



State Of California

# SEISMIC SAFETY COMMISSION

*Arnold Schwarzenegger, Governor*



Gary McGavin  
*Architectural Planning  
Chairman*

Dennis Mileti  
*Social Services  
Vice-Chair*

Lawrence Klein  
*Utilities*

Dr. Lucy Jones  
*Seismology*

Hon. Richard Alarcon  
*State Senate*

Saeed Ali  
*Senate Representative*

Hon. Mark Church  
*Local Government*

Dr. Bruce Clark  
*Geology*

Hon. Carol Liu  
*State Assembly*

Donald Manning  
*Assembly Representative*

Celestine Palmer  
*Insurance*

Daniel Shapiro  
*Structural Engineering*

Keith Wheeler  
*Emergency Service*

Jeff Sedivec  
*Fire Protection*

Arul Arulmoli  
*Soils Engineer*

Hon. Jim Wattenburger  
*County Government*

Andrew Adelman  
*City Building Official*

Richard McCarthy  
*Executive Director*

Seismic Safety Commission  
Minutes of Meeting  
July 13, 2006  
State Capitol, Room 444  
Sacramento, California

## Members Participating

Gary McGavin, Chair  
Saeed Ali  
Kandiah (Arul) Arulmoli  
Don Manning  
Celestine Palmer  
Daniel Shapiro

## Members Absent

Dennis Mileti, Vice Chair  
Andrew Adelman  
Mark Church  
Bruce Clark  
Lucy Jones  
Lawrence T. Klein  
Jeff Sedivec  
James Wattenburger  
Keith Wheeler

## Staff Participating

Richard McCarthy, Executive Director  
Karen Cogan, Executive Assistant  
Robert Anderson, Staff Geologist  
Fred Turner, Senior Structural Engineer

## I. CALL TO ORDER/ROLL CALL

Commission Chairman Gary McGavin called the meeting of the Seismic Safety Commission to order at 9:35 a.m. Executive Assistant Karen Cogan called the roll and announced that a quorum was not present. Chairman McGavin proposed proceeding for informational purposes only, and noted the Commission would take no action.

## II. CHAIRMAN'S REMARKS

Chairman McGavin informed commissioners of the death of Mr. Jim Roberts, Caltrans' former chief engineer, the previous week. He proposed opening and dedicating the meeting in memory of Mr. Roberts. Mr. Fred Turner advised that a memorial service was scheduled for July 14 in Sacramento.

Chairman McGavin noted that Commissioner Lucy Jones and Commissioner Keith Wheeler were ill, and Commissioner Klein was recovering from surgery and could not attend the meeting.

### **III. APPROVAL OF MINUTES**

**June 8, 2006**

Commissioner Daniel Shapiro expressed his opinion that the Page 3 description of the Commission's discussion of the Federal Emergency Management Agency (FEMA) appeal was not detailed enough. He recommended including more background information. Executive Director Richard McCarthy said the staff will insert more details in that section.

### **IV. EXECUTIVE DIRECTOR'S REPORT**

Mr. McCarthy drew attention to the resignation letter from Director of Legislation Henry Sepulveda in the meeting packet. He said Mr. Sepulveda accepted a position with the Judicial Council. He praised Mr. Sepulveda for his fine work for the Commission and wished him well.

**End of FY 2005/06**

Mr. McCarthy said a final report on the Fiscal Year (FY) 2005/06 budget will be presented at the September meeting. Mr. McCarthy added that the Governor signed the FY 2006/07 budget, including funds for the Commission.

#### **FEMA Appeal**

Mr. McCarthy said the staff is arranging a meeting with FEMA's Region 9 and Senator Dianne Feinstein's staff to help resolve the FEMA appeal.

Mr. Turner stated that the Commission received an email from FEMA reflecting a retrenchment to the position taken two years ago. He noted Mr. McCarthy will meet first with Office of Emergency Services (OES) representatives, and then with FEMA's Region 9 staff.

#### **Budget Change Proposal for FY 07/08**

Mr. McCarthy reported that the staff is working on a budget change proposal for Fiscal Year 2007/08 to pay for an anticipated rent increase after the Commission's current office lease expires on May 15, 2007.

#### **Western States Seismic Policy Council Appointment**

Mr. McCarthy noted the Western States Seismic Policy Council (WSSPC) will be holding its annual meeting in September, and he recommended that the Commission appoint a representative to WSSPC.

Chairman McGavin welcomed volunteers. Mr. McCarthy said the staff will contact

commissioners via email to solicit volunteers.

## **II. CHAIRMAN'S REMARKS (Continued)**

### **Review of Committee Assignments**

Chairman McGavin directed attention to the list of committee assignments and reviewed the proposed revisions.

Chairman McGavin noted that Mr. Sepulveda's name should be removed from the staff column. Mr. McCarthy stated that he would provide staff support for the Emergency Planning & Response/Recovery Committee for the time being.

Chairman McGavin suggested that Commissioner Celestine Palmer consider co-chairing the Communication & Outreach Committee with Commissioner Mileti. Mr. McCarthy noted the word "Vice" next to Commissioner Mark Church's name should be deleted. Chairman McGavin drew attention to the new language in the committee's description. He proposed discussing these revisions in more detail at the September meeting.

Chairman McGavin proposed that Commissioners Jones, Klein, and Shapiro serve as members of the new Public School Safety and the Field Act Committee. Commissioners suggested that Chairman McGavin chair that committee.

Commissioner Saeed Ali recommended defining the Field Act Committee's charge. Chairman McGavin explained that there have been numerous attempts to erode Field Act protections for the past decade and a half, and that opposition continues. He said the Commission had hearings on the Field Act in 1998 and 1999 and issued a white paper. Because of recent proposed legislation, the Commission agreed it would be helpful to revisit that issue to provide more definitive information on the effectiveness of the Field Act. Chairman McGavin noted the new committee will be looking at the Field Act as it exists today and determine if any revisions are appropriate; the outcome of the committee's work would be a white paper for the Legislature, Governor, and members of the public.

Commissioner Arul Arulmoli recommended that Commissioner Shapiro join the PEER Review Committee, and Commissioner Shapiro agreed.

Chairman McGavin noted that his name should be removed from the Southern California Earthquake Center Committee roster.

Chairman McGavin observed that the Earthquake Insurance Committee needs more members. Commissioner Shapiro expressed his opinion that this should be an important focus for the Commission's efforts. Chairman McGavin said he would confer with Commissioner Palmer and propose some ideas for augmenting the committee at the September meeting.

Chairman McGavin proposed appointing Commissioner Andrew Adelman to represent the Commission on the Historical Building Safety Board. Commissioner Shapiro asked if Mr. Fred

Herman was interested in continuing as the Commission's representative, and suggested that Mr. McCarthy contact Mr. Herman.

Commissioner Shapiro recommended surveying new commissioners and making use of them as committee members. Mr. McCarthy said the staff will contact the new commissioners about their areas of interest.

Chairman McGavin suggested revisiting the committee appointments at the September meeting.

## **V. LEGISLATIVE REPORT**

### **SB 1278 (Alquist)**

Mr. McCarthy said SB 1278 adds three members to the Seismic Safety Commission and moves the Commission within the State and Consumer Services Agency. He reported that the bill currently has no funding source, but the administration is expected to identify a funding source within the next week or so. He recommended that the Commission hold a special emergency meeting via teleconference to consider the funding proposal. Mr. McCarthy advised that the bill is scheduled for an August 9 hearing before the Assembly Appropriations Committee.

Mr. McCarthy noted SB 1278 contains language proposing use of California Research and Assistance Fund (CRAF) settlement money to fund the Commission, but that option may not be possible. He drew attention to the letter in the meeting packet clarifying the limitations on use of CRAF funds.

Mr. McCarthy said the staff will contact commissioners as soon as a funding source is identified and schedule an emergency meeting to discuss next steps.

### **AB 1809**

Mr. McCarthy noted that AB 1809, a budget trailer bill, authorizes the Seismic Safety Commission to continue its current funding arrangement with the Department of Insurance and extends the sunset date to July 1, 2009. He emphasized that AB 1809 only provides authorization, and the Governor and Legislature will still need to approve budget appropriations in 2007-08 and 2008-09 for the Commission to continue its operations.

### **SB 1290 (Ducheny)**

Mr. McCarthy reported that SB 1290, which would allow community college facilities constructed after January 1, 2007 to comply with either the Field Act or the California Building Code, passed through both houses of the Legislature in spite of the Commission's "oppose unless amended" position. He said the Governor will probably contact the Commission and ask for its opinion before taking action on this bill.

### **AB 1906 (Blakeslee)**

Mr. McCarthy recommended that the Commission support AB 1906, a bill directing the Department of Conservation to develop updated earthquake scenarios by 2013. He noted up-to-date earthquake scenarios allow state and local authorities to correctly engineer and protect vulnerable buildings, as well as estimate the amount of time needed to restore damaged facilities after an earthquake.

### **AB 1632 (Blakeslee)**

Mr. McCarthy said AB 1632 orders the Energy Commission to prepare a report evaluating the seismic vulnerability of power plants and address policy issues affecting future nuclear power plants. He recommended the Commission's support.

### **AB 2852 (Nava)**

Mr. McCarthy explained that AB 2852 requires OES to establish a tsunami hazard mitigation program and creates a multi-agency steering committee. He noted these efforts are consistent with policies described in the Commission's 2005 report on tsunamis, and he recommended a "support" position.

### **CRAF Settlement**

Mr. McCarthy directed attention to the letter from the Attorney General to Senator Alquist clarifying the uses and restrictions on CRAF settlement funds. He said the Governor's Office also received a copy.

## **VI. COMMITTEE REPORTS**

### **Pacific Earthquake Engineering Research (PEER) Center Review Committee**

Commissioner Arulmoli noted that Commissioner Shapiro has been added to the committee, and former Commissioner Linden Nishinaga serves as its co-chair.

Mr. Robert Anderson said the Commission formed the PEER Center Review Committee to review the progress, activities, and effectiveness of the PEER Center in Years 7, 8, and 9 and prepare a report to the Legislature and Governor. He reported that the staff contacted the PEER Center and requested that UC Berkeley execute a contract to cover the Commission's work through December 31, 2006. He noted that the time may need to be extended to February 2007 if approval of the contract is delayed.

Mr. Anderson said the committee plans to hold its first meeting on August 9 in Richmond.

## **VII. MASS EVACUATION PLANNING**

Mr. John Rowden, Preparedness Branch Manager, State Office of Emergency Services, reported that OES completed the first draft of its new Mass Evacuation Plan on June 26, 2006. He said the Mass Evacuation Plan is an adjunct to the state's 1998 emergency management plan, which was reviewed in 2005. Mr. Rowden noted that OES is preparing a number of special plans to deal with various aspects of disasters, including communications systems and sheltering plans. Mr. Rowden added that the Governor's Emergency Operations Executive Council, a group charged with looking at the state's basic emergency plan, will be meeting for the second time in August.

Mr. Rowden stated that the first draft of Mass Evacuation Plan proposes a standard approach to emergency management, relying on the Standardized Emergency Management System (SEMS) and local planning efforts. He said the role of OES and other state agencies is to provide support and guidance to locals, but local planners are responsible for defining evacuation routes, identifying shelters, and providing effective communications, law enforcement, transportation, and medical services. The Mass Evacuation Plan provides advice and guidance to local authorities in identifying hazards, vulnerable populations, and evacuation routes, as well as helping them prepare for evacuations, transportation and traffic control, and special facilities. OES will provide resources and support in these efforts. Mr. Rowden said OES is reviewing the Mass Evacuation Plan internally, and copies will be available for distribution within the next few weeks.

Chairman McGavin thanked Mr. Rowden for his presentation.

## **VIII. WORKSHOP ON CALIFORNIA PUBLIC SCHOOL SAFETY AND THE FIELD ACT**

### **Division of the State Architect**

Mr. David Thorman, State Architect, stated that the Division of the State Architect (DSA) is proud of its seismic safety efforts and support of the Field Act. He introduced Mr. Dennis Bellet and invited him to give an overview of DSA's seismic standards, oversight responsibility, and challenges.

Mr. Bellet discussed DSA's seismic standards, inspection and code compliance role, inspector qualifications, challenges facing DSA, and changes in DSA practices. He stated that DSA enforces the seismic standards contained in Title 24 of the California Building Code (CBC), Part 2, with California amendments. He noted the 2001 CBC is based on the 1997 Uniform Building Code, so California's standards are out of date. Mr. Bellet reported that California is in the process of updating its building code now, and a new code based on the 2006 International Building Code is expected to be adopted in 2008. He said DSA is proposing amendments to the state's new building code that include adoption of the current national ASCE 7-05 materials standard with amendments, materials testing and special inspection requirements, geologic hazards assessment, and national standards for seismic retrofit and rehabilitation.

Mr. Bellet described DSA's review and inspection procedures for public schools and essential services buildings in California. He said all designs must be done Structural Engineers and the submittal package must be complete before DSA undertakes plan review. Full details and calculations must be provided with plans and specifications, as well as geotechnical reports, soils reports, and other documents. Mr. Bellet said that once a submittal package is complete, DSA reviews the plans and drawings in detail to ensure code compliance, accuracy of calculations and drawings, coordination of details, and coordination among disciplines. Once construction begins, DSA requires continuous inspection by an independent project inspector, special inspections and testing of materials by certified labs, and approval for any changes or modifications.

Mr. Bellet stated that challenges for DSA include California's out-of-date building code, lack of consistency in interpretations, and the significant amount of staff training that will be needed to adapt to the new building code. He said DSA has already implemented a number of new processes designed to increase efficiency and consistency, such as implementation of a more collaborative review process, electronic plan review, development of a training academy, a rapid interpretation process, satellite offices, and reorganized regional offices.

### **Coalition for Adequate School Housing**

Mr. Tom Duffy, Legislative Advocate, Coalition for Adequate School Housing (CASH), explained his background as an educator and advocate. He said CASH's first priority is ensuring the safety of school buildings in California. He emphasized the need for schools to provide emotional security as well as physical safety to the students and teachers who occupy them. Mr. Duffy stated that CASH supports the Field Act because it ensures structural integrity and limits damage to school buildings.

Mr. Duffy noted that CASH has been working for many years to remove nonconforming and temporary portable buildings from school campuses. He said two nonconforming buildings collapsed during the 1987 Whittier Narrows earthquake, and the 1994 Northridge earthquake demonstrated that Field Act buildings performed better than residences and commercial buildings in the same areas. In response, the Legislature passed SB 50 in 1998, establishing a policy to eliminate use of nonconforming and portable buildings as schools. SB 1469, approved in 2000, set a deadline of September 30, 2007 for removal of these buildings. Mr. Duffy advised that there is a bill now pending, SB 1324, that would extend the deadline to 2015. He said CASH opposes this bill, and he urged the Commission's opposition as well.

Mr. Duffy acknowledged that there have been complaints about DSA plan review time and processes. He said a presentation at CASH's June 2006 workshops identified 10 things districts and architects do wrong and ways to correct them. He expressed support for doing more of this kind of outreach.

Mr. Duffy noted the Field Act has been under fire recently because of the high cost of construction in California since 2004, and community colleges are again seeking exemption. He said DSA's bin time is frequently cited as a problem, although school districts have a big part in

this process. He observed that some people oppose the Field Act because of its link to the prevailing wage.

Commissioner Ali asked how much money was currently available for school construction in California. Mr. Duffy said the Office of Public School Construction reports about \$4 billion is available for school construction, and there are local bond funds in addition to that.

Commissioner Ali asked Mr. Duffy to compare the cost of repairing damage at CSU Northridge with costs to repair K-12 schools within a 25-mile radius. Mr. Duffy stated that there was minimal damage to most public schools.

Commissioner Shapiro said he was a pupil in Los Angeles in the 1933 and recalled attending classes in an earthquake tent. He emphasized the importance of institutional memory so historical lessons are not lost. Mr. Duffy observed that there is no Field Act champion in the Legislature now, and less expertise because of term limits.

Chairman McGavin thanked Mr. Duffy for his remarks.

### **California Department of Education**

Mr. Fred Yaeger, Assistant Division director, School Facilities Planning Division, California Department of Education (CDE), provided an overview of a typical development timeframe for a public school in California. He described the site approval process, and noted many factors are considered, including safety, environment, topography, access, and utilities. Mr. Yaeger said approval of plans is the next step; CDE provides educational specifications, involving features such as classroom size, learning environment, parking, space for physical education, and toilets.

Mr. Yaeger noted that charter schools, although exempt from most provisions of the California Education Code, are still required to follow other federal and state laws. All have to comply with local building codes or the Field Act.

Commissioner Arulmoli asked how often CDE rejects proposed school projects. Mr. Yaeger responded that rejection is rare because most problems can be corrected during the back-check process.

Chairman McGavin thanked Mr. Yaeger for his presentation.

### **California Building Standards Commission**

Mr. David Walls, Executive Director, California Building Standards Commission, discussed the California Building Standards Commission's role in reviewing and approving building standards in California. He explained that California uses national model codes and adds amendments for specific occupancies. He showed a flow chart illustrating the steps in the code adoption process. He pointed out that state agencies develop and submit proposed amendments, which are reviewed and assigned to code advisory committees for evaluation. The code evaluation committees submit recommendations to the Building Standards Commission, and revised



language is sent back to state agencies for their review and comments. After a 45-day comment period, the packages return to the Building Standards Commission for final approval. Mr. Walls said the last steps are filing and publishing the codes before they take effect.

Chairman McGavin thanked Mr. Walls for his presentation.

At 12:30 p.m., the meeting was recessed for lunch. Chairman McGavin reconvened the meeting at 1:25 p.m.

## **California State University**

Mr. Thomas Kennedy, Chief, Architecture & Engineering, Capital Design and Construction, California State University (CSU), provided handouts describing CSU's seismic policy and seismic requirements. He said CSU complies with Title 24 of the CBC as adopted by the Building Standards Commission, with additional overlays in specific areas such as seismic, energy, and mechanical. He stated that CSU's objective is reasonable life safety protection.

Mr. Kennedy discussed CSU's plan review and inspection procedures. He reported that CSU manages its own program of code review, plan checking, and peer review for seismic and mechanical aspects. He said DSA enforces access compliance and the State Fire Marshal enforces fire and life safety codes. During construction, a full-time inspector provides continuous inspection and oversight; upon conclusion, a post-performance review of the process is done, and an outside department coordinates outside review of random projects. Mr. Kennedy noted that CSU contracts with outside plan review firms.

Mr. Kennedy said the increasing complexity of building systems and scheduling demands are major challenges for CSU, and adoption of the IBC represents a significant change. He indicated that CSU conducts ongoing reviews of its processes and implements improvements. As examples, he cited the creation of a seismic review board to identify and eliminate seismic risks, ongoing reviews of projects, and development of an emergency response plan.

Mr. Kennedy commented that CSU has found a delegated system with central oversight to be the best way to deliver plan review and construction oversight services. He noted there are overlapping levels of review and local field reviews, and the system is working well. He emphasized that CSU is taking a long-term perspective, and he encouraged commissioners and audience members to visit CSU's Website for more details.

Chairman McGavin thanked Mr. Kennedy for his presentation. Mr. Kennedy said he would provide follow-up cost information.

## **University of California**

Mr. Michael Bocchicchio, Facilities Administration, Assistant Vice President, Office of the President, University of California (UC), and former State Architect, said seismic safety has been the center of his career focus, and he commended the Seismic Safety Commission for its efforts.

He noted UC has constitutional status apart from other schools and colleges in California. He stated that UC pioneered its own seismic safety policy in 1975 after the San Fernando earthquake, and significant progress has been made.

Mr. Bocchicchio said UC follows Title 24 under policy, if not by law. UC implemented a seismic peer review policy in the 1990's and participated on a team of authors who developed Division 6R in the 1990's. Mr. Bocchicchio advised that UC is currently working with a number of other agencies to develop a standard code submittal package for the Building Standards Commission.

Mr. Bocchicchio described UC's enforcement system and procedures. He noted the Office of the President conducts a design review to check lateral resisting systems, shapes, and layouts that ensure good performance. Each campus has a designated building official to enforce building code compliance; DSA enforces access standards, and OSHPD has jurisdiction over UC hospital buildings. Mr. Bocchicchio said a full-time resident inspector coordinates work with the contractor, special inspectors, and other inspectors.

### **Department of General Services**

Mr. Joel McDonald, Chief, Seismic and Special Programs Section, Real Estate Services Division, Department of General Services (DGS), commended and thanked the Seismic Safety Commission for its support of Proposition 122, the bond act to inventory state buildings after the Loma Prieta earthquake in 1989. He said DGS surveyed all state buildings except UC, CSU, and community college buildings, a total of about 17,000. Proposition 122 provided \$300 million for retrofit of local essential services buildings and state buildings. DGS received \$250 million plus additional funds from FEMA. Mr. McDonald reported that 80 state buildings have been retrofitted, plus 120 local buildings.

Mr. McDonald said DGS follows the Uniform Building Code with California amendments for new construction and Division 6R for existing buildings. He reviewed a chart showing the branches and responsibilities within DGS' Real Estate Services Division. Mr. McDonald advised that all projects require inspection and plan review.

Mr. McDonald observed that state bureaucracy is a major challenge. He noted design-build projects often entail a more difficult plan review process, requiring an additional 6 to 8 weeks that may not be built into a project schedule. All seismic retrofit projects require outside peer review and oversight. He said DGS has hundreds of projects underway at any given time, ranging in size from about \$200,000 up to \$200 million. He stated that DGS has an in-house design staff, supervisors, and a quality control group, a total of approximately 100 people.

## **IX. PUBLIC COMMENT**

There were no members of the public who wished to address the Commission.

## **X. MISCELLANEOUS & GOOD OF MEETING**

Commissioners discussed possible guest speakers for the September 14 meeting. They proposed inviting the State Geologist and representatives from the Los Angeles Unified School District, smaller school districts, parent groups, community colleges, building officials, and community college students and faculty. Commissioners suggested potential meeting sites.

## **XI. ADJOURN**

There being no further business, the meeting was adjourned at 3:11 p.m.

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Sue Celli  
Office Manager

Approved by:

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Richard McCarthy  
Executive Director