

WHIP Motion Re: Community Impact Statement on CF 19-0603

The Woodland Hills Issues and Policies [WHIP] Committee did research and conducted three (3) virtual meetings. It received lengthy multi-round stakeholder and lobbyist comments and expert commentary on construction, engineering, building codes, and building fire safety. Upon discussion, WHIP, by a unanimous vote, recommends that the Board of the Woodland Hills – Warner Center Neighborhood Council (WHWCNC) adopt the following Community Impact Statement as its own, and submit it to Council File 19-0603, the Los Angeles City Council Members, the City Council PLUM Committee, the LA Department of Building and Safety, the LA City Ethics Commission, the LA Fire Department, the Woodland Hills Homeowners Organization, the Warner Center Association and the West Valley Chamber of Commerce.

This action joins with the Neighborhood Councils of Mission Hills, South Robertson, Hollywood United, Encino, North Westwood, Los Feliz, Central Hollywood, Eagle Rock, Reseda, North Hollywood, Studio City, Silverlake, and Downtown Los Angeles plus the Neighborhood Council Sustainability Alliance, which have already passed motions opposing the impacts of Council File: 19-0603, which includes an action to retain and expand of Fire District 1.

So moved by Heath Kline and seconded by: August Steurer.

Committee Vote on 3-31-2022:

Kathleen Barth (Yes), John Sandy Campbell (Yes), Martin Lipkin (Yes),
August Steurer (Yes), Heath Kline (Yes)

_____ End of Motion _____

WHWCNC Community Impact Statement & Report

Council File: 19-0603

RE: City Building Code Fire District 1 Expansion / California Department of Forestry / Fire Protection Very High Fire Severity Zone / City High Wind Velocity Zone / Ordinance

CIS Summary:

The Woodland Hills – Warner Center Neighborhood Council [WHWCNC] Board urges the City Council to eliminate Fire District 1, focus on the inclusion of the most recent International and State Building Codes changes for implementing Mass-timber into the Los Angeles Municipal Code, and allow city-wide construction of Mass-timber Structures within the limits of the technology.

Additionally, WHWCNC urges the City Council to focus its efforts on wildfire prevention in the areas of the City where wildfire is most likely to occur. The focal points include the wildland-urban interface, known as Very High Fire Hazard Severity Zone, which applies to Woodland Hills' hillside neighborhoods.

Fire District 1:

The Woodland Hills – Warner Center Neighborhood Council [WHWCNC] Board appreciates the intent of Council File 19-0603. Its primary objective is to expand the area covered under the Fire District 1 overlay to improve fire/life safety. WHWCNC supports part of the considered actions. However,

without any modification of Fire District 1 [FD1], as it stands, **WHWCNC opposes the general expansion and recommends the elimination of the obsolete and unnecessary FD1.**

Without modification, FD1 threatens to increase construction costs of multifamily buildings, resulting in less affordable housing and less total housing. Without changes to the allowed Construction Types, it is biased against modern sustainable wood technologies like Mass-Timber. Consequently, it favors conventional cement and steel technologies producing high amounts of greenhouse gases without justification.

WHWCNC Supports:

- Action by Los Angeles to develop and enforce a **Fire Protection Plan [FPP]** as outlined in the Report from the Department of Building and Safety [DBS] to prevent fires like the DaVinci fire, which was under construction in FD1 and the result of arson before complete fire safety systems and fire-sprinklers were in place.

- The DBS found that **Los Angeles Building Code [LABC] provisions currently provide adequate safeguards to ensure responsible construction.** LA has exemplary regulations and the ability for enforcement in the department. However, reliable construction depends on appropriately trained workers in all construction fields.

As such, Los Angeles should be asking what is necessary for this to happen, and the DBS Report makes no recommendations in this regard.

- The DBS finding that **LABC Chapter 7A, *Materials and Construction Methods for Exterior Wildfire Exposure*, has already taken steps to improve life and fire safety from wildfires in the Very High Fire Hazard Severity Zone.** LA already established minimum requirements for the building materials, systems, and assemblies used in the exterior construction of new buildings.

In this regard, Los Angeles should now be looking at programs to retrofit buildings not in compliance with Chapter 7A to improve safety.

- The DBS recognizes that **LABC and applicable standards** from the American Society of Civil Engineers already **address the minimum structural requirements to prevent structural damage due to high-velocity winds.**

Likewise, Los Angeles should be looking at programs to retrofit buildings not able to withstand high-velocity winds undamaged.

- The **transition to responsibly using more sustainable building materials.** As a major metropolitan city, this is vital for LA to mitigate climate change.

WHWCNC Recommends:

- Action by Los Angeles to **start making construction more sustainable** by approving Mass-timber construction for tall buildings in dense areas. Using it as an alternative to concrete and steel is crucial. Those materials can be more expensive, and virtually all current concrete and steel production still emits vast amounts of CO₂ and will continue for many years. Builders need the option of using Mass-timber.

- Action by Los Angeles to **accelerate the use of low-carbon, net-zero-carbon, and negative-carbon concrete via code requirements** as quickly as feasible.

Cement and concrete manufacturing is responsible for around 8% of global greenhouse emissions. Global iron and steel industries are responsible for another 5%.

A Global Concrete and Cement Association representative stated in one of its videos that, realistically, achieving worldwide net-zero carbon concrete is not likely before the year 2050. Not all new innovative technologies apply to all uses of cement.

John Popoch, Council District 3 Deputy Chief of Staff, informed us that the City was waiting for an academic paper about greenhouse gases from UCLA Professor Gaurav Sant. Gaurav Sant co-founded Concrete-AI, which researches and promotes more eco-friendly types of cement production. WHIP received a 3-page letter, dated March 20, 2022, which does not go into the issue in any depth other than establishing the need for new technologies for producing eco-friendly cement and concrete. A lobbyist also provided the letter.

He notes that concrete plays a foundational role as the basis of our infrastructure and the built environment. Concrete is the basis of 50% of worldwide construction and indirectly presents a large carbon footprint primarily due to Ordinary Portland Cement.

In his letter, Dr. Sant stated, "It is, therefore, of heightened importance to be strategic about low-carbon and sustainable concrete technology, and more broadly, concrete solutions."

Dr. Sant also wrote, "We need to create foundational and systemic support systems that involve and enable (1) adaptable and flexible performance-based materials standards and building codes that promote sustainability, durability and life-safety, (2) incentives for early adoption of new technologies in construction, and (3) the rapid adoption of "Buy Clean" standards and the imposition of embodied carbon intensity limits to progressively orient the construction industry and our society towards low(zero)-carbon construction."

- The **accelerated incorporation of IBC and the State's 2021 TYPE IV Building Codes into the LABC**. Since the 2019 introduction of CF19-0603, the latest International and State Building Codes of 2021 have new Type IV classifications superseding the Type IV classification currently prohibited by FD1. These updates revised the former Building Classification Type IV (Heavy Timber) into four Subtypes; Types IV-A, IV-B, IV-C, and IV-HT.

The new Type IV construction requirements allow innovative materials known as "mass-timber" to create up to 18-story, 12-story, and 9-story or 8-story structures made of wood and some steel, along with requisite fire and earthquake resistance requirements, plus sprinklers and other non-combustible materials. Mass-timber construction utilizes cross-laminated timber (CLT), which in testing has as-high or higher strength per weight compared to concrete or steel. Certified tests of Mass-timber models demonstrated extreme fire and earthquake resistance.

- The **elimination of the outdated FD1**. It predates modern building codes and standards, such as the requirement for fire sprinklers. While FD1 served a vital safety purpose 100 years ago, it currently continues as a relic of a bygone era. Los Angeles has already eliminated Fire Districts 2, 3, and 4. Maintaining FD1 offers no significant fire-safety benefits beyond the standards of the California and International Building Codes applicable to hi-rise, mid-rise, and low-rise construction.

It's time to end FD1 and rely on the more modern, superior building codes established by State and International Construction Experts.

No other major city in California has such an overlay. The DBS report states, "Ten local jurisdictions were surveyed whether they have adopted Fire Districts or any similar requirements which impose

regulations beyond what is required by the State." It also states, "...none of the jurisdictions have adopted Fire Districts" and "None of the jurisdictions surveyed limit type of construction and maintain consistency with minimum standards set forth in the California Building Code."

The DBS report is inconclusive about FD1 performing better than areas outside of FD1. The Report also makes no conclusions that FD1 improves fire safety related to "wildfires." The original stated purpose of the motion was to help communities mitigate "wildfire" risk based on the recent "Woolsey" wildfire (one that primarily affected Type V single-family homes).

The potential impact of FD1 expansion is not trivial. City Councilmembers have reportedly claimed that the increase represents just 2% of the City. But 2% of what is a question that needs consideration.

Does that calculation exclude city streets and parks? Does that exclude single-family residential zones?

The part that matters is what part of the zones, which allow multifamily structures, get included in FD1.

Suppose the available zones allowing multifamily projects are only 10% of LA's total area, excluding roads, parks, open spaces, industrial and single-family residential zones. Then the "just 2%" of the total area equals 20% of the available zones for multifamily construction. This possibly misleading "just 2%" is potentially very significant.

Although the initial motion sought improved protection from wildfires, WHWCNC concludes that FD1 primarily targets "urban conflagration" in high-density Regional Centers and high-density Commercial Corridors, which generally are not near wildfire-risky grasslands and woodlands. Even in the current FD1 areas and within Warner Center, past major fires occurred while the buildings were under construction and fire protection systems were not in place.

Statistically, under modern building codes, hi-rise commercial and multifamily structures with sprinklers installed contain fires to only one room. We have not experienced urban conflagration in any area outside of FD1 that would support expanding FD1. LA's neighboring municipalities and cities throughout California have similar safety records to the City of Los Angeles by relying on the modern State Building Code. FD1 does not confer a fire/life safety advantage.

The **Woodland Hills Issues and Policies [WHIP] Committee** held three (3) virtual meetings regarding CF 19-0603 and the impact of FD1. Attending and participating in the discussion on March 24, 2022, was Paul Armstrong. Mr. Armstrong worked for 14 years with the ICC to develop the process for model codes.

Mr. Armstrong previously worked in LA DBS and worked as a Civil Engineer in Southern California for many years. He currently works for the American Wood Council [AWC], an organization promoting wood construction technology.

WHIP was unbelievably fortunate to get commentary from Mr. Armstrong, as he is the incoming ViceChair and past Code Secretary of the **ICC International Residential Code Development Committee**. The ICC is the International Code Council, which develops the International Building Code. It reviews and proposes residential code changes to the IBC. He is exceptionally qualified to address City of LA, State, and International Building Code issues. Mr. Armstrong is familiar with LA's FD1 and noted that Fire Districts are still part of the IBC appendices.

After reading the DBS Report and based on his professional knowledge, speaking only with his personal opinion and not for AWC or ICC, Mr. Armstrong believes that the advancement of IBC and State codes since 1927 has accomplished what FD1 creation intended to fulfill. He questioned the need to keep FD1 for Los Angeles.

WHWCNC notes that retention of FD1 can still lead to future conflicts between codes. Architect Simon Ha commented independently to the City that FD1 requirements conflict with Transit-Oriented Community codes for incentivizing affordable units. WHWCNC believes that LA should avoid diverging from international standards.

If LA somehow finds a need to continue with FD1 (it should not), then FD1 must be amended to **replace the prohibition of TYPE IV construction with the allowance of the new TYPE IV subtypes**. If not done, Tall-wood structures could be constructed outside the FD1 but not inside FD1, even though FD1 applies to areas having large tall structures. That scenario is illogical.

The DBS report supports this by stating, "Although mass timber is a relatively new construction type, it offers new possibilities for the urban fabric of Los Angeles. As Fire District 1 includes the densest, tallest and regional destinations of Los Angeles, the prohibition of Type IV in Fire District 1 prevents this construction."

WHWCNC Finds that Unless Amended, FD1 is:

- Detrimental to Housing Affordability:

FD1 expansion hinders efforts to increase affordable housing. The Department of Building and Safety Report concluded that expanding FD1 areas would likely reduce the financial feasibility of affordable housing projects and result in fewer affordable housing units in the City. It reported building costs would increase between 10.6% and 47.1% if the City enacted the policy change. The Report did not establish why Los Angeles requires a more restrictive code than the International Building Code or other regional cities with the same fire-safety record.

- Detrimental to Warner Center Housing:

FD1 limits the allowed construction materials to apply to Warner Center, a Regional Center. FD1 significantly affects the feasibility of housing goals for the Warner Center 2035 Specific Plan and the General Plan's Housing Element. Projects in Warner Center are under-utilizing the FAR allowed due to construction costs for taller buildings. WHWCNC questions the need to enact policies that increase the cost of tall housing in Warner Center and other parts of Los Angeles when there is a dire shortage of housing already?

- Bad for Our Community and the City: FD1 puts LA at a competitive disadvantage for attracting commercial projects, especially for the San Fernando Valley. DBS states that other nearby localities do not have the restrictions of FD1. Perhaps they have not found a pressing need for it, even though they also have many dense hi-rise structures, very high fire-hazard areas, and high-velocity wind areas.

Inclusion of Warner Center into FD1 promises a **significant negative impact on Woodland Hills**.

Based on a visual assessment of a map in the DBS Report showing potential expanded FD1 areas,

To the extent that FD1 increases construction costs relative to other regions and cities, Woodland Hills will bear its negative brunt. **Warner Center amounts to about half of the new areas in the City added to FD1.**

Warner Center, a Regional Center for LA, has not had any non-residential space built other than shopping malls for two decades. However, every project approved under Warner Center 2035 has a required percentage of commercial. The market does not support the cost of conventional construction for tall buildings, so the commercial part is always Phase II, which recent inactivity means Phase II is

code for "never-to-be-built." This behavior is apparent when the proposed footprints or floor plates of these Phase IIs are ridiculously too small for major tenants to support the cost of the building.

LA City recently waived a Warner Center project's minimum-required height in exchange for the project's inclusion of minimal amounts of affordable housing. The justification was the claims about the costs of the required methods (concrete and steel) of hi-rise construction. This waiver evidences the problem with conventional hi-rise construction for the Valley.

Is it not the usual practice of LA City to give increased height in exchange for having affordable units instead of allowing less height? Actions not enforcing higher density and not facilitating taller residential structures at lower cost inevitably forces the City to increase density outside of Warner Center to yield the same amount of housing.

Warner Center has added significant numbers of residential units in the last decade, so much that CD3 shrank in area. Is it not possible that FD1 constraints often divert growth to other sites without the supporting infrastructure instead of within FD1, which usually does have support?

Supporting mass-timber construction is vital to the Woodland Hills – Warner Center community. Promoting tall-timber construction improves the probability of building taller residential and commercial structures in Warner Center than accomplished in past projects.

- **Limiting Efforts to Reduce CO₂ Emission to Slow Climate Change:**

Increased Carbon Dioxide (CO₂) levels are causing significant portions of climate change. However, one ton of fast-growing sustainable timber (used in CLT) sequesters one-and-a-half tons of CO₂.

While there are many unavoidable uses for cement, making Ordinary Portland Cement [OPC] still adds more CO₂ to the atmosphere. Future construction projects must avoid using OPC whenever possible. Even though new concrete manufacturing methods are being developed to reduce CO₂ emissions, these new methods cannot yet produce concrete at scale.

However, one ton of fast-growing sustainable timber (used in CLT) sequesters one-and-a-half tons of CO₂. Responsibly-farmed timber (the kind used in Mass-timber) is a carbon sink. It removes more carbon from the atmosphere than it adds, which is termed carbon-negative.

Assuming that our intent is reducing our risks of wildfires, the City should look at ways to encourage carbon-negative construction techniques that reduce CO₂, not mandating construction methods such as concrete and steel that increase atmospheric CO₂ (termed carbon-positive).

- **Promoting More CO₂ due to Cement Production by Limiting Alternatives:**

Cement is the most used material after water. Cement production for construction is currently the source of about 8% or more of the world's CO₂ emissions, and it also uses a lot of increasingly scarce water for curing.

For the next couple of decades, most concrete produced remains carbon-positive or, at best, netzero-carbon. Many technologies have not proven to scale yet. One new carbon-negative method proposed to make cement relies on harvested recycled concrete or calcific aggregate to get calcium instead of heating limestone that contributes much of the CO₂ emitted.

Negative-carbon cement can never be a great resource to make enough concrete to meet the region's needs. Recycled concrete supplies are limited, and roadway construction also utilizes recycled concrete. Net-zero-carbon concrete is the best to be expected compared to negative-carbon masstimber.

- **Promoting Less Sustainability:** Local stores of aggregate and sand are waning. Is it sustainable when much of the stone aggregate used for concrete is transported by barge from British Columbia using fossil fuels? Due to climate change, don't we need local sand supplies to replace eroding beaches?

Steel is also necessary with concrete construction. The production of steel contributes significant additional amounts of CO₂ to the atmosphere totaling approximately 5% of the world's emissions.

Many concrete construction forms use wood, which eventually becomes waste, decomposing into the atmosphere as CO₂ or, even worse as methane, CH₄.

Expanding FD1, as it exists, leads to more use of cement, concrete, and steel than necessary by prohibiting wood from serving the same purpose, contributing to increased climate change, which ironically results in more frequent future wildfires.

California's Chief Fire Marshal Mike Richwine pushed for the early adoption of mass timber regulations into the California building code due to their sustainability advantages. He said, "The early adoption of mass timber codes can be a benefit to California in many ways, but I would like to highlight three of those advantages in this proposal. Number 1, it has the potential to increase the market demand for mass timber production in California to meet the needs of the construction industry. Number 2, it will increase the pace and scale of our wildland fire prevention and forest management goals of treating 500 thousand acres per year by thinning the forest of smaller diameter trees that can be used in the production of Cross-laminated timber and other Mass-timber assemblies. And while wood products provide the benefit of storing carbon, another benefit or advantage is that mass timber construction can also help reduce the carbon footprint of concrete and steel production."

When we look at other countries such as France, the French government is taking steps to mandate the use of at least 50% wood and other sustainable materials in all new construction to slow the effects of climate change. WHWCNC encourages the City Council to be forward-looking on its sustainability goals rather than moving backward by maintaining and expanding FD1.

- **Deterring More Economical Construction:** While there will be fluctuations in the relative costs of materials, developers do not need more constraints preventing them from using more economical methods and materials. Mass-timber technology reduces overall construction and transportation costs while getting equivalent or better earthquake resistance.

Recently-constructed Mass-timber projects proved that construction time is often quicker, translating to lower-cost construction. Just-in-time delivery of Mass-timber assembly components requires less space for staging materials. Production of Mass-timber also reduces construction waste, which accounts for as much as 40% of local landfill deposited material.

Significantly, mass-timber buildings have as little as 20% of the mass compared to concrete and steel structures. Less mass reduces the required foundation size. That lowers the amount of concrete needed by reducing foundation and pile costs. (Notably, Warner Center has a high water table which inhibits the feasibility of affording large, deep foundations necessary to support taller, heavier buildings.)

WHWCNC is Concerned about:

- **The Interplay between FD1 and Recent State Laws:** The State Legislature has responded to the housing crisis by passing bills such as SB 8, 9, and 10.

In one-way, our State wants increased density in single-family neighborhoods because of their prevalence and low density. Any actions that hinder development along commercial corridors, regional centers, or transit-oriented communities may exert pressure for more housing in single-family residential

zones lacking the underlying infrastructure and transportation networks to support increased development.

At the same time, the State wants significant increases in residential units in areas of high resource opportunity, which are logically supposed to be commercial corridors. The State requires quick, substantial increases in density, which will necessarily require tall structures to provide the desired amount of units quickly. These corridors will develop into the type of place that FD1 means to protect, but FD1 protections aren't.

Unintentionally, development is more likely to occur without the protections in areas outside of FD1, where dense growth is supposed to happen with the protections.

The WHWCNC worries that the expansion of FD1 will lead to even further reductions in multifamily housing development in the areas best suited to develop it. These areas will have the same risks as FD1 but not the constraints or "necessary protections."

The only way to avoid this is to even the playing field for developers. To do that is to eliminate FD1 or make all zones allowing tall structures to comply under FD1, which is far from ideal.

- **The Concrete Industry Influencing FD1 Expansion:** Council Members introduced this proposal in 2019 before the State adopted new building codes.

Inquiry through the LA City Ethics Lobbying Department provided public records showing payments from Build with Strength (BWS) to a public relations representative and hired lobbyists since 2017, with over \$327,250 in payments.

These records indicate a possibility that the motion was at the behest of concrete and steel interests seeking, in advance of IBC and State adoption of Mass-timber, to hinder its proliferation in LA. Seth Jacobsen, a now-registered lobbyist, claims BWS is just supporting the efforts of the motion and denies asking for it.

These representatives appear before Neighborhood Councils and start by portraying BWS as a coalition of local civic-minded organizations, but they have not always stated their appearance is as a paid lobbyist, which is a form of "*astroturfing*." However, the website for BWS states that it "consists of fire service professionals, architects, engineers and industry experts committed to enacting safer and more sustainable building standards across the country." To WHIP's knowledge, these professions and organizations are not appearing at NC meetings, only the paid lobbyists. If they are truly committed to safer standards, then why does the site work so hard against a Building Type IV approved by the International and State Building Codes?

BWS claims it is the "grassroots" lobbying program of the National Ready Mixed Concrete Association (NRMCA). The NRMCA is a 501(c)(6) organization that describes itself as the leading industry advocate for its members in the ready-mixed concrete industry. According to IRS records, it collected total revenues over \$15 million per year.

WHIP also notes that the website, BuildWithStrength.com, promotes using concrete for buildings instead of wood on behalf of the NRMCA. This website portrays wood as alarmingly unsustainable and unsafe. Visits to the home page bring up a page with the headline "No Wood High-Rises."

WHIP's online research found (unsubstantiated) articles inferring BWS opposed the inclusion of Mass-timber in the IBC code revision. WHIP has not verified these claims.

_____ CIS_End _____

City Clerk Online Council Filing CIS Summary:

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 CIS Distribution

Send CIS to:

Council File 19-0603

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