connection failures. 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.

8.76.020 Scope and Applicability.

(a) The provisions of this Chapter shall apply to any building utilizing a Welded Steel Moment Frames that was built under building code standards enacted before January 1, 1996.

(b) Buildings described in subsection (a) above that have completed all required seismic retrofit work, with a lateral load resisting analysis and structural design plans, and obtained valid final approval from the City of Santa Monica prior to the adoption of this Ordinance, are exempt from the requirements this Chapter.

(c) An owner of any buildings within the scope of this Chapter shall demonstrate compliance with the mandatory seismic retrofit requirements of this Chapter, as set forth in Section 8.76.050, consistent with the time limits set forth in this Chapter.

(d) Welded steel moment frames in existing unreinforced masonry buildings or in soft story buildings are exempt from the requirements of this Chapter.

8.76.030 Definitions.

ASCE 41-13 (2014 Edition) is a standards publication by the American Society of Civil Engineers entitled “Seismic Evaluation and Retrofit of Existing Buildings” and describes deficiency-based and systematic procedures to evaluate and retrofit existing

buildings to withstand the effects of earthquakes. This publication is referenced in Chapter 35 of the California Building Code.

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.

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

8.76.040 Compliance requirements.

The structural evaluation, structural analysis report, and structural design plans for the seismic strengthening and retrofit for Welded Steel Moment Frame buildings shall be conducted by a State of California licensed civil or structural engineer, or a State of California registered architect.

For Welded Steel Moment Frame buildings over 55 feet in height as described by Section 8.44.090 of the Santa Monica Municipal Code, the structural evaluation, structural analysis report, and structural design plans shall be conducted by a State of California licensed structural engineer.

Plans and associated documents shall bear the seal and signature of the design professional.

8.76.050 Engineering analysis and design.

(a) Evaluation, analysis and engineering report. This Chapter requires the alteration, repair, retrofit, replacement or addition of structural elements and their

connections to meet the strength and stiffness requirements set forth in this Chapter, except as modified herein. The structural evaluation required by Section 8.58.030 shall analyze and identify all structural deficiencies in accordance with ASCE 41-13. The engineering report, containing the required structural evaluation, shall further identify major deficiencies observed in the analysis of the building including: deficient load path, weak or soft story conditions, horizontal or vertical irregularities.

(b) Major deficiencies. Any of the major deficiencies described in 8.76.050(a) shall cause the building to be retrofitted. Retrofit work to mitigate the major deficiencies shall not impact the existing lateral load elements by increasing any demand-to-capacity ratio by more than ten-percent unless the existing elements are shown to be capable of resisting the increased demand. The mitigation of the major deficiencies shall also not create additional structural deficiencies or make the existing structural deficiencies more severe.

(c) Advance analysis. The engineering report may show that the major deficiencies meet the requirements of ASCE 41-13 by advanced analysis.

(d) Structural analysis, design and evaluation. The building shall meet or exceed the structural performance level for the associate earthquake hazard levels based on Risk Category as defined in ASCE 41-13 as follows:

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

8.76.080 Time limits for compliance.

The owner of any building covered by this Chapter shall comply with the following time limits.

Action by Building Owner	Time Limits from Date of Service of Order
Structural Evaluation Report	3 Years or 36 Months
Application for Building Permit and Submission of Plans	12 Years or 144 Months
Final Approval	20 Years or 240 Months

SECTION 7. Chapter 8.80 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 8.80 Mandatory Seismic Retrofit Requirements for Existing Non-Ductile Concrete Buildings

8.80.010 Purpose.

The purpose of this Chapter is 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 concrete buildings. Older concrete buildings are typically vulnerable in seismic events due to deficiencies in the lateral force resisting system (beams, columns and joints) that render the building incapable of sustaining gravity loads when the building is subjected to earthquake-induced lateral displacements. This Chapter creates minimum standards to mitigate hazards from these structural deficiencies. Adherence to these minimum

standards will improve the performance of these buildings during earthquakes and reduce, but not necessarily prevent, the loss of life, injury or earthquake-related damage.

8.80.020 Scope and Applicability.

(a) The provisions of this Chapter shall apply to any concrete building built under building code standards enacted before January 11, 1977.

(b) Buildings described in subsection (a) above that have completed all required seismic retrofit with a lateral load resisting analysis and structural design plans, and obtained valid final approval from the City of Santa Monica prior to the adoption of this Ordinance, are exempt from the requirements this Chapter.

(c) An owner of any buildings within the scope of this Chapter shall demonstrate compliance with the mandatory seismic retrofit requirements of this Chapter, as set forth in Section 8.80.050, consistent with the time limits set forth in this Chapter.

8.80.030 Definitions.

ASCE 41-13 (2014 Edition) is a standards publication by the American Society of Civil Engineers entitled "Seismic Evaluation and Retrofit of Existing Buildings" and describes deficiency-based and systematic procedures to evaluate and retrofit existing buildings to withstand the effects of earthquakes. This publication is referenced in Chapter 35 of the California Building Code.

Concrete building is a building having concrete floors and/or roofs, either with or without beams, supported by concrete walls and/or concrete columns, and/or concrete frames with or without masonry infills, or any combination thereof.

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

8.80.040 Compliance requirements.

The structural evaluation, structural analysis report, and structural design plans for the seismic strengthening and retrofit for Non-Ductile Concrete buildings shall be conducted by a State of California licensed civil or structural engineer, or a State of California registered architect.

For Non-Ductile Concrete buildings over 55 feet in height as described by Section 8.44.090 of the Santa Monica Municipal Code, the structural evaluation, structural analysis report, and structural design plans shall be conducted by a State of California licensed structural engineer.

Plans and associated documents shall bear the seal and signature of the design professional.

8.80.050 Engineering analysis and design.

(a) Scope of analysis. This Chapter requires the alteration, repair, retrofit, 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 one of the following criteria:

1. Strength of the lateral-force resisting system shall meet or exceed seventy-five percent (75%) of the base shear specified in the California Building Code seismic provisions. Elements not designated to be part of the lateral-force resisting system shall be adequate for gravity load effects and seismic displacement due to the full (100%) of the design story drift specified in the California Building Code seismic provisions.

2. Meet or exceed the requirements specified for "Basic Safety Objectives" from ASCE 41-13 using ground motions and procedures established by the City based on ASCE 41-13.

8.80.060 Time limits for compliance.

The owner of any building covered by this Chapter shall comply with the following time limits.

Action by Building Owner	Time Limits from Date of Service of Order
Structural Evaluation Report	3 Years or 36 Months
Application for Building Permit and Submission of Plans	4 Years, 6 Months or 54 Months
Final Approval	10 Years or 120 Months

SECTION 8. Chapter 4.36 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 4.36 TENANT RELOCATION ASSISTANCE

4.36.010 Definitions.

For purposes of this Chapter, the following words and phrases shall have the following meaning:

(a) **Comparable Housing.** A replacement unit shall be comparable to the existing unit if both units are reasonably comparable in size, number of bedrooms and bathrooms, accessibility, price, location (which may be in either Santa Monica or Los Angeles),

proximity to services and institutions upon which the displaced tenant depends, and amenities, including the allowance for pets should the tenant have pets.

(b) **Person with Disabilities.** Any person who is receiving benefits from a Federal, State, or local government, or from a private entity on account of a permanent disability that prevents the person from engaging in regular, full-time employment.

(c) **Displaced Tenant.** Any tenant who vacates a rental housing unit in the City for any of the reasons set forth in Section 4.36.020 or 4.36.100(a).

(d) **Landlord.** Any owner, lessor, sublessor, or any other person entitled to receive rent for the use and occupancy of a rental housing unit, or any agent, representative or successor of any of the foregoing.

(e) **Minor Child.** Any person younger than eighteen years of age.

(f) **Permanent Relocation.** The relocation of a tenant due to permanent termination of tenancy, in which case the tenant will not reoccupy the unit.

(g) **Rental Housing Unit.** A housing unit in the City of Santa Monica including a room in a single-family home, hotel or motel, rooming house or apartment, single-family home, mobile home or mobile home space, trailer or trailer space, offered for rent. A dwelling unit lawfully registered with the City's Rent Control Board also constitutes a "Rental Housing Unit." "Rental housing unit" does not include any unit occupied pursuant to an innkeeper-guest relationship.

(h) **Senior Citizen.** Any person sixty-two years of age or older.

(i) **Temporary Relocation.** The relocation of a tenant temporarily and where tenancy has not been terminated.

(j) **Tenant.** Any tenant, subtenant, lessee, sublessee, or any other person occupying a rental housing unit pursuant to a written or oral rental housing agreement.

4.36.020 When permanent relocation fee required.

(a) A relocation fee shall be paid in accordance with the provisions of this Chapter by any landlord who terminates or causes the termination of a tenancy for any of the following reasons:

(1) The landlord seeks to withdraw all rental housing units from the rental housing market as provided in Government Code Sections 7060 et seq.

(2) The landlord seeks to recover possession of a rental housing unit pursuant to Section 1806(a)(8), 1806(a)(9), 2304(a)(8), or 2304(a)(9) of the City Charter.

(3) The landlord seeks to recover possession to demolish or otherwise withdraw a rental housing unit from residential rental housing use, including units that were illegally converted to residential use, after having obtained all proper permits from the City, if any such permits are required.

(b) A relocation fee shall be paid in accordance with the provisions of this Chapter to a displaced tenant who serves a landlord with a notice to terminate tenancy after having received written notice from either the landlord or the Santa Monica Rent Control Board that the landlord has filed a notice of intent to withdraw residential rental units pursuant to Government Code Section 7060.4 and Santa Monica Rent Control Board Regulation 16002(a) or an application for removal permit pursuant to Santa Monica Charter Section 1803(t).

(c) The fee required by this Chapter shall be due and payable to a displaced tenant whether or not the landlord actually utilizes the rental housing unit for the purposes stated in the notice of eviction.

4.36.030 Notice to tenants being displaced.

(a) Any notice to terminate a tenancy which is served upon tenants for any of the reasons set forth in Section 4.36.020 shall be accompanied by the following on the form provided by the City:

(1) A written statement of the rights and obligations of tenants and landlords under this Chapter;

(2) A written statement informing the tenants that the required relocation fee has been placed in an escrow account or other account approved by the City;

(3) A written statement that the landlord has complied with Section 4.36.050. If the landlord has complied with Section 4.36.050 by obtaining City approval of a Displacement Plan, a copy of the Displacement Plan shall accompany the written statement.

(b) A landlord shall comply with the provisions of this Section within two working days after receiving a tenant's notice to terminate tenancy as set forth in Section 4.36.020(b).

4.36.040 Amount of relocation fee—Permanent relocation.

The amount of the permanent relocation fee payable pursuant to the provisions of this Chapter shall be established in accordance with the following formula: 2011 relocation fee adjusted for inflation by the percentage change in the rent of primary residence component of the CPI-W Index for the Los Angeles/Riverside/Orange County area, as

published by the United States Department of Labor, Bureau of Labor Statistics, between November 2011 and the July 1st preceding the date of vacancy rounded to the nearest fifty dollars. This amount shall be updated annually commencing on July 1, 2012 and on July 1st of each year thereafter.

(a) The 2011 permanent relocation fee established pursuant to Ordinance 2383CCS and determined according to the size of the rental housing unit, was as follows:

Apartment Size	2011 Relocation Amount	2011 Augmented Amount
Single or studio	\$ 7,800	\$ 8,900
One bedroom	12,050	13,850
Two or more bedrooms	16,300	18,750

(b) If a tenant is evicted from more than one rental housing unit on a property, the tenant shall not be entitled to receive separate permanent relocation fees for each rental housing unit. The tenant shall receive a single relocation fee based on the combined total number of bedrooms in the rental housing units from which the tenant is being evicted. If one of the rental housing units is a bachelor or single unit, it shall be counted as a one bedroom unit for purposes of determining the amount of the relocation fee (e.g., a tenant who is evicted from a bachelor rental housing unit and a one bedroom rental housing unit would receive relocation benefits for a two bedroom unit).

(c) If the rental housing unit from which the tenant is being evicted is furnished, two hundred fifty dollars shall be deducted from the amount set forth in subsection (a) of this Section. For purposes of this subsection, a rental housing unit shall be considered to

be furnished if the landlord has provided substantial furnishings in each occupied room of the rental housing unit.

(d) If one or more of the displaced tenants is a senior citizen or disabled person, or is a tenant with whom a minor child resides, an augmented amount shall be paid as set forth in subsection (a) of this Section. The amount added pursuant to this subsection shall be adjusted annually pursuant to the formula specified above commencing on July 1, 2012, and each July 1st thereafter.

(e) Any tenant still in possession of a rental unit after the permanent relocation amounts have been updated pursuant to this Section, shall be entitled to the updated relocation amounts even if the landlord commenced the termination of the tenancy prior to the update. In the event that a landlord has already complied with the provisions of Section 4.36.060 based on the relocation amounts previously in effect, but has not yet received a written request from a tenant for distribution of the fee pursuant to Section 4.36.070, the landlord shall place in escrow the additional amount of relocation fee required by this Section within five working days of the effective date of the updated amount.

4.36.050 Additional fee for required counseling.

(a) For each rental housing unit from which tenants are displaced for any of the reasons set forth in Section 4.36.020(a), prior to service of a notice to terminate tenancy, the landlord shall pay a fee to the City in the amount of two hundred fifty dollars to be used by the City to pay for counseling or other assistance required by displaced tenants as a result of displacement.

(b) In lieu of the fee required by subsection (a) of this Section, a landlord may prepare a Displacement Plan which must be approved by the Housing and Economic Development Department prior to service of a notice to terminate tenancy. The Displacement Plan shall identify the special needs of the displaced tenants, identify the types of assistance that will be provided and include a commitment to pay for any such assistance. At the time of submitting the Displacement Plan to the City for review and approval, the landlord shall pay a fee to the City for such review and approval in the amount of one hundred dollars for each rental housing unit.

4.36.060 Deposit of relocation fee into escrow for permanent relocation.

(a) The permanent relocation fee required by this Chapter shall be placed in an escrow account prior to service by a landlord upon any tenant of a notice to terminate tenancy for one of the reasons set forth in Section 4.36.020(a) or within two working days of service by a tenant upon a landlord of notice to terminate tenancy as set forth in Section 4.36.020(b). All costs of an escrow opened pursuant to the provisions of this Section shall be borne by the landlord. Escrow instructions shall be approved by the City.

(b) The escrow instructions shall provide that monies deposited in the escrow account shall only be distributed to displaced tenant in accordance with the instructions of the landlord and that no monies deposited in escrow may be returned to the landlord without the written approval of the City.

(c) In lieu of deposit of the permanent relocation fee in an escrow account, a landlord may deposit the fee in another account approved by the City.

4.36.070 Payment to displaced tenants of permanent relocation fee.

(a) Within two working days of the written request by the tenant, the landlord shall deliver written instructions to the escrow holder to distribute all or a portion of the permanent relocation fee to a third party providing moving or replacement housing to the tenant. The instructions shall direct the escrow holder to make the distribution within three working days of delivery of the instructions.

(b) Within two working days of the vacation of the rental housing unit, the landlord shall deliver written instruction to the escrow holder to distribute the amount of the remaining relocation fee to the displaced tenant or displaced tenants of such rental housing unit. The instruction shall direct the escrow holder to make the distribution within three working days of delivery of the instructions.

(c) The entire fee shall be paid to a tenant who is the only displaced tenant in a rental housing unit. If a rental housing unit is occupied by two or more displaced tenants, the permanent relocation fee shall be paid to all displaced tenants jointly. In no event shall a landlord be liable to pay a total amount more than the fee required by Section 4.36.040 of this Chapter for one rental housing unit, and the landlord shall have no responsibility or liability for disputes between displaced tenants over allocation of the relocation fee between such displaced tenants.

(d) In the event the landlord has been required to commence a legal action to recover possession of the rental housing unit and a decision is rendered or a judgment has been entered in favor of the landlord prior to the tenant's vacation of the unit, the landlord may instruct the escrow holder to withhold from distribution to the displaced tenant or displaced tenants of such rental housing units any unsatisfied monetary award provided in such decision or judgment in favor of the landlord. Upon the judgment

becoming final, the City shall authorize the escrow holder to return to the landlord the amount withheld. If no decision has been rendered or no judgment has been entered for a monetary award in favor of the landlord prior to the tenant's vacation of the unit, the landlord must authorize the distribution of the entire relocation fee in accordance with Section 4.36.070.

4.36.080 Physical relocation in lieu of fee.

(a) In lieu of the permanent relocation fee required by Sections 4.36.040 and 4.36.050, the landlord may, at the landlord's option, relocate the displaced tenant into a comparable replacement housing unit satisfactory to the tenant, in which event the landlord shall be liable only for the actual costs of relocating the tenant, except that this Section shall not abrogate any rights already created by Section 1806(a)(8)(ii) of the City Charter. A tenant shall not unreasonably withhold approval of a comparable replacement rental housing unit offered by the landlord.

(b) If a tenant displaced for the reason set forth in Section 4.36.020(a)(2) elects to occupy a noncomparable vacant unit on the same property from which that tenant is being displaced, pursuant to the terms set forth in Section 1806(a)(8) of the City Charter, in lieu of the permanent relocation fee required by Sections 4.36.040 and 4.36.050, the landlord shall only be liable for the actual costs of relocating the tenant.

4.36.085 Prohibition against agreements limiting public participation.

No landlord shall, with respect to property used as rental housing, any rental housing agreement or other tenancy or estate at will, however created, do any of the following:

(a) Enter into an agreement with a tenant which prohibits or limits the tenant from participating in the City's public process, including speaking at a meeting of the City Council or any City Commission, submitting written comments to the City, or otherwise communicating with City elected officials, appointed officials, and employees on any subject.

(b) Attempt to enforce an agreement such as described in subsection (a).

(c) Withhold deposit of relocation fees into escrow or withhold payment of such fees or other payments otherwise owed to the tenant in an attempt to induce a tenant to enter into an agreement such as described in subsection (a).

4.36.090 Remedies.

(a) In any action by a landlord to recover possession of a rental housing unit for one of the reasons set forth in Section 4.36.020, the landlord shall allege and prove compliance with this Chapter.

(b) Any landlord who fails to provide relocation assistance as required by Sections 4.36.040, 4.36.050, 4.36.070 and 4.36.100 or who violates Section 4.36.085 of this Chapter shall be subject to injunctive relief and be liable in a civil action to the tenant to whom such assistance is due for damages in the amount of the relocation fee the landlord has failed to pay, a civil penalty in the amount of five hundred dollars and reasonable attorneys' fees and costs as determined by the court. The court may also award punitive damages in a proper case as defined by Civil Code Section 3294. Any person, including the City, may enforce the provisions of this Chapter by means of a civil action.

(c) Any person violating any of the provisions of or failing to comply with the requirements of this Chapter, including failure to comply with a relocation order issued by

the Building Officer pursuant to Section 4.36.100, shall be guilty of an infraction which shall be punishable by a fine not exceeding \$250.00, or a misdemeanor and upon conviction shall be punished by a fine of not greater than \$500.00 or by imprisonment in the County Jail for not more than six months, or by both such fine and imprisonment.

(d) Failure to comply with a relocation order shall be considered a strict liability offense; accordingly, the prosecution shall not be required to prove criminal intent or that the violator meant to violate any provision of this Chapter.

(e) Any person convicted of violating any provision of this Chapter shall be required to reimburse the City its full investigative costs.

(f) If a landlord fails or refuses to provide relocation benefits required by this Chapter, and the City chooses to pay such benefits to tenants in the landlord's place, the City shall have the right to recover such monetary outlays, plus any administrative fees incurred by the City, from the landlord as restitution in any criminal case filed pursuant to this Chapter or in any appropriate civil or administrative proceeding.

(g) Unless otherwise specifically authorized, no landlord shall attempt to secure from a tenant any waiver of any provision of this Chapter. Any agreement, whether written or oral, whereby any provision of this Chapter is waived, shall be deemed against public policy and shall be void.

(h) Any contractual term which violates Section 4.36.085 of this Chapter, whether written or oral, shall be deemed against public policy and shall be void.

(i) Nonexclusive Remedies and Penalties. The remedies provided in this Chapter are not exclusive, and nothing in this Chapter shall preclude any person from seeking any other remedies, penalties or procedures provided by law.

4.36.100 Temporary relocation mandated by code compliance or by government order.

(a) A landlord is required to provide temporary relocation benefits to tenants as required by this Section when:

(1) The landlord is required to temporarily recover possession of a rental housing unit in order to comply with housing, health, building, fire or safety laws of the State of California or the City of Santa Monica, or

(2) A rental housing unit has been rendered uninhabitable, necessitating the tenant(s) of the housing unit to no longer dwell within that unit, or

(3) A tenant is required to vacate a rental housing unit upon the order of any government officer or agency.

A landlord's obligations under this subsection shall be self-executing; nonetheless, the Building Officer may issue a relocation order to the landlord to compel performance under this Section. No person shall fail to comply with any such relocation order.

(b) These relocation benefits shall include both temporary housing as provided in subsection (c) of this Section and moving costs as provided in subsection (d) of this Section and shall be paid until such time temporary relocation benefits are no longer required by law, such as when legal tenancy is terminated or the tenant is returned to his/her dwelling unit which has been made habitable. Provision of temporary relocation benefits does not relieve the Landlord's obligation to provide permanent relocation benefits as required by this Chapter.

(c) The type of temporary housing, required by this Section is dependent on the duration of the tenant's displacement. When the Building Officer or landlord determines

the need for a tenant to vacate, he or she shall estimate the projected duration of the vacancy. That estimate will determine whether subsection (c)(1) or (c)(2) of this Section must be followed. If the Building Officer orders relocation, he or she shall provide notice to the landlord and all affected tenants of the relocation requirements and responsibilities pursuant to this Section. This notice may include a copy of this Section and the City Council's resolution regarding per diem rates. The landlord shall facilitate the Building Officer's provision of tenant notification by providing forwarding contact information for affected tenants if the tenants vacated the premises prior to the Building Officer's Order. If the landlord determines that the provisions of this code require a tenant to vacate, the landlord shall provide notice of the estimated relocation period to affected tenants and relocation benefit requirements and responsibilities established by this Section.

(1) Relocation Less Than 30 days. If it is anticipated that a tenant will be displaced for a period less than thirty days, the landlord shall pay the tenant relocation costs in the per diem amounts set by the City Council pursuant to subsection (e). The per diem amount shall be calculated to include compensation for the following:

(A) Temporary relocation to a motel or hotel accommodation which is safe, sanitary, located in Santa Monica and contains standard amenities such as a telephone;

(B) Meals, if the temporary accommodation lacks cooking facilities;

(C) Laundry, if the rental property included laundry facilities; and

(D) Accommodations for lawful pets if the temporary accommodation does not accept pets.

The landlord shall have the option, in lieu of providing tenant relocation costs in accordance with this subsection, of providing the tenant with comparable housing

pursuant to subsection (c)(2) for the period of the displacement or temporary placement in a safe and sanitary hotel/motel if the relocation is estimated to be five (5) days or less. If the relocation extends beyond five (5) days, the tenant shall be entitled to the per diem or comparable housing, unless the tenant explicitly agrees to extend his/her stay in the hotel/motel. The tenant shall remain responsible to pay to the landlord rent which falls due for the tenant's existing unit during the period of displacement.

(2) Relocation 30 days or Greater. If it is anticipated that the displacement will be for a period of thirty days or greater, the landlord shall provide either temporary rental housing or per diem payments in accordance with Subsection (c)(1) of this Section, prepaid by the landlord in weekly increments. If the landlord elects temporary rental housing, such housing shall be comparable to the tenant's existing housing, as determined by the Building Officer. However, a landlord's election of temporary rental housing shall not be revocable by the landlord, once the tenant moves into the temporary housing. In cases where the landlord elects temporary rental housing, the landlord must provide per diem payments in accordance with Subsection (c)(1) of this Section until such time the displaced tenant is housed in temporary rental housing. The landlord shall pay all costs associated with the temporary housing, including rent, even if the temporary housing is more expensive than the tenant's existing unit. The tenant shall remain responsible to pay rent to the landlord for the tenant's existing unit during the period of displacement.

(3) The relocation benefits required by this Section shall be paid within twenty-four hours of when any condition outlined in Subsection (a) of this Section arises, or at least

twenty days prior to the vacation date set forth in any order or notice to vacate, whichever is later.

(4) If the landlord or the Building Officer determines that the actual relocation period will be longer than a landlord has paid for, or than projected by the landlord or the Building Officer, the landlord must notify the affected tenant as soon as the determination is made and promptly pay the tenant the amount owed and remain current on such payments. If a tenant's actual vacancy period is shorter than the period the landlord has paid for, the tenant must repay any overpaid amount to the landlord within thirty days of receiving written notice from the landlord of the overpayment. The landlord must make a good faith effort to monitor the necessity of the tenant's continued displacement and provide the tenant with advance notice of any changes to the anticipated relocation period.

(5) The landlord shall ensure that temporary relocation of a tenant does not exceed the estimated relocation period as determined by the Building Officer pursuant to this Section. Should a longer period be necessary, the landlord shall request an extension from the Building Officer and demonstrate good cause for such an extension.

(6) The landlord and the tenant may mutually agree upon a housing type or relocation benefit other than what is required by this Section. The landlord may not coerce any tenant into such an agreement. Any such coercion may constitute unlawful tenant harassment, subject to the remedies set forth in Chapter 4.56 of this Code.

(d) Moving costs shall consist of all actual reasonable costs of moving, including transportation of personal property, packing and unpacking, insurance of personal property while in transit, compensation for any damage occurring during moving,

necessary storage of personal property, disconnection and reconnection of utility services related to the move and any other additional costs attributable to a tenant's special needs, including needs resulting from disability or age.

(e) The City Council shall periodically establish by resolution reasonable per diem rates for the following items of temporary relocation expenses required under this Section. These rates shall be adjusted annually for inflation by the percentage change in the Consumer Price Index ("CPI") commencing on July 1, 2007 and on July 1st of each year thereafter.

- (1) Hotel accommodations;
- (2) Meal allowance;
- (3) Laundry allowance;
- (4) Pet accommodations.

(f) The displacement and relocation of a tenant pursuant to this Section or Section 8.100.030 shall not terminate the tenancy of the displaced tenant. The displaced tenant shall have the right to reoccupy his or her unit upon the completion of the work necessary for the unit to comply with housing, health, building or safety laws, any governmental order, or the unit is otherwise restored to a habitable condition, the tenant shall retain all rights of tenancy that existed prior to the displacement.

(g) Upon receiving a relocation order from the City, the landlord is required to promptly obtain any required permits and/or approvals from the City and/or other regulatory agency who has jurisdiction over the required work, promptly commence the necessary work to restore the affected unit(s) to a habitable condition, diligently work towards completion of the work and return all affected tenants to their units.

(h) If a displaced tenant's behavior causes the tenant to be removed or evicted, for cause, from his/her temporary housing accommodations, the landlord may request and the Building Officer may grant early termination of temporary relocation obligations with respect to that tenant. The Building Officer may develop criteria that would aid in reviewing such requests.

(i) A landlord or tenant who disputes a notice or order regarding temporary relocation benefits may request a hearing pursuant to the procedures set forth in Chapter 6.16. Any such hearing request shall be filed with the Building Officer within two business days of the notice or order on a form provided by the Building Officer.

(j) An appeal shall not automatically stay the underlying relocation order. However, the Building Officer or the Hearing Examiner on appeal may grant a written request to stay the relocation order. Any such request to stay the relocation order shall be considered as soon as practicable. The Hearing Examiner may choose to make any preliminary inquiries necessary, including holding a preliminary in-person or telephonic hearing, to receive preliminary facts. However, if the Building Officer rejects a landlord's written request to stay a relocation order pending an appeal and the landlord ultimately prevails in overturning the Building Officer's relocation order, the City shall reimburse the landlord any actual reasonable housing, moving and storage costs incurred by the landlord as required by Section 4.36.100, which shall begin to accrue on the first business day after the date the City receives a written stay request. The landlord may not recover other costs, such as attorney's fees or court costs, from the City.

4.36.110 Applicability of relocation assistance requirements as provided in this Chapter.

(a) A tenant shall be entitled to the relocation benefits established by this Chapter pursuant to Section 4.36.100.

(b) The landlord shall comply with the requirements contained in Sections 4.36.030, 4.36.040, 4.36.050 and 4.36.060 within five days of the effective date of any ordinance codified in this Chapter or any update of the fee amount pursuant to Section 4.36.040 in the event that a notice to terminate tenancy for one of the reasons set forth in Section 4.36.020(a) has already been served on a tenant or a notice to terminate tenancy pursuant to Section 4.36.020(b) has already been served on a landlord. In the event that on the effective date of any such amendment or update, a landlord has complied with the provisions of Section 4.36.060 previously in effect, but has not yet received a written request from a tenant for distribution of the fee pursuant to Section 4.36.070, the landlord shall place in escrow the additional amount of relocation fee required by Section 4.36.040 within five working days of the effective date of the amendment or update.

(c) Nothing in this Chapter shall limit the amount of the relocation fee that the City Council may require under Government Code Section 65863.7.

(d) An administrative citation's fine amount shall be doubled, when the citation is issued in connection with a landlord's commencement of construction work without first obtaining all necessary governmental permits and that the work necessitated the relocation of a tenant.

4.36.120 Applicability of Chapter to certain situations.

(a) Notwithstanding Section 4.36.110 and 4.36.100 (c), the requirements set forth in this Chapter shall not apply to any tenant whose tenancy is terminated pursuant

to a lawful notice to terminate tenancy pursuant to Section 1806(a) of the City Charter served on or before June 10, 1986.

(b) No landlord shall be required to pay temporary relocation benefits pursuant to Section 4.36.100 if the displacement and relocation of the tenant is the result of an earthquake or other natural disaster, terrorist attack, or other incident occurring or substantially initiated off of the property from which relocation is required, but not caused by the landlord, as determined by the Fire Marshal or Building Officer (such as vehicle accident, criminal activity, public utility failure or adjacent building failure). However, to the extent that any person, other than the landlord, causes tenant relocation pursuant to Section 4.36.100, such person shall be responsible for the provision of temporary relocation benefits, as required by Section 4.36.100.

(c) The displacement and relocation of a tenant for repair and retrofitting pursuant to Municipal Code Chapters 8.60, 8.64, 8.68, 8.72, 8.76, and 8.80 shall not terminate the tenancy of the displaced tenant. The displaced tenant shall have the right to reoccupy the unit upon the completion of the repairs and retrofitting and shall retain all rights of tenancy that existed before the displacement.

(d) No landlord shall be required to provide temporary relocation benefits pursuant to Section 4.36.100 to a tenant if that tenant or his or her guest or invitee was entirely or primarily responsible for causing the condition that necessitated the temporary relocation. In such cases, the landlord's responsibility to provide temporary relocation benefits to other non-responsible tenants remains.

(e) If a tenant elects to remain in his/her unit (including day, evening, and/or night time hours) following an order directing temporary relocation, said tenant shall not

receive relocation benefits. However, the tenant's right to relocation benefits shall not be affected by the tenant's limited access to the unit to retrieve personal belongings.

(f) If a tenant interferes, obstructs or delays an owner's ability to conduct necessary repairs to restore a unit to habitable status, the owner's obligation to provide relocation benefits to that tenant may be lifted by order of the Building Officer.

4.36.130 Coordination with other relocation requirements.

In the event that a landlord is required by any other governmental body to provide relocation benefits to a tenant who receives a notice to terminate tenancy for one of the reasons set forth in Section 4.36.020, such benefits shall be off-set against the amount of relocation benefits required by Section 4.36.040. This Chapter shall not apply to any relocation plan approved by agreement by the Rent Control Board on or before June 24, 1986.

4.36.140 Security deposit for temporary relocation.

The Building Officer may require the landlord to furnish security to the City sufficient to ensure the timely and faithful performance of all work included within the scope of a permit and the payment of all relocation assistance necessitated by the temporary displacement of the tenants, if any, based on an analysis of the following factors: size of project, duration of project, potential for impact on tenant safety, and invasiveness of project. If required, any of the following or similar instruments are acceptable forms of security:

(a) A deposit, either with the City or a responsible escrow agent or trust company, at the option of the City, of money or negotiable bonds of the kind approved for securing deposits of public monies;

(b) An instrument of credit from one or more financial institution subject to regulation by the State or Federal government or a letter of credit issued by such a financial institution;

(c) Bond or bonds by one or more duly authorized corporate sureties;

(d) A restricted bank account.

SECTION 9. Chapter 8.100 of the Santa Monica Municipal Code is hereby amended to read as follows:

Chapter 8.100 TENANT PROTECTION DURING CONSTRUCTION

8.100.010 Construction means and method plan required.

(a) When applying for a permit to alter, repair, or rehabilitate any structure that contains one or more dwelling units or mobilehome park, the applicant shall indicate on a form furnished by the Building Officer whether the property is occupied by tenants.

(b) If the property is tenant-occupied and, as determined by the Building Officer, the construction work could impact the habitability of any unit on the property, prior to obtaining a permit, the applicant shall submit a construction means and method plan to the Building Officer which contains the information required by Section 8.100.020. The Building Officer may consult all relevant sources of authority, including Health and Safety Code Section 17920.3 or its successor legislation, to guide his/her determination of habitability.

(c) No permit shall be issued until a satisfactory means and method plan is approved by the Building Officer, if required.

(d) If the unit or building was not tenant occupied at the time a permit application was submitted, the applicant shall submit a construction means and method plan prior to

any unit in the building being tenant occupied. If the Building Officer determines that the work could impact the habitability of any unit on the property given the manner in which the construction is being undertaken, the requirements of Sections 8.100.020, 8.100.030, 8.100.040, 8.100.050, and 8.100.060 below shall also apply.

(e) The Building Officer may stop construction until all applicable requirements of this Chapter have been met.

8.100.020 Contents of construction means and method plan.

The construction means and method plan required by subsection (b) of Section 8.100.010 shall provide the following information:

- (a) A detailed description of the construction process, organized sequentially;
- (b) An explanation of the impact that this construction will have on the occupancy of the units by tenants;
- (c) The owner's plan to address the habitability impacts on the tenants created by the proposed construction project;
- (d) An assessment of whether any or all of the tenants will need to be temporarily relocated during any phase of the work, including relocation intermittently during the project;
- (e) A description of the construction mitigation measures that the owner will implement to minimize the impacts of noise, dust, vibrations, utility shut-offs, and other construction impacts on tenants;
- (f) A description of all related construction projects at the property that would commence concurrent with or immediately after the proposed project is scheduled to end.

8.100.030 Relocation plan.

(a) If the construction means and method plan demonstrates, as determined by the Building Officer, that the work being performed on the property may require that tenants be temporarily relocated, the applicant shall also prepare and submit a relocation plan on a form provided by the Building Officer for City approval prior to issuance of a permit which shall contain:

(1) The fair and reasonable relocation benefits that will be provided to all displaced tenants as required by Municipal Code Section 4.36.100;

(2) The timing of the displacement will be provided to all tenants who will be displaced;

(3) A copy of the notice required by Section 8.100.040(a) with all information required by Section 8.100.040(b).

(4) Based upon a recent survey and analysis of both the housing needs of persons who will be displaced and the supply of available temporary housing, and considering the competing needs for that housing, verification that sufficient temporary housing of the type required by Section 4.36.100 will be provided;

(5) Verification that the owner has adequate resources to provide the required relocation benefits and adequate provisions have been made for the orderly, timely, and efficient relocation of displaced tenants to comparable replacement housing.

(b) If the Building Officer determined, at the time of permit approval, that temporary relocation was not required and if new construction conditions could potentially impact habitability of any tenant unit, the applicant must submit an amended means and method plan and obtain all required City approvals prior to commencing any work beyond the scope of work originally approved. If the Building Officer determines that the work could

impact the habitability of any unit on the property given the manner in which the change in construction is being undertaken, the requirements of this Section and Sections 8.100.040, 8.100.050, and 8.100.060 below shall also apply.

8.100.040 Tenant noticing requirements.

(a) Contemporaneous with the submission of a construction means and method plan to the City, the applicant must certify that all affected tenants of the property have received the proposed means and method plan, the proposed relocation plan if required, and information explaining how to contact responsible City officials regarding the processing of such plans. Provision of the above information to the tenants shall be by hand-delivery, with a proof of service, to each affected tenant of the property or sent by certified mail or otherwise delivered in a form of electronic means acceptable to the Building Officer.

(b) Before a permit can be issued for the alteration/repair/rehabilitation of a building or mobilehome park which required an applicant to prepare a construction means and method plan pursuant to Section 8.100.010 of this Chapter, the applicant must certify that all affected tenants of the property will receive the information required by subsection (b) of this Section, in a form approved by the City within five days following the issuance of the permit and that no work shall commence under the permit until five days after the date all affected tenants were notified. This notice shall be hand-delivered, with a proof of service, to each affected tenant of the property or sent by certified mail or otherwise delivered in a form of electronic means acceptable to the Building Officer.

(c) The notice required by subsection (b) of this Section shall contain the following information:

(1) A detailed description of the nature and type of construction activity that will be undertaken;

(2) Information regarding the scheduling of construction and the periods in which services such as laundry, parking, elevators, water and power, will be unavailable;

(3) A statement that the construction being undertaken at the property will not terminate the tenant's tenancy;

(4) A statement informing the tenants of their right to seek mitigation from the property owner for nuisance conditions at the property, including, but not limited to, noise, dust, vibrations, utility shut-offs and other construction impacts. Mitigation measures may include, but are not limited to, temporary rent reductions, quiet office space for tenants working at home and temporary accommodations;

(5) A statement informing tenants of their right to review and receive free copies of the owner's approved construction means and method plan and how to obtain;

(6) A statement informing tenants of their right to review and receive free copies of the owner's approved relocation plan, if such plan was required and how to obtain;

(7) Information explaining how to contact the project applicant, including the designation of a project manager responsible for responding to tenant inquiries, complaints, and requests for mitigation of nuisance conditions;

(8) A statement informing tenants that they should immediately contact the City regarding any conditions at the property which they consider to be unsafe, unsanitary, in violation of the City's technical or safety codes, or in violation of the applicant's construction means and method plan;

(9) For construction projects that exceed thirty days in duration as measured from the date that construction commences, the applicant shall also inform the affected tenants that the applicant will provide monthly notices to the affected tenants regarding the progress of construction and will schedule meetings periodically, or by order of the Building Officer, to address the construction progress and obtain tenant input and feedback regarding the construction. The Building Officer's order to schedule such tenant meetings is not appealable.

(10) Any other information that the Building Officer determines is necessary due to the unique circumstances of the construction work.

(d) In addition to the information required by subsection (c) of this Section, the tenant notification shall provide the following information if the project will require the temporary relocation of tenants:

A statement that the construction activity may require displacement, but that to the greatest extent practicable, no tenant lawfully occupying the property will be required to move without written notice from the owner in accordance with this Chapter.

(e) In addition to the notice required by subsections (a), (b), (c), and (d) of this Section, the landlord shall post the property with a preprinted sign or signs prepared by the City measuring thirty inches by forty inches in size in a conspicuous location visible to tenants that include the information on where to file a complaint with the landlord or landlord's representative and the City regarding any conditions at the property which any tenant considers to be unsafe, unsanitary, in violation of the City's technical or safety codes, or in violation of the applicant's construction means and method plan.

8.100.050 Security.

Before receiving a permit for a project which requires an applicant to prepare a construction means and method plan pursuant to Section 8.100.010 of this Chapter, the applicant shall furnish security to the City in accordance with Section 4.36.140 of this Chapter.

8.100.060 Compliance with required means and method plan.

(a) **General.** No person shall erect, construct, enlarge, alter, repair, move, improve, remove, sandblast or convert the use of any building, structure or building service equipment regulated by this Code without complying with all conditions of any required construction means and methods plan.

(b) **Owner's Responsibility.** The property owner shall remain responsible for any violation of the construction means and method plan regardless of the responsibility of any other person for the violation or any contract or agreement the owner entered into with a third party concerning the owner's property or the construction that necessitated the preparation of the means and method plan. A licensed contractor serving as the agent of the owner or as the applicant for a permit may be held jointly responsible for violations of the means and methods plan.

8.100.070 Administrative regulations.

The Building Officer shall have the authority to promulgate and or adopt administrative regulations to implement the provisions of this Chapter.

8.100.080 Hazardous Materials

(a) Any owner shall ensure that hazardous materials, such as mold or asbestos, are properly handled and abated during any construction, demolition or modification to any building.

(b) Whenever handling or abatement of hazardous materials, such as mold or asbestos, is undertaken, the owner shall provide proof, to the satisfaction of the Building Officer, that proper handling and/or abatement procedures, performed by appropriately certified experts, were followed, and that the site is safe for its intended occupancies.

(c) The City may reasonably engage the services of qualified experts, at the owner's expense, to assist the City in evaluating the owner's compliance with this section.

SECTION 10. Any provision of the Santa Monica Municipal Code or appendices thereto inconsistent with the provisions of this Ordinance, to the extent of such inconsistencies and no further, is hereby repealed or modified to that extent necessary to effect the provisions of this Ordinance.

SECTION 11. If any section, subsection, sentence, clause, or phrase of this Ordinance is for any reason held to be invalid or unconstitutional by a decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council hereby declares that it would have passed this Ordinance and each and every section, subsection, sentence, clause, or phrase not declared invalid or unconstitutional without regard to whether any portion of the ordinance would be subsequently declared invalid or unconstitutional.

SECTION 12. The Mayor shall sign and the City Clerk shall attest to the passage of this Ordinance. The City Clerk shall cause the same to be published once in the official newspaper within 15 days after its adoption. This Ordinance shall become effective 30 days from its adoption.

APPROVED AS TO FORM:



JOSEPH LAWRENCE
Interim City Attorney

Approved and adopted this 28th day of March, 2017.



Ted Winterer, Mayor

State of California)
County of Los Angeles) ss.
City of Santa Monica)

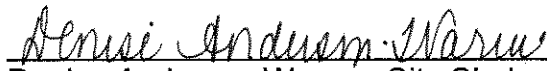
I, Denise Anderson-Warren, City Clerk of the City of Santa Monica, do hereby certify that the foregoing Ordinance No. 2537 (CCS) had its introduction on February 14, 2017, and was adopted at the Santa Monica City Council meeting held on March 28, 2017, by the following vote:

AYES: Councilmembers Himmelrich, McKeown, O'Connor, O'Day, Vazquez, Mayor Pro Tem Davis, Mayor Winterer

NOES: None

ABSENT: None

ATTEST:


Denise Anderson-Warren, City Clerk

4-17-17
Date

A summary of Ordinance No. 2537 (CCS) was duly published pursuant to California Government Code Section 40806.