

Date of Hearing: April 26, 2023

ASSEMBLY COMMITTEE ON LOCAL GOVERNMENT

Cecilia Aguiar-Curry, Chair

AB 1046 (Lowenthal) – As Amended April 18, 2023

SUBJECT: Alquist-Priolo Earthquake Fault Zoning Act: exemptions.

SUMMARY: Makes a number of changes to the Alquist-Priolo Earthquake Fault Zoning Act (Alquist-Priolo Act). Specifically, **this bill:**

- 1) Provides that terms used in the Alquist-Priolo Act that are not defined by the Act shall have the same meaning as defined in the California Building Standards Code, as specified.
- 2) Makes a number of changes to a portion of the Alquist-Priolo Act that outlines exemptions from its provisions, including the following:
 - a) Alters an exemption for an alteration to any structure for human occupancy if the value of the alteration does not exceed 50% of the value of the structure by clarifying that it does not include an addition, that the value must be an appraised value, and also requires such an alteration to meet either of the following:
 - i) There is no change in the existing authorized use or occupancy of the structure permitted by the city or county with jurisdiction over the structure.
 - ii) If there is a change in the use or occupancy of the structure, the change does not authorize a greater human occupant load and is less hazardous, based on life and fire risk, than the existing authorized use or occupancy of the structure permitted by the city or county with jurisdiction over the structure.
 - b) Adds the following to the list of types of buildings for which alterations that include seismic retrofitting are exempt:
 - i) Wood-framed buildings with soft, weak, or open-front wall lines on the ground floor permitted before the adoption of the 1976 Edition of the Uniform Building Code.
 - ii) Buildings with precast concrete members attached with nonductile connections permitted before the adoption of the 1997 Edition of the Uniform Building Code.
 - iii) Steel-frame buildings with welded moment frame connections permitted before the adoption of the 1997 Edition of the Uniform Building Code.
 - iv) Steel-braced frame buildings permitted before the adoption of the 1997 Edition of the Uniform Building Code.
 - v) Wood-framed buildings on or into a slope greater than one unit vertical and three units horizontal (33.3 percent) permitted before the adoption of the 1997 Edition of the Uniform Building Code.
- 3) Makes additional technical and clarifying changes.

FISCAL EFFECT: This bill is keyed fiscal.

COMMENTS:

- 1) **Bill Summary.** This bill makes a number of updating, technical and clarifying changes to the Alquist-Priolo Act. This bill is sponsored by the City of Long Beach.
- 2) **Author’s Statement.** According to the author, “Dozens of local permitting agencies in California must regulate development projects within earthquake fault zones according to the provisions of the Alquist-Priolo Act. Many of these provisions, however, are unclear and do not align with current building code standards and definitions, causing confusion for permitting agencies and developers. Furthermore, the Alquist-Priolo Act caps investments in existing facilities at 50 percent of the value of the property, making it difficult—and in some cases impossible—to address code compliance issues, safety needs, and core improvements related to fire prevention, ADA accessibility, and seismic retrofit. AB 1046 aims to clarify provisions of the Alquist-Priolo Act to align with current building code standards and to allow for projects that improve the overall safety of existing buildings in earthquake fault zones while decreasing the intensity of use and human occupancy load at the site.
- 3) **Background.** Enacted after the 1971 San Fernando Earthquake destroyed two hospitals, the Alquist-Priolo Earthquake Fault Zoning Act prevents local agencies from issuing permits to build on top of active faults. The State Geologist publishes maps which are the basis for developing regulations within recognized Earthquake Fault Zones.

The Alquist-Priolo Act applies to any subdivision subject to the Subdivision Map Act and which contemplates the eventual construction of homes. The Alquist-Priolo Act also applies to home construction that did not involve a re-view at the subdivision phase. The Act does not apply to single family homes with no more than two stories that are not part of a development of four or more dwellings.

The Alquist-Priolo Act contains exemptions for several types of projects:

- a) Condominium conversions.
- b) Structures built before May 4, 1975, unless the alterations or additions are more than 50% of a structure’s value.
- c) Alterations or additions where the value is less than 50% of a structure’s value.
- d) Structures damaged by the 1991 Berkeley-Oakland Hills fire that get state waivers.
- e) Alterations that include seismic retrofitting on certain types of structures built before May 4, 1975.

Under the Act, property that is sold or transferred must include disclosure information when it is located in an Earthquake Fault Zone.

The Alquist-Priolo Act, along with the Seismic Hazard Mapping Act, restricts the authority of cities and counties to approve projects for occupancy unless they meet terms established in

regulation by the State Mining and Geology Board. Prior to approving a project that is within an established Earthquake Fault Zone, cities and counties must require a geologic report identifying any hazard for sur-face fault rupture. Implementing regulations specify that no structure can be placed across an active fault. If a city or county finds that no undue hazard exists, the required geologic report can be waived, with approval from the State Geologist.

- 4) **Previous Legislation.** SB 1155 (Lieu) of 2014 would have required local agencies, before approving a project in certain locations, to determine that the project complies with existing law relating to the policies and criteria established by the State Mining and Geology Board and the findings of the State Geologist, in areas where official state Earthquake Fault Zone maps have not been completed or updated and more recent information is available from specified sources that indicates a newly-identified potential risk of an earthquake fault hazard. SB 1155 died on the inactive file on the Senate Floor.

AB 2133 (Niello), Chapter 251, Statutes of 2010, removed the exemption from the Alquist-Priolo Earthquake Fault Zoning Act that was added by SB 113 (see below) and, instead, provided a specific exemption from the Act for the California Memorial Stadium located on the University of California, Berkeley campus.

SB 113 (Local Government Committee), Chapter 332, Statutes of 2009, added an exemption from the Alquist-Priolo Earthquake Fault Zoning Act for any structure owned and operated by the state that is listed on the California Register of Historical Resources or the National Register of Historic Places, including the California Memorial Stadium.

- 5) **Arguments in Support.** The City of Long Beach, sponsor of this measure, writes, “The intent of the Alquist-Priolo Act is to reduce losses from surface fault ruptures, and dozens of agencies in California are mandated by the state to regulate development projects within earthquake fault zones according to the provisions of the Alquist-Priolo Act. Many provisions in the Alquist-Priolo Act, however, are unclear and do not align with the current edition of the California Building Standards Code requirements and terminology, leading to confusion for local permitting agencies and applicants. Furthermore, the Alquist-Priolo Act caps investments in existing buildings to 50 percent of the value of the building, making it difficult to address core safety improvements related to fire and life-safety, ADA accessibility, and seismic retrofit.

“AB 1046 aims to clarify provisions of the Alquist-Priolo Act and to align it with the California Building Standards Code. This will not only provide more clarity for local permitting agencies and applicants but also ensure that improvements to the overall safety and resiliency of existing seismically vulnerable buildings in earthquake fault zones can move forward.

“This bill also updates the Alquist-Priolo Act to expand the list of seismically vulnerable buildings within earthquake fault zones that can be retrofitted without being capped at 50 percent of the value of the property. The Structural Engineering Association of California has identified a list of seismically vulnerable building types that have performed poorly in past earthquake events. Recognizing the need to address the potential loss of these existing buildings and the impact to the community, many local permitting agencies, including the City of Long Beach, are encouraging or mandating seismic retrofitting of these buildings. Expanding the list of seismically vulnerable buildings to facilitate investment in seismic

retrofitting of these buildings will likely result in the largest improvement in reducing widespread life safety hazards and limiting structural damage.”

6) **Arguments in Opposition.** None on file.

REGISTERED SUPPORT / OPPOSITION:

Support

City of Long Beach [SPONSOR]

Opposition

None on file

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