

Assembly Bill No. 2133

Passed the Assembly August 25, 2010

Chief Clerk of the Assembly

Passed the Senate August 24, 2010

Secretary of the Senate

This bill was received by the Governor this _____ day
of _____, 2010, at _____ o'clock ____M.

Private Secretary of the Governor

CHAPTER _____

An act to amend Section 2621.7 of the Public Resources Code, relating to geologic hazards.

LEGISLATIVE COUNSEL'S DIGEST

AB 2133, Niello. Geologic hazards: earthquake fault zoning.

Under the Alquist-Priolo Earthquake Fault Zoning Act, prior to approving a project within an earthquake fault zone, a city or county is directed to require the preparation of a geologic report, subject to certain exceptions. Existing law exempts from this requirement certain projects for alterations that include seismic retrofitting if a city or county, among other things, requires certain seismic retrofitting and prohibits an increase in human occupancy load.

Existing law specifically exempts projects relating to structures owned and operated by state entities and agencies listed on the California Register of Historical Resources or the National Register of Historic Places, including the California Memorial Stadium located on the University of California, Berkeley campus, if the state agency or entity submits a plan of proposed alterations to the State Geologist.

This bill would delete that exemption.

The bill, instead, would exempt the California Memorial Stadium located on the University of California, Berkeley campus from the application of the act. The bill would declare that the Legislature recognizes that the exemption process under the act is not available to buildings owned by the state. The bill would state that the Legislature finds and declares that the California Memorial Stadium located on the University of California, Berkeley campus requires seismic retrofitting, as defined, which is necessary to strengthen structures and provide increased resistance to ground shaking from an earthquake.

The people of the State of California do enact as follows:

SECTION 1. Section 2621.7 of the Public Resources Code is amended to read:

2621.7. This chapter, except Section 2621.9, shall not apply to any of the following:

(a) The conversion of an existing apartment complex into a condominium.

(b) Any development or structure in existence prior to May 4, 1975, except for an alteration or addition to a structure that exceeds the value limit specified in subdivision (c).

(c) An alteration or addition to any structure if the value of the alteration or addition does not exceed 50 percent of the value of the structure.

(d) (1) Any structure located within the jurisdiction of the City of Berkeley or the City of Oakland which was damaged by fire between October 20, 1991, and October 23, 1991, if granted an exemption pursuant to this subdivision.

(2) The city may apply to the State Geologist for an exemption and the State Geologist shall grant the exemption only if the structure located within the earthquake fault zone is not situated upon a trace of an active fault line, as delineated in the official earthquake fault zone map or in more recent geologic data, as determined by the State Geologist.

(3) When requesting an exemption, the city shall submit to the State Geologist all of the following information:

(A) Maps noting the parcel numbers of proposed building sites that are at least 50 feet from an identified fault and a statement that there is not any more recent information to indicate a geologic hazard.

(B) Identification of any sites that are within 50 feet of an identified fault.

(C) Proof that the property owner has been notified that the granting of an exemption is not any guarantee that a geologic hazard does not exist.

(4) The granting of the exemption does not relieve a seller of real property or an agent for the seller of the obligation to disclose to a prospective purchaser that the property is located within a delineated earthquake fault zone, as required by Section 2621.9.

(e) (1) Alterations that include seismic retrofitting, as defined in Section 8894.2 of the Government Code, to any of the following listed types of buildings in existence prior to May 4, 1975:

(A) Unreinforced masonry buildings, as described in subdivision (a) of Section 8875 of the Government Code.

(B) Concrete tilt-up buildings, as described in Section 8893 of the Government Code.

(C) Reinforced concrete moment resisting frame buildings as described in Applied Technology Council Report 21 (FEMA Report 154).

(2) The exemption granted by paragraph (1) shall not apply unless a city or county acts in accordance with all of the following:

(A) The building permit issued by the city or county for the alterations authorizes no greater human occupancy load, regardless of proposed use, than that authorized for the existing use permitted at the time the city or county grants the exemption. This may be accomplished by the city or county making a human occupancy load determination that is based on, and no greater than, the existing authorized use, and including that determination on the building permit application as well as a statement substantially as follows: “Under subparagraph (A) of paragraph (2) of subdivision (e) of Section 2621.7 of the Public Resources Code, the occupancy load is limited to the occupancy load for the last lawful use authorized or existing prior to the issuance of this building permit, as determined by the city or county.”

(B) The city or county requires seismic retrofitting, as defined in Section 8894.2 of the Government Code, which is necessary to strengthen the entire structure and provide increased resistance to ground shaking from earthquakes.

(C) Exemptions granted pursuant to paragraph (1) are reported in writing to the State Geologist within 30 days of the building permit issuance date.

(3) Any structure with human occupancy restrictions under subparagraph (A) of paragraph (2) shall not be granted a new building permit that allows an increase in human occupancy unless a geologic report, prepared pursuant to subdivision (d) of Section 3603 of Title 14 of the California Code of Regulations in effect on January 1, 1994, demonstrates that the structure is not on the trace of an active fault, or the requirement of a geologic report has been waived pursuant to Section 2623.

(4) A qualified historical building within an earthquake fault zone that is exempt pursuant to this subdivision may be repaired or seismically retrofitted using the State Historical Building Code, except that, notwithstanding any provision of that building code and its implementing regulations, paragraph (2) shall apply.

SEC. 2. (a) It is the intent of the Legislature to recognize the historical and architectural significance of the California Memorial Stadium located on the University of California, Berkeley campus. Furthermore, the Legislature recognizes that the Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code) provides an exemption process for local historical structures through the local planning process; however, buildings owned by the state, including the University of California, are not subject to the local planning process and therefore cannot use this process to obtain an exemption.

(b)

(b) The Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code) shall not apply to the California Memorial Stadium located on the University of California, Berkeley campus. However, the Legislature finds and declares that the California Memorial Stadium located on the University of California, Berkeley campus requires seismic retrofitting, as defined in Section 8894.2 of the Government Code, which is necessary to strengthen structures and provide increased resistance to ground shaking from an earthquake.

(c) This section does not conflict with the intent or the applicability of any provision of the Alquist-Priolo Earthquake Fault Zoning Act (Chapter 7.5 (commencing with Section 2621) of Division 2 of the Public Resources Code).

Approved _____, 2010

Governor