



**PUBLIC REQUEST TO ADDRESS
THE BOARD OF SUPERVISORS
COUNTY OF LOS ANGELES, CALIFORNIA**

MEMBERS OF THE BOARD

HILDA L. SOLIS
HOLLY J. MITCHELL
LINDSEY P. HORVATH
JANICE HAHN
KATHRYN BARGER

Correspondence Received

Agenda #	Relate To	Position	Name	Comments
54.		Favor	Allison Borgeson	
		Oppose	Anne White	
			Joseph D Pepper	SEE LETTER ATTACHED
			Joseph D Pepper	THIS IS COMPLETELY PERFORMATIVE: Designed to make the public believe that after 26 months of feverish effort to protect the Public Safety, this ordinance could be generated by an AI chatbot in minutes only applies to TWO (2) ADDRESSES in a County of 4,064 square miles and over 10 million residents. How is this considered Public Safety when, in fact, those impacted are a high concentration of seniors that can't afford to underwrite political theatre. SEE PDF for the truth.
			Robert Schaffer	see attached pdf letter
		Other	RICHARD A ANNOTICO	
			Susan R Bursk	<p>May 6, 2025 Los Angeles County Board of Supervisors Kenneth Hahn Hall of Administration 500 West Temple Street Los Angeles, CA 90012</p> <p>Re: Public Comment – Proposed Amendment to Title 26 of the Los Angeles County Building Code (Seismic Retrofitting Ordinance)</p> <p>Dear Chair Barger and Honorable Members of the Board,</p> <p>My name is Susan Bursk, and I am writing on behalf of the residents of approximately 600 condominium units in Marina del Rey—home to over 1,000 community members. I submit this letter regarding the proposed ordinance amending Title 26 of the Los Angeles County Building Code to require seismic retrofitting of certain high-rise concrete buildings located in unincorporated areas of the County or owned by the County itself.</p> <p>While we understand the County's intent to enhance public safety and infrastructure resiliency, we respectfully request the Board reconsider the timeline and scope of this ordinance, for the following reasons:</p> <p>1. Current Structural Upgrades Underway: Our community is currently engaged in a comprehensive waterproofing project that will address many of the very structural concerns this ordinance aims to mitigate. Allowing this work to proceed before imposing additional requirements would be more efficient and economically practical.</p> <p>2. Scope and Selectivity: To our understanding, this ordinance would affect</p>

			<p>only five buildings across all unincorporated County land: three County buildings, one apartment building in East Los Angeles, and our Marina del Rey complex. The limited applicability raises questions about fairness and the criteria used for inclusion.</p> <p>3. Questionable Origins: This proposal appears to have been prompted by media coverage initiated by two former residents who no longer live in our community. While we respect all voices, we question whether that alone justifies the introduction of a countywide ordinance.</p> <p>4. Misleading Comparisons: Referencing structural failures in countries like Syria and Turkey is not a relevant or appropriate comparison. Our buildings were constructed under California codes and regulations that are among the strictest in the world.</p> <p>5. Ownership Complications: As residents of properties on County-leased land, we do not own the buildings themselves—only the airspace within them. This presents unique challenges in both compliance and legal responsibility for mandated retrofitting.</p> <p>6. Proactive Compliance: Despite our concerns, we are not resisting the spirit of this ordinance. We have retained a structural engineering firm to help us assess and plan for the likely requirements. We are committed to being proactive partners in public safety.</p> <p>While some residents have proposed legal action to prevent the ordinance from advancing, we are fully aware that the County holds the authority to move forward. What we seek is not obstruction but collaboration. Over the past two years, we have sent letters, emails, and met with County staff urging a delay to allow our current improvement projects to progress. These efforts, however, have not yielded meaningful engagement.</p> <p>We respectfully renew our request: Please work with us. Postpone implementation for our community until our current waterproofing project is complete and we have had adequate time to evaluate the engineering findings now underway. This will ensure the best use of resources and allow us to prioritize the safety of our residents in a sustainable and legally coherent way.</p> <p>Thank you for your time, attention, and service to our communities.</p> <p>Respectfully, Susan Bursk President Marina City Club Condominium Owners Association 4333 Admiralty Way Marina del Rey, CA 90292</p>
		Item Total	7
Grand Total			7



Subject: Objection to Ordinance Amendment Title 26 - Building Code - Add Chapter 97

Opening Analogy

Picture Los Angeles County as a city of 10 million, where officials aim to curb noise pollution—a universal issue—by targeting just two households. While millions go about their noisy lives, these two face crippling fines for sounds no louder than their neighbors'. This isn't a thought experiment; it's the reality of Los Angeles County's seismic retrofitting ordinance, which zeroes in on two addresses—0.00002% of the population—demanding tens of millions of dollars of major construction for a statistically tiny risk. Prominent seismologist Dr. Lucy Jones puts it bluntly: "The risk of being shot by a toddler is the same as dying in an earthquake." Yet, this policy barrels forward under the banner of public safety.

Introduction

On March 28, 2023, the Los Angeles County Board of Supervisors pushed “Equitable Earthquake Resilience,” a motion ostensibly inspired by the Kahramanmaras Earthquake. In practice, it targets a suspected 30-acre parcel in Marina del Rey—home to roughly 1,250 residents situated at 4333 Admiralty Way in six 17-story curvilinear towers—for mandatory retrofits of non-ductile concrete buildings (NDCBs). Aside from a couple of County administrative buildings, this ordinance only affects two non-governmental addresses in a county of 4,000 square miles and 10 million people. The other suspected residential address is 4000 Fairmount St, Los Angeles, CA 90063.

Key Points

- Research suggests the ordinance may violate constitutional rights, particularly equal protection and takings clauses, due to its narrow focus and high costs.
- It seems likely that seniors on fixed incomes at the 4333 Admiralty Way complex could face disproportionate burdens, potentially breaching the Unruh Act.
- The evidence leans toward the ordinance being inequitable, affecting only two non-governmental addresses in a large county, raising legal challenge risks.

Legal Concerns

The ordinance could violate the 14th Amendment’s Equal Protection Clause by arbitrarily targeting a small group without clear justification, potentially discriminating against seniors. It may also constitute a regulatory taking under the 5th Amendment, as the high costs could deprive owners of property value without compensation. The Unruh Act, protecting against housing discrimination, might apply if seniors face disproportionate impacts without financial assistance.

Ordinance Details and Impact

The ordinance requires owners to hire licensed professionals (civil or structural engineers or architects) to evaluate and retrofit buildings to meet ASCE 41-17 standards, with costs borne entirely by the owners, including permits and potential extension fees. Compliance periods are structured as follows:

Milestone	Timeline (from Order Service Date)
Obtain approval of Non-ductile Concrete Building Checklist	Within 3 years
Submit permit application and engineering report for retrofit or demolition	Within 7 years
Obtain retrofit or demolition permit	Within 9 years
Complete demolition (if chosen)	Within 10 years
Complete all necessary retrofit work	Within 20 years

Extensions are possible for up to 180 days each, subject to fees and approval, with appeals available to the Building Board of Appeals. However, there are no provisions for financial relief, rent stabilization, or relocation assistance.

No Building is Truly "Earthquake-Proof"

At best, structures can be earthquake-resistant up to a certain magnitude. But there is always a level of seismic activity that would overwhelm even the most robust design. This term promotes an unrealistic sense of absolute safety. Moreover, no pre-1977 vintage non-ductile concrete buildings (NDCBs) that have undergone retrofitting to the ASCE-41 standard have demonstrated an ability to save lives.

Equal Protection Clause (14th Amendment)

The Equal Protection Clause mandates that all persons be treated equally under the law. The ordinance's narrow application to only two addresses in a county spanning 4,000 square miles and housing 10 million residents raises concerns about arbitrariness. Research suggests this could lack a rational basis, as it targets a minuscule fraction (0.00002% of the population) without clear justification, potentially violating equal protection. This is particularly relevant given that other buildings with similar seismic risks may not be subject to the same requirements, as noted in comparisons with other California counties like San Francisco and Orange, which favor voluntary measures.

For seniors on fixed incomes, the disparate impact could be argued, though proving intent to discriminate is challenging. Legal precedents like *Nollan v. California Coastal Commission* and *Dolan v. City of Tigard* establish that government actions must have an "essential nexus" and be "roughly proportional" to the public interest, which the ordinance's narrow focus may fail to meet.

Takings Clause (5th Amendment)

The Takings Clause prohibits taking private property for public use without just compensation. A regulatory taking occurs when regulations deprive owners of all economically viable use or impose significant burdens. The staggering retrofit cost for 4333 Admiralty Way could be seen as a substantial economic impact, potentially constituting a taking, especially if it renders properties uneconomical for seniors on fixed incomes. The lack of compensation or financial assistance strengthens this argument.

Due Process Clause

The Due Process Clause requires fair and reasonable government actions. The ordinance's 20-year timeline may not account for seniors' financial realities, potentially violating substantive due process by imposing undue burdens. Procedural due process could also be at issue if owners lack adequate notice or appeal mechanisms, though the ordinance allows appeals to the Building Board of Appeals.

Unruh Act and Anti-Discrimination Laws

The Unruh Act prohibits discrimination in housing based on age, among other characteristics. While primarily applying to businesses, it extends to housing providers. The ordinance's lack of exemptions or assistance for seniors could be argued to have a disparate impact, potentially violating the Unruh Act or California Fair Housing Act.

Conclusion

The ordinance's narrow scope, high costs, and lack of support for vulnerable groups like seniors suggest it may violate constitutional rights, particularly equal protection and takings clauses, and potentially anti-discrimination laws. This code change is a jackhammer to smash a walnut.

In earthquake-prone California, residents accept a certain level of seismic risk by choosing to live there. As long as risks are transparent and understood, mandating expensive retrofits against owners' wishes creates an undue burden. People should retain freedom of choice in where and how they live.

Sincerely,

Joseph D Pepper
Marina del Rey



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Sincerely,

Joseph D Pepper
Marina del Rey

April 30, 2025

Los Angeles County Board of Supervisors

Kenneth Hahn Hall of Administration
500 West Temple Street
Los Angeles, CA 90012

Re: Public Comment – Proposed Amendment to Title 26 of the Los Angeles County Building Code (Seismic Retrofitting Ordinance)

Dear Chair Barger and Honorable Members of the Board:

This letter is in regards to the proposed Ordinance amending Title 26 of the Los Angeles County Building Code that requires seismic retrofitting of certain high-rise concrete buildings located in unincorporated areas of the County or owned by the County itself. I am writing this letter on behalf of my residency and ownership interests associated in the Marina City Club comprised of 600 condominium units in Marina del Rey, CA that is currently under lease from the County of Los Angeles. As a resident and leasee unit owner at the Marina City Club (MCC) being highly impacted by such proposed seismic retrofitting Ordinance, I am writing to express my strong opposition to its passage that is up for your vote this May 6, 2025. While I support safety and proactive infrastructure improvements, I have deep concerns about the Ordinance's fairness, financial impact, and practical implementation, and on such basis I respectfully request the Board seriously reconsider its impact and **VOTE NO** on approving its passage for the following reasons:

The Ordinance selectively targets the MCC residential building structures that are on leased land that coincidentally happens to be owned by the County, and the Ordinance's passage would be suspiciously self serving since it's provisions do not provide ANY financial assistance that would facilitate compliance by the MCC leasee/owners impacted by such Ordinance. The financial burden associated with the Ordinance's compliance on the MCC leasee/owners would be immense. Many such owners at MCC are seniors living on fixed incomes. Unlike the City of Los Angeles, which offers financial support for seismic retrofits, the County has proposed NO such assistance—no grants, loans, or bond measures to ease the cost.

If the Ordinance is passed, the likely prohibitive cost of compliance would conceivably result in the default in the Ordinance's provisions culminating with the condemnation of the MCC building structures. Such outcome would leave its residents without housing and would likely financially destitute most of its leasee/owners that are elderly, retired and have limited financial resources. Please take note that Supervisor Horvath voted against mandatory seismic retrofitting for condominiums when she served as the Mayor of West Hollywood. The reason was simple, condo unit owners cannot simply pass on the cost of retrofitting like hotels, apartments and office space.

Clearly the Ordinance as currently drafted has little to no regard for its potential impact upon the MCC leasee/owners and residents, and given that the County owns the land that conceivably would be put to better use, the proposal itself creates major conflicts with the County. Given

such conflicts, the County should not pass the Ordinance as drafted until the concerns and needs of the MCC leasee/owners and residents that would be impacted by its passage are better and more fully addressed. The County adopting such Ordinance as currently drafted would signal a lack of impartiality that not only conceivably causes the public to lose trust in the institutions that govern, but would likely result in major litigation for the damages associated with the foreseeable default by the leasee/owners. The Ordinance unfairly and disproportionately targets the MCC buildings—three of only four affected residential structures—all situated on land leased from Los Angeles County and provides NO financial assistance that would facilitate compliance on such narrowly selected structures. This raises serious concerns about potential bias or conflict of interest, particularly since the County stands to benefit from the condemnation of the structures and the redevelopment of the land owned by the County.

Further, the MCC building structures as they currently stand have recently been determined by the County's own experts to be structurally sound, and the Ordinance as drafted does nothing to assure sufficient safety standards since it does not require such tall buildings to be on rollers, the gold standard for optimal seismic safety. The MCC buildings were originally engineered by the highly reputable Hughes Corporation, and were recently evaluated by both County officials and independent engineers. No seismic structural deficiencies were found—only routine maintenance issues such as plumbing repairs. Moreover, the MCC Community is already undertaking a major infrastructure and waterproofing upgrade that would improve the buildings structural integrity. On such basis it makes little to no sense to impose such potentially exorbitant costly retrofitting improvements on such an inordinate limited scope of structures that, without provisions for ANY financial assistance, would likely result in the structures condemnation.

Lastly, Essex is the technical "owner" of the property, and the complicated adversarial legal structure impacting the administration of the MCC property, which was approved by the County, necessitates special considerations so that the affected parties can functionally comply with the Ordinance as may be adopted. The complex ownership structure of the MCC—privately managed on County land by Essex Corporation—means the leasee/owners of the units impacted by the Ordinance are held financially responsible while the legal "owner" (Essex) bears little financial responsibility. Further, given Essex's property is not impacted by the Ordinance's provision as its less than 75 feet high, Essex, though responsible for compliance, would bear no financial loss or consequence in the event it fails to comply with the Ordinance's provisions. This inherent conflict between Essex & the leasee/owners results in an inequitable burden on the unit leasee/owners who lack both authority and resources to assure compliance.

For the reasons stated above, I am confident in your continued professional service to ALL members of our local Community, and accordingly implore you and all fellow County Board Members to **VOTE NO** on adopting the Ordinance as currently proposed. I and my fellow residents of MCC are not opposed to safety improvements, but we request a fairer, more collaborative approach. I urge you and your colleagues to **VOTE NO** on the Ordinance in its current form and to work with our MCC Community toward a more reasonable and just solution.

Your attention to this important matter is greatly appreciated as is your dedicated service to ALL residents in LA County.

Sincerely,

Robert Schaffer

Unit Leasee/Owner, Marina City Club