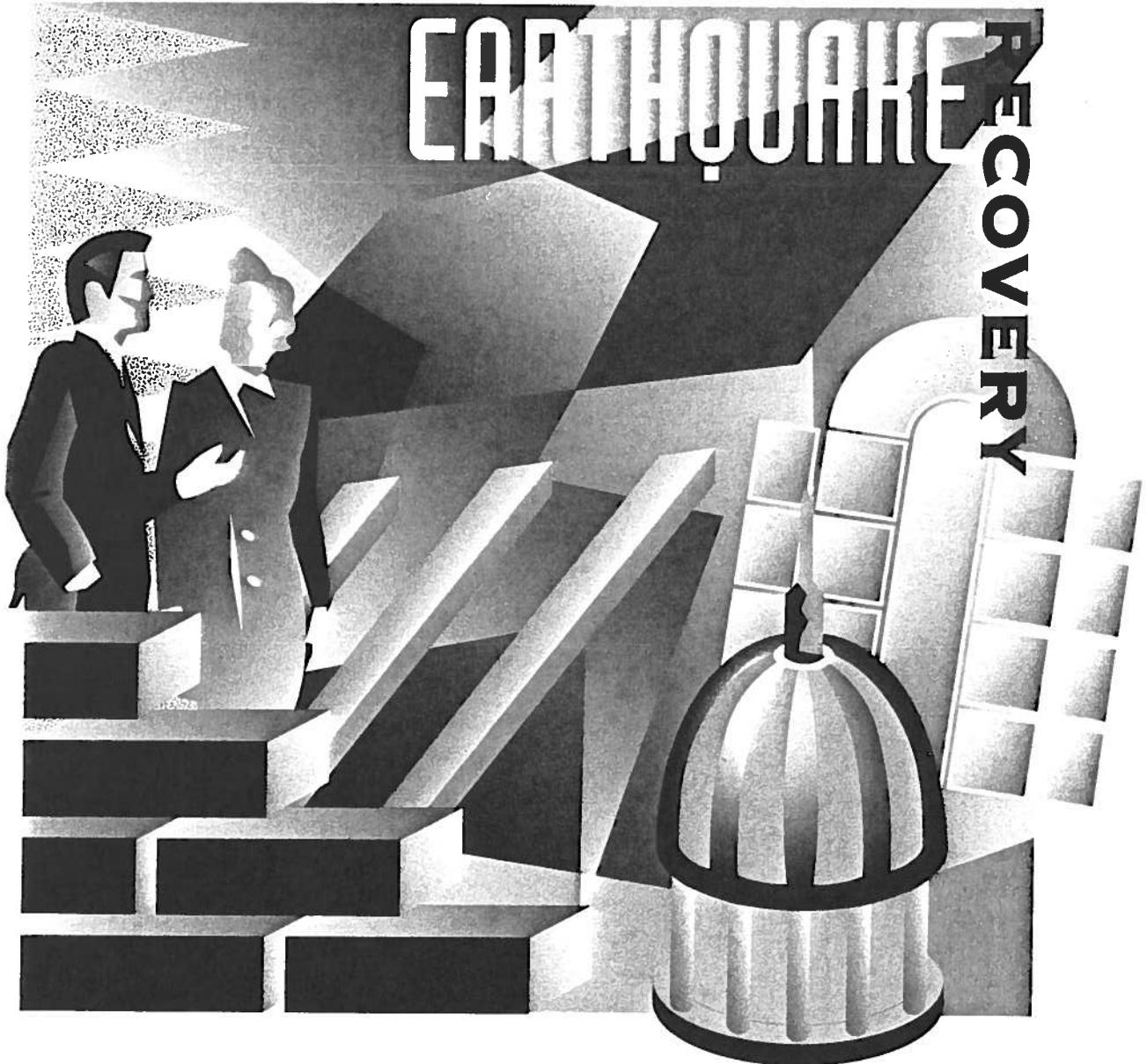


O E S
CALIFORNIA



*Governor's Office of
Emergency Services*

Earthquake Recovery: A Survival Manual for Local Government



**EARTHQUAKE RECOVERY:
A SURVIVAL MANUAL FOR
LOCAL GOVERNMENT**

September, 1993

Earthquake Program
Governor's Office of Emergency Services
State of California

Additional copies of this manual may be obtained from the Earthquake Program, Coastal Region, Governor's Office of Emergency Services, 101 8th Street, Suite 152, Oakland, CA 94607, (510) 540-2713.

This work was supported by joint funding through a cooperative agreement between the Federal Emergency Management Agency and the State of California Office of Emergency Services. The recommendations and suggestions in this document are intended to improve earthquake preparedness and hazard mitigation, emergency response, and disaster recovery. The contents do not necessarily reflect the views and policies of the Federal Emergency Management Agency or the California Office of Emergency Services. Nor do they guarantee the safety of any individual, structure, or organization in an earthquake. Neither the United States nor the State of California assumes any liability for a death, injury, or any property damages resulting from an earthquake.

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Marjorie Greene, Project Manager

Sarah Nathe, Editor

Scott McAfee, Graphics and Computers

Paula Schulz, Earthquake Program Manager

Earthquake Program, Coastal Region

Governor's Office of Emergency Services

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INTRODUCTION



Without warning, a major earthquake could strike your community. And that earthquake will probably be the single most important event in your city's history and future. How well you prepare for such an eventuality and its aftermath profoundly affects the economic and social fabric of your community.

This handbook was conceived as a way to share the lessons learned by communities that have already had a major earthquake. The information presented here is practical advice for those who have decision-making responsibilities and front-line authority. It will also be pertinent to public and private organizations and citizen volunteers who must augment the work of general government.

While this handbook focuses on the recovery phase after an earthquake, the most effective strategy for local government is to anticipate, as much as possible before an earthquake, the resources that will be needed and plan how they will be deployed. Given the reality of competing priorities, however, local officials frequently give little thought to recovery issues. This handbook is for these unlucky ones who have an earthquake and face an overwhelming number of decisions afterwards. Model ordinances and sample forms from jurisdictions have been inserted here to help expedite the many decisions. There are also abundant hints from damaged jurisdictions on the recovery process.

It is important to note here that the courts, as well as governments generally, are moving beyond the idea that earthquakes are simply Acts of God which cannot be anticipated. It is likely, therefore, that citizens who may someday be affected by an earthquake will take note when their public officials fail to plan for response and recovery or take reasonable precautions to mitigate the likely impacts of an earthquake.

In 1991 the Southern California Earthquake Preparedness Project (SCEPP), part of the California Office of Emergency Services, developed *Earthquake Recovery and Reconstruction Planning Guidelines for Local Governments*. Those guidelines identified general planning principles for recovery. The most important principle is to develop a recovery plan prior to an earthquake. This document augments those guidelines by providing detail and specific examples of the major issues identified from local California officials.

Although earthquake recovery involves all sectors of a community, local governments have the major responsibility of managing post-earthquake recovery and reconstruction, an overwhelming and unanticipated burden. An earthquake changes a community's agenda and priorities for several years, and local decision making is often constrained by the regulatory limitations of disaster assistance programs.

The most difficult issues emerge when the initial emergency period is over. While they resemble many that local officials deal with regularly--e.g., economic development, land use, housing, redevelopment and building standards--the environment is radically different. Public safety concerns and eagerness to return to normal quickly push the process and may limit the time available for decisions, but this can still be painfully slow and drawn-out.

Loma Prieta's Call to Action

A Report by the Seismic Safety Commission
State of California, 1991

We use the term recovery to mean generally the process of restoring a community to a normal, functioning life. John Hill, a community recovery authority, writes that "post-disaster recovery cannot be seen in terms of returning to a pre-disaster state, because the essence of a disastrous event is that the participants are all irrevocably changed by it."* We argue that a community's process of change during its recovery from an earthquake moves the community to a new state of equilibrium. As a community makes decisions to reach its new state, the process takes much longer than anticipated, possibly years longer; the process costs much more money than originally anticipated; and there is tremendous pressure on local officials to make decisions quickly, to "get things back the way they were before," even though it is impossible to return to the pre-earthquake state.

This manual is organized into five major categories: Recovery Management and Financing; Rebuilding and Reconstruction; Housing Recovery; Recovery of Public Facilities and Services; and Business Recovery. Each category has a number of subsections that provide more detail. There are 30 subsections, each of which contains a very brief summary of an issue and a number of associated policy actions or questions that will have to be addressed by local officials. Where relevant, there are useful attachments (sample forms, model ordinances). At the end of each of the five major categories is a list of additional pertinent resources.

* *Handbook for Community Development Workers (in a Post-Disaster Setting)*. John Hill. 1989. Uniting Church Center, Melbourne, Australia.

Local government officials are encouraged to duplicate and disseminate individual sections to appropriate personnel in their departments. Planning and building staff, for example, might be most interested in some of the subsections in Section II--Rebuilding and Reconstruction. Finance officials might be most interested in some of the subsections in Section I--Recovery Management and Financing. Local government staffs are also encouraged to add pertinent ordinances, forms, and hints that they discover in their planning for recovery.

A MESSAGE TO ELECTED OFFICIALS

—Comments prepared by Alan Goldfarb, former council member, City of Berkeley, and member of the Policy Advisory Board of the Bay Area Regional Earthquake Preparedness Project.

If you are an elected official, you already are aware of your special role in preparing your city for an emergency, such as a large earthquake, and in the arduous process of recovery. After all, only elected officials pass ordinances and budgets, and these define local public policy. But you may be relying too much on others in government to take a leadership role, and to ask the right questions.

Even though large urban areas in California are increasingly vulnerable to devastating earthquakes, it is natural for local elected officials to be preoccupied with more immediate concerns and priorities, and their costs. This manual addresses inattention to earthquake preparedness in two ways: first, by showing that the most important resources for earthquake preparedness, response, and recovery are already present in our cities; and second, by describing the lessons other communities have already learned, lessons that can be adapted if there is the foresight and will to do so.

While the focus of this manual is on earthquake recovery, it makes apparent that elected officials have a decisive role in all phases of the community's readiness process. From a policy standpoint, the elected official may begin by asking colleagues on the city council and staff these kinds of questions:

- ◆ Are there ordinances we should enact to require seismic retrofit of buildings that pose a threat to their occupants?
- ◆ What incentives can we provide in the way of loans, community development funds, and waiver of permit fees for seismic upgrading?
- ◆ Should there be specific time lines for retrofitting unreinforced masonry buildings and other known hazards?
- ◆ Is the city's emergency response plan realistic and up-to-date?
- ◆ Do we need to budget for adequate staff dedicated to earthquake preparedness?
- ◆ Should a citizens advisory committee be formed to monitor the city's progress?
- ◆ Can we provide training to Neighborhood Watch groups in first aid and disaster response?

- ◆ Are the School Board and the Redevelopment Agency involved in our earthquake recovery planning? Is the Red Cross? The business community?
- ◆ Do we need to enact additional mutual aid agreements with other entities?
- ◆ Do we have a strategy for effectively using volunteers?
- ◆ Do regulations dealing with zoning, buildings, landmarks and historic structures need revision?
- ◆ Does the safety element of our General Plan need updating?
- ◆ Do we need a bond issue to bring critical public facilities, including fire stations, up to seismic safety standards?

Anyone can ask these questions, but only an elected public official can get the right answer for his or her community and determine whether it is on a productive course. We hope this manual is useful in that regard.

Your Special Role After an Earthquake

1. You are not yourself an emergency responder or manager, so don't take on that role. Let your professionals who are trained in those roles handle the emergency response activities.
2. But your presence and visibility are important, and your participation, from the beginning, in recovery and reconstruction decisions is critical to the community regaining its equilibrium.
3. After a disaster, all decisions are important, but some are more crucial than others. It is your responsibility as a community leader to keep priorities in focus and help guide the decision-making process.
4. Grasping the complexities of the recovery process will be important as you lobby for resources and discuss the implications of the circumstances you are in. This document will help you begin to understand what your community faces.
5. Many disparate community organizations will need to work together during the recovery period. New relationships will be necessary between them. Acrimonious relationships must be improved. You can help greatly in bringing all parts of the community together and working toward a common goal.

2. KEEPING TRACK AND GETTING REIMBURSED



Getting reimbursed for all eligible costs following a presidentially declared disaster is critical to the economic recovery of local governments. Responding to and recovering from a major disaster is incredibly expensive. Disaster-related personnel, equipment or public works costs are not typically included in a baseline budget. Any reserves or discretionary funds available are quickly exhausted. A disaster delivers a fiscal one-two punch to local governments: it imposes a huge unbudgeted expense at the same time it decreases the local tax base. Applying for and receiving timely reimbursement for all eligible costs aids specific recovery activities and hastens the re-establishment of everyday government processes. It is also a critical determinant in the repair and reconstruction of government-owned facilities.

These few pages are not intended to provide a comprehensive overview of all reimbursement issues you will face. Several days after the disaster receives a state or federal declaration, representatives from various state and federal agencies will conduct what is called a Public Officials' Briefing; at it you will receive copies of necessary forms and regulations, and you will meet the people from the state who will advise you throughout the recovery process. If you are reading this prior to a disaster, you are strongly encouraged to obtain training in the disaster assistance process. The California Specialized Training Institute (CSTI), part of the California Office of Emergency Services, offers several overview courses (see the listing under Additional Resources). In addition, local governments can request training from the Disaster Assistance Division of California OES.

POLICY ACTIONS

- ☛ Be familiar with the authority, situation and procedures for issuing a Local Emergency Declaration and for requesting a State of Emergency Proclamation from the governor. Is the assistance available under both the Local Declaration and State Proclamation clearly understood? Be sure your attorney is knowledgeable in these areas.
- ☛ In the event of a Federal Major Disaster Declaration, are appropriate departments familiar with the authorities, work eligibility, cost eligibility, application procedures, damage survey report process, and other details of the FEMA Public Assistance Program?

continued

Policy Actions (continued)

- ☞ Have a disaster cost-tracking documentation system. Base it on federal/state requirements for , and make it compatible with your normal accounting system. See that it includes mechanisms for tracking personnel, equipment and activity from the moment the disaster strikes.
- ☞ Train staff in key departments to implement and use the disaster documentation system immediately following a disaster.
- ☞ Police, fire, emergency services, building department, public works and other key response and recovery personnel should be oriented to the disaster documentation system. Can you implement your disaster documentation system quickly and effectively? Are the necessary forms readily available?
- ☞ Create a central management committee or coordinator to oversee the reimbursement process. Meet regularly with an agenda and keep minutes. A typical financial recovery team includes the city attorney and representatives from finance, public works, parks and recreation, and emergency services. (These people will spend 75-100% of their time on recovery for at least a year or more, depending on the size of the disaster.)
- ☞ Designate someone as your community's authorized agent. This person should have sufficient authority and responsibility to sign official papers, but typically is not the top official. It should be someone who is a capable coordinator.
- ☞ It is important to determine public sector damages as quickly as possible. You will need to conduct an initial review, followed by a thorough review of all damages. This thorough review should include identifying foundation damage that might not be easily identified from a cursory review of the building, and subterranean damage such as that to sewer and water lines. Consider using TV cameras to inspect your sewer and water lines.
- ☞ You will need a system to report status of damaged facilities, Damage Survey Reports filed/approved, and payments received/pending. Use monthly or quarterly fact sheets to update elected officials, city administrators, and media representatives.
- ☞ Do not hesitate to request time extensions for the work if it cannot be completed for reasons beyond your control (such as delays in the construction schedule, weather, regulatory changes). Contact the Disaster Assistance Division of OES to request a specific time extension. This will avoid audit exceptions and delays in final payment.

Policy Actions (continued)

- ☛ A federal disaster declaration carries with it a requirement (the federal authorities issue of the Stafford Act) that local jurisdictions seek first to recover disaster losses from the federal agency responsible for the area in question (e.g., Department of Transportation, FAA, Department of Housing and Urban Development, Corps of Engineers). You will need to apply to these sources *before* going to FEMA.
- ☛ Make sure your finance department is familiar with federal and state audit requirements. Will your system capture and retain, in an organized fashion, all documentation to insure a successful audit?
- ☛ Seek immediate assistance from other jurisdictions that have gone through recent similar disasters. They may have many time-saving suggestions. (California OES can facilitate this.)
- ☛ Arrange to schedule sessions with state and federal representatives on a regular basis to resolve important issues.
- ☛ Since it can be months or years from the time of the disaster to the final inspection and audit, procedures should be easy to follow. It is likely that your personnel will change, and people will forget specifics over time. Develop desk manuals for your staff in Finance. Institutionalize the process.

HINTS FROM CALIFORNIA COMMUNITIES

- ☛ *After the Loma Prieta earthquake, the City of Watsonville hired an outside firm that specializes in disaster reimbursements to help set up their process and document their claims.*
- ☛ *To appreciate how long the reimbursement process can take, ponder this: in the summer of 1993 there are still many local government applicants waiting for reimbursement from the 1983 floods.*
- ☛ *The City of San Francisco had contracts in place with various nonprofit agencies prior to the earthquake to provide social services such as housing after a disaster. This allowed those agencies to be reimbursed for the disaster-related services they provided.*

continued

HINTS (continued)

- ☞ *Get to know the state and federal officials you will be working with following a disaster. An established relationship can be of great help in the weeks, months and often years of recovery efforts. Many issues can be resolved without employing the formal appeal process if mutual trust and respect exist among the parties concerned.*

- ☞ *The City of Oakland found the statement of work in each Damage Survey Report to be very important. The dollar figure in the DSR is an estimate. If your scope of work is detailed and complete and your bidding process documented and accurate, you will likely receive full reimbursement, even if actual costs exceed the estimate. If the scope of work changes, contact the Disaster Assistance Division of state OES and request a re-inspection for additional work.*

- ☞ *The City of Watsonville's Community-Based Disaster Response Plan (developed after the Loma Prieta earthquake) establishes official roles for community-based organizations. This facilitates the receipt of reimbursements from FEMA for services they provide. (See the listing under Additional Resources after Section IV.)*

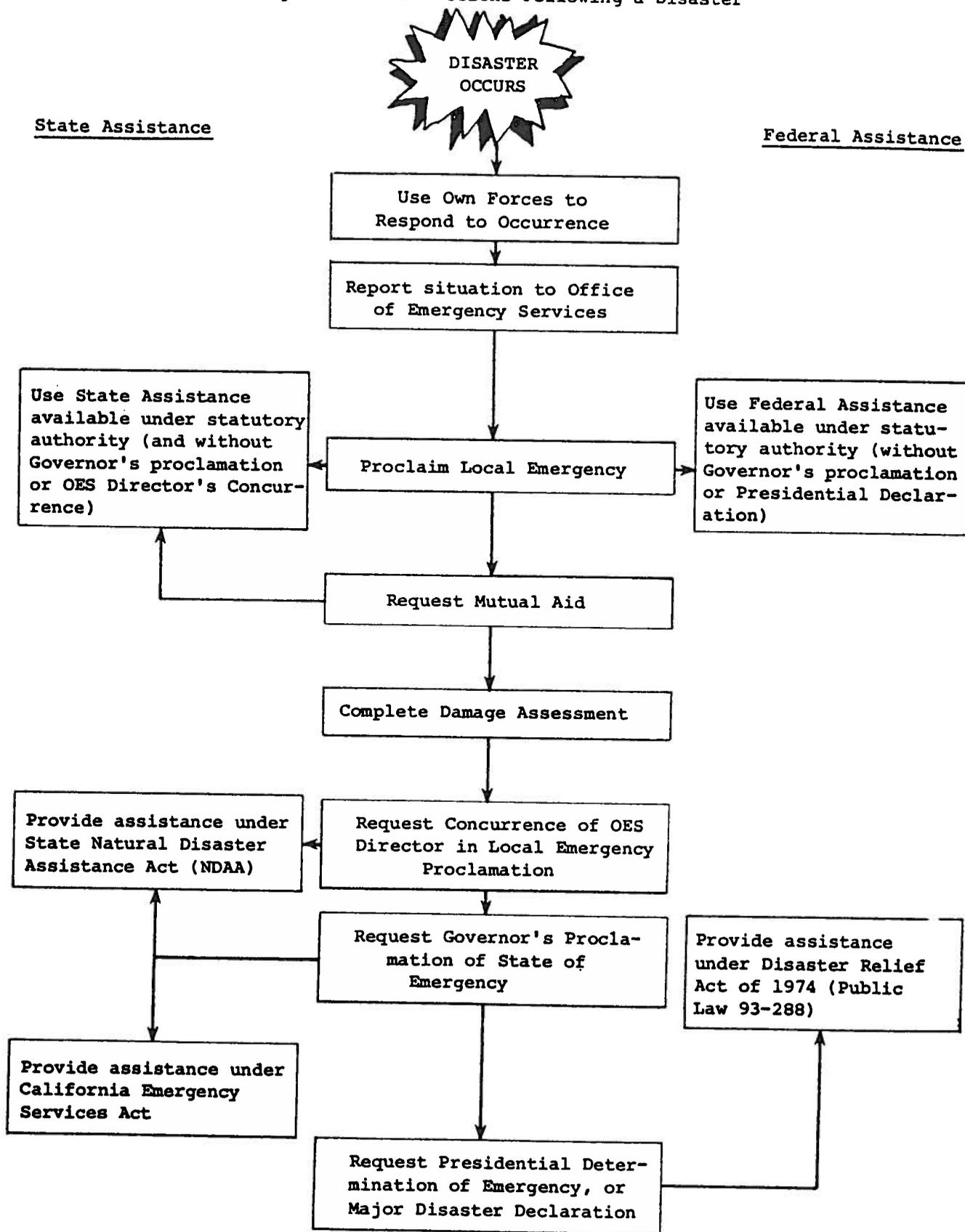
ATTACHMENTS

1. "Overview: Local Actions Following a Disaster--Declarations and Assistance." Prepared by California Specialized Training Institute (CSTI) and the Disaster Assistance Division, both divisions of California Office of Emergency Services (OES). (Outline of the process in California for declaring emergencies and what types of state and federal resources are available, depending on the level of emergency.) [On page 23.]

2. "FEMA Public Assistance Program." An overview prepared by CSTI and the Disaster Assistance Division, California OES. [On page 37.]

3. "State Natural Disaster Assistance Act." An overview prepared by CSTI and the Disaster Assistance Division, California OES. [On page 48.]

Diagram of Local Actions Following a Disaster



DECLARATION PROCESS SPECIFICS

Two conditions must be met before the State makes a request:

- *The situation must be of such severity and magnitude that effective response is beyond the capabilities of the State and affected local governments;*
- *Federal assistance under the Act must be necessary to supplement the efforts of the State, local governments, and disaster relief organizations.*

The completed request from the Governor to the President must contain the following:

- *Confirmation that the Governor has taken appropriate action under State law and has directed the execution of the State emergency plan;*
- *An estimate of the amount and severity of damages and losses, stating the impact of the disaster on the public and private sectors;*
- *Information describing the extent and nature of State and local resources which have been or will be used to alleviate conditions of the disaster, stating specifically those activities for which no Federal funding will be requested;*
- *Preliminary estimates of the types and amount of supplementary Federal disaster assistance needed under the Act;*
- *Certification by the Governor that State and local government obligations and expenditures for the disaster (of which State commitments must be a significant proportion) will constitute the expenditure of a reasonable amount of funds for alleviating the damage, loss, hardship or suffering resulting from such disaster.*

When processing a request for declarations of a major disaster or emergency, the FEMA Regional Director makes a recommendation to the President. That recommendation must be made in the form of a report which will indicate whether or not the situation is of such severity and magnitude so as to be beyond the capabilities of the State and local governments and whether or not Federal assistance under Public Law 93-288 is necessary to supplement the efforts of the State and local governments, and other disaster relief organizations or activities.

STATE AND LOCAL ACTIONS

I. GENERAL

- A. Role of Disaster Assistance Division
- B. Local Responsibilities
 - 1. Primary responsibility for responding to, recovering from, and mitigating against the effects of disaster rests with local government
 - 2. State and/or federal assistance will be provided only when the effects of the emergency are beyond the capability of local resources to mitigate effectively

II. LOCAL ACTIONS

- A. Reconnaissance
 - 1. Local Government must assess situation; location, extent, nature of damage
 - 2. Information important for determining the urgency and requirements for deployment of emergency equipment and personnel
- B. Situation Reports
 - 1. Initial Situation Report is a description of the occurrence and nature and extent of the damage
 - 2. Situation Report, compiled from reconnaissance information, should be sent to OES Region Office within 4 hours of occurrence
 - 3. Reports should be updated whenever significant new information is available, but not less than 24 hours after the initial report
 - 4. Situation Report:
 - a. Allows state OES to coordinate information and data from various affected areas to determine what action(s) may be necessary
 - b. Provides basis for damage assessment

C. Resources

1. The first response is of necessity by local government
2. If it is determined that the emergency is beyond the capability of local forces, mutual aid, as provided under the Master Mutual Aid Agreement, may then be requested
 - a. Master Mutual Aid Agreement allows local agencies to request voluntary, supplemental assistance from adjoining neighboring jurisdictions
 - b. Mutual aid requests should first be addressed to adjoining cities, then from city to county, and from county to state. Request for additional aid must be made by the county to the OES Region
 - c. OES Regional Manager may request aid from other counties and from state agencies within the Mutual Aid Region
 - d. OES Regional Manager may request OES Headquarters to request aid from counties and state agencies outside the requesting Mutual Aid Region
 - e. Mutual Aid becomes mandatory under a Governor's State of Emergency proclamation

LOCAL EMERGENCY DECLARATION

A. Authority

1. Government Code Sections 8630-8634

B. By Whom

1. City Council
2. Board of Supervisors
3. Person Authorized by local ordinance

C. When

1. For a specific situation, such as flood, fire, storm, earthquake, epidemic, drought, sudden and severe energy shortage, or other similar condition
 - a. When there exists a condition of extreme peril to the safety of persons and property, and,
 - b. When conditions are beyond the effective response capability of local government.

D. Local Emergency Declaration should include information pertaining to:

1. Type of disaster
2. Date(s) of Occurrence
3. Area(s) affected

E. Other Considerations

1. Copies should be provided to OES Region and OES Headquarters
2. Local Declaration must be made within 10 days of occurrence for jurisdictions to qualify for assistance provided under state Natural Disaster Assistance Act
3. The local governing board must review the need for continuing the local emergency declaration at least every 14 days
4. Termination should be proclaimed at the earliest possible date

IV. ASSISTANCE AVAILABLE WITHOUT A GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY

A. State Assistance

1. Department of Water Resources (DWR)
 - a. Authority
 - (1) Water Code Section 128

b. Scope

- (1) The Director, DWR, may declare an emergency when:
 - (a) Emergency affects waters or dams of the state or lands below fire damaged watershed, and
 - (b) Work immediately required to protect health and safety and improved property

c. Implementation

- (1) Local government request, by resolution, must contain following assurances:
 - (a) Local resources exhausted
 - (b) Local government will obtain rights-of-way
 - (c) Hold harmless for state and agents
 - (d) Local government will patrol and continue to perform emergency work as it is able and maintain works as required by DWR

d. Procedure

- (1) Requests must be sent through DWR district office, with copies to the OES Regional Manager, and DAD
- (2) State Department of Finance permission required prior to the expenditure of funds

2. Department of Transportation (Caltrans)

a. Authority

- (1) Government Code Section 14120

b. Scope

- (1) Director, Caltrans, may declare an emergency with regard to streets, roads, and bridges, in time of disaster resulting from storms and floods, when:

- (a) Matter of general public and state concern, and
 - (b) Work immediately required to protect health and safety and improved property
 - c. Implementation
 - (1) Local government request, by resolution, must contain following assurances:
 - (a) Local resources exhausted
 - (b) Local government will obtain rights-of-way
 - (c) Hold harmless for state and agents
 - (d) Local government will continue to perform emergency work as it is able and maintain works as required by Caltrans
 - d. Procedure
 - (1) Requests must be sent through Caltrans district office, with copies to the OES Regional Manager, and Director, OES
 - (2) State Department of Finance permission required prior to the expenditure of state funds
- 3. Department of General Services (DGS)
 - a. Authority
 - (1) Government Code Section 14970
 - b. Scope
 - (1) Director, General Services, may declare an emergency with regard to public buildings, utilities, or other facilities, in time of disaster resulting from storms and floods, when:
 - (a) Matter of general public and state concern, and

- (b) Work immediately required to protect health and safety and improved property

c. Implementation

- (1) Local government request, by resolution, must contain following assurances:
 - (a) Local resources exhausted
 - (b) Local government will obtain rights-of-way
 - (c) Hold harmless for state and agents
 - (d) Local government will continue to perform emergency work as it is able and maintain facilities as required by DGS

d. Procedure

- (1) Requests must be sent through DGS, with copies to the OES Regional Manager, and OES Director
- (2) State Department of Finance permission required prior to the expenditure of funds

B. Federal Assistance

1. U.S. Army Corps of Engineers

a. Authority

- (1) Public Law 84-99, as amended

b. Scope

- (1) Flood fighting

c. Implementation

- (1) Local Government Resolution, similar to Section 128 requirements

d. Procedure

- (1) Copies of requests sent to OES, DAD the OES

2. U.S. Coast Guard

- a. Can provide assistance in search and rescue operations, evacuate disaster victims, and transport supplies and equipment.

V. STATE OF EMERGENCY PROCLAMATION

- A. Requires Local Declaration
- B. Should be requested when the governing body of a city, county, or city and county determine that:
 1. Emergency conditions are beyond the control of the services, personnel, equipment, and facilities of any single county, city, or city and county, and,
 2. Emergency conditions require the combined forces of a mutual aid region or regions to combat
- C. Governor may proclaim a state of emergency when:
 1. The conditions described above exist, and either
 - a. He/she is requested to do so by governing authority of a jurisdiction, or,
 - b. He/she finds that the local authority is inadequate to cope with the emergency
- D. Request for state of emergency proclamation should include:
 1. Copy of Local Declaration
 2. Damage Assessment Summary

VI. ASSISTANCE AVAILABLE WITH A GOVERNOR'S PROCLAMATION OF A STATE OF EMERGENCY

- A. State Assistance
 1. General
 - a. Under State of Emergency Proclamation, the Governor has the authority to:
 - (1) Expend budgeted or emergency funds;

- (2) Use state resources (i.e. CNG, CCC, CDC); and,
- (3) Direct all agencies to utilize and employ state personnel, equipment, and facilities to avert or alleviate actual or threatened disaster damages.

2. California Conservation Corps (CCC)

- a. Requests for CCC resources should be directed through the OES Regional Manager
- b. Request should include:
 - (1) Nature of problem and why resource needed;
 - (2) Approximate number of personnel required; and,
 - (3) Approximate duration of assignment.
- c. State OES will provide a mission assignment number and information on crew availability.
- d. Limitations
 - (1) Specialized equipment must be provided by requesting jurisdiction;
 - (2) Crews work 40 hour week; overtime normally paid by the requesting jurisdiction;
 - (3) When working beyond commute range, requesting jurisdiction normally requested to supply food and housing; and,
 - (4) Requesting jurisdiction required to provide technical and logistical guidance, when necessary.
- e. California National Guard (CNG)
 - (1) Requests for use of National Guard resources should be directed through the OES Regional Manager
 - (2) Request should include:
 - (a) Mission Statement [when, why, what]
 - (b) Operating Conditions

(c) Point of Contact [who]

(3) State OES will provide a mission assignment number to the CNG

3. Federal Assistance

a. U.S. Army Corps of Engineers

(1) Authority

(a) Public Law 84-99

b. U.S. Department of Education

(1) Authorities

(a) Public Laws 81-815 and 81-874

(2) Scope

(a) Disaster assistance for public elementary and secondary schools

c. Federal Highway Administration

(1) Authority

(a) Title 23, Section 125, U.S. Code

(2) Scope

(a) Provides financial assistance for repair or reconstruction of highways on the Federal Aid System which have sustained serious damage as a result of a disaster, concurred with by the Administrator, Federal Highway Administration.

(3) Implementation

(a) Request for assistance must be made to the Director, state Department of Transportation (CALTRANS), through local CALTRANS district office.

- (b) Permanent repair work should not be initiated until the Title 23 program implemented and specific projects approved.
- (c) Program may also be implemented as part of a major disaster declaration

GOVERNOR'S REQUEST FOR A FEDERAL MAJOR DISASTER DECLARATION/EMERGENCY

A. Requires:

- 1. Local Declaration
- 2. State of Emergency Proclamation

B. Basis for Request:

- 1. Situation is of such severity and magnitude that effective response is beyond the capabilities of the state and affected local governments, and,
- 2. Federal assistance under the Stafford Act is necessary to supplement the efforts and available resources of the state, affected local governments, disaster relief organizations, and compensation by insurance

C. Preliminary Damage Assessment (PDA)

- 1. Team Composition
- 2. Notification
- 3. Team Assignment
 - a. Need for local contact
 - b. Windshield survey
 - c. Site identification
- 4. Problems
 - a. Emergency Costs
 - b. Budget Information

D. Request Must Include:

1. Confirmation that Governor has taken appropriate action under state law and directed execution of the State Emergency Plan
2. Estimate of amount and severity of damages and losses stating the impact on public and private sectors
3. Information describing the nature and amount of state and local government resources committed, stating specifically those activities for which no federal funding will be requested
4. Preliminary estimates of the types and amounts of supplementary federal assistance needed, as provided under the Stafford Act [Summarized PDA results]
5. Certification by the Governor that state and local government obligations and expenditures for the current disaster will comply with all applicable cost-sharing requirements of the Stafford Act, or constitute the expenditure of a reasonable amount of funds for alleviating disaster damages, losses, and suffering

E. Exception to application requirements may be granted:

1. For catastrophes of unusual severity and magnitude when field damage assessments are not necessary to determine the requirements for supplemental federal assistance
2. Governor may submit abbreviated expedited request

F. Deadlines

1. Request for Major Disaster Declaration must be made within 30 days of incident occurrence
2. Request for Emergency Declaration must be submitted within 5 days of the incident occurrence

G. FEMA Processing

1. Regional Analysis prepared from PDA data, information submitted as part of state request, and consultations among state, federal, and local officials
2. Regional Director recommendation forwarded to FEMA Associate Director (Washington D.C.)

3. FEMA Director will review Governor's request and Regional Analysis and formulate recommendation for forwarding to the President with Governor's request
4. Major Disaster Declaration recommendation based on finding of whether or not situation is beyond capabilities of the state and affected local governments
 - a. FEMA will consider factors such as:
 - (1) amount and type of damages
 - (2) availability of state and local resources
 - (3) the extent and type of insurance in effect
 - (4) recent disaster history
 - (5) past hazard mitigation history, etc.
5. Emergency Declaration recommendation will be based on a report which will indicate whether or not federal emergency assistance is necessary to supplement state and local efforts to save lives, protect property, or avert the threat of a catastrophe

from "Overview: Declarations and Assistance", California OES, 1992.

FEMA PUBLIC ASSISTANCE PROGRAM

A. Required Steps

1. Local Declaration
2. State of Emergency Proclamation
3. Declaration of Major Disaster or Emergency

B. Authorities

1. Federal Disaster Relief Act of 1974, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Amendments of 1988
2. Title 44, *Code of Federal Regulations*, Part 200
3. State Administrative Plan for Public Assistance

C. Applicant Eligibility

1. State Agencies
2. Counties
3. Cities
4. Special Districts
5. Schools K-12
6. Colleges and Higher Education
7. Private Non-Profit Organizations

D. Private Non-Profit Organizations

1. Existing
 - a. Educational
 - b. Utility
 - c. Emergency
 - d. Medical
 - e. Custodial Care

2. **New**: Essential Governmental Services
 - a. Includes facilities such as community centers, libraries, homeless shelters, senior citizen centers, shelter workshops, and similar facilities open to the general public
3. Requirements
 - a. Ruling letter from IRS, granting tax exemption under section 501(c), (d) or (e) of the Internal Revenue Code of 1954; or,
 - b. Satisfactory evidence from the state that the nonrevenue producing organization or entity is a nonprofit one organized or doing business under state law.

E. Work Eligibility

1. General
 - a. Work must be required as a result of disaster event
 - b. Work must be located within a designated area
 - c. Work must be the legal responsibility of an eligible sub-grantee
 - d. Limit: Assistance will not be made available under the Stafford Act when another federal agency has specific authority
2. Work Categories
 - a. CAT A-- Debris Clearance
 - b. CAT B-- Emergency Protective Measures
 - c. CAT C-- Road System Repairs
 - d. CAT D-- Water Control Facilities
 - e. CAT E-- Buildings and Equipment
 - f. CAT F-- Public Utility Systems
 - g. CAT G-- Other (Parks, Recreational Facilities, etc.)
3. Debris Removal
 - a. Regional Director may authorize removal of debris from privately or publicly owned lands and waters. Such work must:
 - (1) Eliminate immediate threats to life, public health, and safety;
 - (2) Eliminate immediate threats of significant damage to improved public or private property; or,

- (3) Ensure economic recovery of the affected community-at-large.

4. Emergency Protective Measures

- a. Measures undertaken to preserve public health and safety and to eliminate threats to public or private property.
Measures must:
 - (1) Eliminate or lessen immediate threats to life, public health, and safety;
 - (2) Eliminate or lessen immediate threats of significant damage to improved public or private property; or,
 - (3) Eliminate or lessen immediate threats of additional damage to improved public or private property through cost-effective measures.
- b. Examples:
 - (1) Shelter
 - (2) Temporary Repairs
 - (3) National Guard emergency labor
 - (4) Emergency Communication
 - (5) Emergency Transportation
 - (6) Cooperative Agreement Costs

5. Permanent Restoration

- a. Work undertaken to restore eligible facilities on the basis of the design of such facilities as such facilities existed immediately prior to the disaster and in conformity with current codes and standards.
- b. Standards
 - (1) Must apply to type of repair or restoration required;
 - (2) Must be appropriate to the pre-disaster use of the facility;
 - (3) Must be in writing and adopted prior to project approval; and,
 - (4) Must apply uniformly to all similar types of facilities within the jurisdiction of the code granting authority
- c. Repair vs. Replacement
 - (1) A facility is considered repairable when repairs can restore the facility to the pre-disaster function and the cost of such repairs can be made at a cost less than the estimated replacement cost of the damaged facility.
 - (2) When a facility is deemed non-repairable by the FEMA Regional Director, approved restorative work shall include replacement of the facility on the basis

of pre-disaster design, in conformity with applicable codes and standards for new construction.

- d. Relocation
 - (1) The FEMA Regional Director may require and approve funding for restoration of a destroyed facility at a new location when the facility is and will be subject to repetitive heavy damage.
- e. Inactive Facilities
 - (1) Facilities that were not in active use at the time of the disaster are not eligible except in those instances where the facilities were or temporarily inactive due to repairs or remodeling.
- f. Leased Facilities
 - (1) Sub-grantee Owned
 - (2) Sub-grantee Leased

6. Equipment

- a. Reasonable repair costs are eligible or, if destroyed, equipment may be replaced with comparable item. Replacement subject to current fair market value, less salvage and/or insurance recovery.

F. Cost Eligibility

1. General Requirements

- a. Necessary and reasonable;
- b. Authorized or not prohibited under state, local, or other federal laws, regulations, or other governing limitations;
- c. Consistent with policies, regulations, and procedures that apply uniformly to federally assisted and other activities of the unit of government;
- d. Treated consistently through application of generally accepted accounting principles;
- e. Not allocable to or included as a cost of any other federally financed program; and,
- f. Net of all applicable credits.

2. Wages

- a. Gross wages or salaries, including overtime and fringe benefits (excluding employee contributions)
- b. Extra hire costs
- c. Limitation on supervisor or management staff salaries
- d. CTO

3. Equipment
 - a. Sub-grantee-owned
 - (1) General
 - (a) Regulations allow for reimbursement for ownership and operation of costs of applicant owned equipment used to perform eligible work.
 - (2) Rates established under state guidelines
 - (a) \$75.00 rule
 - (3) Rates established under local guidelines
 - (a) FEMA Schedule of Equipment Rates
 - (b) Alternate Rate approval
 - (4) Equipment not included on the FEMA Schedule of Equipment Rates
 - (5) Equipment damaged or destroyed as result of disaster
 - b. Rental Equipment
 - (1) Reasonableness
4. Consumable Supplies
 - a. 30 day rule
 - b. Hand tools, materials, and supplies
5. Cooperative Agreements
 - a. Direct Costs
 - b. Federal Agency Costs
6. Reductions
 - a. Insurance
 - b. Salvage
 - c. Discounts
7. Administrative Costs
 - a. Allowance for necessary costs of requesting, obtaining, and administering federal disaster assistance sub-grants

(1)	\$0-99,999	3 percent
(2)	\$100,000-999,999	2 percent
(3)	\$1,000,000-4,999,999	1 percent
(4)	\$5,000,000 and up	.5 percent

G. Application Procedure

1. State Role
 - a. State is responsible for processing all sub-grants to applicants
 - b. State responsibilities include:
 - (1) Providing technical advise and assistance to sub-grantees;
 - (2) Providing state support for damage survey activities;
 - (3) Ensuring that potential applicants for assistance are aware of assistance available; and,
 - (4) Submitting documents necessary for grant awards.
2. Briefings
 - a. Official
 - b. Applicant
3. Application Requirements
 - a. Notice of Interest (NOI)
 - (1) 30 day rule
 - b. List of Projects (Exhibit B)
 - c. Resolution Designating an Authorized Representative
 - d. OES Project Application (OES 89)

H. Damage Survey Reports (DSRs)

1. Joint State/Federal Inspection Team
2. Inspection team prepares a DSR Data Sheet for each site/project reported on the List of Projects (Exhibit B)
3. Project means all work performed at a single site, whether or not described on a single DSR
 - a. Large Project-- approved estimate of costs for project is \$35,000 or more.
 - b. Small Project-- approved estimate of costs for project is less than \$35,000.
4. DSR identifies:

- a. Scope of work
 - b. Quantitative estimate of cost of work
5. Non-concurrence
6. **Any damage not shown to the inspection team during its initial visit must be reported to the FEMA Regional Director, through the Governor's Authorized Representative (GAR), within 60 days following the completion of the initial visit.**
- I. Grant Approval**
- 1. Standard Form 424 and 424D
 - 2. DSRs reviewed by FEMA Regional Director
 - a. 45 day rule
 - 3. Fund obligation
- J. Supplements**
- 1. May be approved for:
 - a. Substantial Errors or Omissions
 - b. Overruns/Underruns caused by variations in unit prices (Cost Adjustments)
 - c. Changed Site Conditions/ Scope Adjustments
 - 2. Small Projects-- Special Procedures
 - a. Will normally be adjusted at time of final inspection
 - b. Offsetting Procedure
 - 3. Supplements should be requested at the earliest possible time and prior to completion of the work in question
 - 4. Requests for a change in scope must be filed prior to work commencement
 - a. Damage Verification Form
- K. Construction Monitoring Program**
- 1. Large Projects over \$200,000

L. Quarterly Progress Reports

1. Submitted by state to FEMA Regional Director

M. Funding

1. Cost Sharing

- a. Subject to FEMA/State Agreement
- b. 75 percent/25 percent federal/state and local costs shares established as minimum under Stafford Act

2. Options

- a. Improved Projects
 - (1) Subject to GAR approval
- b. Alternate Projects
 - (1) 10 percent "penalty"
 - (2) Subject to FEMA Regional Director approval

3. Payments

- a. General Requirements
 - (1) Resolution
 - (2) OES Project Application (OES 89)
- b. Small Projects
 - (1) Automatic Advance Payment (after supplement approval)
- c. Administrative Allowance
 - (1) Automatic Advance Payment (after supplement approval)
- d. Large Projects
 - (1) Request For Reimbursement (OES 132)
 - (2) Reimbursement Payment
 - (a) Progress Payments
 - (b) 25 percent withhold
 - (c) Final Payment after final inspection or audit

N. Other Issues

1. Flood Insurance

- a. First Bite No Longer Free
- b. Effective Date May 22, 1989

2. Insurance Commitment
3. Historic Site Review Process
 - a. Emergency Demolitions (30 day rule)
 - b. Section 106 Process
4. Required Hazard Mitigation

O. Completion Deadlines

1. Debris Clearance (CAT A) 6 Months*
2. Emergency Work (CAT B) 6 Months*
3. Permanent Work (CATs C-G) 18 Months*

* Dates established from date of major disaster declaration

4. The GAR may extend, when justified, as follows:
 - a. Debris Clearance 6 Months
 - b. Emergency Work 6 Months
 - c. Permanent Work 30 Months
5. FEMA Regional Director may extend, beyond these dates, with adequate justification.
6. Remember: Costs allowed only to date of last approved time extension.

P. Final Claim

1. Applicant must submit final claim within 60 days of the completion of all approved projects
2. A state engineer will complete an on-site inspection of all completed projects
3. Audits
4. Records Retention

Q. Appeals

1. General

- a. The sub-grantee may appeal any determination previously made related to federal assistance for a sub-grantee, including a time extension.
- b. Appeal must be made in writing and submitted to grantee within 60 days after receipt of the notice of the action being appealed. Must include supporting information.

2. First Appeal (Region Level)

- a. State Review-- Must make recommendation and transmit to FEMA Region within 60 days after receipt from sub-grantee
- b. Region Review-- Must notify state of decision or need for additional information within 90 days after receipt from the state
 - (1) If additional information required, FEMA Regional Director must notify state of decision within 90 days of receipt of the additional information

3. Second Appeal

- a. If first appeal denied by Region, the sub-grantee may submit a second appeal to the FEMA Associate Director in Washington, D.C.
- b. State/Region Review-- Must be submitted, through the state and FEMA Regional Director, within 60 days of the receipt of notification of the denial of the first appeal.
- c. Associate Director Review-- Must render a decision within 90 days following receipt of the second appeal unless additional information is requested.
 - (1) If additional information is requested, Associate Director must notify state of decision within 90 days of receipt of the additional information
 - (2) Technical Review
 - (a) 90 day time limit from submission of technical report

4. Final Appeal

- a. If second appeal denied by Associate Director, the sub-grantee may submit a third and final appeal to the FEMA Director in Washington, D.C.
- b. State/Region Review-- Must be submitted, through the state and FEMA Regional Director, within 60 days of the receipt of notification of the denial of the first appeal.
- c. Director Review-- Must render a decision within 90 days following receipt of the second appeal unless additional information is requested.
 - (1) If additional information is requested, Director must notify state of decision within 90 days of receipt of the additional information
 - (2) Technical Review
 - (a) 60 day time limit from date of submission of report

from "FEMA Public Assistance Program", prepared by California Specialized Training Institute and Disaster Assistance Division, California OES, 1992.

STATE NATURAL DISASTER ASSISTANCE ACT (NDAA) PROGRAM

A. Required Step

1. Local Government must declare a local emergency within 10 days of the incident.

B. Authorities

1. State Natural Disaster Assistance Act (NDAA), as amended
2. Title 19, Subchapter 5, the Natural Disaster Assistance Act, *California Code of Regulations*

C. Implementation

1. Director must concur with local declaration [**for permanent restoration assistance**];
2. Governor must proclaim a state of emergency [**for disaster response and permanent restoration assistance**]; or,
3. President must declare a major disaster or emergency [**for matching fund assistance for cost sharing required under federal public assistance programs**].

D. Applicant Eligibility

1. City
2. County
3. City and County
4. Special District
5. School District
6. County Office of Education
7. Community College District

8. Private Nonprofit Organization which operates a private nonprofit facility, as defined in paragraph (9) of Section 5122 of Title 42 of the United States Civil Code, on a nondiscriminatory basis
[Repealed as of January 1, 1991]

E. Work Eligibility

1. Result of natural disaster [fire, flood, earthquake, Tsunami, etc.]
2. Performed within the area covered by the local declaration
3. Responsibility of applicant agency
4. **Limitation: State assistance may not supplant federal assistance**

F. Work Categories

1. Category A-- Debris Clearance
2. Category B-- Protective Measures
3. Category C-- Road System Repairs
4. Category D-- Water Control Facilities
5. Category E-- Buildings and Equipment
6. Category F-- Public Utility Systems
7. Category G-- Other (Parks, Recreational Facilities, etc.)

G. Cost Eligibility

1. General
 - a. Local agency personnel regular hourly wage and overtime costs, equipment costs, and the cost of supplies and materials used during disaster response activities, incurred as a result of a state of emergency proclaimed by the Governor, excluding the normal hourly wage costs of regularly assigned emergency services and public safety personnel;
 - b. Costs to repair, restore, reconstruct, or replace public facilities belonging to local agencies;

- c. Matching fund assistance for cost sharing required under federal public assistance programs;
- d. Indirect costs, based on **Indirect Cost Rate Proposal**, as approved by the State Controller's Office [40% maximum, **subject to state/local cost sharing**]; and,
- e. Administrative cost allowance [4% allowance, **subject to state/local cost sharing**].

2. Wages

- a. Regular time for emergency personnel, as eligible under FEMA program, is eligible under federal cost sharing provisions;
- b. Overtime granted as compensatory time off (CTO) is reimbursable at no more than the regular cash rate;
- c. Wage additive costs include retirement contributions, vacation, sick leave, and other fringe benefits assessed against the regular wage rate of employees; or,
- d. Extra Hire costs.

3. Equipment

- a. Actual reasonable equipment rental costs are eligible; and
- b. Force account equipment may be claimed based on the applicant's own rate schedule or in the absence of such a rate schedule, current *Department of Transportation Labor Surcharge and Equipment Rental Rates*.

4. Supplies and Materials

5. Cooperative Agreements

- a. Costs for work performed under cooperative agreements between local governments are eligible, but shall be limited to those costs of the responding entity for which an applicant is legally obligated to pay.

H. Application Procedure

1. Transmittal of Applications
2. Briefings
3. **Project Application** for assistance (NDAA Form 1) must be filed within **60 days** of the date of the local declaration
4. Application must include **List of Projects** (Exhibit B) and a **Resolution Designating an Authorized Representative** (OES Form 130)
 - a. In the event of a federal major disaster declaration, the federal **Notice of Interest (NOI)** establishes eligibility in both programs
5. School Districts-- Special Procedures
 - a. School districts must submit **Project Applications** to the Superintendent of Public Instruction, with separate **List of Projects** for each affected school within the district, and one **Resolution Designating an Authorized Representative**;
 - b. State Department of Education will review and approve application and submit documents to OES for processing;
 - c. Funds paid against approved school district applications will be disbursed to appropriate County Office of Education; and,
 - d. School districts are required to comply with requirements of United States Department of Education when federal school disaster assistance programs are implemented.

I. Damage Survey Reports (DSRs)

1. Damage Surveys are Conducted by State Engineer accompanied by a Local Representative.
2. Inspectors prepare a DSR for each site/project reported on the List of Projects (Exhibit B).
3. DSR identifies:

- a. Scope of work
 - b. Quantitative estimate of cost of work
4. **All damage sites must be reported within the 60 day application period.**

J. Application Approval

1. All sites must be surveyed within 60 days of the date of a local agency's application;
2. DSRs are reviewed and approved by the Chief, Disaster Assistance Division;
3. Complete application with copies of approved DSRs, DSR summary, and cover letter, are sent to applicants for review and approval; and,
4. **Applicant Approval** (Exhibit D) must be returned to our office within 10 days, from date of approval letter.

K. Supplements

1. May be approved for:
 - a. Overruns/Underruns (Cost Adjustments)
 - b. Changed Site Conditions/ Scope Adjustments
2. Supplements should be requested at the earliest possible time and prior to completion of the work in question; and,
3. Requests for a change in scope must be filed prior to work commencement.

L. Funding

1. Eligible projects subject to 75%/25% state/local cost sharing.
 - a. Local cost share may be waived
2. Project applications resulting in a state share (75% amount normally) of less than \$2,500 will not be approved.

3. Options
 - a. Replacement provisions of the NDAA operate similarly to those applied for federal "**Improved Project**"; and,
 - b. NDAA funds can be used for local share of federal "**Alternate Project**", when program implemented under federal major disaster declaration.

4. Payments
 - a. An applicant may receive up to **90%** of the estimated state share of a project as an advance.
 - b. Advances must be requested using Request for Advance (NDAA Form 3).

M. Other Issues

1. Applicants expected to comply with federal requirements when federal funds are involved;
2. Applicants are expected to fully pursue federal funds otherwise available in the absence of state financial assistance; and,
3. State funds cannot be used to replace funds lost through noncompliance with other program requirements.

N. Completion Deadlines

1. When federal funds involved, the federal deadlines apply.
2. In the event of a Director's concurrence with a local declaration or a Governor's proclamation of a state of emergency, the following deadlines apply:
 - a. Debris clearance-- 6 months from date of local declaration
 - b. Emergency work-- 6 months from date of local declaration
 - c. Permanent work-- 18 months from date of the local declaration
3. Extensions allowable with adequate justification

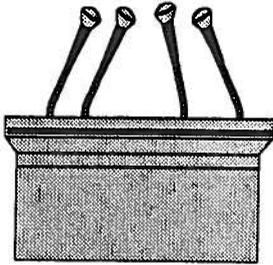
O. Final Claim

1. Applicant must submit final claim within 60 days of the completion of all approved projects.
2. A state engineer will complete an on-site inspection of all completed projects.
3. Claims including more than \$50,000 in state assistance will be subject to field audit. Any funds owed to an applicant by the state will be paid after final determination of eligible costs by OES, after review of the final inspection report or audit.

P. Fair Hearing Process

1. Level One
 - a. Discussion with State Program Coordinator.
 - b. Written response from Chief, Disaster Assistance Division must be filed within 10 working days after receipt of written communication from the local agency.
2. Level Two
 - a. Must be initiated within 30 working days of date of the decision rendered by the Chief, Disaster Assistance Division
 - b. Director of OES shall meet with local agency representatives to review grievance issues.
 - c. Director of OES required issue written decision to the local agency within 60 working days of receipt of the local agency's letter.
 - d. Director's decision is final.

from "State Natural Disaster Assistance Act", prepared by California Specialized Training Institute and Disaster Assistance Division, California OES, 1992.



3. RESPONDING TO THE MEDIA

Media professionals want to know the WHO, WHAT, WHERE, WHEN, WHY and HOW of every significant news event. Immediately after a major earthquake, emergency public information officers will be asked about epicenter, magnitude, casualties, property damage, search and rescue, and relief assistance. As months go on, it remains important to keep the media apprised of recovery issues and programs. There are always two realities to an event: what actually happened and what was *perceived* to have happened. Emergency public information and crisis public relations planning will ensure that media are provided with accurate information, help to control rumors, and present a positive image of your local government. As recovery progresses, local community papers, with their focus on neighborhood issues, become an important and reliable vehicle for getting information out on particular recovery and reconstruction programs.

POLICY ACTIONS

- ☛ Identify which personnel will have the authority to speak to reporters. Determine which departments should have a spokesperson.
- ☛ Identify and assign staff people who can give interviews and work with multilingual media.
- ☛ Determine where you will hold news briefings and inform the news media of the location. It is best to use a location under your control.
- ☛ Establish a media room (separate from the public relations director's office) for use by news professionals.
- ☛ Prepare written guidelines for all staff about what information will be released to the media, when it will be released, and who will do it.
- ☛ Quickly establish a procedure to gather and verify information. Information gathering and dissemination must be centralized during an emergency. It is especially important for rumor control.
- ☛ Locate a regular contact person in each of the major media outlets. Establish a mechanism to put out consistent, accurate, and timely information through these outlets.

continued

Policy Actions (continued)

- ☛ Coordinate PIOs working for local elected officials with departmental PIOs, in order to avoid conflicting information.
- ☛ Be prepared to put together background information packets and summary statistics that can be distributed to the media very quickly.
- ☛ Have a mutual aid agreement with other jurisdictions to provide PIOs. California OES has a draft statewide PIO mutual aid plan that you may want to obtain.
- ☛ Be prepared to respond with updated information prior to important anniversaries--six-months, one year, and so on.

HINTS FROM CALIFORNIA COMMUNITIES

- ☛ *The City of Watsonville found that radio was the most effective media to use in the early days after the earthquake. (This is also substantiated by research on people's sources of information.) Watsonville's PIO organized a radio talk show that was taped and then aired during a four-week period. This radio show included FEMA, Red Cross, city, and Salud Para La Gente representatives. These organizations met before each taping to prepare, which also aided their communication.*
- ☛ *San Mateo County has a very active city/county PIO mutual aid program, so that PIOs can assist where they are most needed.*
- ☛ *The City of Watsonville scheduled morning and evening meetings (7:30 am and 5:00 pm) between the PIO and city staff to discuss daily activities. Without these meetings the staff were complaining that they didn't know what was going on.*
- ☛ *The PIOs working in Watsonville all met weekly to discuss the activities of the various agencies they were representing.*
- ☛ *In Watsonville, freelance and other professional photographers wanted constant access to the damage areas. The city dealt with the demands by scheduling one photo walk per day.*

HINTS

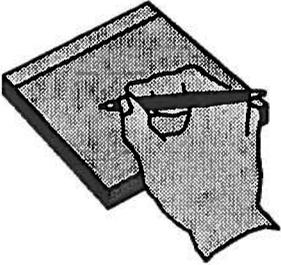
The following is from the City of Watsonville's *Hazard Mitigation Report*, prepared after the Loma Prieta earthquake:

☛ *"The Public Information Officer (City Clerk) worked with the newspapers and radio stations, to pass information on about the damages from the earthquake and the safeguards necessary. She also publicized the location of the shelters and other support efforts available to the citizens. On the 18th [the day after the earthquake] and for a month and one half after, the Public Information Officer faced a huge demand for information about the earthquake and City actions used to deal with the issues. The PIO scheduled regular meetings with the news media in the lobby of City Hall. It was critical that she know all the details of what was happening in the EOC. The FAX machine became very useful for passing information to the news and other agencies requesting information."*

"The Public Information Officer was a valuable contact for outside agencies not familiar with operations who needed information about what was happening. The Public Information Officer established a telephone information line that was publicized to the public for their use."

"The PIO attained the support of the City of Monterey Fire Department's PIO. A California Division of Forestry (CDF) PIO was also utilized. These positions were kept very busy. The PIOs made arrangements for regular press updates."

4. COMMUNICATING WITH THE PUBLIC



Communication is a critical element of community recovery. Establishing and maintaining effective communication channels will be one of the determinants of successful recovery. During a crisis period everyone wants information immediately--residents, employees, other levels of government. It is vital to plan mechanisms to foster communication--ways that people can ask questions as well as receive information.

Officials representing local government need to take the lead in communicating with the public. They know the victims and can get the best sense of the community's needs. What kinds of skills will citizens need to get through the crisis and early rebuilding period?

POLICY ACTIONS

- ☛ Inform the community and your employees continuously about recovery issues and changes in the recovery process. Consider producing a newsletter or bulletin to keep the community informed about recovery issues.
- ☛ Establish an information hotline for employees regarding city office closures, relocations, or new hours. Consider using this hotline to communicate to the public about where offices or services, either disaster or non-disaster related, are being relocated, and whether there is a change in hours or services provided.
- ☛ Consider establishing regular morning and evening meetings with your staff to discuss the current day's events.
- ☛ Plan a series of articles in community newspapers or talk shows on your public access cable channel, each devoted to a single topic, e.g., insurance, critical stress debriefing, geologic reports, soil and erosion control, the permitting and rebuilding process.
- ☛ Make sure you know who else is doing outreach in your community--state and federal agencies, the Red Cross, community organizations. Is everyone distributing or using the same information?
- ☛ Ask your local newspapers to publish a list of resource phone numbers.
- ☛ Encourage your local network news and local radio stations to advertise that information is available on the local access cable channel.

continued

Policy Actions (continued)

- ☛ If you have no power during the early days of recovery, you will need to have special plans to reach both the public and your employees. Radio messages and hand-distributed flyers may be the most effective.
- ☛ Remember to communicate on a regular basis with your staff. A newsletter or staff bulletin can keep staff informed about different departments' activities, rebuilding efforts in the community, etc.
- ☛ Be prepared to respond to questions from residents, employees, visitors, other government agencies. People will shop around for answers from different city departments, so information needs to be coordinated. Conflicting information will cause everyone trouble.
- ☛ Consider press releases on specific topics such as not inhaling toxic chemicals (in property clean-up, debris removal), and locations for help.

HINTS FROM CALIFORNIA COMMUNITIES

- ☛ *The City of Oakland used a number of techniques for communicating to the public after the East Bay Hills fire, including buying full page ads in local newspapers to publicize information. It also held a series of community briefings to respond to citizen concerns about reconstruction, insurance, permitting, utilities replacement, and street widening. These briefings continued for more than one year.*
- ☛ *The City Manager's office in Oakland prepared weekly reports on the progress of the six task forces created after the fire. These reports were made available to any interested citizen.*
- ☛ *The City of Oakland staff prepared numerous handouts covering requirements and steps in the rebuilding process. These handouts were distributed at the one-stop permitting center (the Community Restoration and Development Center).*
- ☛ *Consider setting up visual displays at your emergency center. Santa Cruz officials found that people wanted details about what had happened, and that it was useful to display it visually. State PIOs or PIOs from other jurisdictions might be helpful in setting up such a display.*

HINTS

- ☞ *Many jurisdictions choose to use only one source for any information given to the public. After the 1990 fire, Santa Barbara County used its Public Information Officers in the media center; information was not given out by department heads or elected officials. Information released by the public information staff would be given to anyone. All Public Information Officers reported to the County Administrative Officer.*
- ☞ *Use existing community organizations to communicate with particular population groups. The City of Santa Cruz, for example, used the Downtown Association to communicate policy to merchants during the early recovery phases.*
- ☞ *A number of non-profit, grass roots community groups were created in Oakland after the fire specifically to help residents with the rebuilding process. Most of these groups put out newsletters that discussed issues of concern to the homeowners. The newsletters also served as a vehicle through which the city could publicize its services. (See Attachment 1 for a sample.)*
- ☞ *After the Santa Barbara County fire in 1991, the county essentially took over the local community access channel. It was used for local press conferences. Over 30 conferences or briefings were given in the first week on the channel, sometimes as often as one per hour. In addition, the hotline number which residents could call for information about their homes was permanently displayed across the screen. In fact, the county scrolled information across the screen of the community access cable channel 24 hours a day for a month after the fire.*
- ☞ *After the fire, Santa Barbara used its computerized city bulletin board. The staff put in the most common questions and answers and set up terminals at the one-stop permitting center and at libraries.*
- ☞ *After the Loma Prieta earthquake, the City of Santa Cruz used its library staff to provide information to the public. Staff answered "welfare checks"--calls from friends and relatives who wanted to know if a particular person were all right. The library staff received more than 200 such calls within three days of the earthquake. To locate people, they often used reverse telephone directories to contact neighbors. The local public also phoned for more detailed information than was available from the media.*
- ☞ *Officials in the City of Santa Cruz found it useful to be as open as possible with residents. While people wanted to help, they grew deeply suspicious if they felt officials were withholding any information.*

continued

HINTS (continued)

- ☛ *An ambitious effort to inform the public about recovery activities was launched after the civil unrest in Los Angeles. A newsletter was published biweekly, introducing community workers and offering tips on applying for federal and state assistance (see Attachment 3).*

ATTACHMENTS

1. Selected pages from *North Hills Phoenix Association News*, a newsletter published in April/May, 1992, by an association created after the 1991 East Bay Hills fire. [On page 63.]
2. Draft "Staff Guidelines for Responding to Citizens." Prepared by the City of Oakland after the East Bay Hills fire. [On page 71.]
3. *LA Relief*. Sample issue of newsletter published by the DFO after the 1992 civil unrest in Los Angeles. [On page 76.]

Rising together to make things happen.....

North Hills Phoenix Association NEWS

April / May 1992

North Hills Phoenix Association, P.O. Box 20784, Oakland CA 94620

Vol. 1, No 4

Phone: 510- 273-9111

The President's Message...

REBUILDING A
COMMUNITY IS
MORE THAN
JUST YOU, ME
AND OUR
NEIGHBORS
REBUILDING
HOMES

Time moves on. Most of us are now in the throes of dealing with insurance companies. The winter rains of 1992-93 already threaten to further restrain the rebuilding process for many people who are unwilling or unable to break ground absent a clear commitment on a reconstruction budget.

On the other hand, we also need to begin considering the kind of community we want to create. A community is more than insurance settlements, architectural plans, design review standards, and underground utilities. Now is the time to start planning for services and facilities we will need to make the North Hills a better community than it was prior to the fire. Here are some subjects we should be talking about:

- ◆ Parks and playgrounds
- ◆ A community center
- ◆ Density mitigation
- ◆ Emergency facilities (especially a North Hills fire station)
- ◆ An ongoing vegetation management organization
- ◆ Paths
- ◆ Transit planning
- ◆ Wiring the Hills with fiber optics (the electronic key to the 21st century)

Are you aware that the only public facility (other than water tanks) in the entire North Hills area was the Kaiser Elementary School in Hiller Highlands? It is hard to build a real community without a place to meet. Likewise, there are no playgrounds for children anywhere in the North Hills. How can we expect to create a healthful and joyous environment for our children without a safe place to play? We have a once-in-a-lifetime opportunity to reduce the density in the Hills and create public spaces -- but we need to act quickly before other plans are, literally, cast in concrete.

The same exciting possibility applies to foot paths. I'm sure we have all been charmed by the paths which lace together the Berkeley Hills. More importantly perhaps, many of us were impressed by how critical the paths were as evacuation routes in the firestorm. Right now we can plan homes that anticipate the creation of neighborhood paths. A few months from now may be too late.

None of these goals will be met unless you become involved. If any of these subjects strikes your fancy, please take a leadership position and help us make it happen. Even as we trudge through the details of rebuilding our houses, we need to remember our overall objective - to rebuild a community better than the one we lost in October.

Garrett Gruener

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Undergrounding Settlement Proposed by Oakland

THE CITY'S
LEGAL
COUNCIL
PROPOSES A
SETTLEMENT
WHICH
PLACES A
MAJOR
FINANCIAL
BURDEN ON
THE
HOMEOWNERS

The fire survivors' request for undergrounding of the utilities has become a "front burner" issue in the past two weeks.

After working in silence for several months, the City of Oakland's legal counsel has returned with a proposed settlement. According to Ezra Rapport, Deputy City Manager, the settlement proposes to saddle the individual homeowner with an assessment district of \$7500 to \$9500, to be retired at an annual rate of \$650 or more. This assessment figure does not include the cost of the "lateral," i.e. the trench that traverses the homeowner's property to the street. Estimates of the cost of the lateral range from \$500 to over \$2000 depending on the characteristics of the properties involved. This cost would have to be paid directly by the homeowner to whatever contractor dug the trench.

The current inclination of the City Council is to accept this proposal.

However, this is a very controversial topic, and because the initial negotiating position of the City was that, as a "new community," the Fire Area should receive the same ratepayer support, in effect since 1970, which has provided undergrounding for San Ramon, Blackhawk, Pittsburg and every other new community. The Council has decided to hold a public hearing Friday, May 1st in the Hillcrest School at 7:00 pm. Hillcrest School is located at 30 Marguerite Drive, Oakland.

The proposed settlement does not include the new community designation and therefore places a far higher cost on the homeowner. The Council wants to know if the residents want to reject the settlement and request that the Public Utilities Commission designate the area a new community, thereby entitling us to ratepayer support. The Phoenix Associations view this as an equity issue: we are a new community and we are entitled to treatment as a new community. The fact that our means of becoming a new community was more dramatic than most is irrelevant. We are starting from scratch with our houses and our neighborhoods.

SHOULD WE
ADVISE THE
CITY TO
ACCEPT THE
PROPOSAL?

If we advise the Council to pursue the matter with the Public Utilities Commission, then we will go to a hearing where we will be opposed by the Division of Ratepayer Advocates and the lobbying group TURN (Toward Utility Rate Normalization) who will both argue that we are not a new community, that we are obtaining special privileges, and we are an already fortunate community. In addition, we can expect residents from other parts of the state to appear before the commission to say that they shouldn't have to pay for our improvements.

SHOULD WE
TAKE OUR
CHANCES
WITH THE
PUBLIC
UTILITIES
COMMISSION?

The Public Utilities Commission in this case is our last hope, but one in which we have a reasonable chance of succeeding. The proposed settlement offers no more than we could have arranged for ourselves the day after the fire, without the help of the City's legal counsel.

YOU CAN HELP
DECIDE ON
MAY 1

Please come to the hearing Friday, May 1, and make your views known.

ATTENTION: North Hills Residents

The NHPA meets monthly on the fourth Thursday at the Claremont Middle School, College Ave. & Chabot Road. (in the Multipurpose Room) near the Rockridge BART at 7:00 pm. Meetings usually last about two and a half hours.

Upcoming meeting dates: April 30 May 28 June 25

Landslides in the Burn Area?

FOUND OUT
WHAT THE
CITY AND
YOUR
INSURANCE
COMPANY ARE
UP TO . . .

by Lydia
Dobyns

Imagine my outrage when I opened what looked like another piece of junk mail on February 28, 1992 and read, with horror, that my burned home site had been identified as one of 300 properties where "landslides or mudflows will occur unless substantial remedial efforts are undertaken." Furthermore, my husband and I were invited to attend an informational meeting on *February 27* to learn the details about a program sponsored by the Center for Public Resources (CPR) to provide the "substantial remedial efforts" recommended by geotechnical engineers concerning my lot.

I was outraged because in December 1991, when we cleared our lot we removed the foundation, which required we satisfy the City with a full soils erosion plan, in January we had retained a soils engineer and had in hand a complete geotechnical report which provided a clean bill of health. I became extremely suspicious when I learned that the CPR effort was funded by insurance companies. After reviewing the legal agreements provided by CPR to cover our participation in the landslide prevention program, I was convinced that the interests being protected were not mine.

What did I do about this? Well, my advice is when your blood gets boiling be prepared to act. Since early March I've been heading a committee concerned with land stabilization working as part of the City Manager's Steering Committee of Homeowners.

Our committee of six homeowners includes three geotechnical engineers, one attorney and two business people. We have met with representatives of the City, CPR, Kaldveer Associates (the geotechnical firm hired by CPR) and Woodward-Clyde (the geotechnical firm hired by the City of Oakland).

I can report progress concerning some issues, insights into almost all areas and lots of promises. In an effort to be brief, let me say to everyone who received the CPR letter: the program as originally proposed seriously compromises your legal rights in the name of low-cost fixes. And furthermore, the Kaldveer study was based almost exclusively on driving by properties and conducting a "windshield survey."

Based on our discussions with CPR, we believe we have reached important agreements regarding the structure of the CPR program. Assuming the details can be worked out, adequate legal rights for homeowners will be reinstated, concerning the recommendations for fixes and the matters of recourse in case disputes arise. We will know within a few weeks whether we have succeeded in this area.

Our larger concern is about the validity of labeling certain properties as having a landslide risk. What does this mean for homeowners who want to rebuild? Unless you are replacing retaining walls which previously existed, *or* you had a code upgrade policy, *and* you have sufficient coverage, your insurance settlement will probably not address a land movement problem. What will this do to property values?

The City of Oakland hired a geotechnical firm to examine the entire burn area and assign probabilities of land movement to each lot. You will be receiving notice from the City, probably in June, if your lot was identified as property with a potential problem. For the lucky, this will mean hiring a geotechnical engineer and determining you do not have a problem. For many of us, the soils report may confirm a potential problem exists and suggest a mitigation plan.

We believe that the CPR program has merit--at a conceptual level. Until our major concerns can be presented and addressed we remain convinced that homeowners would be unfairly served by participating in the CPR program as it is currently proposed.

The committee is set to review the report prepared by the City's geotechnical firm, provide input to proposed public policy recommendations, and meet again with CPR to refine the program. We expect May to be a busy month. If you'd like to discuss this, give me a call, (510) 531-7241.

Fire Survivor Discount Buying Program Officially Launched

FIREBIRD
NEWSLETTER
PUBLISHED

BY DOLORES
CORMAK

Did you receive your copy of the Firebird Flyer? If not, call 510-452-6283. A membership card and the first newsletter providing details of the discount buying program was recently mailed. The program has been streamlined to make participation automatic for all firestorm survivors. Rather than requiring an annual fee from homeowners, we're asking for contributions to help defray the administrative costs (\$20 is recommended). Merchants, manufacturers and service providers who wish to be listed in the Firebird newsletter are being asked to pay a \$100 annual fee.

More than 500 merchants have been contacted and the newsletter provides details on the first 51 vendors who have signed on and already offer discounts. We can all look forward to stretching our reconstruction budgets as this exciting program grows and grows.

Back To The Future With Fiber Optics

PERSONAL
MISSION
BY
GARRETT
GRUENER

My pet project is to get the Hills rewired using the new fiber optic technology. Fiber optics, the use of glass fibers to transmit communication signals, is in use throughout the world to reduce communications cost and greatly increase the amount of information which can be transmitted. Most of our long distance calls already travel across the fiberoptic network to locations throughout the country. The real benefits, however, are created when the fiber is brought to the home.

This vast increase in communications capacity will allow movies to be "delivered" on demand, for video clips to be sent like phone calls, for real-time video conferencing, and an incredible array of other services. Left to its own devices, the phone company will rewire our area in copper. Industry experts now maintain that it is less expensive to wire new areas in fiber than in copper, but this lesson has not yet been implemented by Pacific Bell. We can turn our area into a demonstration project, so that the door to the 21st century opens here. I hope to meet with Pacific Bell management soon, and we need your support now. If you have an interest in this project, please give me a call at 510-845-1074.

Mandatory Sprinklers Turned Off

BY
SAM BOTTONNE

It seems no single issue took up more Oakland City Council time, produced more City Manager reports, and was *less* related to the October 20th fire than the debate concerning mandatory internal sprinklers for homes in the North Hills area.

On March 31st, the City Council Opposed requiring sprinklers in a 4 to 4 vote. Mayor Elihu Harris and Councilmember Marge Gibson Haskell, who earlier opposed sprinklers, reversed themselves and voted for them.

It was estimated that it could cost up to \$7000 a house to install, an amount not covered by insurance.

When proposed last January, the City Manager wanted sprinklers for the entire North Hills area. After Hiller Highlands residents protested, the City Manager scaled down the proposal to about 360 homes. These needed sprinklers because of "prior heavy vegetation and narrow roads," he stated, as if new vegetation controls would be useless.

At several Council meetings, North Hills Phoenix Association representatives pointed out sprinklers would have been of no use on October 20th; there has never been a hill wildland fire which started inside a home and spread outside; if sprinklers are worth while, it makes little sense to require them for only 360 out of nearly 3000 homes; and the proposed system is potentially dangerous because when activated it cuts off the water supply elsewhere in the house, including garden hoses which can be useful fighting fires.

The City Manager cited a 1982 Blue Ribbon Report initiated by the East Bay Regional Park District as evidence that North Hills is a special hazard area requiring sprinklers. It turns out that the 1982 Report found many parts of the Oakland hills to be hazardous, but not all sections of North Hills. Moreover, the report did not call for home sprinklers as a fire suppression device.

Every time the sprinkler proposal was cut back, it made less sense as a safety issue. Nonetheless the City Manager came in with a last minute proposal to require sprinklers only for new construction and newly constructed homes if they exceed pre-fire size by 10%. This would have produced a crazy quilt of coverage based on considerations having nothing to do with fire suppression needs.

A final question: Why did the City Manager and some on the City Council want to place this extra cost on perhaps 200 homeowners?

Perhaps the answer is in the remark of Councilmember Wilson Riles, Jr., who voted for sprinklers "Now," he said, "There is going to be a demand for a fire station up there! "

Measure I on the June Ballot Will Fix Some Basic Problems

dia Dobyns

OAKLAND IS
ILL PREPARED
AND ILL
EQUIPPED TO
DEAL WITH
DISASTERS
LIKE THE ONE
THAT JUST
OCCURED

PASSING THIS
MEASURE IS
AN IMPORTANT
FIRST STEP TO
CORRECT THE
PROBLEM

It may not surprise you to know that Oakland is woefully unprepared to respond to emergencies such as a major earthquake or fire in the hills. The City has identified four major areas which require capital improvements:

- 1) Seismic reinforcement and construction of public facilities essential for emergency services.
- 2) Seismic retrofitting of bridges and roadways for emergency traffic.
- 3) Upgrading communications facilities for evacuation and emergency response.
- 4) Purchasing emergency response equipment, an above-ground water supply system and emergency generators for schools.

Measure I is a general obligation bond appearing on the June 2, 1992 ballot to raise \$50 million to pay for these capital improvements. Successful passage of the bond will cost property owners an average of \$14 per \$100,000 assessed valuation per year over the life of the thirty-year financing. To win, the bond measure requires a two-thirds vote of the electorate.

When you think about events like the Loma Prieta earthquake and the October Firestorm all of us know that physical fixes are needed in this City to better prepare us to survive disasters.

I don't like a lot of things going on at City Hall, but I think we can't afford not to spend money to improve basic emergency preparedness. The kinds of improvements covered in this bond should have been done years ago, and could have prevented some of the deaths in the Firestorm. Let's support this initiative and know that we are better protecting lives in the next emergency.

our Voting Rights and the Upcoming Election

HAVE AN
OPINION
ABOUT YOUR
STATE, CITY
AND COUNTY
OFFICIALS ?

YOU CAN
EXPRESS IT BY
VOTING JUNE 2

Your vote will be extremely important in the June election. It's critical that we send, via the ballot box, strong messages to City Hall, Sacramento and Washington. While we are temporarily living away from our Oakland/Berkeley neighborhoods our voices do not have to be silent. And it's easy to vote absentee.

Residents of the Oakland Hills fire area retain their voting rights in the district of their destroyed homes. If you are living in temporary quarters as a result of the firestorm, you are not required to re-register. You may either vote at your local polling site (if available) or you may vote by absentee ballot. However, if you have moved permanently, you should file a new affidavit with the Registrar's Office immediately.

To vote by absentee ballot, you have two options:

- 1) Request a ballot in writing by May 26, 1992. Send your request to:

Registrar of Voters
Alameda County
1226 Fallon Street
Oakland, CA 94612

Include your permanent address to confirm your registration as well as your temporary address where you would like the ballot sent. Ballots will be mailed to you beginning May 4, 1992.

- 2) Vote in person at the above address, beginning May 4, 1992.

For more information, contact the Alameda County Registrar of Voters at 272-6933.

Are You Singing Those Insurance Blues?

Garrett Gruener says:

Illegetimen non Carborundum -

DONT LET THE BAST...S WEAR YOU DOWN

After six months, most of us have not yet settled with our insurance companies. It is amazing, but true. State Farm, the largest of the carriers, has settled with only a handful of their 750 policyholders. Delays and frustrations, whether intentional or the result of incompetence, have worn us down and greatly delayed the rebuilding process.

Politically, we need to build on the momentum created at the April 1, 1992 meeting with Insurance Commissioner Garamendi. Ina DeLong, United Policy Holders President, is now passing around a survey on insurance practices in the aftermath of the fire. The purpose of the survey is to compile the information needed by the insurance commissioner to badger the companies into performing on their obligations. Get yourself a copy of the survey, available from United Policyholders call (510) 841 8646. The greater the response, the more likely we will get significant help from Sacramento.

Personally, we need to take steps to bring this tiresome and frustrating chapter to a close. The settlement process appears to be designed to wear down the policyholder and thereby reduce the size of the claim. These tips from Ina DeLong may prove invaluable:

- ☞ Document all conversations and agreements.
- ☞ Make sure that you have had a reputable contractor prepare a bid for replacing your old house; you'll have to pay for it, but it is your most valuable negotiating tool.
- ☞ Pull together as much information about the old house as possible - in a negotiation information is power.
- ☞ Have your contractor, or some other professional, represent you in negotiations.
- ☞ Share information with other policyholders on what you are being offered - your best argument is that all policyholders should be treated alike.
- ☞ Do not accept the insurance company's understanding of "reasonable" costs. Ultimately a local contractor will have to rebuild your home. You have a right to pick your own contractor. While your contractor has a responsibility to accurately predict the costs of rebuilding the house you lost, in the end you will have to live with his prices.

The costs of building houses in the Oakland Hills is much higher than any of the insurance companies anticipated. Their computer models have proven unable to accurately predict these costs. As a result, many company estimates are coming in 40% less than local contractor estimates. In this instance, the contractors are often right.

If your contractor's bid is well researched and well documented, and you are not worn down by the company, they will either offer you a settlement very similar to your bid, or you will be forced into the appraisal process. By contract, either party can request appraisal. Appraisal is essentially a binding arbitration procedure, where ultimately a "neutral" third party, such as a retired judge, is chosen to decide upon the merits of your bid. Be advised that under current law, you must complete the appraisal process within 12 months to be eligible to sue the company for "bad faith".

The North Hills Phoenix Association has submitted an Amicus brief to the California Supreme Court arguing to overturn the current 12-month limit. If you feel you have been treated unfairly, and that you may lodge a claim in the future for bad faith, time is running short for settling the claim outside of the appraisal process.

Opinions vary on the which party is favored in the appraisal process, but on a personal note, we have chosen to avoid it if possible. Instead, we are now attempting to use a new procedure with State Farm to resolve our differences. We have proposed a list of contractors which our architect believes would offer the same level of quality as our chosen contractor. We then have agreed to split the cost of having a new bid developed by one of these contractors, chosen at random by the insurance company from the pool we provided. The two bids will then be compared line item by line item. The company has agreed to accept the lower of either our contractor's or the new contractor's figures. I will let you know via the newsletter how this approach worked out.

Most importantly, remember the Latin motto, *Illegetimen non Carborundum* - don't let the bast. wear you down. While at times it is difficult to imagine, this too shall pass and the Hills *will* be rebuilt.

Why Should You Join The North Hills Phoenix Association?

WHEN IF YOU
DO NOT COME
TO THE
MEETINGS
NHPA IS
WORKING FOR
YOU.

The North Hills Phoenix Association (NHPA) was created by homeowners in the fire area north of Highway 24 to advocate our interests at City Hall, and to collect information for the homeowners on decisions which affect us. The purpose of NHPA is to form an umbrella organization for these smaller groups, which encompasses approximately 1,500 homes. It is our belief that by banding together we can mobilize, educate, lobby and ultimately affect decisions that will enable us to rebuild our community in ways that reflect our desires.

The NHPA is comprised of standing committees tasked with following key issues. Effective in April we moved from bi-weekly to monthly meetings. We're still meeting on a Thursday evening, at the Claremont Middle School from 7:00 pm to 9:30 pm. The next two meetings are on April 30th and May 28th.

Every aspect of NHPA is run by volunteers--for the moment. We have established annual membership dues of \$100 per household to enable us to hire a full-time staff person and to develop regular methods of communication. We have applied for non-profit status. We know that we have been effective in making our concerns heard, and we believe that as we get stronger we will emerge as an important conduit to city, state and federal government.

Thank you to everyone who has joined and paid dues. Virtually every dollar expended to date has been spent on printing and postage. Our goal to hire a full-time staff person may be unrealistic. However the feedback on the newsletter, the meetings and our lobbying efforts has been fantastic.

You need not attend meetings to be a member. By joining NHPA you will continue to receive the newsletter.

Does the NHPA sound right for you? We hope so. Join today and ensure your voice is heard on matters that are important to you.

Newsletter Articles Due By May 18, 1992

Mail, fax or call us with your comments, questions, and/or concerns. Newsletter editors Lydia and Barry Dobyns can be reached by calling 531-7241 or faxing 531-5857. Please limit your submitted articles to 500 words or less unless you speak with us first. We prefer electronic copy, either by Compuserve 76527,266 or drop off your Macintosh or DOS/Windows diskette.

We would like to include letters to the editors in the next issue. So write (or fax) already!

YES! I want to join the North Hills Phoenix Association. I have enclosed my annual membership fee of \$100 payable to the North Hills Phoenix Association.

Name: _____

Current Address: _____

Previous Address: _____

Telephone Day: _____ Eve: _____ Fax: _____

I can volunteer in the following areas: _____

North Hills Phoenix Association, P.O. Box 20784, Oakland CA 94620 Phone: 510- 273-9111

**PUBLIC HEARING ON
UNDERGROUNDING UTILITIES**

**MAY 1, 1992 7:00 PM
HILLCREST SCHOOL
30 MARGUERITE DRIVE, OAKLAND**

THIS IS A CRUCIAL MEETING!

The North Hills Phoenix Association News is published monthly by the North Hills Phoenix Association, Phone 510-273-9111. Copyright © 1992 by North Hills Phoenix Association. Copying of this newsletter or portions of it are permitted with attribution. The North Hills Phoenix Association is a community organization of homeowners in the area north of Highway 24 and east of Tunnel Road affected by the October 20, 1991 Firestorm.

**North Hills Phoenix Association
P.O. Box 20784
Oakland, CA 94620
Phone 510-273-9111**

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Oakland, CA**

ADDRESS CORRECTION REQUESTED

DRAFT STAFF GUIDELINES FOR RESPONDING TO CITIZENS

By Adrienne Foster Williams and Elissa Brown - 10/30/91

BE TOLERANT

Recognize that this population is pretty unstable at this point due to physical dislocation, loss of property, devastation of their neighborhoods and general emotional trauma. This is a major loss and people have to go through a process in dealing with it. Oftentimes, the anger and the outrage are the only ways they can deal with the tragedy. Expecting that people will listen to reason is unrealistic. Don't expect to be able to persuade them. Many of them are holding onto anything they have. Their involvement/membership in neighborhood associations, for example, may be the only "home" they have and the only place they have to channel their energies, anger, etc. They will probably be firmly ensconced in their positions and not easily persuaded otherwise. Trying to expand their understanding of what's going on may not taken.

BE SENSITIVE

Convey that you are listening, that you care about their concerns, their situation; that the City cares about their situation.

Understand and acknowledge the enormity, the magnitude of their loss. If you cannot empathize, at least have respect for their situation.

BE CALM

Try to step back from any emotions that get stirred up for you if they are going to get on the way of your ability to listen and to hear. Slow your own emotional processes down. Do not display your anger. But it's okay to acknowledge frustration in wanting to be helpful in an incredibly difficult situation.

BE APPRECIATIVE

Convey that you/we/the City are trying very hard to manage through a monumental task and to be responsive to people.

Convey you/we are glad they called/came in/came to the meeting. Do they have any suggestions that would help us work better with them?

BE UNDERSTAND- ING

Try to understand what the other person may be experiencing by tapping into what you've experienced similarly -- i.e., what it feels like to be devastated by major loss. You don't need to say "I know just how you feel" -- that diminishes and minimizes the other person's experience. But it is important to make (for yourself) a connection to your own experience if it's related.

**ACCEPT
RESPONSI-
BILITY**

Don't point fingers of blame or pass the buck to others, other departments or the Mayor's office. Acknowledge and accept responsibility to try to resolve an issue or make an appropriate referral. Acknowledge that we know some things may have slipped through the cracks. Convey to them that we genuinely want to know if there are things we can do to be more responsive and helpful.

**TAKE CARE
OF YOURSELF**

Take care of yourself -- you will need all your resources, stamina, energy, emotional centeredness. Pay attention to your own needs.

If you feel overwhelmed or unable to be helpful, ask for help/advice. Talk to someone you trust. You don't have to do this work alone.

**LEARN FROM
THIS
EXPERIENCE**

To the extent you can, take notes about what you observe. It will be very helpful when we debrief to have your comments about what worked well in addition to knowing about situations and issues which needed to be handled more effectively.

**ACKNOWLEDGE
OTHERS**

Be supportive of your co-workers who may need assistance or just a "listening ear".

MAINTAIN PERSPECTIVE ABOUT THIS CRISIS.

**IT'S OKAY ALSO TO FIND HUMOR AND LAUGHTER IN THE
MIDST OF CONFUSION AND CHAOS.**

**TAKE THE WORK SERIOUSLY BUT DON'T TAKE YOURSELF
TOO SERIOUSLY.**

UP-DATE: 10/31/91

INSTRUCTIONS FOR PHONE CENTER STAFF

THANK YOU FOR YOUR ASSISTANCE IN ANSWERING THE PUBLIC INFORMATION PHONES. YOU WILL BE THE FIRST CITY REPRESENTATIVE THAT MANY CITIZENS HAVE CONTACT WITH, SO YOUR HELP AND COURTESY ARE VERY IMPORTANT.

PLEASE USE THE FOLLOWING GUIDELINES AS YOU ANSWER THE PHONE. IF PROBLEMS OR QUESTIONS ARISE THAT YOU CANNOT RESOLVE, PLEASE FEEL FREE TO CALL DEBORAH REISMAN AT 287-6352.

- 1. Answer the phones saying, "Community Assistance Center, may I help you?"**
- 2. Encourage people to come to the Center and register with FEMA, EVEN IF THEY DON'T THINK THEY NEED FEMA. IF NOTHING ELSE, IT WILL PUT THEM IN THE "INFORMATION LOOP."**
- 3. Know the Center's hours of operation:
Monday through Saturday, 9:00 a.m. to 6:00 p.m.
Sunday, noon to 6:00 p.m.**
- 4. DON'T GIVE OUT ANY PHONE NUMBERS ON THE FLOOR OF THE CENTER. If people are unable to come to the Center, take their names and phone numbers and assure them that the information will be relayed to the appropriate agency. A runner can relay the messages every hour or two.**
- 5. For calls regarding damage to specific addresses: Refer to the packet in front of the phone. If a specific address is not listed, DON'T GUESS ABOUT IT'S STATUS--let the caller know that you don't have that information available yet.**
- 6. For calls about re-entry into the restricted areas, please see the next page.**

ACCESS/RE-ENTRY INTO THE RESTRICTED AREAS

ACCESS TO THE FOLLOWING AREA IS RESTRICTED. A POLICE ESCORT WILL PICK UP RESIDENTS AT THE COUNTRY CLUB AT HILLER DRIVE AND NORTH COURT. ESCORTS WILL BE OFFERED FROM 8:30 A.M. TO DUSK.

EAST OF ALVARADO ROAD
FROM: ALVARADO AND SLATER
TO: ALVARADO AND AMITO

SOUTH OF GRIZZLY PEAK BLVD
FROM: GRIZZLY PEAK AND CLAREMONT BLVD
TO: GRIZZLY PEAK AND SKYLINE DRIVE

WEST OF BROADWAY TERRACE
FROM: BROADWAY TERRACE AND SKYLINE DRIVE
TO: BROADWAY TERRACE AND SWAINLAND

THE FOLLOWING AREA (HILLER HIGHLANDS) IS NOW OPEN TO RESIDENTS ONLY WHO WANT TO DRIVE IN WITHOUT POLICE ESCORTS:

NORTH OF TUNNEL ROAD -- HIGHWAY 13
FROM: TUNNEL ROAD AND HILLER DRIVE
TO: TUNNEL NEAR ALVARADO ROAD

PLEASE LET RESIDENTS KNOW THE FOLLOWING:

- 1. POLICE MAY ASK THEM TO SIGN A WAIVER BEFORE ENTERING RESTRICTED AREAS.***
- 2. BRING PHOTO IDENTIFICATION***
- 3. WEAR PROTECTIVE CLOTHING (GOGGLES, HEAVY GLOVES, STURDY SHOES, HEAD COVERING) BEFORE SALVAGING. THIS IS FOR THEIR PROTECTION.***

UP-DATE 10/31/91

**AGENCIES AVAILABLE AT THE COMMUNITY DISASTER
ASSISTANCE CENTER**

FEMA	Missing Persons (Oakland Police)
Pets (Lost and Found)	Red Cross
PTA/School	Fire Dept. (Access/Re-entry)
Housing Referral	Oakland Housing Authority
Apartment/Rental Referrals	Board of Realtors
Senior Services	Transportation
Salvation Army	Dept. of Motor Vehicles
U.S. Post Office	Displaced Workers (State EDD)
Business Licenses	Chamber of Commerce
Consumer Fraud	Construction Task Force
Engineering/Architecture	Financial/Legal Assistance
Insurance	Berkeley Building Dept.
Public Works (Oakland)	Oakland Scavenger
Cable Oakland	Oakland Tribune
PG & E	Pacific Bell
City Planners	Tree Removal
Building Plans Retrieval	County Social Services
County Mental Health	County Tax Assessor
Senator Seymour's Staff	CALDAP
State Dept. of Insurance	Unemployment Assistance
Contractor State License Board	Social Security
Veterans Affairs	Internal Revenue Service
Franchise Tax Board (State)	Individual and Family Grants
Small Business Administration (Disaster Loans)	

**PLEASE REMIND PEOPLE THAT FREE CHILD CARE IS
AVAILABLE DURING THE CENTER'S HOURS OF
OPERATION.**

from City of Oakland

L.A. relief

Community action on the Los Angeles Fires and Civil Unrest
 Issue Number 6
 June 1992



Photograph by Robert Epiett

Bookstore and Bakery Share Space To Reopen Businesses

Where to Call
1/800/525-0321
1/800/660-8005
 (TDD)
 For the hearing impaired
 For information on DAC
 locations, disaster
 assistance programs
 and inquiries on the
 status of your
 applications for disaster
 assistance programs not
 listed below
1/800/439-3955
 For information on the
 status of your 408B
 Rental and Mortgage
 Assistance applications
1/800/488-5323
 For information on SBA
 disaster assistance
 programs and inquiries
 on the status of your
 SBA application
1/800/854-7771
 For crisis counseling and
 referral

For years, volunteer staffers at the Pathfinder Bookstore on West Pico Blvd. went next door to Lupita's Bakery to buy their "munchies." They still do, but today that simple business transaction also symbolizes people determined to rebuild what they lost in the L.A. civil unrest.

The Pathfinder Bookstore and Lupita's were both completely destroyed on April 30 by a fire that spread from a neighboring shoe store that was looted, then burned. Looters didn't touch either the bookstore or bakery, but both businesses lost everything to the flames.

Extraordinary efforts and support allowed Pathfinder to reopen Saturday, May 2 in a recently vacated church facility on the same street. Since Lupita's was also left without a storefront, both businesses

agreed to share the available location. Discussing Pathfinder's temporary site, Barry Flatland, director, points out, "It's just a shell. We've cleaned it up and put up bookshelves. That helps hide the worst." However, business is definitely down. Lack of foot traffic is reportedly the biggest challenge to both businesses, so Pathfinder is putting a table of books out front each day to attract passers-by.

Flatland credits Pathfinder's quick reopening to neighbors, as well as people from all over Los Angeles, who showed up at their doorsteps to clean up the new location and install shelves. Volunteers from San Francisco's Pathfinder store brought in books from their inventory to begin the restocking effort.

Continued on page 3

DAC/ Service Center Locations

- ▶ **Sixth and Catalina Building**
3407 Sixth St.
Los Angeles
- ▶ **Harvard Recreation Center (Service Center)**
1535 W. 62nd St.
Los Angeles
- ▶ **Hollywood Recreation Center**
1122 Cole Ave.
Los Angeles
- ▶ **Compton Transit Center (in the rear of Kmart)**
307 N. Tamarind
Compton
- ▶ **Crenshaw (Department of Water and Power)**
4030 Crenshaw Blvd.
Los Angeles
- ▶ **Kedren Community Center**
4211 S. Avalon Blvd.
Los Angeles
- ▶ **Toberman Recreation Center**
1725 Toberman St.
Los Angeles



L.A. RELIEF is a publication of the Governor's Office of Emergency Services

Change To Note

Ambassador DAC Moves To Sixth St.

The Disaster Application Center formerly housed at the Ambassador Hotel on Wilshire was relocated to 3407 Sixth Street, Los Angeles on Monday, June 22. This new DAC site is at the corner of Sixth and Catalina streets and parking is through the Catalina Street entrance. Hours of operation are 10 a.m. until 7 p.m., Monday through Friday.

Relocating the Ambassador DAC is part of the continuing effort to operate application centers in neighborhoods affected by the Los Angeles civil unrest so that all affected persons have an opportunity to apply for disaster assistance. DACs are not restricted to serving any particular area, and people who have not yet applied for help or need to return their paperwork, can visit any of the locations.

All DACs are scheduled to close on July 15. After a DAC closes, it may still operate as a service center providing limited services.

Call the disaster hotline, 1-800-525-0321, for further information.



I've applied for an SBA loan but this may take several weeks. Is there any assistance to help me get by until then?

Yes. You may be eligible for a bridge loan and/or rental and mortgage assistance payments.

Low-interest bridge loans can be used for ongoing expenses while waiting for SBA loan funds. To get a bridge loan, you must first apply for an SBA loan. Then, take a copy of your completed SBA loan application to your own bank or one of the two small-business development corporations (more information is available at the DACs) to apply.

You may also be eligible for financial

Continued on page 4

Business Bulletin Board

The following items and services are being offered at no cost to people affected by the Los Angeles civil unrest:

▶ Valuable Information

The *Business Resource Guide* is available free of charge courtesy of the Economic Development Corporation of Los Angeles County. The Guide includes information on the local economy and demographics, plus contacts for business licenses and permits, professional organizations, financial aid and other assistance. Additional information geared to help businesses get started is also included.

For a free copy of the *Business Resource Guide* write to the Economic Business Development Corporation, 6922 Hollywood Blvd., Suite 415, Los Angeles, CA 90028 or call (213)462-5111.

▶ Help With Completing SBA Loan Forms

Small business owners affected by the L.A. fires and civil unrest who are applying for SBA loans are invited to attend free workshops offered by the USC Community Outreach Program. The workshops provide one-on-one assistance in filling out application forms and are offered by appointment only. Call (213)740-0646 to sign up or get more information.

▶ Interpreters On The Phone To Provide Information On SBA Loans

People applying for SBA loans do not have to speak English to get help on the phone. If you use AT&T's Language Line® Services, an interpreter will be provided free of charge so that you can ask questions about your application or the SBA disaster program in any one of more than 140 languages. Simply call the Small Business Administration at 1-800-488-5323, state your language and the word "interpreter." Within moments, someone will assist you.

Outreach Team Member Plans To Reopen Her Business

The swap meet building at Washington and Griffin that once housed Lucrecia Garcia's eight-year old perfume and furniture business is still standing, but the structure's interior was severely damaged during the civil unrest in Los Angeles. Furthermore, the swap meet tenants lost their merchandise to looting.

"I lost my business. I worked for eight years, I put all my money into the business, other people there worked for 16, 18 years, and it was all gone in an hour," says Lucrecia.

After hearing about disaster assistance programs from Channel 34, L.A. County Supervisor Gloria Molina, and L.A. City Councilman Mike Hernandez, Lucrecia and her fellow swap meet renters visited the Ardmore Disaster Application Center (DAC) and filed applications for assistance. While at the DAC, Lucrecia says she began translating for other applicants, and she was approached by a fellow outreach member to join the team and help spread the word to others to apply for disaster assistance.

"I want to help," Lucrecia says. "The forms are so complicated and there's so much to do."

Repairs to her building have begun, she reports, but the businesses located there don't have the money needed to restock their inventories. Lucrecia notes that the landlord has temporarily reduced their rent



Photograph by D. Steffen

and is helping as much as he can, but reopening will depend on many factors including receipt of loans and/or grants.

"This outreach work is therapy for me," Lucrecia says with a smile.

Bookstore and Bakery *con't from page 1*

The Pathfinder Bookstore carries the complete works of Malcolm X, political books by leaders such as Nelson Mandela, and a large selection of Spanish titles. The Southern California Bookseller's Association is leading a fundraising drive to help replenish the inventory which was not insured. A number of publishers and book distributors have also pledged assistance. Flatland hopes to be in a new store at the previous site by September.

Lupita's faces different circumstances. Volunteers also helped clean Lupita's, and a friend lent some equipment so the store

could function as a retail outlet. Funds for rebuilding, however, will have to come from loan proceeds. Diaz says he has applied for an SBA loan and is waiting.

Because Diaz has another bakery, he is able to stock the temporary location, but is experiencing difficulties. Baking for two locations in ovens intended to supply one requires longer working hours and careful planning to anticipate the day's volume.

Diaz notes with pride that Lupita's is widely known for its specialty — Mexican bread. Despite the challenges, he intends to be baking his famous bread again on West Pico. "Business was good here," he concludes, "and we want to rebuild."

Business Resumption Tips

There are a number of things small business owners can do to prepare for disasters such as an earthquake, flood or fire. Take these steps now to speed up recovery in the event of future disasters:

▼
1. Make two (or more) sets of financial records and take pictures or a videotape of your business property and inventory. Store one set in another location — at home, in a safety-deposit box or even with a trusted relative or friend. If you use a computer, be sure to back up all data and store the back'up in another location.

▼
2. Make a list of the supplies, equipment, vendors and records most essential to resuming your business operations.

▼
3. Develop joint plans. Get together with surrounding businesses and plan a way to coordinate business response in the event of an emergency. Make sure you know how to get in touch with each other after hours. Ask your suppliers to work out cooperative plans that will help both of you resume business quickly.

Continued on page 4

BusinessTips
con't from page 3

4. Think about where you might temporarily relocate. For instance, after major earthquakes, businesses have set up in tents, school gymnasiums and trailers, as well as in newly rented space.

5. Make plans with your employees. Practice how you would evacuate your building and what responsibility each person should take. Remember, in the event of a major disaster, employees may suffer their own personal losses and be unable to return to their jobs immediately.

6. Be sure that you have adequate personal and business insurance. Your insurance should cover business disruption as well as business property damage.

Q & A con't from page 2

assistance for your mortgage or rent if you are experiencing financial hardship and are behind on your rent or mortgage payments as a direct result of the Los Angeles civil unrest. Rental and mortgage assistance are not loans — they are direct grants that do not have to be repaid. To apply, visit a DAC and bring: proof of residence; proof of unemployment or business ownership; and proof of intent to be evicted or foreclosed.

Can I get an adjustment on my income and or property tax?

It may be possible to make adjustments for casualty losses suffered this year on prior years' taxes. Contact the IRS for more information at 1-800-829-1040 and the State Franchise Tax Board at 1-800-852-5711. For information on property tax adjustments, contact the County Assessor's Office at one of the following: Pasadena (818)441-7100; South El Monte, Personal Property (818)350-4639 / Real Property (818)350-4695; West Covina (818)962-6651.

Do I need to apply for another business license?

The City of Los Angeles will provide a duplicate of your license if it was lost and was current in 1992. If you relocate to another site but reopen the same type of business, the City only requires that you notify them in writing to keep your existing license current. Call (213)485-

3952 for the fee amount and more information. Business owners in unincorporated areas should call Los Angeles County offices at (213)974-2165. In other area cities, please call your local city hall.

Will an SBA loan decline hurt my businesses' credit standing?

No. An SBA loan decline is not reported to credit agencies.

I leased/rented space and the owner of the business property does not want to rebuild. Can I receive assistance in relocating?

Yes. You can apply for an SBA low-interest loan. Call the SBA at 1-800-488-5323.

Do I have to pay someone a fee, points or commission to assist me in filing an SBA loan application?

No. Free assistance in filing SBA loan applications is available at the DACs, at the USC workshops, and at other locations. Check the Business Bulletin Board in this issue.

If you go to a private accountant, expect to pay a reasonable fee for help. However, fees based on a percentage of the loan amount, points, and commissions are unacceptable. Legal action will be taken against any firms/individuals charging such fees. Anyone charging a fee for "accelerating the loan process" could be guilty of consumer fraud and SBA will take legal action if this is brought to their attention.

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L.A. relief

P.O. Box 50310
Pasadena, California 91115-0310

ADDRESS CORRECTION REQUESTED

Printed on recycled paper

ADDITIONAL RESOURCES

ADDITIONAL RESOURCES

Below are additional resources for selected sections; not every section has additional resources referenced.

1. GETTING THE RECOVERY STARTED

1. ***Disaster Preparedness and Response.*** League of California Cities. 1990. Special Continuing Education Seminar for Municipal Attorneys.

Many sample materials, plans, ordinances included. Contains one volume of sample forms the City of Oakland used and/or developed after the Loma Prieta earthquake. Available from League of California Cities, 1400 K Street, Sacramento, CA 95814, (916) 444-5790.

2. ***Earthquake Recovery and Reconstruction Planning Guidelines for Local Governments.*** Southern California Earthquake Preparedness Project. May, 1991.

Guidelines address how local officials and their staffs can plan for problems associated with the difficult process of earthquake recovery. Available from Earthquake Program, Southern Region, Governor's Office of Emergency Services, 1110 East Green Street, Suite 300, Pasadena, CA 91106, (818) 304-8383.

3. ***Key Laws, Codes and Authorities Affecting Recovery and Reconstruction.*** Kenneth Topping. February, 1991.

A compilation of state, federal and City of Los Angeles regulations that affect recovery, reconstruction and the rebuilding process, with a discussion of each. Available from Kenneth Topping, Urban Planning Consultant, 1196 Banyan Street, Pasadena, CA 91103, (818) 584-3875.

4. ***Draft Recovery and Reconstruction Plan.*** City of Los Angeles. May, 1991.

The city's Recovery Plan contains policies and actions by major sector, and action programs listed by lead departments. Available from Earthquake Program, Southern Region, Governor's Office of Emergency Services, 1110 East Green Street, Suite 300, Pasadena, CA 91106, (818) 304-8383.

5. ***Pre-Earthquake Planning for Post-Earthquake Rebuilding.*** William E. Spangle, ed.

Discusses the "PEPPER" concept, Pre-Earthquake Planning for Post-Earthquake Rebuilding. City of Los Angeles is test site, but the approach and defining concepts are relevant to any community, as is its conclusion

that such pre-earthquake planning is very useful in helping a community through the recovery process. Available from William Spangle and Associates, 3240 Alpine Road, Portola Valley, CA 94025, (415) 854-6001.

6. *Proceedings: Joint Symposium on Earthquake Hazard Management in Urban Areas.* Bay Area Regional Earthquake Preparedness Project. 1992.

City department heads from San Francisco, Oakland and Los Angeles met in July, 1991. San Francisco and Oakland representatives discussed their experiences after Loma Prieta, and Los Angeles representatives discussed their experiences with Whittier and their plan. Recommendations for how to improve the management of urban earthquakes. Available from Earthquake Program, Coastal Region, California OES, 101 8th Street, Suite 152, Oakland, CA 94607, (510) 540-2713.

7. *The Loma Prieta Quake: What One City Learned.* Richard C. Wilson. 1991. International City Management Association.

By the city manager of Santa Cruz to describe his city's experience after the Loma Prieta earthquake. It details how Santa Cruz prepared for and responded to the earthquake, and some of the recovery issues. Of interest to government managers. Obtain from International City Management Association, 777 North Capitol Street, N.E., Washington, DC 20002.

8. "Planning for Disaster Recovery." Christine Ohlesen and Claire B. Rubin. *Management Information Service Report*, July, 1993. International City/County Management Association.

This report details for local government managers the key elements of a successful disaster recovery process, and suggests tools to use in creating and implementing a recovery plan. Obtain from the International City/County Management Association, 777 North Capitol Street, N.E., Suite 500, Washington, DC 20002-4201.

2. KEEPING TRACK AND GETTING REIMBURSED

Advance preparation for accurate documentation of eligible disaster response and recovery costs and for retention of audit-related documents is critical for timely, maximum reimbursement and successful defense of reimbursement payments following a federal or state audit. **Whenever possible, jurisdictions should obtain training and technical assistance from two California OES departments: Disaster Assistance Division, and California Specialized Training Institute.** DAD and CSTI co-sponsor an annual orientation seminar on Damage Assessment and Recovery Operations (1994 program in San Jose). Contact the CSTI Registrar for more information at (805) 549-3393.

Below are two pieces of legislation with which you should be familiar:

1. Federal Disaster Relief Act of 1974, as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Amendments of 1988 (PL 93-288).
2. State Natural Disaster Assistance Act (NDAA), as amended (*California Code of Regulations*, Title 19, Chapter 5, Section 2900).

6. USING VOLUNTEER RESOURCES

1. Training materials have been developed by the Emergency Services Department, County of Santa Cruz. These materials are available: 1) by calling the County of Santa Cruz, (408) 425-2045, or writing the Emergency Services Department, County of Santa Cruz, 701 Ocean Street, Santa Cruz, CA 95060; or 2) by contacting the Earthquake Program, Coastal Region, California OES (formerly BAREPP), 101 8th Street, Suite 152, Oakland, CA 94607, (510) 540-2713. The series includes:

Volunteer Manager Training Materials

Volunteer Management in a Disaster Environment

2. *Developing Volunteer Resources: Instructor Guide*, IG-244 and *Developing Volunteer Resources: Student Manual*, SM-244. Federal Emergency Management Agency. 1987.

Training volumes to be used as student and instructor materials for a two-day FEMA course on using volunteers. There are six units in the course: why volunteers; designing a volunteer program and recruiting volunteers; orienting and training volunteers; motivating volunteers; managing walk-in volunteers during disasters; and maintaining a viable volunteer program. These guides are available from FEMA, National Emergency Training Center, 16825 South Seton Avenue, Emmitsburg, MD 21727.

3. Many counties have a nonprofit Volunteer Center. Often these centers are linked into major corporations in the community. They are an excellent source of volunteers who are familiar with community needs, and can assist you in screening, orienting and placing volunteers.

8. TAKING CARE OF PERSONNEL

1. ***Disaster Work and Mental Health: Prevention and Control of Stress Among Workers.*** D. Hartsough and D. Myers. DHHS Pub. (ADM) 85-1422. 1985. Available from National Institute of Mental Health, 5600 Fishers Lane, Room 15005, Rockville, MD 20857.
2. ***Role Stressors and Supports for Emergency Workers.*** National Institute of Mental Health. DHHS Pub. (ADM) 85-1408. 1985. Available from NIMH, 5600 Fishers Lane, Room 15005, Rockville, MD 20857.
3. "When Disaster Strikes. . .The Critical Incident Stress Debriefing Process." J.T. Mitchell. *Journal of Emergency Medical Services*, January, 1983, pp. 36-39.
4. Counseling services are available from city and county mental health programs. It is important that the counselor be trained in Critical Incident Stress Debriefing techniques, which differ from traditional counseling and therapy.

13. PRESERVING HISTORIC BUILDINGS



Recent California earthquakes have illustrated the important and complicated historic preservation issues that emerge when an earthquake damages historic buildings in older business and residential districts. Decisions on the fate of some historic buildings have been controversial. Such agencies and organizations as FEMA, California OES, the California Office of Historic Preservation, the National Park Service, the California Preservation Foundation, the State Historical Building Code Board, and the National Trust for Historic Preservation have parts to play in the decisions, either in giving advice or regulating the process. Many different perspectives are represented in these organizations. The preservation community feels that public officials have acted much too quickly in demolishing some buildings; that they based their decisions on incomplete or erroneous information and in short, demolished buildings needlessly. Public officials feel pressure to balance public safety concerns with the historic concerns. One local official in an earthquake-damaged community has gone on record as finding the entire process of deciding the fate of a historic building fatally flawed, and urging that more control be given to the local community, including the local historic preservation group.

There is controversy over repair methods, materials, and costs. In some cases, it may be possible from an engineering perspective to repair a building, but the costs are so high that a building owner chooses not to repair. There are few coordinated efforts to identify and provide information on possible sources of funding. The importance of the historic buildings issue cannot be overstated. Because enormous costs and much controversy surround these buildings if they are damaged in an earthquake, building owners should be urged to retrofit their buildings prior to a damaging earthquake, and given financial and technical assistance to do so. It is also advisable for local government to articulate its policies before the next earthquake. If a consensus is established among city officials, the historic preservation community, building owners, and the community at large, the policies will be easier to implement.

POLICY ACTIONS

- ☛ Establish a process for involving your preservation commission and/or private preservation groups in policy setting and/or decisions regarding the fate of historic buildings--shoring, stabilizing, repair. What power will the building owner have over preservation and repair decisions?
- ☛ Obtain access to structural engineers with expertise in the restoration of historic structures.

continued

Policy Actions (continued)

- ☞ Familiarize yourself with the Section 106 process and the roles federal and state governments are required to play in any decision on a historic building (see Attachment 1).
- ☞ Familiarize yourself with SB3x (Section 5028 of the *California Public Resources Code*). (See Attachment 3 for a discussion of a recent application of this law.)
- ☞ Provide training for building inspectors and engineers on evaluating historic structures.
- ☞ Work with preservation groups to put together information on funding sources, in addition to insurance, that might be available for repair work on historic buildings.
- ☞ Decide if you want to modify or waive permits and fees for the repair of historic buildings.
- ☞ Adopt the *State Historic Building Code* and establish procedures for when it applies.
- ☞ Decide if you need to modify zoning requirements to facilitate the repair of historic buildings.
- ☞ If you decide to modify normal plan reviews and checks in the issuing of repair permits, establish a process that allows for review and approval of alterations to a landmark or historic building.
- ☞ Determine whether damaged historic buildings will be required to comply with fire, asbestos, handicapped access, other life safety requirements as a result of repairing earthquake damage.
- ☞ If a historic building must be demolished, decide what can replace it.
- ☞ Develop incentives for owners of historic buildings to protect their buildings from damage in future earthquakes.

HINTS FROM CALIFORNIA COMMUNITIES

- ☞ *For commercial property owners, many of whom owned historic buildings, Hollister's Downtown Association underwrote technical assistance from structural engineers and contractors to provide property owners with detailed information on the nature and extent of potential hazards, reasonable strengthening plans, and realistic cost estimates.*

continued

HINTS (continued)

- ☛ *Within a week of the Loma Prieta earthquake, the Town Council of the Town of Los Gatos clearly stated its policy that, wherever possible, buildings were to be repaired rather than demolished. As of January 1991, two commercial and 11 residential buildings approved for demolition were considered historically significant. A member of the local historic preservation community sat on the committee that guided building owners through the expedited rebuilding process. Historic structures were reviewed by this restoration committee only, and did not require review by the Historic Preservation Committee or the Planning Commission.*
- ☛ *The City of Santa Cruz worked with representatives from the local historic preservation community to recover artifacts and architectural features from historic buildings during demolition.*
- ☛ *Within four days of the Loma Prieta earthquake, the California Preservation Foundation and the National Trust for Historic Preservation, Western Regional Office, prepared a post-earthquake "kit" consisting of "don't panic" materials that included lists of structural engineers and architects with preservation experience. The kits had information about funding sources; descriptions, addresses and telephone numbers of relief agencies; "how to do it" repair information; recommendations on local decision-making processes involving input from preservation commissioners, professionals, and others; recommendations for positive city policies on damaged historic properties; information on economic incentives for preservation; and lessons learned from earlier earthquakes.*
- ☛ *In San Francisco, the Foundation for San Francisco's Architectural Heritage, the city's non-profit historic preservation organization, worked with property owners whose initial desire was to demolish their historic buildings. Heritage was able to acquire pro bono services from structural engineers and architects to provide second or even third opinions on the feasibility of saving particular structures.*

ATTACHMENTS

1. *Section 106 Participation by Local Governments.* Prepared by Advisory Council on Historic Preservation, 1100 Pennsylvania Ave., N.W., Suite 809, Washington, DC 20004. (202) 786-0503. [On page 202.]
2. "An Ordinance Amending Chapter 18 of the Municipal Code, As Adopted by Ordinance No. 11217 C.M.S., To Provide Minimum Standards and Regulations Governing the Securing of Historic Buildings Damaged by Earthquake." Ordinance No. 11359. City of Oakland. [On page 210.]
3. "SB3x Withstands Court Test--Upton Sinclair House Must be Repaired", *California Preservation Foundation Newsletter*, Summer 1993, p.5. [On page 217.]

Section 106 Participation by LOCAL GOVERNMENTS

Introduction

Section 106 of the National Historic Preservation Act (NHPA) requires Federal agencies to take into account the effects of agency undertakings on historic properties, and to afford the Advisory Council on Historic Preservation a reasonable opportunity to comment on such undertakings. The Council has issued regulations showing how agencies are to comply with Section 106. [36 CFR Part 800] These regulations, revised in 1986 at 51 FR 31115, are discussed in detail in the Council publication, *Section 106, Step-by-Step*.

The revised regulations were issued in 1986, partly in response to NHPA requiring that the Council "by regulation, establish such procedures as may be necessary to provide for participation by local governments in proceedings and other actions taken by the Council with respect to undertakings referred to in Section 106 which affect such local governments." [16 U.S.C. 470s] Accordingly, special attention was given to providing roles for local governments in the process set forth in the revised regulations.

This fact sheet presents a general discussion on opportunities for participation in Section 106 review by a local government, as well as information on specific occasions for participation. Local governments may participate in Section 106 review as recipients of Federal assistance, licenses, or permits. Frequently, local governments are delegated legal responsibility for Section 106 compliance by a Federal agency under the terms of a Programmatic Agreement with the Council, and so are participants in the review process. In some circumstances, Certified Local Governments (CLGs) may participate in Section 106 review in place of the State Historic Preservation Officer (SHPO), such as in review of plans and specifications for rehabilitation projects, in order to ensure compliance with Department of the Interior guidelines. Finally, emergency undertakings may require specific participation on the part of the local government under Section 106 regulations.

Definitions

A historic property is defined as "any prehistoric or historic district, site, building, structure, or object included in, or eligible for inclusion in, the National Register. The term includes . . . artifacts, records, and remains that are related to and located within such properties. The term 'eligible for inclusion in the National Register' includes both properties formally

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue, NW., Suite 809, Washington, DC 20004 (202) 786-0503

Figure 1: A brief look at Section 106 review

How does Section 106 review work?

The standard review process is spelled out in Federal regulations issued by the Advisory Council on Historic Preservation. Entitled "Protection of Historic Properties," the regulations appear in the U.S. Code of Federal Regulations at 36 CFR Part 800. The process involves five basic steps, as follow,

Step 1: Identify and evaluate historic properties

The Federal agency responsible for an undertaking begins by identifying the historic properties the undertaking may affect. To do this, the agency first reviews background information and consults with the State Historic Preservation Officer (SHPO) and others who may know about historic properties in the area. Based on this review the agency determines what additional surveys or other field studies may be needed, and conducts such studies.

If properties, that is, districts, sites, buildings, structures, or objects, are found that may be eligible for inclusion in the National Register of Historic Places, but have not yet been included in the Register, the agency evaluates them against criteria published by the National Park Service, which maintains the Register. This evaluation is carried out in consultation with the SHPO, and if questions arise about the eligibility of a given property, the agency may seek a formal determination of eligibility from the Secretary of the Interior. If a property has already been included in the National Register, of course, further evaluation is not ordinarily necessary. Section 106 review gives equal treatment to properties that have already been included in the Register and those that are eligible for inclusion.

Step 2: Assess effects

If historic properties, that is, properties included in or eligible for inclusion in the National Register, are found, the agency then assesses what effect its undertaking will have on them. Again the agency works with the SHPO, and considers the views of others. The agency makes its assessment based on criteria found in the Council's regulations, and can make one of three determinations:

- No effect: the undertaking will not affect historic properties;
- No adverse effect: the undertaking will affect one or more historic properties, but the effect will not be harmful;
- Adverse effect: the undertaking will harm one or more historic properties.

Step 3: Consultation

If an adverse effect will occur, the agency consults with the SHPO and others in an effort to find ways to make the undertaking less harmful. Others who are consulted, under various circumstances, may include local governments, Indian tribes, property owners, other members of the public, and the Council. Consultation is designed to result in a Memorandum of Agreement (MOA), which outlines measures agreed upon that the agency will take to reduce, avoid, or mitigate the adverse effect. In some cases the consulting parties may agree that no such measures are available, but that the adverse effects must be accepted in the public interest.

If consultation proves unproductive, the agency or the SHPO, or the Council itself, may terminate consultation. The agency must submit appropriate documentation to the Council and request the Council's written comments.

Step 4: Council comment

The Council may comment during step 3 of the process, by participating in consultation and signing the resulting MOA. Otherwise, the agency obtains Council comment by submitting the MOA to the Council for review and acceptance. The Council can accept the MOA, request changes, or opt to issue written comments. If consultation was terminated, the Council issues its written comments directly to the agency head, as the agency had requested.

Step 5: Proceed

If an MOA is executed, the agency proceeds with its undertaking under the terms of the MOA. In the absence of an MOA, the agency head must take into account the Council's written comments in deciding whether and how to proceed.

Alternative approaches

The Section 106 regulations also spell out three alternative means of complying with Section 106. These are

- Programmatic Agreements among an agency, the Council, one or more SHPOs, and others;
- Counterpart regulations developed by an agency and approved by the Council;
- An agreement between the Council and a State, which substitutes a State review system for the standard Section 106 review process.

determined as such by the Secretary of the Interior and all other properties that meet National Register listing criteria." [36 CFR § 800.2(e)]

A **local government** is considered to be "a city, county, parish, township, municipality, borough, or other general purpose political subdivision of a State." [36 CFR § 800.2(i)]

A **certified local government** is a local government whose historic preservation program has been certified pursuant to Section 101(c)(1) of NHPA. Department of the Interior regulations at 36 CFR Part 61 govern this certification process.

Section 106 review is defined in the Council's publication, *Section 106, Step-by-Step*, as a review process "established under Section 106 of the National Historic Preservation Act and administered by the Advisory Council on Historic Preservation under its regulations at 36 CFR Part 800. During this process, agencies afford the Council an opportunity to comment on any agency activity or undertaking that may affect historic properties, and must take such Council comment into account."

A **State Historic Preservation Officer (SHPO)** is defined in the regulations as "the official appointed or designated pursuant to Section 101(b)(1) of the [National Historic Preservation] Act to administer the State historic preservation program or a representative designated to act for the [SHPO]." [36 CFR § 800.2(n)]

Agencies seek the views of the appropriate SHPOs while identifying historic properties and assessing effects of an undertaking on historic properties. Agencies also consult the SHPO when developing Memoranda of Agreement (MOAs).

The regulations define **undertaking** as "any project, activity, or program that can result in changes in the character or use of historic properties, if any such historic properties are located in the area of potential effects. The project, activity, or program must be under the direct or indirect jurisdiction of a Federal agency or licensed or assisted by a Federal agency." [36 CFR § 800.2(o)] Undertakings include construction, demolition, planning, licenses, permits, loans, loan guarantees, grants, Federal property transfers, and many other Federal activities.

Participation by local governments in general

The Council regulations encourage local governments to take an active role in Section 106 review, but with certain exceptions the extent of that participation is at the discretion of local government officials. [36 CFR § 800.1(c)(2)(i)]

When Federal agencies try to identify historic properties that might be affected by their activities, they are required by Council regulations to seek information about these properties from local governments and other interested parties. [36 CFR § 800.4(a)(1)(iii)]

If a local government indicates an interest in the agency's proposed action or its possible effects on known historic properties within its jurisdiction, then the agency must notify the local government if it believes there are no historic properties in the affected area. [36 CFR § 800.4(d)] If there are historic properties in the affected area, the agency must also notify the local government if the proposed actions will have no effect on them. [36 CFR § 800.5(b)] The local government can then request that the Council review the agency's determinations, which in turn might lead the agency to reconsider its finding. [36 CFR § 800.6(e)(1) and (2)]

If a Federal agency determines that its undertaking will affect historic properties but not adversely, the agency must obtain the concurrence of the SHPO and submit its finding with necessary documentation to the Council. [36 CFR § 800.5(d)] This documentation must include the views of affected local governments, if available. [36 CFR § 800.8(a)(5)] There is no specific provision for the views of affected local governments to be considered if the SHPO's concurrence in a determination is sought, but the determination and summary documentation must be available for public inspection. [36 CFR § 800.5(d)(1)(i)]

If an undertaking will have an adverse effect on a historic property, Council regulations require that the agency, the SHPO, and sometimes the Council and other interested parties, consider ways to avoid or reduce such effects. The head of a local government must be invited to participate as a consulting party if he or she so requests, and if the undertaking might affect historic properties within the local government's jurisdiction. [36 CFR § 800.5(e)(1)(i)] As a consulting party, the head of the local government can be invited to concur in any agreement reached as a result of the consultation, provided the agency, the SHPO, and the Council, if it is participating, agree. [36 CFR § 800.5(e)(4)]

Participation when a local government is a recipient of Federal assistance, permit, or license

When an undertaking subject to review concerns a local government that has received Federal assistance or a Federal permit or license, Council regulations provide that the local government can decide to participate in Section 106 review. [36 CFR § 800.1(c)(2)(i)]

Participation when local government has legal responsibility for Section 106 compliance

When local governments administer Federal programs such as the Community Development Block Grant (CDBG) and the Urban Development Action Grant (UDAG) programs of the Department of Housing and Urban Development (HUD), local governments assume all Federal agency responsibilities for Section 106 compliance. In such instances, the local government must be a consulting party. [36 CFR § 800.1(c)(2)(i)] The regulations apply to the local government in the same manner they would to a Federal agency.

Local government participation in Programmatic Agreements

The regulations of the Council governing Section 106 review also permit a Federal agency to fulfill its Section 106 responsibilities for a particular program, a large or complex project, or a class of undertakings that would otherwise require numerous individual requests for comments, through a Programmatic Agreement (PA). [36 CFR § 800.13] In a PA the agency, the Council, the relevant SHPO or SHPOs (or, in the case of an agreement having national effect, the National Conference of SHPOs) agree on measures to identify, consider, and treat historic properties that may be subject to effect by the program, project, or class of undertakings under review. Local governments and other interested parties can be invited to participate in PA development.

In carrying out responsibilities on behalf of HUD for block grants and other similar programs, local governments can propose and enter into PAs. Such PAs often address the effects of local building rehabilitation programs, and typically evaluate buildings for National Register eligibility, apply the *Secretary of the Interior's Standards and Guidelines for Rehabilitation*, and provide for the review of plans and specifications by the SHPO and/or by a local preservation commission. Such a PA eliminates the need for property-by-property compliance with Section 106, and ensures the use of appropriate standards in rehabilitation. Local governments are encouraged to contact the Council or the SHPO to discuss the usefulness of such agreements in their jurisdictions.

When a Federal agency, the Council, and a SHPO develop a PA that will affect a local government, they are required to invite the local government to participate in the consultation and in the execution of the PA. [36 CFR § 800.13(b)-(d)]

For further information on PAs, see the Council's fact sheet, *Programmatic Agreements under Section 106*.

Participation by Certified Local Governments in lieu of participation by SHPOs

Section 101(c)(1) of NHPA provides for certification of historic preservation programs maintained by local governments by the SHPO and the Secretary of the Interior. These Certified Local Governments (CLGs) are eligible for a variety of benefits, including technical assistance and grants-in-aid from SHPOs and the National Park Service.

Council regulations provide that if the SHPO, the appropriate local government, and the Council agree, a local government whose historic preservation program has been certified can assume any or all of the duties of the SHPO. [36 CFR § 800.1(c)(2)(i)]

When a CLG seeks to assume some or all SHPO functions for Section 106 compliance within its jurisdiction, the CLG can facilitate an agreement with the SHPO and the Council by preparing a complete program

description. In cases when the CLG assumes only some of the SHPO duties, such as responsibility for certain resources only, a clear distinction between CLG duties and those to be retained by the SHPO should be in the CLG's program description. The CLG also should provide any specific information that would assist the SHPO and the Council in evaluating the CLG's program. The SHPO and the Council can review the program description and discuss any areas of disagreement with the CLG, before the CLG assumes SHPO responsibilities.

The following general information should be included in the CLG's program description:

- The location and boundaries of the CLG's jurisdiction, the organization of the local government and the place of the historic preservation program within that organization, and the types of known or possible historic properties within the CLG's jurisdiction.
- Evidence of the CLG's understanding of SHPO duties and responsibilities in Section 106 review, as set forth in the regulations.
- A description of the CLG's historic preservation program and the staff assigned to Section 106 compliance. The CLG can arrange for its staff to attend a 3-day training course, "Introduction to Federal Projects and Historic Preservation Law," offered by the Council in cooperation with the General Services Administration. These courses are given regularly in many locations throughout the country, and special courses can be arranged upon request.
- A description of any means of avoiding conflict of interest when the CLG must review its own project under Section 106 guidelines. For example, the CLG can separate administratively the Section 106 review function from other government departments involved with overseeing Federal grant programs, such as CDBGs and UDAGs.

The CLG's historic preservation program must have guaranteed independence in the review process, and provisions can also be made for the SHPO to reassume a review role when the CLG itself is a project sponsor.

If the CLG's historic preservation commission has review authority for particular historic districts within the CLG's jurisdiction (for example, design review authority), the CLG's program description should outline the relationship between these duties and its responsibilities in assuming the SHPO's functions in Section 106 review. It must be clearly understood that the SHPO's responsibilities may be broader than those otherwise held by the local historic preservation commission. For example, SHPO responsibilities may extend to all effects on historic properties, even those outside the boundaries of those districts established by local ordinance. On the other hand, SHPO responsibilities may be less determinative of the outcome of agency actions than are those of a CLG. For example, many local historic preservation commissions are empowered to issue or withhold "Certificates of Appropriateness," certifying that a given

undertaking is appropriate within a historic district, and without which the undertaking cannot proceed. Few SHPOs have equivalent powers.

The CLG can provide for SHPO participation in its activities, when the CLG, the SHPO, or the Council determines that such participation would be useful. The CLG can establish procedures for dealing with circumstances in which an undertaking affecting properties both within and outside the CLG's jurisdiction may be subject to review both by the CLG and the SHPO, or by two or more CLGs carrying out SHPO duties. The Council can also request that the CLG permit periodic review by the SHPO or the Council of CLG procedures.

A CLG's assumption of the SHPO responsibilities in the review process can be terminated, if the SHPO or the Council withdraws from the agreement with the CLG, or if the CLG's program is decertified according to 36 CFR § 61.5(c)(5).

SHPOs and CLGs are encouraged to cooperate to the maximum extent possible with Federal agencies during the transition period between SHPO and CLG responsibility for participation in activities in order to minimize confusion and delay for such agencies.

CLG participation in review of plans and specifications

Under its regulations the Council regularly executes MOAs and concurs in determinations of "no adverse effect," which cover federally assisted undertakings that involve the rehabilitation of historic buildings and structures. Such MOAs normally provide that rehabilitation be done in accordance with the *Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings*, and for the review by the SHPO of plans and specifications for rehabilitation.

In order to simplify the implementation of MOAs and determinations of "no adverse effect" under the Council's regulations; to encourage maximum local involvement in such implementation; and to encourage consistency among Federal, State, and local approaches to design review, the Council has adopted the policy of encouraging agreements that provide for local government review of plans and specifications in lieu of SHPO review, provided

- the local government is a CLG,
- the CLG carries out design review using the *Secretary of the Interior's Standards for Rehabilitation* as a basis for such review, and
- the SHPO agrees that the CLG should review plans and specifications in place of the SHPO.

Special provisions for emergency undertakings

When the chief executive officer or legislature of a local government declares a state of emergency or a natural disaster, and proposes to use HUD program assistance within 30 days to ensure the public health or safety, the local government can satisfy Section 106 by notifying the Council and the SHPO, and giving them seven days to comment, if circumstances permit. During the waiting period no action can be taken that would damage the historic properties.

If the Council or the SHPO objects to the local government's determination, the local government is required to comply with the standard process set forth in the regulations rather than the expedited emergency process. The expedited process can be used only for undertakings that will be implemented within 30 days after the emergency. [36 CFR § 800.12(c) and (d)]

Conclusion

Local governments are in an excellent position to increase public awareness of historic preservation issues, and to focus local attention on NHPA programs. The Council's regulations encourage local governments to take an active role in Section 106 review, to recognize the full range of benefits available for local governments, and to meet the additional responsibilities of active participation in the review process.

The Secretary of the Interior's Standards for Rehabilitation and Guidelines for Rehabilitating Historic Buildings referenced in this fact sheet is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, DC 20402. Request stock number 024-005-01003. \$2.00 per copy.

For additional information, please contact the Advisory Council on Historic Preservation, 1100 Pennsylvania Avenue, NW, Suite 809, Washington, DC 20004. Telephone: (202) 786-0503.

Issued November 1988

Ralph W. Wood
CITY ATTORNEY

INTRODUCED BY COUNCILMEMBER _____

ORDINANCE No. 11359 C. M. S.

AN ORDINANCE AMENDING CHAPTER 18 OF THE OAKLAND MUNICIPAL CODE, AS ADOPTED BY ORDINANCE NO. 11217 C.M.S., TO PROVIDE MINIMUM STANDARDS AND REGULATIONS GOVERNING THE SECURING OF HISTORIC BUILDINGS DAMAGED BY EARTHQUAKE

WHEREAS, the City of Oakland desires to preserve important, historic building assets that may be difficult to replicate; and

WHEREAS, the primary purpose of this Ordinance is to provide minimum standards and regulations governing the securing of historic structures damaged by earthquake; and

WHEREAS, failure to provide such minimum standards and regulations may lead to environmental blight, public nuisances and the destruction or loss of the City's historical building stock; and

WHEREAS, the requirements of the California Environmental Quality Act (CEQA) of 1970, and the provisions of the Statement of Objectives for Resources, and the provisions of the Statement of Objectives, Criteria and Procedures for Implementation of CEQA have been satisfied and that, in accordance with Section 15301 (d) of the California Code of Regulations, this project is exempt from the provisions of CEQA.

THEREFORE, the Council of the City of Oakland does ordain as follows:

Section 1. Existing Sections 18-1.04 (A) through (P) of Chapter 18, Article 1, of the Oakland Municipal Code are respectively renumbered to be Sections 18-1.04 (B) through (Q).

Section 2. A new Section 18-1.04 (A) is added to Chapter 18, Article 1, of the Oakland Municipal Code to read as follows:

" (A) Abandoned Historic Structure. As used herein, the word "Abandoned Historic Structure" shall mean an earthquake-damaged historic structure that has been posted "unsafe" or "limited entry" by the Building Official and is a structure that is not occupied, inhabited, or used for its intended purposes, and is unsecured. For purposes of this Chapter, an abandoned historic structure is unsecured when it is unprotected from unauthorized entry by members of the public or from damage and deterioration caused by the effects of environmental elements."

Section 3. A new Section 18-4.02 is added to Chapter 18, Article 2, of the Oakland Municipal Code to read as follows:

"SEC. 18-4.02 SECURING EARTHQUAKE-DAMAGED HISTORIC STRUCTURES. Notwithstanding any other law, procedure, regulation or provision of this Chapter, this Article shall govern the duty of owners and other interested parties of record to secure earthquake-damaged historic structures. The procedures, including appellate procedures, set forth in this Article shall govern over any conflicting procedures contained in any other law, procedure or regulation.

A. Duty To Secure. It shall be unlawful for any owner or other interested party of record to maintain or to allow an earthquake-damaged historic structure to be maintained as an abandoned historic structure. It shall be the duty of the owner and other interested parties of record of each earthquake-damaged historic structure to secure each such structure to prevent unauthorized entry by members of the public and to prevent damage and deterioration caused by the effects of environmental elements. It shall be unlawful for the owner or interested party of record of any earthquake-damaged historic structure to fail to secure such structure pursuant to the requirements of this Article.

B. Order To Secure. The Building Official, upon determining that an earthquake-damaged historic structure is being maintained as an abandoned historic structure, shall provide the owner with an Order To Secure. The Order To Secure shall be in writing and shall be delivered personally or by certified mail to the property owner and any other party of record with an equitable or legal interest in said property. The Order shall set forth those factors which, in the opinion of the Building Official, causes the structure to be an abandoned historic structure. The Order shall provide that, within five days from the date set forth in the Order, the owner shall begin and prosecute to completion the work of securing the structure pursuant to the terms of the Order and of this Article. The Order shall include a date by which the work must be completed. The Building Official, in establishing such date, shall take into consideration the condition of the structure and the amount of work that must be done to secure it.

The decision of the Building Official determining that an earthquake-damaged historic structure is an abandoned historic structure may be appealed to the Director of Public Works or his designee by the property owner or any other interested party of record. Any such appeal shall be in writing and shall indicate the basis of error by the Building Official and shall be hand-delivered to the Building Official within five days of the date set forth in the Building Official's Order. Failure to appeal within the required five day period shall constitute a waiver of the right to appeal to the Director of public Works and the Building Official's determination and Order shall stand as final. An appeal that is properly and timely filed shall cause the Building Official's determination and Order to be suspended until such time as the matter is heard and resolved by the Director of Public

Works.

C. Hearing. At the time of receiving a valid appeal, the Building Official shall schedule an appeal hearing before the Director of Public Works. The appellant shall be notified of the date, time and place of the hearing at the time the appeal is filed. The hearing shall be held as soon as practicable.

At the hearing, the appellant shall have the right to call witnesses, submit evidence and to cross-examine the witnesses of the City. All witnesses shall be sworn. A record of the entire proceeding shall be made by tape recording. Any relevant evidence may be admitted regardless of the existence of any common law or statutory rule which might make improper the admission of such evidence over objection in civil actions in the courts of this State.

At the close of the hearing, the Director of Public Works or his designee shall act to either uphold, overrule or modify the determination and Order of the Building Official. The determination and Order of the Building Official shall be upheld, unless the Director or his designee finds, based upon submitted evidence in the record, that the Building Official erred in determining that the subject structure is an abandoned historic structure. The decision of the Director or his designee must be made within two days and may be given orally or in writing. If given orally, the decision shall be memorialized in writing and served upon the appellant within five days of the date of the oral decision.

If the Director or his designee upholds the decision of the Building Official, the property owner or other interested party of record shall be ordered to secure the structure within the time set forth in the decision by the Director or his designee. If the Building Official is determined to have erred, his determination and Order shall be vacated. The decision of the Director or his designee shall be final on the date it is rendered.

D. Specifications for Securing Earthquake-damaged Historic Structures. All openings, including, but not limited to, doorways, windows, cracks, gaps, holes and other apertures, shall be secured to meet the following minimum standards so as to prevent unauthorized entry by members of the public and to prevent damage and deterioration caused by the effects of environmental elements:

1. securing of earthquake-damaged historic structures shall consist of emplacement of one-half inch exterior grade plywood, on the exterior side with paint matching the predominate color of the structure, across all openings on the ground level floor and floor immediately accessible to entry, other than

those where mechanical assistance would be required to effect entry. Plywood shall be cut to the size of the opening and fastened by means of 2"x4" strongback placed on the inside of the building and attached with metal bolts. There shall be no nailing of the plywood to the window frame or sash. At least one door providing entry to each unit of the structure shall be secured by means of one-half inch exterior grade plywood cut to the door opening size and fastened by means of hinges and secured with a hasp and padlock. The lock shall be a MASTER-3NKA or equivalent. Broken windows on upper floors shall be secured by one-half inch exterior grade plywood, painted on the exterior side with paint matching the predominate color of the structure. Plywood shall be cut to the size of the opening and placed on the interior side of the window and shall be fastened by means of 2"x4" strongback placed on the inside of the structure and attached with metal bolts;

2. All doors and windows not secured as set forth in Section 18-4.02(A)(1) of this Article, shall be kept closed and locked.
3. All other openings, including cracks, gaps, holes and other apertures, which either may be used to gain unauthorized entry or may allow environmental elements to invade the interior portions of the structure shall be secured with appropriate building materials, with the exterior portions of the materials, being painted the color matching the predominate color of the structure that surrounds the secured opening.
4. All secured areas, in compliance with applicable codes and regulations, shall be kept free of graffiti, bills, posters and litter.

E. Penalties. It shall be unlawful for the owner or any other interested party of record to maintain, or cause to be maintained, an abandoned historic structure, or to fail to comply with an Order to Secure imposed by the Building Official, the Director of Public Works or his designee. After written notice from the City to the Owner or other interested party of record, the following penalties shall be imposed upon owners who fail to comply with the provisions of this Article:

1. Except as otherwise provided herein, a \$500.00 penalty shall be imposed upon the owner or other interested party of record of each abandoned historic structure for each day, or partial day, such structure is maintained as an abandoned historic structure. For purposes of this Article, each day, or partial day, that a structure remains an abandoned historic structure shall be considered a separate violation of this Article.
2. If the work of securing the structure is completed by the City or its contractors, the penalty imposed upon the owner or other interested party of record shall be a penalty which either equals the amount required by Section 18-4.02 (E)(1) of this Article or 10% of the actual costs incurred by the City in securing or having the structure secured pursuant to the provisions of this Article, whichever is greater.
3. The penalties imposed pursuant to this Article shall be assessed in the manner and pursuant to the procedures set forth in Section 18-1.09 (B) of this Chapter. In addition, the penalties shall be a personal obligation of the owner of the subject real property.

F. Occupancy Permit Revocation. In addition to imposing the penalties set forth in Section 18-4.02 (E) of this Article, the Building Official, following the procedures set forth in Section 18-1.09 (C) of this Chapter, may revoke the occupancy permit for any abandoned historic structure for which an owner fails to satisfy the requirements of this Article. The procedures and regulations governing appellate review of the Building Official's revocation decision shall be as set forth in Section 18-1.09 (C) of this Chapter.

G. Right Of Entry. Whenever an Order to Secure of the Building Official, Director of Public Works or his designee is not complied with within the time set forth in the Order, the Building Official, Director of Public Works or his designee, whichever is applicable, shall be authorized to enter the structure and to secure it pursuant to the requirements set forth in Section 18-4.02 (D) of this Chapter. Instead of using City forces to perform the work, the Building Official, Director of Public Works or his designee, subject to the City's contracting regulations, may order the work to be performed by contractors. Contractors hired by the City, in prosecuting the work authorized by this Article, shall have the same rights of entry accorded the Building Official,

Director of Public Works or his designee.

H. Costs Of Securing. All costs and expenses incurred by the City, including staff costs resulting from the contracting process, shall become a personal obligation of the owner of the related real property and, in addition, shall become a special assessment against the property.

At the time the Building Official, Director of Public Works or his designee, orders security work to be done by the City or the City's contractors, the Building Official shall record a notice of prospective lien against the subject property. Such notice shall include a description of the proposed security work and an estimate of its costs.

Immediately upon the completion of any work of securing an abandoned historic structure by City forces or City Contractors, the Building Official shall prepare a report of assessment. Said report shall describe the work performed, the dates on which it was performed and the costs incurred by the City. The Building Official shall cause a copy of the report to be served on the subject property owner and all other interested parties of record. Said report shall be accompanied by a notice of the date, time and place of the confirmation hearing before the Oakland City Council. Said notice shall provide the owner or other interested party with at least five working days prior notice of said confirmation hearing.

The notice and report shall be placed in a sealed envelope, postage prepaid, addressed to the owner or other interested party at his/her last known address as the same appears on the last equalized assessment roles of the City of Oakland, and deposited, registered or certified mail, return receipt requested in the United States mail. Service shall be deemed complete at the time of deposit in the United States mail.

A copy of the report of the assessment shall be posted in the office of the City Clerk at least three days prior to the time when the report will be submitted to the City Council.

At the time set forth in the notice, the City Council shall hear the matter and either modify and confirm the assessment report. The Council shall confirm the report as presented by the Building Official, unless the Council, after a review of the evidence in the record, finds that either the work assessed was not performed or that there was an error made in calculating the amount owed. After the assessment is made and confirmed, it shall be a lien on said property, until said sum, with interest at the maximum legal rate per annum, has been paid in full. Interest shall begin to run on the date the amount is confirmed.

Such lien shall attach upon recordation in the Office of the County Recorder, Alameda County, by certified copy of the resolution of confirmation. After confirmation of the report, a certified copy shall be filed with the County Auditor, Alameda County, on or before August 10. The description of the parcel reported shall be that used for the same parcel as the County Assessor's map books for the current year. The County Assessor shall enter each assessment on the County tax roll opposite the parcel of land. The amount of the assessment shall be collected at the same time and in the same manner as ordinary municipal taxes are collected, and shall be subject to the same penalties and the same procedures for foreclosure and sale in case of delinquencies as provided for ordinary municipal taxes.

SECTION 5. the City Council makes the following findings in support of the adoption of this Ordinance:

1. the adoption of this Ordinance complies with CEQA;
2. the protection of earthquake-damaged historic structures is a compelling governmental interest, because of the number of such structures in existence, the effect of their existence on the economy, and the health, safety and welfare risks posed by the structures;
3. this Ordinance is necessary to preserve the health, safety, peace and welfare of the public; and,
4. the recitals set forth in the opening paragraphs of this Ordinance are true and correct.

SECTION 6. This ordinance shall become effective on the date of its adoption and shall supersede the provisions of any other conflicting law, ordinance or regulation.

SECTION 7. The Review Officer is directed to file a notice of exemption with the Alameda County Clerk.

I certify that the foregoing is a full, true and correct copy of an Ordinance passed by the City Council of the City of Oakland, California on
JUL 16 1991

ARRECK JAMESON
City Clerk

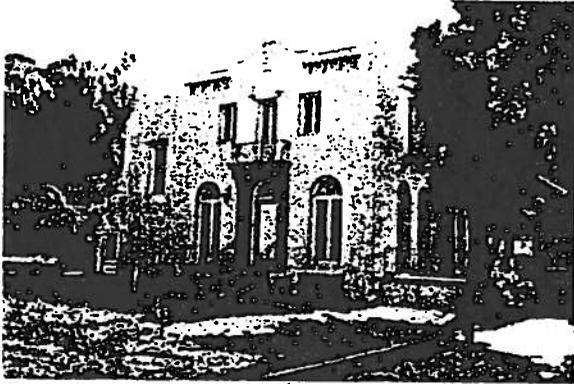
Per _____,

Helen Bolden

Deputy.

SB3x WITHSTANDS COURT TEST — UPTON SINCLAIR HOUSE MUST BE REPAIRED

In June Los Angeles County Superior Court Judge Diane Wayne denied the owners of the Upton Sinclair House a writ of mandate they sought to overturn the decision of the State Office of Historic Preservation requiring the house be repaired. In February, she had also denied a preliminary injunction to allow demolition. Judge Wayne stated that the determination of OHP was amply supported by the record, and she refused to substitute her judgment for that reached by the State.



The Upton Sinclair House, a National Historic Landmark, was damaged in the June, 1991 Sierra Madre earthquake. The owners were convinced that the 1923 two-story poured concrete house was too damaged to be repaired and wanted to demolish the house, take the insurance money, and build a new house on the double-lot site. However, city officials felt a thorough damage assessment was necessary before permitting any demolition, and insisted that OHP should have a role in the final determination.

Section 5028 of the Public Resources Code, the 1989 response (Senate Bill 3x - Marks) to the Loma Prieta quake, states that no historic building that has been damaged by earthquake, flood or fire may be demolished or substantially altered unless it's a threat to the public — or if OHP agrees. Very few applications of the law have been made since 1989.

In the case of the Upton Sinclair House, the owner's insurers and the City had developed conflicting engineering scenarios. OHP pointed to the report prepared by Nels Roselund for the City as a good point from which the City should develop a resolution. The City put together an engineer's report and cost estimate — with an out-of-round grant from the National Trust for Historic Preservation to accomplish this task — and, with the report in hand, OHP then determined that the house could be repaired at

less cost than reconstruction. The City in its position between public and private interests, tried to strike a balance by ensuring State law was enforced. But the City did have to push for the §5028 determination.

Some important issues have been raised and (at least for now) handled:

- OHP will act on a request for determination under §5028 (OHP has argued that they have no staffing and no funding to enforce §5028), but Monrovia's persistence was the key. Cities should not be issuing permits for demo or substantial alteration until the OHP does act, but time is often a factor and neither property owners nor cities enjoy delays in the aftermath of disasters.

- The lower courts have now reviewed a complete §5028 process, finally, and they haven't seen anything wrong with it. As long as the statutory process is followed, the precedents under which the courts operate should encourage judges to uphold OHP determinations. Just make sure there is more than adequate analysis to inform OHP's determination.

- Section 5028 can give both cities and preservationists a powerful tool to prevent demolition of historic structures. If a structure is listed on any register — federal, state or local — it qualifies. And it's NOT just for earthquakes, for §5028 covers floods and fires, too.

- Never underestimate the importance of bringing in the local representatives of State government. Assemblyman Richard Mountjoy attended the OHP site-visit in December, 1991, ensuring that he understood what was happening from properly informed sources. The court decision supports the legitimacy of §5028, but political support for the law will always be equally important.

If you're with a city, make sure §5028 is in your earthquake or disaster plan and that the Building Official and City Attorney know what it is. If you're a local preservationist, make sure the City is familiar with it. The first thing you should think of after an earthquake is your safety and the safety of your family — the second thing is to watchdog the landmarks and hound the City to keep §5028 in mind.

Vance Pomeroy, City of Monrovia planner, sent in this article. Along with Chief Building Official Paul Sheedy, Pomeroy greatly contributed to the preservation of the Upton Sinclair House by insisting that damage assessment reports were accurate and that state and local laws were observed. The City of Monrovia deserves high praise for its willingness to stick with a potentially unpopular issue like this. In addition, OHP, CPF, the National Trust and National Park Service all played their appropriate roles in this preservation success story.

15. EVALUATING REBUILDING OPTIONS

Refer also to the following subsections for discussions on related issues: *Keeping Track and Getting Reimbursed* (#2); *Financing the Rebuilding* (#16); *Resolving Long-Term Rebuilding Issues* (#17); and *Preparing a Hazard Mitigation Plan* (#18).



Questions will arise almost immediately from the community and leading officials about what has to be done in order to rebuild: what will be rebuilt; where rebuilding will take place; whether there will be changes in the building process; and what the rebuilt community will look like. While

some of these decisions cannot be made immediately, you will need to decide *how* you are going to make these decisions. Will you temporarily stop all building in your community? What urgency ordinances will you need? How will you handle repairs? How will you involve the construction industry? What public and private financial resources are available to you? The level of damage to the community and the community growth and development issues before the disaster will affect the types of planning issues that will arise. Everyone will have a different opinion about what should be rebuilt and how to do it.

In some cases, a reconstruction plan may need to be developed, either for the community or a district; in other cases planning and rebuilding decisions may be effectively guided by the community's general plan and zoning regulations. Perhaps a recovery plan and/or policies to guide rebuilding have already been established. The "Safety Element" of the *General Plan* is an important pre- and post-earthquake tool to relate land use policy to geologic hazards. By answering the questions listed below in the community self-evaluation, you will gain a better understanding of the constraints and opportunities facing your community during its rebuilding process. Not only do you need to decide what it is that has to be done in order to rebuild, you also need to evaluate your ability to consider certain options.

COMMUNITY SELF-EVALUATION

- ☛ Typically, how is political discourse handled in your community? While you may have little influence over the political process, it is important to understand the political context in which rebuilding decisions will be made. (The more polarized the community, the more time it may take to develop a workable rebuilding plan.)
- ☛ How well are various factions represented in your community--the business community, neighborhood associations, ethnic minorities, historic preservationists, construction trades? (All groups will want representation in rebuilding issues that affect them.)

continued

Community Self-Evaluation (continued)

- ☛ How serious is the damage in your community? In which areas? Commercial? Residential? Older? Is it partial or near total damage?
- ☛ What is the orientation of the community toward development? Toward historic preservation? Toward natural hazards?
- ☛ What are the significant natural hazards affecting the community? They may be physical constraints to rebuilding or redevelopment, and must be taken into account. For example, if your community is located in a flood plain, rebuilt structures may need to be flood-proofed.
- ☛ What is the investment community's attitude toward financing projects in your community? Private sector financing is critical for rebuilding.
- ☛ Was the damaged area economically viable before the earthquake, or were there problems? (If there were, they will be magnified.)
- ☛ What are the current rents? Could those rents support rebuilding or retrofitting costs?
- ☛ Were the properties in the damaged area(s) declining, improving, or staying the same in value before the earthquake?
- ☛ Who are the property owners in the heavily damaged areas? Are they experienced developers themselves?
- ☛ Is your current general plan, or other relevant area plan such as a downtown plan, adequate or appropriate to current community priorities and goals?
- ☛ Does your safety element contain adequate and up-to-date geologic hazards information?
- ☛ Do you need to acquire more information before rebuilding, for example, more detailed mapping of geologically hazardous areas?
- ☛ What are the economic development tools available to you, for example, do you have a redevelopment district with untapped potential, or is it already bonded to capacity?
- ☛ What changes will you recommend in rebuilding? What are the hazard mitigation opportunities for your community in the rebuilding?
- ☛ Can existing community planning organizations handle the job of planning for rebuilding?

HINTS FROM CALIFORNIA COMMUNITIES

- ☞ *The Town of Los Gatos articulated very early the general principles to guide their rebuilding. By the end of the first week after the earthquake, the Town Council, in consultation with the City Manager and department heads, had established policies for repair and restoration. The Town Council stressed that, wherever possible, buildings should be repaired rather than demolished.*

- ☞ *The City of Watsonville began working with community-based organizations in rebuilding decisions early on by including them in the Emergency Operations Center (EOC). After an Urban Land Institute panel formulated recovery recommendations in the spring of 1990, a Downtown Recovery Committee was established to help implement those ideas, which were widely supported in the community. Eventually the recovery committee was folded into an Economic Development Council and a Main Street program for downtown Watsonville.*

- ☞ *In comparison to Los Gatos and Watsonville, Santa Cruz was more divided politically regarding rebuilding issues. Therefore a new 36-member organization (Vision Santa Cruz) was created to represent an array of viewpoints and key stakeholders. Their extensive work in the community over two years included the adoption of "first principles" in May, 1990, and culminated with unanimous approval of the Downtown Recovery Plan in the fall of 1991.*

- ☞ *San Francisco developed a policy that no building could be demolished, except for imminent hazard structures, unless a permit had been issued for a replacement structure.*

- ☞ *After the East Bay Hills fire, officials from Oakland and Berkeley convened a Task Force on Emergency Preparedness and Community Restoration to develop recommendations to help both communities restore the affected neighborhoods, mitigate against future fire hazards, and improve emergency preparedness and response. Six committees of the Task Force were established to ensure citizen input into the policy-making process: emergency preparedness, communications, forestry and vegetation, infrastructure and development, and planning, zoning and design. Each committee developed major policy recommendations; the final report of the Task Force was published February 3, 1992.*

- ☞ *Santa Cruz downtown property owners had to take on new roles as developers in order to accomplish rebuilding. They found it helpful to organize a property owners association in order to acquire knowledge and improve their political effectiveness.*

continued

HINTS (continued)

- ☞ *After the East Bay hills fire, the Oakland Development Council, a nonprofit organization representing the development community, participated actively in city meetings and task forces, as well as in Chamber of Commerce efforts. This unique organization held rebuilding seminars and provided on-going assistance to those who lost their homes. After the Loma Prieta earthquake the ODC donated resources and provided volunteer labor to help rebuild city offices, Red Cross facilities and damaged homes of low income families.*

ATTACHMENT

1. "Phases of Recovery Planning." Charles Eadie, Principal Planner, City of Watsonville, CA. (Ideas based on his experience as a planner with the Redevelopment Agency in Santa Cruz.) [On page 245.]

PHASES OF RECOVERY PLANNING

Charles Eadie

Immediate Recovery

1. Business Survival

- Inventory recovery
- Cleanup — reopening of damaged areas
- Create temporary space for displaced merchants
- Retain familiar shopping habits and patterns

2. Adding Resources

- Grant applications
- State legislation (e.g., sales tax relief, redevelopment, enabling legislation)
- New legal revenues (sales tax measures)

3. Adding Governmental Capacity/Function

- Establish recovery planning capacity
- Hire, assign staff
- Create new internal relationships
- Expedite approval process
- Set up to receive and process offers of assistance

Long-Term Recovery

Phase I — Gearing Up/Sorting Out

1. Defining the issues
2. Understanding new roles (private & public)
3. Creating capacity
 - Vision Santa Cruz
 - Redevelopment Agency/districts
4. Discovering/informing
 - Urban design framework
 - Economic study
5. Immediate forays
 - First Principles
 - Zoning matters
6. Living with shock, euphoria and political disequilibrium
7. Tentative agreements/initial work program
8. Engaging the public

9. Engaging the bureaucracy
10. Processing early development
11. Providing assistance

Phase II Planning the Plan

1. Dealing with complexity (learning from Phase I)
2. Regaining political equilibrium
3. Redefining the work program
4. Organizing the bureaucracy
5. Arranging the process — understanding interests
6. Getting resources
7. Selecting consultants
8. Providing assistance

Phase III Formulating the Plan

1. Engaging stakeholders, special interests, and public
2. Testing ideas
3. Finding consensus
4. Moving into the details
5. Incorporating various inputs (ancillary studies)
6. Reviewing development concurrent with planning
7. Completing legal/procedural requirements (EIR, etc.)
8. Understanding implementation
9. Pursuing new opportunities

16. FINANCING THE REBUILDING



Paying for the rebuilding of the community is a joint public and private responsibility. The public sector will be responsible for the replacement of damaged or destroyed infrastructure and public buildings. The private sector will finance and rebuild private buildings. Financing sources differ, depending on the nature of the project. In some cases the project will involve a variety of public and private sources; in other cases the financing will be purely public or purely private. Private capital will usually await decisions on the part of the public sector, such as how and when the infrastructure will be replaced. For large projects that involve public and private uses, banks typically will lend for the private uses, such as commercial, and public monies will have to be found for public uses, such as low-income housing. Public sources will include Red Cross and other nonprofit donations, CALDAP and other state agency monies, special earthquake relief monies, and federal disaster assistance dollars. Private financing can be difficult to secure, since investors may be wary of the community's ability to rebuild.

At the same time the community needs additional public revenues to fund extraordinary projects, it will be losing standard revenue sources. For example, the City of Santa Cruz estimates that it lost \$750,000-\$1,000,000 in sales tax revenue for the 1989-1990 fiscal year. The city also lost an estimated \$300,000 in revenue from parking citations, and \$200,000 in public parking revenue. There was also a \$38-\$48 million reduction in assessed property value.

POLICY ACTIONS

- ↳ Local elected officials can play a very important role in lobbying for adequate funding, both from government sources and from the private or nonprofit sector. In order for them to lobby effectively, you should provide briefings on a regular basis so that they fully understand the level of damage and what will be needed to rebuild.
- ↳ Be familiar in advance with the provisions of the Stafford Act for disaster assistance to individuals and local governments. (See also the discussion under Subsection 2, *Keeping Track and Getting Reimbursed.*)

continued

Policy Actions (continued)

- ☛ Look to FEMA for public assistance (grants for public facilities), but don't stop there. Check with HUD, the Departments of Commerce and Agriculture, the Army Corps of Engineers, EDA, and EPA, to name a few. Various state and federal agencies may make funding available on a one-time basis. Position yourself to compete for those funds.
- ☛ Have staff who can immediately begin to explore sources of funding from the private and nonprofit sectors. Have a plan for the use of private donations.
- ☛ Keep the banking community and other private sector sources of capital informed of your public sector decisions. When will the rebuilding of the infrastructure begin; what are the general principles that will guide rebuilding?
- ☛ Policy makers and elected officials will need to decide if they are going to ask the community to increase public taxes or fees to pay for some of the public earthquake recovery and rebuilding projects (e.g., planning, infrastructure, public facilities, redevelopment).
- ☛ State legislators will also be considering whether they will increase taxes or fees at the state level. Local elected officials need to lobby for all the state help they can get.
- ☛ Recognize that a "window of opportunity" will open for additional funding. Although it won't be a convenient time to be thinking about preparing grant applications or filing proposals, take advantage of the opportunities by assigning staff members to prepare grant applications.
- ☛ You may have completed applications for federal and state aid that were not funded originally. Submit them again to the same funding agencies; they may be more interested in the project given the special needs of your earthquake-damaged community.
- ☛ Many individual building owners will need to obtain conventional financing from local lending institutions. Coordinate communication among the owners and lenders by arranging information exchanges and/or participating in such meetings.
- ☛ To what extent can you rely on tax increment financing (redevelopment)? Do you have the possibility of creating redevelopment districts with a large uncaptured tax base? (See also the discussion under Subsection 17.)
- ☛ Work with California OES to explore the possibility of bridge loans--loans based on your expected reimbursements.

continued

Policy Actions (continued)

- ☛ Take advantage of offers of assistance from outside agencies, especially those with prior disaster reconstruction experience. They may be willing to waive or reduce fees, or provide a service normally outside their scope. Local universities and nonprofit organizations are potential sources of help.
- ☛ People who suffered losses may need to acquire new skills to rebuild efficiently. For example, a commercial property owner who has held the property for years may need to become a real estate developer. Can you develop tools or training programs to help them gain these skills?

HINTS FROM CALIFORNIA COMMUNITIES

- ☛ *The earthquake completely changed the economics of doing business in downtown Santa Cruz, where the costs of retrofitting and new construction necessitated higher rent levels. Economists estimated the downtown would need to do 35% more retail trade to support the reconstruction of pre-earthquake square footage.*
- ☛ *Elected officials in Santa Cruz County put Measure E on the ballot in the year following the Loma Prieta earthquake, asking for a 1/2 cent sales tax increase for six years. Voters approved, and monies from that measure are being used to fund a variety of rebuilding activities among the jurisdictions in the county, based on an agreed-upon formula for distribution. These activities include infrastructure and landscaping in downtown Santa Cruz, and low and moderate income housing projects in Watsonville and throughout the county.*
- ☛ *Years before the earthquake, the City of Santa Cruz had submitted a grant application to the U.S. Department of Commerce to fund a new parking structure for the downtown mall. The application had been denied, but the city updated and re-submitted the same application after the earthquake and it was immediately approved.*
- ☛ *The Urban Land Institute organized week-long symposia on rebuilding options in Santa Cruz and Watsonville five months after the Loma Prieta earthquake. This service, normally provided at a cost of around \$50,000, was gratis; the cities covered only the expenses of the out-of-town experts.*

continued

HINTS (continued)

- ☞ *Measure I in Oakland was passed overwhelmingly by the voters in June, 1992, and provided \$80 million for earthquake retrofit and infrastructure improvements. Also in June, the City of Berkeley overwhelmingly passed Measure A, a bond measure to provide \$158 million for the seismic retrofit and general improvement of its public schools.*

- ☞ *The City of Oakland established a benefit assessment district to manage vegetation-related fire hazards and provide additional fire suppression services in high fire hazard season.*

ATTACHMENT

1. City of Oakland Proposed Measure: Full Text of Measure I. 1991.
[On page 251.]

CITY OF OAKLAND PROPOSED MEASURE

FULL TEXT OF MEASURE I

A MEASURE ON INCURRING BONDED INDEBTEDNESS FOR THE PURPOSE OF ENHANCEMENT OF EMERGENCY RESPONSE CAPABILITIES AND SEISMIC REINFORCEMENT OF ESSENTIAL PUBLIC FACILITIES AND INFRASTRUCTURE

THE PROPOSED MEASURE READS AS FOLLOWS:

WHEREAS, the City of Oakland (the "City") lies vulnerable to a number of natural disasters due to the age of its infrastructure, dangerous topographical and weather conditions, and proximity to the Hayward Fault; and

WHEREAS, the City of Oakland needs to be as prepared as possible in the event of a Hayward Fault earthquake or other earthquake, future wildland fires, or natural or man-made disasters; and

WHEREAS, based on the experiences of the Loma Prieta Earthquake of 1989 and the Oakland Hills firestorm of 1991, there exists a critical and immediate need to upgrade City-wide emergency response capabilities and to construct or reinforce essential City facilities necessary for providing an adequate emergency response; and

WHEREAS, the City on February 11, 1992 adopted, by a two-thirds vote of the members of its City Council, Resolution No. 68672 C.M.S., entitled "A Determination That the Public Interest and Necessity Demand Enhancement of Emergency Response Capabilities and Seismic Reinforcement of Essential Public Facilities and Infrastructure With Financing Through the Issuance of General Obligation Bonds" (the "Resolution"); and

WHEREAS, in order to provide for the issuance by the City of its general obligation bonds to finance the improvements described in the Resolution, it is necessary for the City Council of the City of Oakland (the "City Council") to pass an ordinance ordering the submission of the proposition to incur bonded indebtedness for such purposes to the qualified voters of the City at an election held for that purpose; and

WHEREAS, on February 25, 1992, the City Council adopted Ordinance No. 11413 C.M.S. ordering submission of a measure to City voters based upon the following conditions and parameters:

Section 1. The indebtedness to be incurred by the City shall be for the object and purposes set forth in the Resolution, namely, to provide for enhancement of emergency response capabilities and seismic reinforcement of essential public facilities and infrastructure within the City. The cost of repayment of the bonds is projected to average less than \$14.06 per year per \$100,000 of assessed property valuation. The foregoing provision shall not be construed to limit the power and duty of the City Council to cause to be levied and collected a tax sufficient to pay debt service on the bonds in any fiscal year.

Section 2. The estimated costs of the acquisition, development and completion of the Emergency Response and Seismic Safety Program, including any Bond Issuance Fees and Expenses attributable thereto, is not to exceed Fifty Million Dollars (\$50,000,000).

Section 3. The principal amount of general obligation bonds to be issued for the Emergency Response and Seismic Safety Program is not to exceed Fifty Million Dollars (\$50,000,000).

Section 4. The rate of interest to be paid on the bonds for the Emergency Response and Seismic Safety Program shall not exceed twelve percent (12%) per annum (unless the maximum interest rate for general obligation bonds of the City shall hereafter be increased by the Legislature of the State of California, in which event said maximum fixed by said Legislature shall apply).

Section 5. The City proposes to develop and complete the Emergency Response and Seismic Safety Program and to issue and sell general obligation bonds of the City pursuant to Article 9, commencing with section 43600 of Chapter 4 of Division 4 of Title 4 of the Government Code of the State of California in one or more series in the maximum amounts and for the objects and purposes set forth above if two-thirds of all qualified voters voting on the measure set forth above vote in favor thereof. The bonds are to be general obligations of the City payable from and secured by taxes levied and collected in the manner prescribed by laws of the State of California. All of said bonds are to be equally and ratably secured, without priority, by the taxing power of the City.

Section 6. The net proceeds of the sale of the bonds (the "Proceeds") shall be allocated within the City for seismic reinforcement, rehabilitation, and construction of essential facilities for emergency response, including maintenance facilities; seismic reinforcement of essential bridges and roadways for emergency circulation; and construction and rehabilitation of communications facilities for emergency response. All of the referenced enhancements of emergency response capabilities and seismic reinforcements of essential public facilities and infrastructure are referred to herein collectively as the "Emergency Response and Seismic Safety Program".

**TAX RATE STATEMENT IN CONNECTION WITH
THE CITY OF OAKLAND
BOND MEASURE I**

An election will be held in the City of Oakland (the "City") on June 2, 1992, for the purpose of submitting to the electors of the City the question of incurring a bonded indebtedness of the City of Oakland in the principal amount of \$50,000,000. If such bonds are authorized and sold, the principal thereof and interest thereon will be payable from the proceeds of tax levies made upon the taxable property in the City. The following information regarding tax rates is given to comply with Sections 5300 and 5304 of the Elections Code. Such information is based upon the best estimates and projections presently available from official sources, upon experience within the City, and other demonstrable factors.

Based upon the foregoing and projections of the City's assessed valuations, and assuming the entire debt service will be amortized through property taxation:

1. The best estimate of the tax rate which would be required to be levied to fund the bond issue during the first fiscal year after the first sale of the bonds based on estimated assessed valuations available at the time of filing of this statement is 1.40 cents per 100 dollars assessed valuation.
2. The best estimate of the tax rate which would be required to be levied to fund the bond issue during the first fiscal year after the last sale of the bonds if the bonds are proposed to be sold in series and an estimate of the year in which the rate will apply, based on estimated assessed valuations available at the time of filing this statement is 2.42 cents per 100 dollars assessed valuation for the year 1996.
3. The best estimate of the highest tax rate which would be required to be levied to fund the bond issue and an estimate of the year in which that rate will apply, based on estimated assessed valuations available at the time of filing of this statement is 2.42 cents per 100 dollars assessed valuations for the year 1996.
4. The proposition enacted by the City Council of the City of Oakland and submitted to the voters includes a provision whereby the cost of repayment of the bonds will average approximately \$14.06 per year per \$100,000 of assessed valuation. The provision, however, shall not be construed to limit the power and duty of the City Council to cause to be levied and collected a tax sufficient to pay debt service on the bonds in any fiscal year.

Attention of all voters is directed to the fact that the foregoing information is based upon projections and estimates only, which are not binding upon the City. The actual times of sales of said bonds and the amount sold at any given time will be governed by the needs of the City and other factors. The actual interest rate at which the bonds will be sold, which in any event will not exceed 10%, will depend upon the bond market at the time of the sales. The actual assessed valuations in future years will depend upon the value of the property within the City as determined in the assessment and the equalization process. Hence, the actual tax rates and the years in which such rates are applicable may vary from those presently estimated as above stated.

s/HENRY L. GARDNER
City Manager

CITY OF OAKLAND PROPOSED MEASURE I

I MEASURE I: ENHANCEMENT OF EMERGENCY RESPONSE CAPABILITIES AND SEISMIC REINFORCEMENT OF ESSENTIAL PUBLIC FACILITIES AND INFRASTRUCTURE BONDS	YES
Shall the City of Oakland be authorized to issue general obligation bonds in a principal amount not to exceed Fifty Million Dollars (\$50,000,000) to provide for enhancement of emergency response capabilities and seismic reinforcement of essential public facilities and infrastructure?	NO

CITY ATTORNEY'S IMPARTIAL ANALYSIS OF MEASURE I

Measure I submits to the voters of the City of Oakland the question of whether or not general obligation bonds to be funded by a supplemental ad valorem property tax should be issued. The proceeds of the bond issuance would finance: the seismic reinforcement, rehabilitation and construction of essential facilities for emergency response, including maintenance facilities; seismic reinforcement of essential bridges and roadways for emergency circulation; and construction and rehabilitation of communications facilities for emergency response.

A "Yes" vote is a vote in favor of authorizing the issuance of general obligation bonds and the levying of the supplemental property tax.

A "No" vote is a vote against such issuance and tax levy.

Measure I has been proposed to pay the costs of enhancement of the City of Oakland's emergency response capabilities and seismic reinforcement of essential public facilities and infrastructure within the City of Oakland.

The amount of the supplemental ad valorem property tax is projected to average \$14.06 per year per \$100,000.00 of assessed real property value over the life of the bond issue. The tax shall be levied for each fiscal year by the City Council of Oakland for a period not to exceed 30 years.

Measure I proposes a supplemental ad valorem property tax that falls within the subject matter of Article XIII A (Proposition 13) of the California Constitution. Proposition 46 amended Article XIII A to allow for such bond issuance provided that it is supported by a "Yes" vote from two-thirds or more of the qualified electors voting on the measure.

S/JAYNE W. WILLIAMS
City Attorney

INCREASE IN COST OF CITY OPERATIONS

Most of the City departments anticipate minimal or no increase in their annual operating costs upon the completion of the projects funded by the Bond money raised by this Measure.

However, there will be an increase in some City departments' annual operating costs to be paid from the General Fund upon completion of the major categories of anticipated projects, as shown below:

<u>Category or Project</u>	<u>Estimated Increase In Annual Operating Costs</u>	<u>Purpose</u>
• Earthquake-proofing of essential City facilities such as firehouses, Police Dispatch Center, pumping stations	\$ 0	
• Construction of Emergency Operations Center in Fire Station Number 1 (Emergency Service Unit)	20,000	Training
	35,000	Maintenance
• Upgrading of emergency response communication systems (Office of Corporate Information Services)	230,000	Maintenance of hardware, software, emergency generators, and related communications costs.
• Expansion of fire response capabilities during the fire hazard season (Fire Department)	<u>700,000</u>	Additional staffing.
Total	<u><u>\$985,000</u></u>	

Purchase of necessary apparatus, furniture, and equipment will be paid from funds already available in the City's Capital Improvement Program.

s/NORMA NG LAU
City Auditor

ARGUMENT IN FAVOR OF MEASURE I

Oakland public safety agencies need to be prepared to respond to large-scale emergencies! The 1989 Loma Prieta Earthquake and the 1991 Oakland Hills Firestorm dramatically demonstrated that Oakland is vulnerable to natural disasters. Our most urgent concern is a future earthquake in Oakland because the Hayward Fault runs the length of the City.

To meet emergency response needs, public safety personnel must transport equipment throughout the City and operate communications facilities to dispatch personnel, coordinate responding agencies, and inform the public.

This bond measure will provide the City with funds necessary for basic emergency response capability. Bond measure funds will be used to:

- earthquake-proof fire stations;
- improve the police and fire dispatch centers and the 911 systems;
- construct an Emergency Operations Center;
- provide emergency generators to essential facilities;
- strengthen City overpasses needed for emergency access;
- reinforce existing pumping stations to prevent flooding; and
- expanded fire suppression capability.

CITY AUDITOR'S FINANCIAL ANALYSIS OF MEASURE I

BACKGROUND

The City is charged with the responsibility of providing an adequate and effective emergency response to natural disasters and emergency situations. The experiences of the Loma Prieta earthquake in 1989 and the Hills Firestorm in 1991 point out the need for Oakland to upgrade its Citywide emergency response.

PROPOSAL

This Measure would authorize the City to:

1. Issue and sell \$50 million in General Obligation Bonds to be repaid over a period not to exceed 30 years. A City General Obligation Bond is backed by the full faith and credit of the City, meaning that the City pledges to use its taxing power to assure that sufficient funds are available to pay off the Bonds.
2. Levy a supplemental property tax estimated to average \$14.06 per year for each \$100,000 of assessed property valuation on all residential and commercial properties.
This annual levy would be accordingly reduced if the City's assessed valuation grows at an average of more than 5% a year.

The Measure provides for reinforcing, constructing, and earthquake-proofing essential facilities for emergency response, including essential bridges and roadways and the upgrading of the communications systems for emergency response, but does not specify how the money raised by the Bond sale would be allocated. The Council will make the funding allocation decisions.

All projects funded with the Bond proceeds must pertain to the acquisition or improvement of real property and associated fixtures and meet the criteria of this Measure.

It is anticipated that these bonds will be sold at an interest rate of 7% per year.

In any event, these bonds will not be sold at an interest rate higher than 10% per year.

Money Raised by Sale of Bonds	\$50,000,000
Less: Bond Issuance Costs:	
Bond Counsel	(60,000)
Minority Bond Counsel	(20,000)
Financial Advisor	(55,000)
Bond Ratings	(20,000)
Paying Agent Fee for Life of Issue	(70,000)
Printing and Other	(25,000)
Amount Available for Projects	\$49,750,000

By the terms of the bond measure, the funds are restricted so that they may only be used for emergency response facilities within the City of Oakland.

This bond measure represents an important milestone in protecting Oakland's future. Many additional activities are also necessary including increased citizen training, improving police and fire operations, and strengthening public roadways, hospitals, and utilities.

FAILURE TO PLAN FOR FUTURE DISASTERS, NATURAL OR MAN-MADE, LEAVES THE CITY VULNERABLE TO CATASTROPHE! TO BETTER PROTECT OUR LIVES AND PROPERTY, WE URGE YOU TO VOTE YES ON MEASURE I.

s/DICK SPEES

Oakland City Councilmember

s/ELIHU M. HARRIS

Mayor of Oakland

s/MARGE GIBSON HASKELL

Oakland City Councilmember

s/FRANK H. OGAWA

Oakland City Councilmember

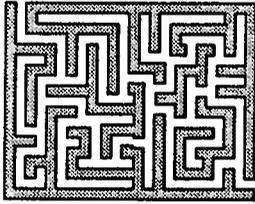
s/NATHAN A. MILEY

Oakland City Councilmember

No argument submitted against Measure I.

Information compiled by ARRECE JAMESON, City Clerk and Clerk of the Council.

17. RESOLVING LONG-TERM REBUILDING ISSUES



Once some of the decisions regarding rebuilding options have been made, policy leaders and the community at large will need to develop strategies to implement the decisions. The longer-term issues a community needs to consider range from deciding if there are any changes that should be made in current planning and building policies, to articulating a role for all the players in both the traditional and earthquake-generated planning process. What will be the roles of the planning commission, the landmarks board, the business community, the neighborhood groups, and other civic organizations.

POLICY ACTIONS

- ☞ In the rebuilding process, you may want to consider the following changes in current planning practice in your community:
 - reducing risks from future earthquakes
 - eliminating non-conforming uses
 - modifying land use
 - correcting plan or zoning inconsistencies
 - realigning, extending or improving roads
 - improving housing conditions or affordability
 - enhancing the local economy
 - upgrading inadequate commercial, industrial or public facilities
 - improving urban design
 - providing open space
 - preserving historic buildings or other cultural resources
- ☞ Determine whether the rebuilding process can be guided by existing planning documents or if new documents are necessary.
- ☞ Decide if a new authority will need to be created to oversee the planning process, or if existing organizations will work.
- ☞ Evaluate how requirements of the California Environmental Quality Act (CEQA) will apply to your rebuilding effort.

continued

Policy Actions (continued)

- ☞ Determine whether serious questions about whether, what and how to rebuild warrant a moratorium and a restudy of an address, block, neighborhood or community.
- ☞ If you do impose a moratorium, decide what information will be needed to lift it.
- ☞ Determine if you will allow nonconforming uses to be continued. If no, what kinds of modifications will you require?
- ☞ Establish policies regarding the repair or replacement of substandard structures.
- ☞ If you decide to use a redevelopment plan, you will need to consider the following:
 - will you follow or revise already adopted redevelopment plans?
 - to what degree do you want to use public redevelopment to stimulate the private sector?
 - to what extent and for what purposes will you seek to expand your redevelopment area(s)?
 - can you establish your base assessed value in the redevelopment district the day after the earthquake?
 - what will be the relationship between reconstruction-related redevelopment and CEQA?

HINTS FROM CALIFORNIA COMMUNITIES

- ☞ *In response to the concerns of fire area residents seeking to replace the scale, character and diversity of the neighborhoods they lost to the firestorm, the City of Oakland contracted with a planning and land use consulting firm to provide recommendations on potential zoning changes for the area. Proposed zoning changes include Floor Area Ratio and setback limitations to reduce the size of the building envelope; landscaping requirements; and view preservation measures.*

HINTS (continued)

- ☞ *After its earthquake in 1983, Coalinga officials put the entire city in a redevelopment area. Through state legislation, they established their base year assessed value the day after the earthquake. The Redevelopment Agency receives the entire increase in tax revenue, and this funds extensive public improvements. Private sector rebuilding is taking place more slowly. (Because the redevelopment agency captures funds that would otherwise go to the city, county, and special districts, this approach would usually face intense political opposition.)*

- ☞ *Use volunteer design and planning assistance to give your community ideas about how to rebuild. For example, Santa Cruz benefited from advice and workshops offered by the Urban Land Institute, the California Chapter of the American Institute of Architects, and a lecture series organized by a professor at the University of California at Santa Cruz.*

- ☞ *After the Loma Prieta earthquake, state legislation was passed that allowed Santa Cruz, Watsonville, Oakland and San Francisco to expand their redevelopment districts without the normal fiscal analysis and environmental review. The legislation also allowed them to recalculate the base year.*

ATTACHMENT

1. "Model Land Use Ordinance for Reconstruction." *Model Ordinances for Post-Disaster Recovery and Reconstruction*. California OES. 1993. [On page 260.]

Note:

One of the major reconstruction problems for local governments has been when older buildings have been destroyed or demolished and they are on sites that no longer comply with planning and zoning requirements. Had the disaster not occurred, these buildings would still be in use.

The intent of this ordinance is to allow the reconstruction of non-conforming facilities on potentially substandard lots, provided the degree of non-conformity is not increased over what existed prior to the disaster. By the provisions of this ordinance, such reconstruction would have to match what was destroyed or demolished. The building could not be made larger, nor could it be constructed of materials that are no longer allowed by code. However, the materials used would have to be as close to the original as possible. This ordinance should not be used to allow a change in occupancy unless mutually agreed upon by the building official and the owner.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF (TOWN OF, COUNTY OF, CITY AND COUNTY OF) _____, STATE OF CALIFORNIA, ADDING A NEW CHAPTER _____ TO DIVISION _____ OF THE _____ MUNICIPAL CODE (COUNTY CODE), RELATING TO LAND USE FOR RECONSTRUCTION.

The City Council (County Board of Supervisors of) of the City of (County of, City and County of) _____, State of California, ordains as follows:

Section 1. Chapter _____ is added to Division _____ of Title _____ of the City of (County of, City and County of) _____ municipal (county) code, to read:

Chapter _____ Land Use for Reconstruction.

Sections:

- _____ Intent
- _____ Application of Provisions
- _____ Definitions
- _____ Land Use Requirements
- _____ Board of Appeals

Section _____ Intent

This chapter waives the requirements of building site zoning and planning ordinances relating to building size, lot coverage, parking and site improvements to facilitate the reconstruction of buildings or structures which were destroyed or caused to be demolished as a result of a disaster for which a local emergency has been declared by the City Council (Town Council, Board of Supervisors). The chapter does not allow exemptions from the Building, Fire, Electrical, Mechanical, Plumbing, or other codes.

Section _____ Application of Provisions.

The provisions of this chapter are applicable following each disaster when a local emergency has been declared by the City Council (Town Council, Board of Supervisors) to all building sites regulated by the City (Town, County, City and County) of _____. The Council (Board) may extend the provisions as necessary.

Section _____ Definitions.

For the purposes of this chapter, the following definitions apply:

(a) **Current building code** shall mean the edition of the Uniform Building Code, published by the International Conference of Building Officials, as adopted by the

City (Town, County, City and County) of _____ in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the City Council (Town Council, Board of Supervisors).

(b) **Non-conforming occupancy** shall mean occupancies, as defined by Table No. 5-A of the current building code, which were in place prior to the passage of the City (Town, County, City and County) General Plan and all current zoning or planning ordinances.

Section _____ Land Use Requirements.

(a) All buildings or structures which, as a result of natural disaster for which a local emergency has been declared, have been damaged to a point where the owner has elected to demolish rather than repair, caused to be demolished as a threat to public health and safety, or destroyed may be reconstructed on the same lot. If the buildings or structures are to be reconstructed, current zoning and planning ordinances relating to building size, lot coverage, parking and site improvements shall be waived provided:

(1) The building is reconstructed to the same configuration, floor area, height, and occupancy as the original building or structure and is constructed of similar construction materials. Existing unreinforced masonry and concrete materials shall be replaced with similar materials reinforced in accordance with the current building code.

(2) All parts or portions of the original construction are completely removed, except as approved by the building official.

(3) The site is prepared in accordance with a foundation report prepared by an individual registered by the State of California to perform foundation investigations.

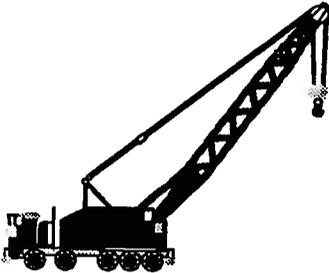
(4) All new construction complies fully with the requirements of the current building code.

(b) For those buildings which housed non-conforming occupancies, the non-conforming occupancy may be maintained in the new building provided the occupancy is lawful and not in violation of any other portions of the municipal (County) code.

Section _____ Board of Appeals.

(a) The provisions of this chapter may be appealed to the City (Town, County, City and County) of _____ Board of Appeals pursuant to municipal (County) code section _____.

19. ISSUING BUILDING PERMITS



One of the most important ways to maintain the momentum of the recovery period is timely issuance of building permits to repair and reconstruct buildings. There are many options for expediting the plan-checking process; they range from issuing permits in the field for shoring buildings, to establishing special plan-check departments to deal with repair.

The best time for building departments to develop post-disaster permitting procedures and policies is before an earthquake. However, even jurisdictions that have not given these issues much thought will be faced with them. Some of the issues require the passage of ordinances, while others will be departmental policies.

POLICY ACTIONS

- ☞ Decide whether plan-check and/or building permit fees will be waived, deferred, or reduced. What is the rationale for each option?
- ☞ Establish a separate cost accounting system for the permit fees for repair and reconstruction.
- ☞ Establish a process that allows for permits for shoring to be issued by inspectors in the field. This enables shoring work to be accomplished soon after the earthquake, ensuring that damaged buildings are stabilized, and minimizing additional damage. It is usually necessary to require a later engineering letter or certification.
- ☞ Evaluate your staff capability. Should your department establish a section which will deal only with permitting repair projects? Should you hire an outside consultant to process disaster-related claims?
- ☞ Consider developing a simplified review and plan-check process for reviewing engineering evaluations and proposed repair plans and issuing building permits.
- ☞ Determine whether you allow inspectors to issue certain repair permits on site at the time of inspection-chimney repairs, for example.
- ☞ Develop a list of outside engineers and architects who you can rely on to supplement in-house staff to sign and stamp drawings.

continued

Policy Actions (continued)

- ☞ Coordinate with your utilities on fees and permit processes for utility hook-ups. What about combining the permitting process for the various hook-ups--electrical, sewer, water, cable?
- ☞ Establish procedures for changing building safety inspection placards based on engineering evaluations performed by professionals retained by the building owners.
- ☞ Decide if building owners will be allowed to place temporary trailers on site. Will permits be required for their use? What kinds of environmental health issues need to be addressed with the temporary trailers sewer hook-ups, for example?
- ☞ Determine if an expedited process will be used if owners want to rebuild what was there before. How will requests for new buildings or different designs be handled?
- ☞ Decide if you will have a one-stop permitting center, where all city and utility departments are located together, or if building owners will go individually to the various departments for permits.
- ☞ Try to accommodate architects, engineers, and local construction trades in your permitting center.

HINTS FROM CALIFORNIA COMMUNITIES

- ☞ *After the Loma Prieta earthquake, Santa Cruz County hired an outside firm to process permits. The firm was given two weeks to constitute what was essentially a separate building department. Five coordinators from Santa Cruz County were appointed to work with them. County officials also met and conferred with union officials prior to setting this up; union officials agreed it was the only way to respond, given the extra workload. At one point, the one-stop Earthquake Recovery Unit had 45 staff members. Santa Cruz County was given a \$5 million advance on earthquake damage payments from the state, and estimated that they needed \$2 million to set up and operate the center (costs for doing so were reimbursable from FEMA and the state).*
- ☞ *After the East Bay Hills fire, an issue of unequal treatment surfaced: developers felt if the city could streamline the permitting process for fire victims, it should be able to streamline the process for developers as well.*
- ☞ *Santa Barbara County chose not to waive permit fees after their fire, but they did defer payment of the fees for 90 days after issuance of the permit.*

HINTS (continued)

- ☞ *In both Santa Barbara and Santa Cruz counties, a 60-day moratorium was imposed on building permits, to allow county officials time to set up their processes and to catch up.*
- ☞ *After the East Bay Hills fire, the local Chamber of Commerce summarized the permitting and procedural information from the city in a manual that the Chamber then distributed.*
- ☞ *After the East Bay Hills fire, the city opened a Community Restoration Development Center a month after the fire. Still in operation at the time of this publication, the center provides parallel plan processing between the planning, building, and engineering divisions in order to avoid any unnecessary delays. The center provides process coordinators to track each applicant's plans. Additionally, pre-application meetings are available so that the applicant, the process coordinator, and planning, building and engineering staff can sit down together to examine early drafts of plans, answer questions and point out any potential problems. Many of these procedures have worked so well that they are being adopted by the city in the reorganization of its planning and building departments.*
- ☞ *There may be cases in which even minor repairs prove too expensive. For example, after the Loma Prieta earthquake Oakland posted 883 buildings with minor damage as unsafe. In most cases, the damage was limited to the chimney. In the spring of 1991, the City Council adopted a one-year amnesty program for residential buildings with minor damage which waived the permit fee and City inspection if the owner made the necessary minor repairs or had already made the repair without a permit. Only a few owners participated in the program. The cost to perform even minor repairs was too high for the building owners. As of October, 1992, 559 minor damaged buildings remain in need of repair.*
- ☞ *After its fire, Santa Barbara County hired a Fire Recovery Coordinator to help homeowners with problems in the rebuilding process. This person tracked every individual applicant through the process, and 80% of the homeowners had rebuilding permits within a year of the fire.*

ATTACHMENTS

1. "Ordinance addressing Emergency Conditions in the areas of permit processing, fees, and temporary living quarters and declaring the urgency thereof." City of Santa Cruz. [On page 307.]

continued

ATTACHMENTS (continued)

2. "Major Repairs and Reconstruction Applicant Permit Process Flowchart." A handout prepared by the City of Oakland after the East Bay Hills fire. [On page 310.]
3. *Post Earthquake Building Permit and Inspection Procedures.* John de Courcy, Building Official, Santa Cruz County. (These questions and answers are based on the experience of Santa Cruz County after the Loma Prieta earthquake.) [On page 315.]
4. Memo from the Watsonville City Attorney, dated October 23, 1989, discussing the building permit process during the state of emergency. [On page 319.]
5. "An Emergency Ordinance of the City of Watsonville Imposing a Moratorium on the Issuance of Building Permits for New Structures or Grading Permits." [On page 321.]
6. "An Emergency Ordinance of the City of Watsonville Exempting Certain Buildings from Section 14-20-080, Governing the Replacement of Damaged or Destroyed Non-Conforming Uses." [On page 325.]
7. "Resolution No. 113-91: Of the City Council of Watsonville adopting policy for streamlining projects and permit processing for earthquake-related projects." [On page 329.]

ORDINANCE NO. 89-43

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDRESSING EMERGENCY CONDITIONS IN THE AREAS OF PERMIT PROCESSING, FEES, AND TEMPORARY LIVING QUARTERS AND DECLARING THE URGENCY THEREOF.

BE IT ORDAINED by the City of Santa Cruz as follows:

WHEREAS, the October 17, 1989 earthquake caused extensive damage to structures in the City of Santa Cruz. As a result, residents were displaced from their homes and businesses. Many suffer hardships because of the time and cost involved in reestablishing lives or businesses. Without a streamlined permit processing system, families may be left homeless during the winter, neighborhoods will continue to experience the negative effects of unrepaired buildings, and economic hardships will result from the delay in reconstruction. Action is necessary by the City to further the public welfare and safety as set forth in this ordinance.

The regulations set forth in this ordinance shall supersede existing regulations, and shall control if a conflict exists with any existing regulation.

Section 1. Building Permit Fee Waiver.

For a period of three (3) months from the effective date of this ordinance, no building permit fee shall be charged for building permits which are issued for purposes of repairing earthquake damage in kind. In kind replacement shall meet current City Building and Planning code requirements, except as specified in this ordinance.

The following type of work is covered:

- 1) Electrical, gas, drainways, water systems; water heaters and furnaces.
- 2) Damaged residential and commercial building components which can be readily repaired in kind, and do not constitute more than 25% of the overall structural value.
- 3) Nonhabitable accessory structures less than 120 sq. ft. used for storage, playhouses or similar uses.
- 4) Repair of nonhabitable residential structures which do not exceed 75% of the structural value are replaced in kind and in the same location, as set forth in Section 24.18.040 of the Zoning Ordinance. In addition, fire separations will be required if less than 6 feet from habitable structures and 3 feet from property line.

Section 2. Building Permit Fee Waiver for Chimneys and Fireplaces

For a period of twelve (12) months from the effective date of this ordinance, no building permit fee shall be charged for building permits which are issued for purposes of in kind repairs of earthquake damage to chimneys and fireplaces. Replacements and repairs must be made in existing locations, unless necessary changes are made to meet requirements of the Uniform Building Code.

Section 3. Public Hearings Waived for Design Permits.

For a period of six (6) months from the effective date of this ordinance, no public hearing shall be required for design permits required in connection with the rebuilding, in kind, of residential structures damaged by the earthquake and located on substandard lots. In kind rebuilding shall be as defined in Section 24.18.040 of the Zoning Ordinance.

Section 4. Temporary Living Quarters.

For a period of twelve (12) months from the effective date of this ordinance, temporary living quarters may be located on parcels which contain residential dwellings identified as "red tag" or "yellow tag" as identified in the Structural Survey of Earthquake Damage Report which is maintained in the Department of Planning and Community Development, and three copies of which are on file in the office of the City Clerk and is based on a survey of structures damaged by the October 17, 1989 earthquake. Such temporary living quarters shall require a temporary living quarter permit.

The following findings must be made prior to issuance of the permit:

1. That the principal structure is sufficiently damaged to make it not habitable during repair/reconstruction.
2. That the property can safely accommodate the temporary structure, as set forth by the following criteria:
 - adequate distance to other structures to meet Fire Code requirements.
 - appropriate connections to water and sanitary facilities.
 - location does not impair access or circulation required for emergency services.
 - it does not adversely impair or affect adjacent properties.
 - the property owner signs an agreement to remove temporary structure when permanent structure is habitable.

ORDINANCE NO. 89-43

Permits shall be issued by the Zoning Administrator for a 6-month period and automatically expire unless extended. Extensions shall be granted only if the property owner is proceeding in a timely manner to repair or rebuild a premanent residential structure on the lot.

Section 5. Declaration of Urgency. This ordinance is declared to be an emergency measure adopted under Section 612 of the Santa Cruz City Charter, and is necessary to preserve the public peace, health, safety, property and the general welfare, and the urgency for its adoption is set forth in the findings above.

Section 6. Effective Date. This ordinance shall take effect immediately as provided in Section 4.

PASSED FOR FINAL ADOPTION this 14th day of November, 1989, by the following votes:

AYES: Councilmembers - Ghio, Laird, Lane, Mahaney, Beiers, Yokoyama; Mayor Wormhoudt.

NOES: Councilmembers - None.

ABSENT: Councilmembers - None.

DISQUALIFIED: Councilmembers - None.

APPROVED

Mark Wormhoudt
Mayor

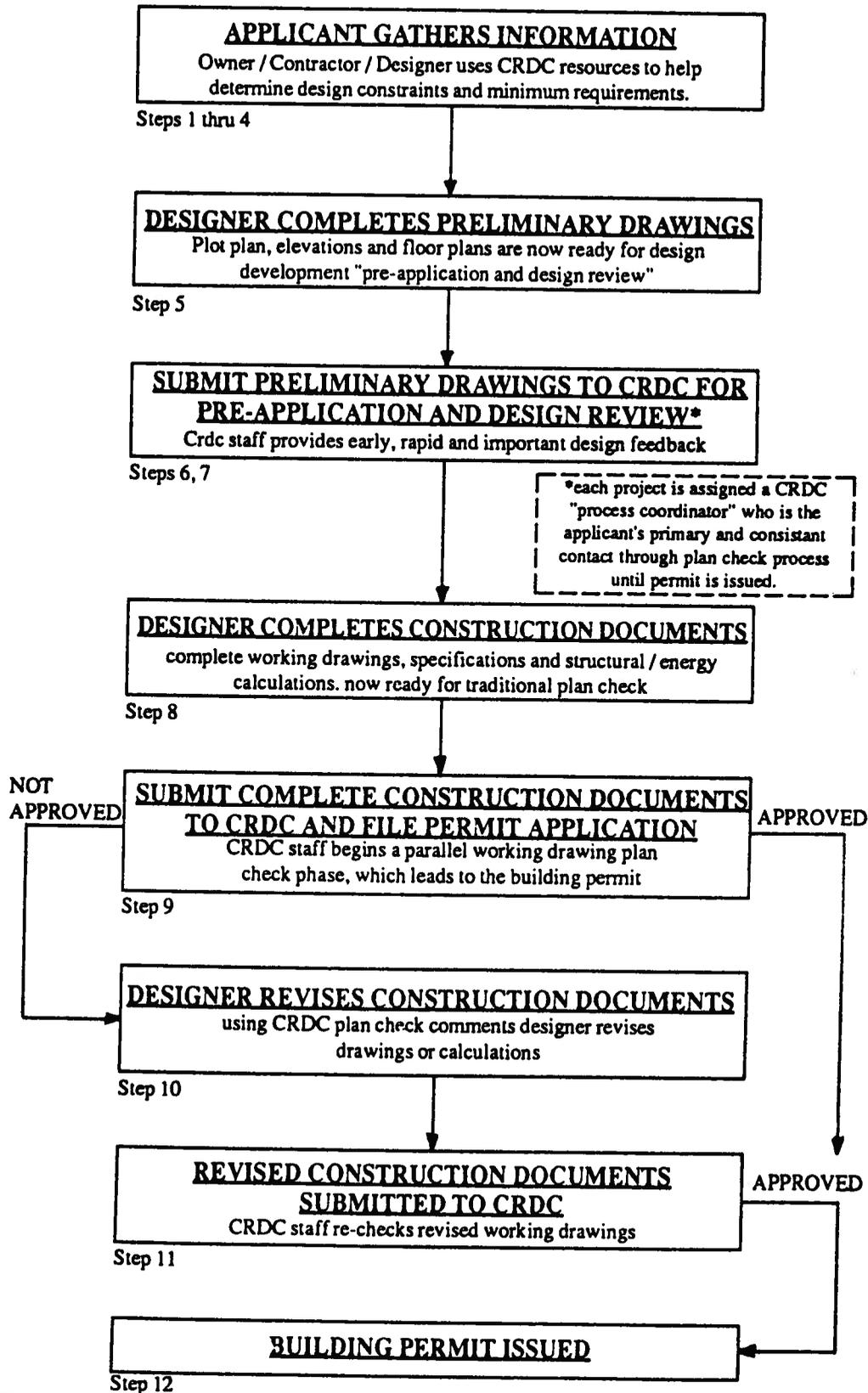
ATTEST

Patricia M. Kenyon
City Clerk

This is to certify that the above and foregoing is the original document. Ordinance No. 89-43 and that it has been published or posted in accordance with the Charter of the City of Santa Cruz.

Patricia M. Kenyon
City Clerk

MAJOR REPAIRS AND RECONSTRUCTION APPLICANT PERMIT PROCESS FLOWCHART



APPLICANT GATHERS INFORMATION

Step 1. Using the Community Restoration Development Center (CRDC), a project applicant can gather the following important information:

General information on the entire construction process.

Applicable building codes including special building regulations adopted in the Fire Hazard, Extreme Fire Hazard, NOAASP, and Burn Areas.

Requirements for filing a building permit application including minimum necessary construction documents and fees.

Design review requirements. Remember that, in addition to building code regulations, important community and neighborhood design issues must first be reviewed and approved. This design review will help you ensure that matters such as site access, building height and bulk, and neighborhood consistency are understood before embarking on the major design process. The actual design review, itself, will occur at Step #6, below.

Now that the basic general information has been gathered, the following steps should occur:

Step 2. Applicant chooses design professional. If not already retained, the designer is now brought on board to begin the preliminary design phase. One of the first questions to ask is "Do I want to rebuild the same house or a different one?" If you intend to rebuild the same house, go to **Step #3**, below. If you intend to build a different one, skip to **Step #5**.

Step 3. If you will rebuild the same house, recollect and assemble as much general information of the previous structure as possible. It is important to show previous building site location, height and appearance (photos?), condition of remaining chimney and foundation (if intended to be re-used).

Step 4. Bring the information mentioned above regarding the previous structure to the Planning Counter at the CRDC. CRDC planners will review this information and provide you with a certificate of verification. *If this review raises issues that will be important in the design process, such as non-conforming uses, variance or conditional use permits, etc., you will be notified immediately.*

DESIGNER COMPLETES PRELIMINARY DRAWINGS

Having gathered background information and reviewed some early feedback from the CRDC, you should now embark upon the preliminary design phase:

- Step 5.* Design professional prepares (1) dimensioned exterior elevations, showing ridge line elevations; (2) plot plan and survey, including driveway and parking with road widths and elevations identified; contours, underground utilities, and building pad elevations, (3) basic construction materials including roofing and siding.

SUBMIT PRELIMINARY DRAWINGS TO CRDC FOR PRE-APPLICATION AND DESIGN REVIEW

The preliminary design documents can now be submitted to the CRDC for a formal "pre-application and design review":

- Step 6.* Submit two copies of preliminary design documents to the CRDC for PRE-APPLICATION AND DESIGN REVIEW.

At this point, your individual project will be assigned to a PROCESS COORDINATOR who is responsible for looking after your entire building permit process from this point until your permit is issued. Whenever you have questions about your project and permit status, or just want to talk to someone about your concerns you have a PROCESS COORDINATOR who is looking out for you.

- Step 7.* CRDC staff (planning, building, engineering, fire department) will now provide a rapid review of your preliminary plans to identify any potential major design-impacting issues and soil report requirements and return any comments to you in written form. Approximate time period, five working days.

NOTE: IF YOU HAVE ALREADY COMPLETED YOUR ENTIRE WORKING DRAWINGS AND CONSTRUCTION DOCUMENTS, YOU MAY SKIP DOWN TO STEP #2 AND FILE A BUILDING PERMIT APPLICATION. YOU WILL BE ASSIGNED A PROCESS COORDINATOR WHO CAN HELP ANSWER YOUR QUESTIONS ON THIS PROCESS. A PRE-APPLICATION AND DESIGN REVIEW WILL STILL OCCUR EVEN WHILE YOUR WORKING DRAWING PLAN CHECK PROCEEDS. ANY MAJOR DESIGN-RELATED MATTERS FOUND AT THIS TIME WILL BE QUICKLY BROUGHT TO YOUR ATTENTION BY THE PROCESS COORDINATOR.

DESIGNER COMPLETES CONSTRUCTION DOCUMENTS

You should now have sufficient information and feedback to complete the working drawing design phase:

- Step 8.** Design professional completes working drawings, structural and energy calculations, and soil report (when required, see separate information sheet to help identify when a soil report will be required for your construction project).

SUBMIT COMPLETE CONSTRUCTION DOCUMENTS TO CRDC AND FILE PERMIT APPLICATION

NOTE: IF YOU DID NOT SUBMIT PRELIMINARY DRAWINGS TO THE CRDC FOR PRE-APPLICATION AND DESIGN REVIEW, THESE WILL BE PERFORMED NOW SIMULTANEOUS WITH YOUR WORKING DRAWING PLAN CHECK. ANY MAJOR DESIGN-RELATED MATTERS FOUND AT THIS TIME WILL BE QUICKLY BROUGHT TO YOUR ATTENTION BY THE PROCESS COORDINATOR.

- Step 9.** Submit construction documents to CRDC for building permit application. Plans are now simultaneously reviewed by building, fire, engineering, and planning staff. This phase is the traditional plan check. Unlike most building permit processes, you do not have to coordinate a step-by-step, successive review. **YOU HAVE A PROCESS COORDINATOR WHO ROUTES AND MONITORS THE PROGRESS OF YOUR COORDINATED-SIMULTANEOUS REVIEW.** Approximate time period, ten to fifteen working days.

If corrections are required to the construction documents, you will be notified by your *PROCESS COORDINATOR*. Either come to the CRDC to pick-up a written list of comments and instructions or they may be mailed to you or your designer.

DESIGNER REVISES CONSTRUCTION DOCUMENTS

- Step 10.** Your design professional revises construction documents in accordance with the list of comments and instruction. Then, you resubmit these revised documents to the CRDC for an expedited, coordinated-simultaneous re-check.

REVISED CONSTRUCTION DOCUMENTS SUBMITTED TO CRDC

Step 11. Following a successful re-check, your construction documents are approved.
Approximate time period, five working days.

BUILDING PERMIT ISSUED

Step 12. You now have approved plans, a building permit and construction begins.

**POST EARTHQUAKE
BUILDING PERMIT AND
INSPECTION PROCEDURES**

These questions and answers are based on the experience of Santa Cruz County after the Loma Prieta Earthquake in October 1989. Santa Cruz County is 441 square miles in area with approximately 60,000 primarily residential parcels.

Based upon our experience, someone is going to have to answer the questions below within days (and sometimes hours) of a major earthquake. You can avoid many long and stressful hours spent when you can least afford them by having emergency ordinances on the books addressing these questions before the event!

John de Courcy
Building Official
Santa Cruz County
701 Ocean Street
Santa Cruz, CA 95060
408-454-3195
FAX 408-454-2131

POST EARTHQUAKE BUILDING PERMIT AND INSPECTION PROCEDURES

How can I get a permit and start repairing my building?

- (a) **TEMPORARY PERMITS--** Within hours of the event our inspectors were issuing temporary repair permits in the field. Within days we were issuing them at the County Building. We also sent our counter technicians to FEMA Disaster Centers to issue temporary permits. These permits allowed people to start work, while requiring that they apply for a permanent permit within 60 days.
- (b) **NO PLANS FOR REPAIR IN KIND UP TO 25%--** When no foundation damage was involved, our policy was to issue permits with no plans for repairs with a value of up to 25% of the value of the house. The inspector could require plans if he felt it was necessary, based on the specific site conditions or because the work was not conventional construction.
- (c) **NO PLANS FOR NON-HABITABLE ACCESSORY BUILDINGS.** No plans were required for the repair or reconstruction of garages, carports, storage sheds, etc. less than 1000 square feet in floor area. Once again, the inspector could require plans if he felt it was necessary, based on the specific site conditions or because the work was not conventional construction.

Can I repair my unreinforced masonry chimney?

Some jurisdictions required such chimneys to be demolished and replaced. Others (including Santa Cruz County) allowed them to be repaired. We obtained details of repairs from the city of Los Angeles and distributed them with the permits. When the next earthquake happens we will see if this was a wise policy.

What type of inspection is required on my chimney repair?

We required an initial inspection after any demolition was done. The inspector would determine that the damaged portions had been removed and that the proposed repair method was acceptable. Because of the workload, we accepted a certification that the work was to code accompanied by pictures showing the work in lieu of subsequent inspections.

Can I repair-in-kind work that doesn't meet code?

We required that all new work meet present codes. Existing work could remain unless the new work made the old work unsafe.

POST EARTHQUAKE BUILDING PERMIT AND INSPECTION PROCEDURES

5. Can I repair my post and pier foundation?

There were hundreds of single family dwellings in our jurisdiction with pier and mudsill foundations, which no longer comply with the code. We did not allow these to be repaired-- if the piers or posts were replaced, the portion involved was required to be a perimeter foundation. We did permit these foundations to be straightened and/or braced.

6. Can I put a mobil home on my property while doing my repairs?

We issued permits for mobil homes and temporary power to anyone who asked for one and could show that the lot in question had a residence on it. (Many are now illegal rental units, of course.)

7. Can I live in my detached garage or other non-habitable structure while I repair my building?

We issued permits for temporary power to owners under these circumstances. The inspector checked at the electrical inspection to be sure they were safe. (Many of these also became illegal second units.)

8. Can I rebuild a non-conforming structure?

We passed an emergency ordinance allowing nonconforming structures damaged in the earthquake to be repaired/or reconstructed in the present location, and they could be expanded by a maximum of 10% if the expansion did not increase the non-conformity.

9. Is a sprinkler system required in an earthquake reconstruction?

In Santa Cruz County a sprinkler system is required in all new single family dwellings. Over the objections of the fire agencies, the Board passed an ordinance exempting earthquake reconstructions from this requirement.

10. I have a violation on the property. Does this affect my permit for earthquake repair?

Our ordinance prohibits the issuance of a permit when there is a violation on the property unless the permit rectifies the violation. We modified this to allow repair permits in the area not affected by the violation.

POST EARTHQUAKE BUILDING PERMIT AND INSPECTION PROCEDURES

11. Do I need a permit for a temporary repair, such as shoring?

Temporary repair could be done with no permits. We defined a temporary repair as follows: (1) the work is intended to be replaced later with permanent work and (2) no portions of the work are concealed.

12. My building was red tagged (or yellow tagged) and I left. Now the owner is renting it to someone else.

The whole question of what action to take after posting was extremely difficult. Except in the case of clearly immediate danger, we did not call the Sheriff to evict people occupying posted buildings.

13. Can I get a permit to partially repair my building, or does the permit have to include all known damage.?

Our policy was to issue permits for partial repairs. The UBC does not really address this issue, but the proposed OES ordinances do.

14. When is your department going to be open for normal business?

Our file room was severely damaged and our staff stretched to the limit with earthquake work. We didn't open for intake of non-earthquake related applications and issuance of non-earthquake related permits for 3 months. I would not advise this if you can avoid it. Thanks to the work of many volunteer inspectors, we were able to begin inspections of work permitted before the earthquake within 4 weeks of the event.

15. Are you going to take punitive measures when work that was permitted before the earthquake was continued without inspections?

We did not take punitive measures when an appropriate "inspection audit trail" was maintained. This could be done with pictures, documented inspections by engineers or other qualified persons. We were fairly ruthless with contractors who took advantage of the earthquake to proceed with no inspections of any kind.

16. Are you going to charge permit fees?

By carefully documenting our activities to FEMA, and by setting up an independent Earthquake Recovery Division, we were able to avoid charging fees. We warned applicants that we might have to retroactively charge fees if FEMA stopped reimbursing us, and eventually we had to do just that. Collecting these fees retroactively was not a very enjoyable experience.

M E M O

October 23, 1989

TO: Honorable Mayor and Members of the City Council
FROM: City Attorney *CFH*
RE: Building permit process during State of Emergency

In order to facilitate the repair of buildings damaged as a result of the earthquake of October 17, 1989, and subsequent aftershocks, the Building Official will do the following:

(1) Issue building permits for repair work without plans pursuant to Section 302(b) of the Uniform Building Code whenever the owner of residential buildings uses the pre-approved repair plan, a copy of which is attached hereto, and whenever the nature of the work applied for does not necessitate the reviewing of plans to gain compliance with the building code.

(2) Issue building permits for the major repair of commercial/industrial buildings if the owner has a structural engineer provide a damage assessment for the entire structure and makes appropriate recommendations for any necessary repairs. After review and approval by the City's structural engineer, a building permit will be issued as soon as the approval is given.

If the above is to happen in a timely manner, it is recommended that the City Council adopt urgency/emergency ordinances to take effect immediately to do the following.

(1) Exempt from Section 14-20.080 Watsonville Municipal Code those buildings which have been damaged more than sixty percent of their market rate as a result of the earthquake thereby allowing them to be restored, reconstructed or used as before, provided, that work be initiated within three months and completed within six months of the earthquake. The ordinance as proposed would expire in six months.

(2) Impose a moratorium on the issuance of building permits and applications for any document which will lead to a building permit, except for the repair, rehabilitation, demolition, or reconstruction of existing structures damaged as a result of the earthquake.

City staff is continuing to investigate other options for a formal permit streamlining process for presentation to the Council in order to ensure the prompt repair, rehabilitation and reconstruction of earthquake damaged buildings in the City.

LFH/vrx

ORDINANCE NO. _____ (CM)

AN EMERGENCY ORDINANCE OF THE CITY OF WATSONVILLE IMPOSING A MORATORIUM ON THE ISSUANCE OF BUILDING PERMITS FOR NEW STRUCTURES OR GRADING PERMITS AND TO SUSPEND FILING OF APPLICATIONS FOR ALL BUILDING, GRADING, PLOT MAPS, AND ALL OTHER DOCUMENTS NORMALLY LEADING TO ISSUANCE OF BUILDING PERMITS BUT EXCLUDING REPAIR, REHABILITATION, DEMOLITION, OR RECONSTRUCTION OF EXISTING STRUCTURES DAMAGED AS A RESULT OF THE MAJOR EARTHQUAKE OF OCTOBER 17, 1989, AND DECLARING THE URGENCY THEREOF

WHEREAS, on October 18, 1989, the City Council of the City of Watsonville declared that due to a major earthquake on October 17, 1989, that a state of emergency exists throughout the City; and

WHEREAS, as a result of said earthquake over 571 residential buildings and 34 commercial/industrial buildings have suffered either minor, major or complete damage; and

WHEREAS, the inspection of damaged buildings and the repair, rehabilitation, demolition and reconstruction of said damaged buildings must receive the utmost attention of City Staff; and

WHEREAS, in order to permit a reasonable period of time within which the City staff may devote to the inspection of buildings damaged as a result of said earthquake and to cause their repair, rehabilitation, demolition or reconstruction as quickly as possible, it is necessary to place a moratorium on the issuance of building permits except for repair, rehabilitation, demolition or reconstruction of existing structures, damaged as a result of the major earthquake of October 17, 1989, grading permits necessary thereto and to ban applications for all building, grading, plot maps,

and all other documents that normally lead to the issuance of building permits.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WATSONVILLE, DOES ORDAIN AS FOLLOWS:

Section 1. A moratorium is hereby declared on the issuance of building permits except for permits to repair, rehabilitate, or reconstruct structures damaged as a result of the major earthquake of October 17, 1989, and upon the issuance of grading permits necessary thereto.

Section 2. A moratorium is hereby declared on the filing of all applications before the Planning Department, Building Department, and Public Works Department for all building, grading, plot maps, and all other documents that normally lead to the issuance of building permits, except for repair, rehabilitation, or reconstruction of existing structures damaged as a result of the major earthquake of October 17, 1989.

Section 3. This ordinance shall take effect and be in force immediately upon its adoption, and shall remain in effect until forty-five (45) days from the date of its adoption, unless otherwise modified by Ordinance.

Section 4. This Council finds and determines that the moratorium must be imposed in order to protect and preserve the public interest, health, safety, comfort and convenience, and to preserve the public welfare; that it is necessary to preserve the public health and safety against the possibility of allowing building

construction without the possibility of adequate resources such as water supply, wastewater treatment, solid waste disposal and other services; that it is further necessary to protect all of the citizens of Watsonville against possible financial and economic losses, in the event City resources and services are strained and there is demand beyond capabilities.

Section 5. Any provisions of the Watsonville Municipal Code or other Ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, is suspended during the moratorium.

Section 6. If any provision of this ordinance is held to be unconstitutional herewith, to the extent of such inconsistencies and no further, is suspended during the moratorium.

Section 7. This ordinance is declared to be an emergency measure adopted pursuant to the provisions of Section 602 of the Watsonville City Charter and is necessary to preserve the public peace, health, safety and property, and the general welfare and the urgency for its adoption is set forth in the findings above.

Section 8. The City Clerk is hereby directed to cause this ordinance to be published once in the official newspaper within fifteen (15) days after its adoption.

The foregoing emergency ordinance was introduced at a regular meeting of the Council of the City of Watsonville, held on the _____ day of _____, 1989, by Council Member _____, who moved its adoption, which motion being duly seconded by Council Member _____, was upon roll call carried and the emergency ordinance adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. _____ (CM)

AN EMERGENCY ORDINANCE OF THE CITY OF WATSONVILLE
EXEMPTING CERTAIN BUILDINGS FROM SECTION 14-20-080
OF THE WATSONVILLE MUNICIPAL CODE GOVERNING THE
REPLACEMENT OF DAMAGED OR DESTROYED
NON-CONFORMING USES

WHEREAS, on October 18, 1989, the City Council of the City of Watsonville declared that due to a major earthquake on October 17, 1989, that a state of emergency exists throughout the City; and

WHEREAS, as a result of said earthquake over 571 residential buildings and 34 commercial/industrial buildings have suffered either minor, major or complete damage; and

WHEREAS, certain of said buildings are in immediate need of repair and rehabilitation in order to safeguard and protect the public health, safety and welfare; and

WHEREAS, the imposition of Section 14-20.080 of the Watsonville Municipal Code as to any buildings damaged more than sixty (60%) percent of its market value as a result of said earthquake would cause an undue hardship on the those individuals whose buildings suffered said damage; and

WHEREAS, it is necessary to suspend the operation of Section 14-20.080 as to any building damaged as a result of said earthquake to protect and preserve the public interest, health, safety, comfort and convenience, and preserve the public welfare by allowing the prompt repair and rehabilitation of certain said said buildings.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WATSONVILLE, DOES
ORDAIN AS FOLLOWS:**

Section 1. Those buildings in the City of Watsonville which have been damaged more than sixty (60%) percent of its market rate as a result of the major earthquake on October 17, 1989, and any of its aftershocks shall be exempt from the requirements of Section 14-20.080 of the Watsonville Municipal Code, provided that any such building is restored, reconstructed or used as before and that such be initiated within three (3) months and be substantially completed within six (6) months after such happening.

Section 2. This ordinance shall take effect and be in force immediately upon its adoption, and shall remain in effect until midnight of April 23, 1990, unless otherwise modified by Ordinance.

Section 3. This Council finds and determines that the exemption must be imposed in order to protect and preserve the public interest, health, safety, comfort and convenience, and to preserve the public welfare; that it is necessary to preserve the public health and safety against the possibility of illegal building repair or construction without the obtaining of building permits because a building has suffered damage in excess of sixty (60%) percent of its market value; that it is further necessary to protect all of the citizens of Watsonville against possible financial and economic losses resulting from said earthquake.

Section 4. Any provisions of the Watsonville Municipal Code or other Ordinances of the City inconsistent herewith, to the extent of such inconsistencies and no further, is suspended during the moratorium.

Section 5. If any provision of this ordinance is held to be unconstitutional herewith, to the extent of such inconsistencies and no further, is suspended during the moratorium.

Section 6. This ordinance is declared to be an emergency measure adopted pursuant to the provisions of Section 602 of the Watsonville City Charter and is necessary to preserve the public peace, health, safety and property, and the general welfare and the urgency for its adoption is set forth in the findings above.

Section 7. The City Clerk is hereby directed to cause this ordinance to be published once in the official newspaper within fifteen (15) days after its adoption.

The foregoing emergency ordinance was introduced at a regular meeting of the Council of the City of Watsonville, held on the _____ day of _____, 1989, by Council Member _____, who moved its adoption, which motion being duly seconded by Council Member _____, was upon roll call carried and the emergency ordinance adopted by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

MAYOR

ATTEST:

CITY CLERK

RESOLUTION NO. 113-91 (CM)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
WATSONVILLE RESCINDING RESOLUTION NO. 359-90 (CM)
AND READOPTING POLICY FOR STREAMLINING PROJECTS
AND PERMIT PROCESSING FOR EARTHQUAKE RELATED PROJECTS
EFFECTIVE TO OCTOBER 17, 1991

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF WATSONVILLE,
CALIFORNIA, AS FOLLOWS:

1. That Resolution No. 359-90 (CM) adopted by the City Council
on October 9, 1990, is hereby rescinded.

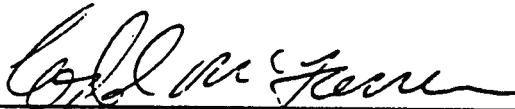
2. That the Policy for Streamlining Projects and Permit
Processing for Earthquake Related Projects, attached hereto and
marked Exhibit "A", is hereby adopted and is effective to
October 17, 1991.

The foregoing resolution was introduced at a regular meeting of the Council of the City of Watsonville, held on the 26th day of March, 1991, by Council Member Murphy, who moved its adoption, which motion being duly seconded by Council Member Eves, was upon roll call carried and the resolution adopted by the following vote:

AYES: COUNCIL MEMBERS: Eves, Hurst, Milladin, Murphy, Rios, McFarren

NOES: COUNCIL MEMBERS: None

ABSENT: COUNCIL MEMBERS: None


MAYOR

ATTEST:


City Clerk

APPROVED AS TO FORM:


City Attorney

E X H I B I T "A"

POLICY FOR STREAMLINING PROJECTS AND PERMIT PROCESSING FOR EARTHQUAKE RELATED PROJECTS

A. General

1. All repairs and or reconstruction shall be in conformance by the latest adopted Uniform Building Code and/or FEMA regulations.
2. Repair and reconstruction of nonconforming uses (as described in Section 14-20 of the Zoning Ordinance) will be permitted without issuance of a Special Use Permit provided they meet this policy.
3. Applications cited below shall be submitted by October 17, 1991.
4. Upon submittal of application for building permits and where lot size warrants placement, mobile units may be permitted during repair or reconstruction of structures subject to this policy.
5. Plot plan is required for all permits (including demolition).
6. Fees are not required for repair or reconstruction of residential units in cases where no expansion of use is proposed and when no transfer of real property has occurred since December 16, 1989.
7. In some cases of proven hardship, the city may waive some fees required for processing of commercial/industrial projects.

B. Minor Repairs (\$25,000 or less)

1. Examples:
 - a. Chimney/fireplace
 - b. Walls, roof, porch
 - c. Electrical and plumbing
 - d. Foundation work
2. Building permits required, no plan check or design review required. Expansion of use or significant alteration to existing floor plan of the structure is not permitted. No fee.

C. Major Repair (over \$25,000)

1. Using the same floor plan and footprint, building permit and limited plan check required. No design review is required. Expansion of use or significant alterations to existing floor plan of the structure is not permitted. Fees required, except as provided in Section A.6 above.
2. Expansion of use of alterations to building footprint, building permit and plan check required. Administrative design review required. Design review not required for single family units. Fees required, except as provided in Section A.6 above.
 - a. Commercial, Industrial, and Multi-family units will be required to be consistent with current zoning ordinance and all applicable standards. Use Permits may be required.

D. Demolition

1. Permits are required; no fees required. Require plot plans.

E. Total Reconstruction

1. After structures have been demolished, the following criteria will apply:
 - a. Single family homes in the R-1 zoning district where lot size (6,000s.f./6,500s.f.) is consistent with the zoning ordinance, shall be constructed in conformance with zoning district regulations. No Use Permit will be required for reconstruction of single family homes on multi-family zoned lots. A minimum of one parking space shall be required for the reconstructed unit. Fees required, except as provided in Section A.6 above.
 - b. Single family homes may be reconstructed on non-conforming lots of record in any residential zoning district subject to issuance of a variance by the Zoning Administrator. Building permits and limited plan check are required. Fees required, except as provided in Section A.6 above.
2. Multi-family units can be reconstructed. In the RM-2 Zoning District, legal non-conforming units may be reconstructed to previous density or consistent with the zoning district density formula. In the RM-3 zoning

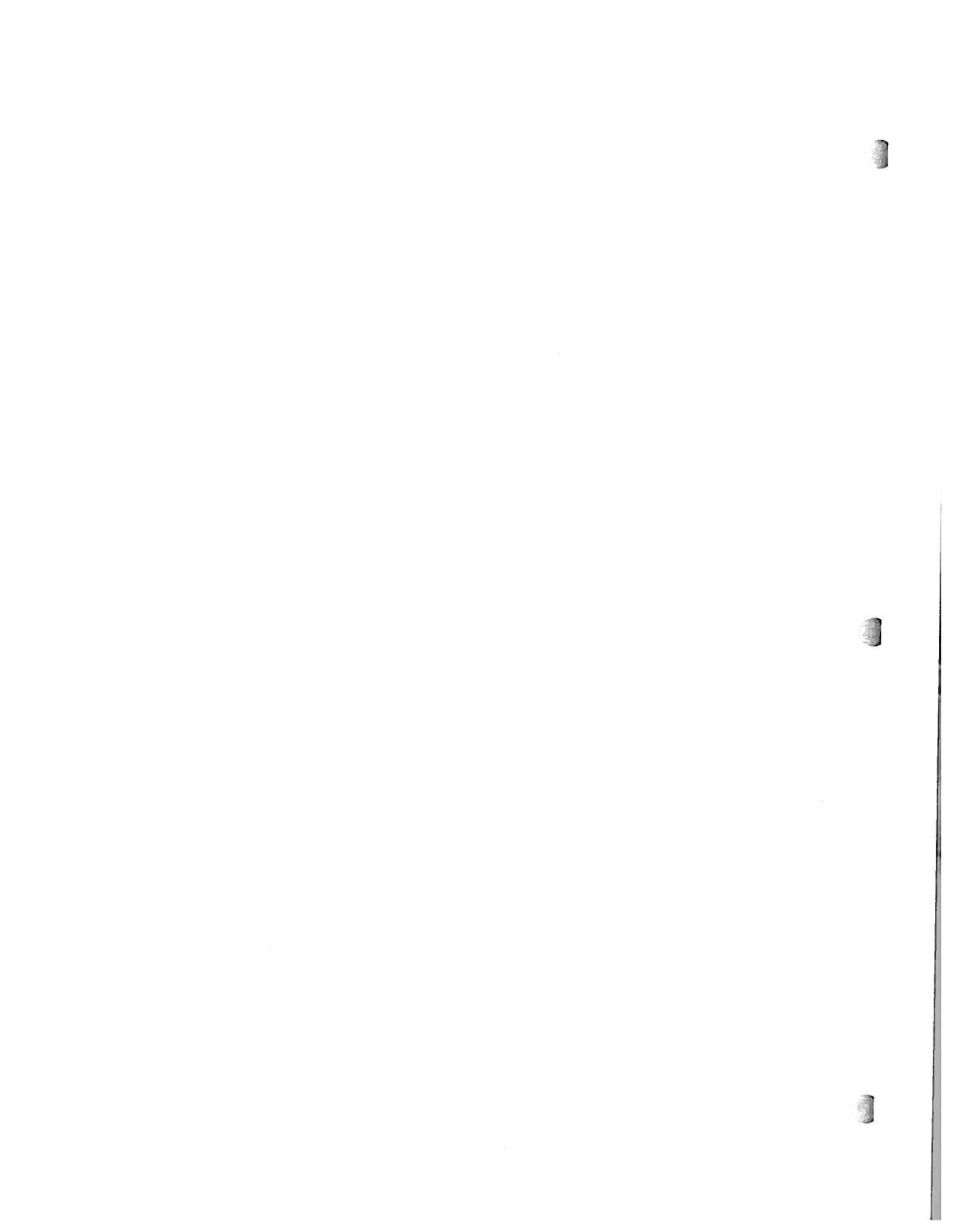
district, legal non-conforming units may be reconstructed to previous density or consistent with the zoning district formula (whichever is less). On site parking spaces as previously provided shall be required. In no case shall there be less than one on parking space per unit. Building permits and limited plan check shall be required, Design Review may be required. Fees required.

3. Commercial/Industrial reconstruction is permitted. Non-conforming buildings shall not be enlarged. Expansion of use or structure is permitted subject to conformance with the Zoning Ordinance, all applicable standards, and Design Review guidelines. Building permits, plan check, and Design Review are required. Fees required.

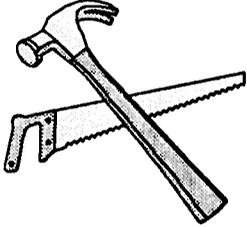
F. Illegal non-conforming structures

Illegal non-conforming structures shall not be legitimized without due process. Burden of proof for establishing legality of non-conforming units lies with property owner. Proof shall consist of the following:

- 1) tax assessment for multiple units (parcel history from County Assessor)
- 2) utility meters



20. DEVELOPING REPAIR ORDINANCES



After recent earthquakes, recovery and reconstruction have been delayed because local governments have not had specific repair criteria in place. Financial reimbursement for repairs from state and federal agencies has been slowed because of confusion over which repair standards are to be used and when those standards were developed. Typically, ordinances have been passed on an emergency basis after the event. Emergency ordinances remain in effect for only 45 days; after 45 days, the normal ordinance approval process of public hearings must be followed.

The *Uniform Building Code* is a building code for new construction. There is no easy way to use the UBC to guide earthquake repairs because it has no specific triggers or criteria for the repair of structures damaged by a natural disaster. Consequently, an ordinance needs to be in place to provide the necessary triggers.

POLICY ACTIONS

- Develop a permanent ordinance that provides the necessary administrative triggers to define clearly which *Uniform Building Code* provisions apply to any damaged building. (See the discussion below under Attachments.)
- Decide how you will handle repair in areas with poor soils. Will you require geotechnical studies before allowing repairs to begin?

HINTS FROM CALIFORNIA COMMUNITIES

- ☞ *Three years after the Loma Prieta earthquake in Oakland, approximately 63% of all recorded damaged properties had either been abated or were under repair; 20 buildings posted unsafe and 81 buildings posted limited entry were still in need of repair. In March, 1992, the City Council approved an ordinance to require the repair of 16 privately owned major earthquake-damaged buildings in the city's central business district. The ordinance created a public hearing process to receive community input and testimony from owners and other parties of record.*

continued

HINTS (continued)

- ☞ *Three years after the Loma Prieta earthquake, FEMA obligated a reimbursement to the City of Oakland in the amount of \$53.7 million for repairs to the city hall, representing the single largest reimbursement for a project in the agency's history. The city hall was vacated immediately after the earthquake, and has been vacant since, awaiting the resolution on repairs and costs. The requirements of the city's repair ordinance had to be factored into the repair design for the building. Ultimately, base isolation was chosen as the repair and retrofit technique.*

ATTACHMENTS

1. "Model Ordinance for Disaster Repair and Reconstruction." *Model Ordinances for Post-Disaster Recovery and Reconstruction*. California OES. 1993. [On page 337.]

Note:

Having this ordinance in place prior to a disaster will allow owners of damaged structures to begin the repair process immediately. In turn, this will reduce the time owners do not have access to their buildings.

Regarding disaster assistance for public facilities, unless there are codes and standards adopted and in place, FEMA will only provide financial assistance to put the damaged building back in its pre-event condition. Adoption of the *Uniform Building Code* by itself does not necessarily satisfy the requirement to have codes and standards in place since repair addressed in the UBC deals only with maintenance-related damage, not disaster-induced damage. This ordinance, or a similar one, will provide the triggering mechanism to get to the appropriate sections of the UBC.

The triggers proposed in the attached ordinance are similar to those used by some jurisdictions to address buildings damaged by fire. These are by no means mandatory triggers; each local government must determine what is reasonable for its jurisdiction. Another aspect of this model ordinance is the provision that would, when approved by the building official, allow a different level of repair to be proposed in an engineering evaluation. This gives the design professional the leeway necessary to address not only the specific damage, but the reason for that damage.

2. "Humboldt County Urgency Ordinance #1973," relating to structural repairs. [On page 342.]
3. "City of Big Bear Lake Urgency Ordinance #92-218," relating to earthquake reconstruction. [On page 349.]

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF (TOWN OF, COUNTY OF, CITY AND COUNTY OF) _____, STATE OF CALIFORNIA, ADDING A NEW CHAPTER _____ TO DIVISION _____ OF THE _____ MUNICIPAL CODE (COUNTY CODE), RELATING TO DISASTER REPAIR AND RECONSTRUCTION.

The City Council (County Board of Supervisors of) of the City of (County of, City and County of) _____, State of California, ordains as follows:

Section 1. Chapter _____ is added to Division _____ of Title _____ of the City of (County of, City and County of) _____ municipal (county) code, to read:

Chapter _____ Disaster Repair and Reconstruction.

Sections:

- _____ Intent
- _____ Application of Provisions
- _____ Definitions
- _____ Repair Criteria
- _____ Repair Criteria for Chimneys
- _____ Repair Criteria for Essential Services Facilities
- _____ Repair Criteria for Historic Buildings or Structures
- _____ Repair Criteria for Unreinforced Masonry Buildings and Structures
- _____ Board of Appeals

Section _____ Intent

This chapter establishes standards and regulations for the expeditious repair and reconstruction of structures damaged as a result of a disaster for which a local emergency has been declared by the City Council (Town Council, Board of Supervisors). The chapter does not allow exemptions from the Building, Fire, Electrical, Mechanical, Plumbing, or other codes.

Section _____ Application of Provisions.

(a) The provisions of this chapter are applicable following each disaster when a local emergency has been declared by the City Council (Town Council, Board of Supervisors) to all buildings and structures of all occupancies regulated by the City (Town, County, City and County) of _____. The Council (Board) may extend the provisions as necessary.

(b) When approved by the building official, the requirements of this chapter may be waived in favor of repair recommendations included in an engineering evaluation as defined in section _____.

Section _____ Definitions.

For the purposes of this chapter, the following definitions apply:

(a) **Architect** is an individual licensed by the State of California to practice architecture as defined in the State of California Business and Professions Code.

(b) **Civil engineer** is an individual registered by the State of California to practice civil engineering as defined in the State of California Business and Professions Code.

(c) **Current code** shall mean the edition of the Uniform Building Code, published by the International Conference of Building Officials, as adopted by the City (Town, County, City and County) of _____ in accordance with operation of law pursuant to Section 18941.5 of the State of California Health and Safety Code. The edition to be applied shall be that edition in effect at the time of the declaration of a local emergency by the City Council (Town Council, Board of Supervisors).

(d) **Engineering evaluation** is an evaluation of a damaged building or structure, or suspected damaged building or structure, performed under the direction of a structural engineer civil engineer or architect retained by the owner of the building or structure. Engineering evaluations shall, at a minimum, contain recommendations for repair with appropriate opinion of construction cost for those repairs.

(e) **Essential Service Facility** shall mean those buildings or structures which have been designated by the City Council (Town Council, Board of Supervisors) to house facilities which are necessary for the emergency operations subsequent to a disaster.

(f) **Replacement value** is the dollar value, as determined by the building official, of replacing the damaged structure with a new structure of the same size, construction material and occupancy on the same site.

(g) **Structural engineer** is an individual registered by the State of California to practice civil engineering and to use the title structural engineer as defined in the State of California Business and Professions Code.

(h) **Value of repair** is the dollar value, as determined by the building official, of making the necessary repairs to the damaged structure.

Section _____ Repair Criteria.

(a) The Uniform Code for the Abatement of Dangerous Buildings, current edition, as published by the International Conference of Building Officials, one copy of which is on file in the office of the City Building Official, is hereby adopted. As each subsequent edition is published, it shall replace the previous edition.

(b) Buildings and structures of all occupancies which have been damaged as a result of a disaster, except as otherwise noted, shall be repaired in accordance with the following criteria:

(1) When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure, the damaged portion(s) shall be restored to their pre-disaster condition.

Exception: When the damaged elements include suspended ceiling systems, the ceiling system shall be repaired and all bracing required by current code shall be installed.

(2) When the estimated value of repair is greater than ten percent (10%) but less than fifty percent (50%) of the replacement value of the structure, the damaged elements, as well as all critical ties, supported elements and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code.

(3) When the estimated value of repair is fifty percent (50%) or more of the replacement value of the structure, the entire structure shall be brought into conformance with the structural requirements of the current code.

(4) In Group R, Division 3 occupancies, the repair value of damaged chimneys shall be excluded from the computation of percentage of replacement value. Damaged chimneys shall be repaired in accordance with Section

Section _____ Repair Criteria for Chimneys.

(a) All damaged chimneys must be repaired or reconstructed to comply with the requirements of Chapter 37 of the current code. Damaged portions of chimneys shall be removed in accordance with the following criteria:

(1) When the damaged portion of the chimney is located between the roof line and the top of the chimney, the damaged portion shall be removed to the roof line provided the roof and ceiling anchorage are in sound condition. Reconstruction portion of the chimney shall be braced to the roof structure.

(2) For a single-story structure in which the damaged portion of the chimney is below the roof line or the damaged portion extends from above the roof line to below the roof line, the chimney shall be removed to the top of the fireplace.

(3) For a multi-story structure, the damaged portion of the chimney shall be removed from the top to a floor line where sound anchorage is found.

(4) In any structure where the firebox has been damaged, the entire chimney and firebox shall be removed to the foundation. If the foundation is in sound condition, the firebox and chimney may be reconstructed using the existing foundation. If the foundation has been damaged, the foundation shall be removed and replaced.

(b) Where existing conditions preclude the installation of all anchorage required by Chapter 37 of the current code, alternate systems may be used in accordance with the alternate methods and materials provisions of the current code when approved by the building official. Such alternate systems shall be designed and detailed by a structural engineer, civil engineer or architect.

(c) When the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, that portion above the roof line shall be braced to the roof structure.

Section _____ Repair Criteria for Essential Services Facilities.

(a) Buildings or structures housing essential service facilities which have been damaged as a result of a disaster shall have an engineering evaluation performed.

(b) Minimum criteria for repair shall be as follows:

(1) When the estimated value of repair is less than thirty percent (30%) of the replacement value of the structure, the damaged elements, as well as all critical ties, supported elements, and supporting elements associated with the damaged elements, shall be repaired and/or brought into conformance with the structural requirements of the current code.

(2) When the estimated value of repair is thirty percent (30%) or more than the replacement value of the structure, the entire structure shall be brought into conformance with the structural requirements of the current code.

Section _____ Repair Criteria for Historic Buildings or Structures.

(a) Buildings or structures which are included on a national, state, or local register of historic places or which are qualifying structures within a recognized historic district, which have been damaged as a result of a disaster, shall have an engineering evaluation performed.

(b) The minimum criteria for repair shall be as included in Section _____ Repair Criteria with due consideration given to the historical rating and nature of the structures. Additional standards and criteria, as noted in Part 8, Title 24, California Code of Regulations, the State of California Historic Building Code, shall apply.

(c) Where conflicts exist between the standards contained herein and the State of California Historic Building Code, the Historic Building Code shall govern.

Section _____ Repair Criteria for Unreinforced Masonry Buildings and Structures.

(a) The Uniform Code for Building Conservation, including the appendices, 1991 Edition, as published by the International Conference of Building Officials, one copy of which is on file in the office of the City Building Official, is hereby

adopted. As each subsequent edition is adopted, it shall replace the edition referenced above.

(b) All damaged buildings determined to be bearing wall buildings constructed of unreinforced masonry shall be repaired and strengthened to fully comply with the requirements of the Uniform Code for Building Conservation, Appendix Chapter 1.

Section _____ . Board of Appeals.

(a) The provisions of this chapter may be appealed to the City (Town, County, City and County) of _____ Board of Appeals pursuant to municipal (county) code section _____.

ORDINANCE NO. 1973

AN URGENCY ORDINANCE OF THE BOARD OF SUPERVISORS OF
OF THE COUNTY OF HUMBOLDT AMENDING AND ADDING CERTAIN LOCAL
PROVISIONS TO THE COUNTY BUILDING REGULATIONS RELATING
TO STRUCTURAL REPAIRS TO BUILDINGS AS A RESULT
OF THE HUMBOLDT COUNTY EARTHQUAKES

THE BOARD OF SUPERVISORS OF THE COUNTY OF HUMBOLDT ORDAINS AS
FOLLOWS:

SECTION 1. The Board of Supervisors of the County of Humboldt
does hereby find, determine and declare, as follows:

(a) As a result of major earthquakes occurring on April 25
and 26, 1992, and as a result of aftershocks thereafter, severe
damage was sustained by buildings and structures located within the
County;

(b) That said buildings and structures damaged by said
earthquakes, housed residential, commercial and industrial uses;
and

(c) Many of the buildings damaged were of historical
significance and proper provisions need to be taken to preserve
such historically significant buildings; and

(d) The possibility of future seismic make events due to the
unique geological nature of the County of Humboldt require that
buildings damaged in said earthquakes be rebuilt to the highest
feasible standards; and

(e) The California Health and Safety Code Section 18941.5(c)
allows local jurisdictions to adopt building standards to reflect
significant local conditions including geological conditions; and

(f) Due to the unique geological conditions of the County,
buildings damaged in the recent earthquakes which have commercial
or governmental occupancies should be rebuilt to strict structural
safety standards in order to protect the lives and safety of the
residents of the County; and

(g) That the public interest, convenience, necessity, health,
safety and general welfare require the enactment of this ordinance
as an urgency measure prior to the issuance of building permits for
the structures in question.

SECTION 2. That notwithstanding the provisions of the

Humboldt County Code to the contrary, this ordinance shall supersede all other inconsistent codes, regulations and standards within the county's unincorporated areas. This ordinance shall apply to all buildings located in incorporated areas that are subject to the County's jurisdiction.

SECTION 3. All structures of Group R, Division 3 occupancies damaged by the April 25, 1992 earthquake, and subsequent events, shall be repaired in accordance with the following criteria:

(a) When the damaged area of the foundation is equal to or greater than, 50 percent of the structure footprint area, a new continuous concrete footing with reinforced concrete or reinforced masonry stem wall; or a new continuous concrete footing with plywood sheathed cripple wall shall be installed around the full perimeter of the structure in accordance with the requirements of Sections 2517, 2907 and any other relevant sections of the 1988 Edition of the Uniform Building Code (hereafter referred to as the current code) and as adopted by operation of law pursuant to Health and Safety Code Section 18941.5, as published by the International Conference Building Officials and referenced in Title 24, California Code of Regulations.

Exception: When designed and detailed by a California registered civil or structural engineer, an alternative foundation system may be used.

(b) When the damaged area of the foundation is less than 50 percent of the structure footprint area, the damaged elements shall be repaired in accordance with the details included as appendix A or as designed and detailed by a California registered civil or structural engineer.

(c) All damaged porches, porch covers, and exit stairways shall be repaired so as to comply with the current code.

(d) All damaged structures currently considered as historic places or qualifying structures within historic districts shall be repaired in accordance with these standards with due consideration given to the historical ratings. Additional standards and criteria, as noted in the State of California Historic Building Code shall apply. When conflicts occur between these standards and the State of California Historic Building Code, the Historic Building Code shall take precedence.

SECTION 4. Damaged structures of all other occupancies, which

are regulated by local government, shall be repaired so as to comply with the current code except for the following types of structures:

(a) All damaged structures currently considered as historic places or qualifying structures within historic districts shall be repaired in accordance with these standards with due consideration given to the historical ratings. Additional standards and criteria, as noted in the State of California Historic Building Code shall apply. When conflicts occur between these standards and the State of California Historic Building Code, the Historic Building Code shall take precedence.

(b) All damaged structures considered as unreinforced masonry (URM). URM buildings as defined by Chapter 12.2 of Division 1 of Title 2 of the Government Code shall comply with the 1991 edition and future updated modifications of the Uniform Code for Building Conservation for the entire structure.

SECTION 5. All structures that are considered an "Essential Facility" as defined in Table 23-K of the 1988 Uniform Building Code (UBC) shall be repaired in accordance with the following criteria.

(a) When the estimated cost of repair does not exceed \$225,000.00, the damaged portions shall be restored to comply with current code.

(b) When the estimated cost of repair exceeds \$225,000.00, the damaged elements as well as all undamaged lateral and/or vertical load carrying components of the structure shall be brought into conformance with current code.

(c) When the present quake cumulative lateral and/or vertical load carrying components of the structure has been reduced by 30% or more, all damaged and undamaged structural elements shall be brought into conformance with current code.

(d) If there is a conflict between (b) and (c) above in that a structure meets either criteria, the structure shall be brought into conformance with current code.

(e) The dollar amounts listed herein shall be used for the fiscal year 1992-1993. Subsequent fiscal years shall use that base figure of \$225,000.00 with an additional dollar amount added to reflect the change in the Bureau of Labor Standards Consumer Price Index for this area. This adjustment shall be automatically made

on July 1st of each year.

SECTION 6. All damaged masonry chimneys without a foundation and/or masonry chimneys of single width construction shall be removed to grade.

Exception: When the damaged masonry chimney is a part of a historical structure, the standards and criteria as noted in the State of California Historic Building Code shall apply.

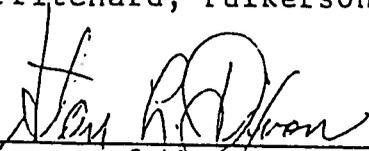
New masonry chimneys or reconstructed portions of damaged masonry chimneys having a foundation shall be constructed in accordance with Chapter 37 of the current code. When conflicts occur between these standards and the State of California Historical Building Code for applicable historic structures, the State Historic Building Code shall apply.

SECTION 7. This Ordinance is hereby declared to be an urgency measure and shall take effect immediately after its adoption pursuant to Government Code Section 25113. The state of facts constituting the basis for the urgency hereof is as above set forth.

SECTION 8. The Clerk of the Board shall certify the adoption of this ordinance and shall cause the same to be published in the manner prescribed by law. A summary may be prepared for publication.

PASSED, APPROVED AND ADOPTED on this 2nd day of June, 1992 on the following vote, to wit:

AYES: Supervisors: Dixon, Pritchard, Fulkerson, Neely, Sparks
NOES: Supervisors: None
ABSENT: Supervisors: None



Chairman of the Board of Supervisors
of the County of Humboldt, State of
California.

(SEAL)

ATTEST:

J. BRUCE RUPP

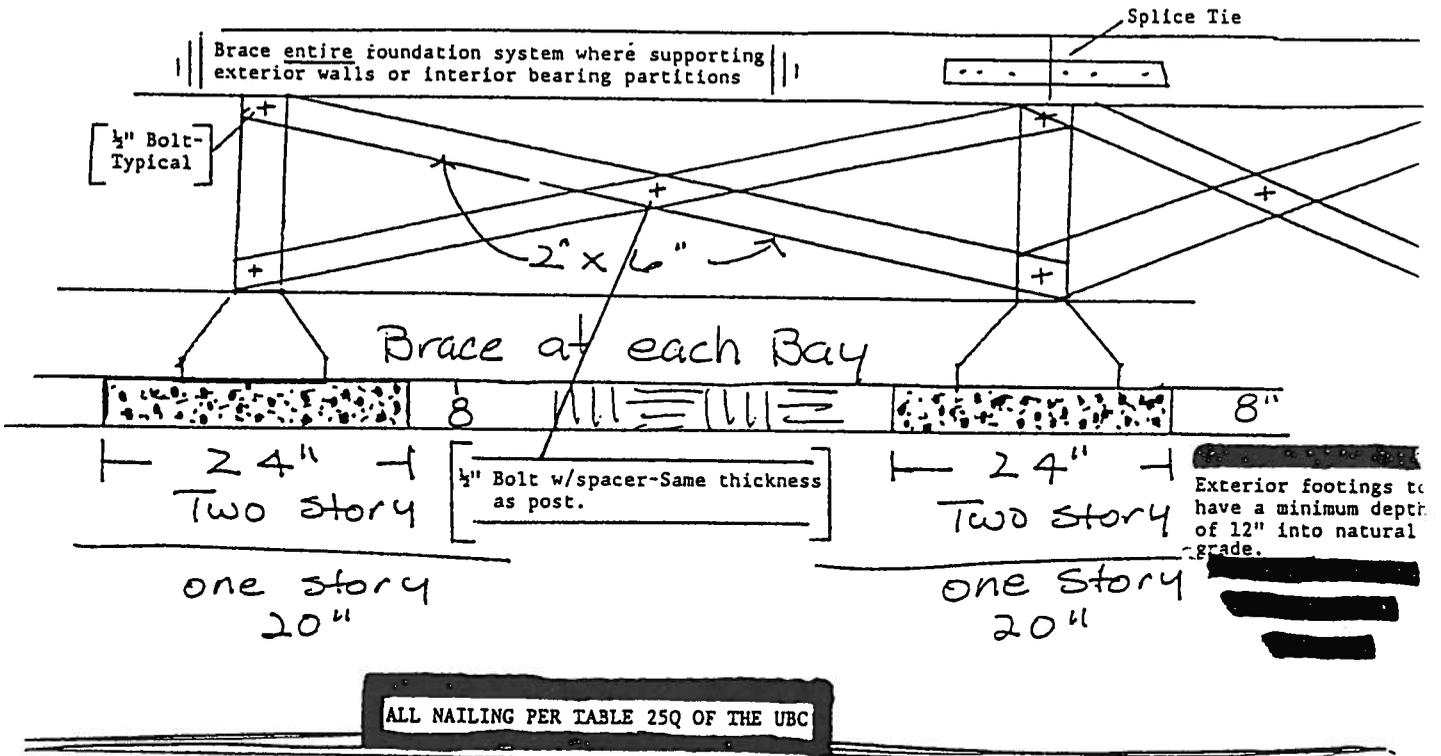
Clerk of the Board of Supervisors
of the County of Humboldt, State of
California.

By 

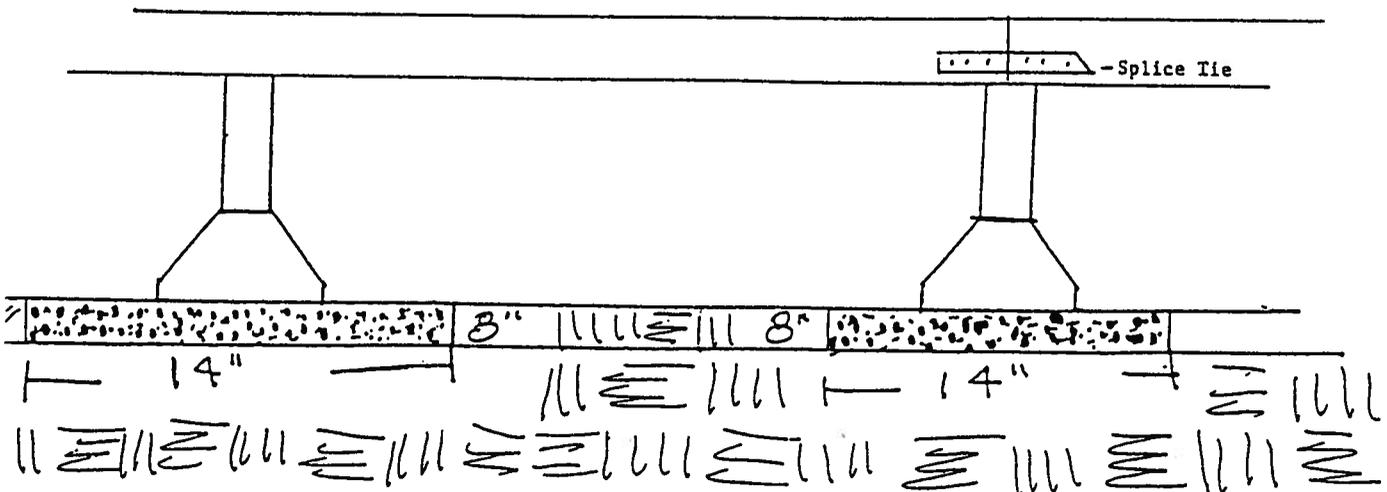
LORA FREDIANI Deputy
Assistant Clerk of the Board
June 4, 1992

Detail For Post & Pier Foundation Repair.

Exterior Walls.



Interior Post & Pier



**TABLE NO. 23-K
OCCUPANCY CATEGORIES**

OCCUPANCY CATEGORIES	OCCUPANCY TYPE OR FUNCTIONS OF STRUCTURE
I. Essential Facilities	<p>Hospitals and other medical facilities having surgery and emergency treatment areas.</p> <p>Fire and police stations.</p> <p>Tanks or other structures containing, housing or supporting water or other fire-suppression materials or equipment required for the protection of essential or hazardous facilities, or special occupancy structures.</p> <p>Emergency vehicle shelters and garages.</p> <p>Structures and equipment in emergency-preparedness centers.</p> <p>Stand-by power generating equipment for essential facilities.</p> <p>Structures and equipment in government communication centers and other facilities required for emergency response.</p>
II. Hazardous Facilities	<p>Structures housing, supporting or containing sufficient quantities of toxic or explosive substances to be dangerous to the safety of the general public if released.</p>
III. Special Occupancy Structure	<p>Covered structures whose primary occupancy is public assembly—capacity > 300 persons.</p> <p>Buildings for schools through secondary or day-care centers—capacity > 250 students.</p> <p>Buildings for colleges or adult education schools—capacity > 500 students.</p> <p>Medical facilities with 50 or more resident incapacitated patients, but not included above.</p> <p>Jails and detention facilities.</p> <p>All structures with occupancy > 5000 persons.</p> <p>Structures and equipment in power generating stations and other public utility facilities not included above, and required for continued operation.</p>
IV. Standard Occupancy Structure	<p>All structures having occupancies or functions not listed above.</p>

ORDINANCE NO. 92-218

AN URGENCY ORDINANCE OF THE CITY COUNCIL OF
THE CITY OF BIG BEAR LAKE, COUNTY OF SAN
BERNARDINO, STATE OF CALIFORNIA RELATING TO
EARTHQUAKE RECONSTRUCTION

WHEREAS, on June 28, 1992, the City Council adopted Resolution No. 92-53 declaring a local emergency arising from the June 28, 1992 earthquakes ("the earthquakes"); and,

WHEREAS, as a result of the earthquakes, property owners have suffered extreme damage to property and buildings; and,

WHEREAS, in the exercise of its police powers, and pursuant to the Uniform Building Code for the Abatement of Dangerous Buildings, the City has inspected these properties and has discovered that certain buildings should be demolished or repaired because they are an inherent danger to building occupants, adjacent buildings, and the public; and,

WHEREAS, certain buildings subject to demolition or rehabilitation orders do not conform to current building regulations; and,

WHEREAS, the regulations contained in this ordinance are immediately necessary to protect the public health, safety, and welfare of the City and its citizens because of the immediate threat of damaged buildings to the general public and the desire to give owners of damaged buildings sufficient guidance to develop their property.

NOW, THEREFORE, BE IT RESOLVED, by the City of Big Bear Lake as follows:

SECTIONS: Intent
Definitions
Repair Criteria
Historic Buildings
Chimneys
Unreinforced Masonry
Essential Service Facilities
Board of Appeals
Post Disaster Planning/Zoning

Section 1. INTENT

This Ordinance establishes regulations for the expeditious repair and reconstruction of structures damaged as a result of the June earthquakes and subsequent seismic activity for which a local emergency has been declared by the City of Big Bear Lake. This Ordinance does not allow exemptions from the Building, Fire or other codes as adopted by Chapter 15.04 of the Big Bear Lake Municipal Code.

Section 2.

DEFINITIONS

For the purposes of this Chapter the following definitions apply:

- (a) "Current code" shall mean the 1991 Edition of the Uniform Building Code, published by the International Conference of Building Officials, as adopted by the City of Big Bear Lake.
- (b) "Essential Service Facilities" shall mean structures and equipment in emergency-preparedness centers per Section 2321, Table 23-K of the current code.

Section 3.

REPAIR CRITERIA

Damaged structures of all occupancies regulated by the City of Big Bear Lake which have been damaged as a result of the June earthquakes shall be repaired in accordance with the following criteria:

- (a) When the estimated value of repair does not exceed ten percent (10%) of the replacement value of the structure as determined by the City, the damaged portion(s) shall be restored to their pre-disaster condition.
- (b) When the estimated value of repair is greater than ten percent (10%) as determined by the City, but less than fifty percent (50%), of the replacement value of the structure the damaged elements, as well as all critical ties associated with those elements, shall be repaired and/or brought into conformance with current code.
- (c) When the estimated value of repair exceeds fifty percent (50%) of the replacement value of the structure as determined by the City, the entire structure shall be brought into conformance with the structural requirements of the current code.
- (d) EXCEPTION: The repair of damaged chimneys in Group R, Division 3 occupancies shall be excluded from the computation of percentage of replacement value and shall be repaired pursuant to the section of this Ordinance titled "Chimneys".

Section 4.

HISTORIC BUILDINGS

All damaged buildings or structures currently designated as historic places, or qualifying structures within established historic districts, shall be repaired in accordance with the standards in of this Ordinance titled "Repair Criteria", above, with due consideration given to the historical ratings. Additional standards and criteria, as noted in the State of California Historic Building Code, shall apply. Where conflicts occur between these standards and the State of California Historic Building Code, the standards of this Ordinance shall govern.

Section 5. CHIMNEYS

All damaged chimneys must be evaluated by a State of California registered civil or structural engineer or licensed architect prior to reconstruction and shall be constructed in accordance with Chapter 37 of the current code. Unconventional masonry fireplace and chimney systems may be constructed pursuant to the alternate methods and materials provisions of the current code. Further, all new or reconstructed chimneys shall be anchored to the structure in accordance with current code. Where the portion of the chimney extending above the roof line exceeds two times the least dimension of the chimney, the portion extending above the roof line shall be braced to the roof structure.

Section 6. UNREINFORCED MASONRY

All damaged buildings determined to be constructed of unreinforced masonry shall be repaired and strengthened to comply with the currently adopted edition of the Uniform Code for building Conservation, Appendix Chapter 1.

Section 7. ESSENTIAL SERVICE FACILITIES

Damaged structures of all occupancies required by the City of Big Bear Lake which have been damaged as a result of the June earthquakes which are Essential Service Facilities shall be repaired in accordance with the following criteria:

(a) When the estimated value of repair does not exceed fifty percent (50%) of the replacement value as determined by the City, the damaged elements, as well as all critical ties associated with those elements, shall be repaired and/or brought into conformance with current code.

(b) When the estimated value of repair exceeds fifty percent (50%) of the replacement value as determined by the City, the entire structure shall be brought into conformance with the structural requirements of the current code.

Section 8. BOARD OF APPEALS

The requirements of this Chapter may be appealed to the City of Big Bear Lake Board of Appeals pursuant to the Municipal Code.

Section 9. POST DISASTER PLANNING/ZONING

Post disaster planning and zoning shall be carried out pursuant to the provisions of Ordinance No. 92-217 of the City Council of the City of Big Bear Lake.

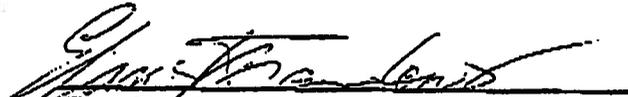
This urgency Ordinance is of immediate necessity to protect the public health, safety, and welfare because of the immediate threat of damaged buildings to the general public and the desire to give owners of damaged buildings sufficient assurances that they will be able to repair their buildings, and shall become effective upon its adoption by a four-fifths (4/5ths) vote of the City Council.

PASSED, APPROVED AND ADOPTED this 24th day of July, 1992.

AYES: Bandows, Conklin, Davies, Dwyer
NOES: None
ABSENT: Roberts

July 24, 1992

Date


Hans Bandows, Mayor

ATTEST


Shirley A. Dege
City Clerk

STATE OF CALIFORNIA)
COUNTY OF SAN BERNARDINO) ss
CITY OF BIG BEAR LAKE)

I, Shirley A. Dege, City Clerk of the City of Big Bear Lake do hereby certify that the whole number of members of the City Council of said City is five; that the foregoing Ordinance, being Ordinance No. 92-218 is a full, true and correct original of Ordinance No. 92-218 of the said City of Big Bear Lake, California, entitled:

**AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE
CITY OF BIG BEAR LAKE, COUNTY OF SAN BERNARDINO,
STATE OF CALIFORNIA, RELATING TO EARTHQUAKE
RECONSTRUCTION**

which was duly passed and adopted by the said City Council, approved and signed by the Mayor of said City, and attested by the City Clerk of said City, all at a special meeting of the said Council held on the 24th day of July, 1992, and that the same was so passed and adopted by the following vote:

AYES: Bandows, Conklin, Davies, Dwyer
NOES: None
ABSENT: Roberts

I do hereby further certify that pursuant to the provisions of Section 36933 of the Government Code of the State of California, that the foregoing Ordinance No. 92-218 was duly and regularly published according to law and the order of the City Council of said City in the Grizzly, a weekly publication, printed, published and circulated within said City.


Shirley A. Dege
City Clerk

ADDITIONAL RESOURCES

ADDITIONAL RESOURCES

9. CONDUCTING SEISMIC HAZARDS EVALUATIONS

1. U.S. Geological Survey, Earth Science Information Center, 345 Middlefield Rd., Menlo Park, CA 94025. (415) 329-4390.

Publications and maps concerning earthquake hazards as well as other general geologic information.
2. California Department of Conservation, Division of Mines and Geology, P.O. Box 2980, Sacramento, CA 95812-2980. (916) 445-5716.

CDMG Bay Area Office, China Basin Landing, 185 Berry Street, Suite 32600, San Francisco, CA 94107. (415) 904-7207.

CDMG Southern California Regional Office, 107 South Broadway, Room 1065, Los Angeles, CA 90013. (213) 620-5032.

Publications and maps concerning active faults and landslides in California; also scenarios describing the likely effects of future earthquakes.
3. *Earthquake Vulnerability Analysis for Local Governments*. BAREPP, Governor's Office of Emergency Services. September 1989.

Discusses the uses to which a vulnerability assessment may be put, and describes the steps by which a community can create its own. An appendix lists information sources. Available from Governor's Office of Emergency Services Earthquake Program, 101 8th St., Suite 152, Oakland, CA 94607. (510) 540-2713.
4. Association of Bay Area Governments, P.O. Box 2050, Oakland, CA 94604-2050. (510) 464-7900.

Maps that show ground shaking intensity and probability for the nine Bay Area counties.
5. Department of Consumer Affairs, State Board of Registration for Geologists and Geophysicists, 400 R Street, Suite 4060, Sacramento, CA 95814-6200. (916) 445-1920.

Lists of registered geologists and certified engineering geologists.

6. Many, but not all, counties in California have a geologist on staff who can help cities obtain adequate geologic review for construction projects within city limits. Phone the appropriate county planning department.

10. CONDUCTING BUILDING SAFETY ASSESSMENTS

1. ***Procedures for Post-Earthquake Safety Evaluations of Buildings*** (ATC-20). Applied Technology Council. 1991. *Field Manual* (ATC-20-1).

Developed to assist local jurisdictions in determining damage. Most building departments in California have a copy. Additional copies of both are available from ATC, 555 Twin Dolphin Drive, Suite 550, Redwood City, CA 94065. (415) 595-1542.

2. ***Post-Disaster Safety Assessment Plan and Local Building Officials' Guide to the Activation and Utilization of Safety Assessment Volunteers***. Governor's Office of Emergency Services. 1992.

A binder and series of documents that detail how the mutual aid plan to provide safety assessments work. This packet was sent to all city and county managers and building departments in the fall of 1992. Additional copies may be obtained by contacting Governor's Office of Emergency Services Earthquake Program at 1110 E. Green Street, Suite 300, Pasadena, CA 91106. (818) 304-8383.

3. ***Reflections on the Loma Prieta Earthquake of October 17, 1989***. Structural Engineers Association of California. 1991.

The Structural Engineers Association's investigation into building performance after the Loma Prieta earthquake. Also contains a discussion of the response of the Structural Engineers Association's Emergency Services Committees. Available from SEAOC, PO Box 399, Fair Oaks, CA 95628-0399, (916) 427-3647.

4. ***Posting of Buildings after the Loma Prieta Earthquake***. Tagging Subcommittee of Professional Practices Committee, Structural Engineers Association of Northern California. 1990.

A summary and brief evaluation of the volunteer engineers program used after the Loma Prieta earthquake. Includes the findings from a phone survey of local jurisdictions and samples of placards and other forms used by local governments. Available from Structural Engineers Association of Northern California, 50 1st Street, Suite 300, San Francisco, CA 94105, (415) 974-5147.

5. *Disaster Response Procedural Manual*. City of Long Beach Department of Planning and Building. July, 1991.

Set up to specify staff responsibilities for this department in the event of a disaster. Contains useful detail that might help other departments in setting up their plans. Available from City of Long Beach, Department of Planning and Building, 333 West Ocean Boulevard, Long Beach, CA 90802.

13. PRESERVING HISTORIC BUILDINGS

1. California Main Street Program, California Department of Commerce, 1121 L Street, Suite 600, Sacramento, CA 95814. (916) 322 1398.

A state agency that administers the federally funded Main Street program. This office can provide information and technical assistance on economic issues around commercial historic structures and districts.

2. State Historical Building Safety Board, Department of General Services, 400 P Street, 5th Floor, Sacramento, CA 95814. (916) 445-7627.

This office, within the Office of the State Architect, consists of a small staff and a volunteer board of architects, engineers and historians that developed the State Historic Building Code and administers its applications. The office can recommend to jurisdictions architects, contractors and engineers knowledgeable about historic buildings. They have published a document titled *Earthquake Hazard Reduction for Historic Brick Buildings*.

3. California Office of Historic Preservation, P.O. Box 942896, Sacramento, CA, 94396-0001. (916) 653-6624.

This office administers federal and state preservation programs. The State Historic Preservation Officer (SHPO) is in this office. They maintain a database of National, State and Local historic buildings, sites and districts. Such lists may be important to you in determining the historic status of properties within your jurisdiction. As required by Section 106 of the National Historic Preservation Act, the office reviews any projects on or eligible for, the National Register of Historic Places that receive federal monies. This applies to FEMA or SBA funds for demolition, stabilization and repair of historic structures.

4. California Preservation Foundation, 1615 Broadway, Suite 705, Oakland, CA, 94612. (510) 763-0972.

This California private, not-for-profit organization promotes historic preservation through conferences, workshops and publications and provides information and technical assistance to individuals,

organizations and local governments throughout the state. They have published a document titled *History at Risk* that discusses many of the lessons learned in relation to historic preservation in the Loma Prieta earthquake.

5. American Institute of Architects, Local Chapters or California Council, 1303 J Street, Suite 200, Sacramento, CA 95814. (916) 448-9082.

This is a national organization with active local chapters. They have a program they have used in the last several California earthquakes where they come in about one month after the earthquake and run a design workshop with the community. They try to generate options for rebuilding. Local chapters or the CCAIA office in Sacramento know about the program.

6. National Park Service, P.O. Box 37127, Washington, DC 20013-7127. (202) 343-6843.

NPS Western Region, 450 Golden Gate Avenue, Box 36063, San Francisco, CA 94102. (415)556-5560.

This office has a document called Secretary of Interior's Standards for the Rehabilitation of Historic Buildings. They administer grants awarded to the state offices of historic preservation for the implementation of the National Historic Preservation Act, as amended.

7. Advisory Council on Historic Preservation, Western Office of Project Review, 730 Simms Street, Room 490, Golden, CO 80401. (303) 231-5320.

An independent agency of the Federal Government, this council advises the President and Congress on matters pertaining to the preservation of historic, archaeological, architectural, and cultural properties.

8. National Trust for Historic Preservation, 1785 Massachusetts Avenue, N.W., Washington, DC 20036. (202)673-4000.

NTHP Western Regional Office, One Sutter Street, Suite 707, San Francisco, CA 94104. (415) 956-0610.

National organization chartered by Congress to encourage public participation in preservation of sites, buildings and objects significant in American history. Services include providing advisory and technical assistance to private preservation organizations, collecting and exchanging information on successful preservation programs and groups, and carrying out special projects to further preservation of target areas.

9. ***DETAILS: Balancing Historic Preservation and Seismic Safety.*** H.J. Degenkolb Associates. 1992.

An interesting report written by the structural engineering firm of H. J. Degenkolb Associates, discussing some of the issues in preserving and protecting historic buildings, and promoting seismic safety. It presents a balanced perspective, and offers examples of maintaining this balance from various projects this firm has been involved in. Available from H.J. Degenkolb Associates, 350 Sansome Street, Suite 900, San Francisco, CA 94104, (415) 392-6952.

15. EVALUATING REBUILDING OPTIONS

1. ***Rebuilding After Earthquakes: Lessons from Planners.*** William Spangle and Associates, Inc. 1991.

Summarizes a symposium convened by William Spangle and Associates. This symposium provided an opportunity for U.S. planners from earthquake-vulnerable cities and counties to hear firsthand accounts of planning after earthquakes. Six foreign earthquakes and three California earthquakes are discussed. Available from William Spangle and Associates, Inc., 3240 Alpine Road, Portola Valley, CA 94028-7592.

2. ***Reconstruction After Earthquakes: Issues, Urban Design, and Case Studies.*** Arnold, Christopher. 1990.

By an architect summarizing post-earthquake reconstruction issues. Case studies are included for several disasters, including the rebuilding of Tokyo after 1923 and 1945; the rebuilding of Tangshen, China after 1976, and the rebuilding of Spitak, Armenia and Santa Cruz after their respective recent earthquakes. Available from Building Systems Development, Inc., 3130 La Selva, Suite 308, San Mateo, CA 94403.

3. ***City of Santa Cruz Downtown Recovery Plan.*** ROMA Design Group for the City of Santa Cruz. 1991.

Establishes the policies, standards and guidelines that will direct the rebuilding of downtown Santa Cruz. The plan was developed from 15 months of community meetings, task forces and public workshops. A copy of the plan is available from: Planning Department, City of Santa Cruz, 809 Center Street, Santa Cruz, CA 95060, (408) 429-3045.

18. PREPARING A HAZARD MITIGATION PLAN

1. ***Post-Disaster Hazard Mitigation Planning Guidance for State and Local Governments*** (FEMA/DAP-12, September, 1990).

This handbook is designed to provide guidance to state and local governments for fulfilling the hazard mitigation planning requirements of Section 409 of the Robert T. Stafford Relief and Emergency Act. The handbook includes examples of innovative approaches to mitigation, with an emphasis on multi-objective planning for a variety of hazards.

2. ***California at Risk: Reducing Earthquake Hazards 1987-1992*** (Seismic Safety Commission, 1991).

Describes the California Earthquake Hazards Reduction Program, a series of five-year plans to reduce the state's earthquake hazards significantly by the year 2000. First published in 1986, it is revised annually to reflect new information and changing needs.

3. ***California At Risk: Steps to Earthquake Safety for Local Government*** (Seismic Safety Commission, 1988).

Intended for elected local officials, city and county managers and administrators, and other local leaders, it describes 30 ways local governments can improve seismic safety, many of them drawn from innovative efforts already undertaken by California's local governments.

4. ***Hazard Mitigation Opportunities for California***. The State/Federal Hazard Mitigation Survey Team Report for the Loma Prieta Earthquake, October 17, 1989 (FEMA, 1990).

The required Hazard Mitigation Survey Team Report produced following the Loma Prieta earthquake, this document includes 57 post-earthquake hazard mitigation recommendations to federal, state and local authorities.

5. ***Hazard Mitigation Plan***. Following the Loma Prieta Earthquake of October 17, 1989 for the City and County of San Francisco.

This was developed by the City and County of San Francisco in compliance with Section 409 of the Robert T. Stafford Act (PL 93-288). The plan includes 45 measures to be implemented over a designated period of time to strengthen public and private structures, to improve emergency response and communications systems, and to enhance public information and education programs.

6. ***Hazard Mitigation Plan.*** City of Watsonville. October, 1989.

This is the Local Hazard Mitigation Plan developed by the City of Watsonville in compliance with Section 409 of the Robert T. Stafford Act (PL 93-288). The plan includes 26 recommendations covering hazard analysis and planning, seismic retrofit, redundancy of utility systems, and community training.

7. ***State of California Hazard Mitigation Plan*** for the Whittier Narrows Earthquake. VSP Associates, May 1989.

Developed in compliance with federal requirements by the State of California following the Whittier Narrows Earthquake of October 1, 1987. The 29 recommendations are broken into three categories: Highest Priority Recommendations (7); Other Subjects Requiring Attention (15); and Topics Needing Further Study (7).

8. ***Federal/State Hazard Mitigation Survey Team Report*** for the April 25/26, 1992 Cape Mendocino Earthquakes (FEMA, October, 1992)

The required Hazard Mitigation Survey Team Report produced following the Cape Mendocino Earthquakes, this document includes 34 post-earthquake hazard mitigation recommendations to federal, state and local authorities.

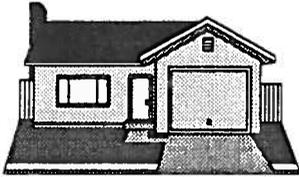
9. ***Interagency Hazard Mitigation Team Report*** for the June 28, 1992 Landers and Big Bear Earthquakes (FEMA, September 1992).

The required Hazard Mitigation Survey Team Report produced following the Landers and Big Bear Earthquakes, this document includes 39 post-earthquake hazard mitigation recommendations to federal, state and local authorities.

19. ISSUING BUILDING PERMITS

1. ***Building Department Guide to Disaster Mitigation.*** International Conference of Building Officials. 1991. Available from 5360 South Workman Mill Road, Whittier, CA 90601, (310) 699-0541.

23. PROVIDING REPLACEMENT HOUSING



For regularly employed, middle-income earners, the post-earthquake housing assistance process works relatively well. However, after recent California earthquakes, groups outside the mainstream have had serious problems with housing. As already mentioned, very low-income earners, certain groups of renters, and the chronically homeless have been ill-served by the assistance system. An earthquake exposes and exacerbates a community's problems; it does not create them. Lack of affordable housing and homelessness are existing problems, made worse by the earthquake, that complicate the process of replacing lost housing.

Permitting and financing are both necessary ingredients to a successful rebuilding effort. Local governments must establish the standards, codes, ordinances and permit requirements that will apply to the replacement housing, and financing has to be made available, in some cases from multiple sources.

Local government is responsible for helping individuals replace their housing through the permitting process. In addition, it is responsible for the provision of some low-income housing. Expanded redevelopment districts could result in the construction of additional low-income housing in a community. Local governments do not establish the housing policies of the federal and state aid programs, but they influence the tone and direction of those programs in the community. Local government may also get involved in financing private repairs, and frequently can influence donations and assistance from voluntary agencies.

Replacing low-income housing units has been particularly problematic after the Loma Prieta earthquake. U.S. Department of Housing and Urban Development (HUD) officials estimated two years after the earthquake that only 938 units out of 4000 low-income units destroyed or rendered uninhabitable by the earthquake had the necessary funding in place to be reconstructed. Three years after the earthquake, Santa Cruz and Watsonville had replaced almost all of their affordable housing lost in the earthquake--both cities were very active in the projects, assisting in putting together financing packages, and providing technical assistance to non-profit housing corporations. It is interesting to note that the affordable housing shortage that existed prior to Loma Prieta, particularly in Watsonville, still exists, even with the replacement housing.

POLICY ACTIONS

- ✎ Establish a housing task force to improve communication among federal, state, and local programs. Use the task force to help you think through some of the following questions:

What building and planning codes will you use in the rebuilding?
If you require upgrades, will insurance carriers, federal, and state assistance programs pay for these additional costs?

What will your policy be on replacement of substandard units or non-conforming units?

- ✎ Encourage residents to review their insurance policies to see if alternate living expenses are covered, and to determine whether they carry replacement value coverage.
- ✎ Public information campaigns should make the point that FEMA and the SBA are not insurance carriers, and do not replace all that was lost. Their programs are designed to help individuals get back on their feet. After the Loma Prieta earthquake, FEMA paid out \$877 million, but less than \$100 million of that went to individual and family grants and temporary housing (usually in amounts up to \$5000 for renters). The majority of FEMA assistance went to public agencies.
- ✎ Consider establishing the requirement that assistance monies be used to replace the same type of housing that was lost. After the Loma Prieta earthquake, for example, the \$11 million San Francisco received from the Red Cross was used for a multi-service center for the chronically homeless, not to replace lost low-income housing units.
- ✎ Identify volunteer and community-based organizations and PNPs from within and outside the community that have resources and labor to contribute to the rebuilding process. Some groups (e.g., Mennonite Disaster Services, Interfaith, Habitat for Humanity) provide assistance in repairing and reconstructing houses.
- ✎ Assemble funding packages for the replacement of subsidized housing, using monies from state and federal government programs, from Red Cross and other nonprofit programs, and from donations. Work in partnership with the other organizations.

HINTS FROM CALIFORNIA COMMUNITIES

- ☞ *After the Loma Prieta quake, the Town of Los Gatos passed an ordinance that allowed building owners either to a) build back what was there at the time of the earthquake, or b) build back what the building looked like when it was originally built. The Restoration Committee (and primarily the Planning and Building Directors) worked with each owner individually to expedite the rebuilding process. No fees were charged. However, if building owners wanted to expand their building or put up a different type, they had to go through the regular planning and permitting process, which would take at least one year. The expedited process helped homeowners quickly repair and/or replace their homes.*

- ☞ *The City of Watsonville established a number of policies that contributed to a net gain of housing units in the city and a significant improvement in the quality of downtown Watsonville housing. City officials decided to allow nonconforming housing units to be repaired or rebuilt, although such units could not be enlarged. This legitimized more units, and contributed to a net gain. The City used some of its donated dollars (\$1 million) as grants to individual homeowners who had not received assistance from other sources. Several city leaders comprised the committee that reviewed grant requests, and they were able to disburse the money quickly. Watsonville had several additional sources of financing for the repair and replacement of housing: redevelopment monies, Measure E funds (special sales tax passed by the county), and Red Cross funding.*

- ☞ *Santa Cruz County made the decision to allow legal nonconforming buildings to be rebuilt. The county also waived fees and design review as part of an expedited process. If homeowners reconstructed what had been there prior to the earthquake, or if they added 10% or less to their building, they were allowed to go through the expedited process. If they were adding more than 10% of the square footage or changed what had been there, they had to pay building and other permitting fees and go through the normal system. Officials estimate that 70-80% of the homeowners had plans to rebuild what was there, plus 10%.*

- ☞ *San Francisco passed an ordinance allowing the legalization of illegal dwelling units in buildings damaged or destroyed in the earthquake, but very few building owners took advantage of this policy.*

- ☞ *Santa Cruz County hired a consulting firm to staff the Earthquake Recovery Unit and provide building and planning services to homeowners who were repairing and rebuilding. The cost of this special unit was recovered as disaster-related. In the first year, the special Earthquake Recovery Unit processed 6,000 permits; normally, the county processes fewer than 1000 permits per year.*

continued

HINTS (continued)

- ☛ *The City of Oakland approved an alternate permit process that temporarily waived building permit fees for owners of single family homes with minor earthquake damage. As of March 1992, the city had issued 728 building permits (out of 1524 buildings needing repairs). Of the 728 permits, 351 were for buildings repaired and returned to their original use, mostly residences in West Oakland.*

- ☛ *The few homeowners with private earthquake insurance used that as a first resort after Loma Prieta. Relatively few homeowners carried the insurance: total insured losses for the earthquake were about \$1 billion, while total property losses exceeded \$5 billion. Private lenders were also a source of funding, sometimes more accessible to home and building owners with collateral. In some cases homeowners felt there was less red tape with a private lender, but it was difficult to find lenders who would loan for repair work on certain building types.*

- ☛ *Government grant and loan programs were another source of financing. Federal and state programs made some monies available for minimal repairs and temporary housing. As of January 1992, the Small Business Administration, part of the federal Department of Commerce, had made 11,000 loans for major repair or replacement of residences. Since the maximum available from SBA is \$100,000, most Bay Area homeowners had to find additional sources of financing to replace their homes. The CALDAP program, administered by the state Department of Housing and Community Development, was a loan source for building owners denied aid from other programs.*

- ☛ *The American Red Cross used some of its donated monies after the Loma Prieta earthquake to create two revolving loan funds for pre-development expenses and construction financing gaps. One fund of slightly over \$2 million leveraged \$62.7 million from other sources and funded 23 projects that furnished 832 housing units. A similar \$2 million fund for rental housing projects leveraged \$94.8 million to fund 21 projects with 876 replacement units.*

ATTACHMENT

1. "Ordinance No. 89-47 of the City of Santa Cruz addressing Emergency Need to Prevent the Premature Conversion of Multiple Single-Room Occupancy Dwellings." City of Santa Cruz. [On page 375.]

ORDINANCE NO. 89-47

AN ORDINANCE OF THE CITY OF SANTA CRUZ ADDRESSING AN EMERGENCY NEED TO PREVENT THE PREMATURE CONVERSION OF MULTIPLE SINGLE-ROOM OCCUPANCY DWELLINGS AND DECLARING THE URGENCY THEREOF

BE IT ORDAINED by the City of Santa Cruz as follows:

WHEREAS, the October 17, 1989 earthquake caused extensive damage to structures in the City of Santa Cruz. As a result a large number of multiple single room occupancy dwellings have been destroyed creating an emergency need to prevent the premature conversion of the remaining multiple single room occupancy dwellings within the City of Santa Cruz.

WHEREAS, the City of Santa Cruz has declared an emergency as a result of the October 17, 1989 earthquake and this action is consistent with Section 15359 of Public Resource Code and the actions in this Urgency Ordinance are therefore exempt from the requirements of the California Environmental Quality Act pursuant to Section 15269 of the Public Resources Code.

Action is necessary by the City to further the public welfare and safety as set forth in this ordinance.

The regulations set forth in this ordinance shall supersede existing regulations, and shall control if a conflict exists with any existing regulation.

SECTION 1. Section 24.22.747 of the Municipal Code of the City of Santa Cruz is hereby amended to read as follows:

24.22.747 Single Room Occupancy (SRO) Living Unit. A single room separately rented or leased which is exempt from the transient occupancy tax under Santa Cruz Municipal Code 3.28.020(4).

A proposed new SRO Living Unit shall have a minimum of 150 square feet of floor area if designed for occupancy by one person and 220 square feet of floor area if designed for occupancy by two persons. At least 35 sq. ft. of usable open space shall be provided, of which at least 50 percent shall be interior common space. An SRO project of 16 or more units shall provide 24 hour on-site management, and include a dwelling unit designated for the manager.

SECTION 2. Section 24.08.1320 of the Municipal Code of the City of Santa Cruz is hereby amended as follows:

24.08.1320 General Provisions. No demolition permit shall be issued for any residential dwelling unit or single room occupancy living unit unless a residential demolition/conversion authorization permit has been issued pursuant to this Part.

SECTION 3. Section 24.08.1340 of the Municipal Code of the City of Santa Cruz is hereby amended to read as follows:

Section 24.08.1340 Demolition or Conversion of Dwelling Groups, Multiple Dwellings and Single Room Occupancy Living Units. The Zoning Board may issue a demolition/conversion authorization permit for the demolition or conversion of a multi-family structure, dwelling groups, multiple dwellings and single room occupancy living units upon holding a public hearing and finding that:

1. The project to replace the demolished or converted units has been approved and an appropriate building permit has been issued; unless a hardship can be documented rendering this finding inappropriate;
2. The proposed demolition or conversion of use will not have a substantial adverse impact on housing opportunities for low- and moderate income households; or
3. If the proposed demolition or conversion of use will have a substantial adverse impact on housing opportunities for low- and moderate-income households, adequate mitigation measures will be undertaken. Such mitigation measures include relocation assistance, and may include construction of replacement housing, in lieu fees, other measures, or a combination of the above as provided by Council resolution. For purposes of this section, a residential dwelling unit shall be occupied by a person or family of low- or moderate-income, if a low- or moderate-income household currently occupies or had occupied the dwelling unit within one (1) year prior to the date of submission of the application for the demolition/conversion permit; or, in addition, if substantial evidence exists that a low- or moderate-income household had occupied the unit within two (2) years of the date of the submission of the application for the demolition/conversion authorization permit and had been evicted for the purpose of avoiding the requirements of this section.

SECTION 4. Section 24.08.1360 of the Municipal Code of the City of Santa Cruz is hereby amended to read as follows:

24.08.1360 Replacement Housing Requirements.

- a. Replacement housing must be provided by the applicant when demolition or conversion of use of three or more dwelling units or single room occupancy living units occupied by households of low or moderate income occurs. Replacement requirements shall be based on the total number of bedrooms contained within all low or moderate income units to be demolished or converted. The basic requirement is that fifty percent (50%) of all low or moderate income bedrooms demolished or converted shall be replaced either on site, or elsewhere in the City of Santa Cruz, or a combination of both. In the R-T districts, however, one-hundred percent (100%) of all low or moderate income bedrooms demolished or converted shall be replaced either on site, or elsewhere in the City of Santa Cruz, or a combination of both. This requirement will be in addition to any inclusionary unit requirement in connection with any project that might replace the demolished or converted units; except that where 100% of the units in the replacement project are affordable, no inclusionary requirement will be imposed.
- b. In determining the number of replacement bedrooms required, any studio unit shall be defined as one bedroom, and any decimal fraction greater than 0.50 shall be construed as requiring one (1) bedroom.
- c. The basic 50% bedroom replacement requirement represents a determination of financial feasibility: that being, a greater percentage would render most projects economically infeasible. In the R-T districts, however, due to greater allowable densities, the 100% bedroom replacement requirement is determined to be feasible. These replacement housing requirements and feasibility determinations implement and are consistent with State planning law (Title 7, Division I, Chapter 3, Article 10.7, Section 65590).
- d. Type of Unit: Replacement bedrooms may be grouped into unit size types as desired by the applicant, but in no case shall more than four replacement bedrooms be contained in any one unit constructed to meet replacement housing requirements.

Where a demolition/conversion application involves single room occupancy living units, replacement units shall also be single room occupancy living units.

- e. **Affordability Assurances:** The entire unit constructed to meet replacement housing requirements and containing one or more replacement bedrooms shall be deemed a low or moderate income unit subject to affordability requirements. Replacement units shall remain affordable to low or moderate income households in perpetuity. The procedure for implementing this requirement shall be established by Council resolution.
- f. Dwelling units or single room occupancy units constructed to meet replacement housing requirements shall be provided and available for use no later than three years from the date upon which work commenced on the conversion or demolition of the residential dwelling units or single room occupancy living units.

SECTION 5. Declaration of Urgency. This ordinance is declared to be an emergency measure adopted under Section 612 of the Santa Cruz City Charter, and is necessary to preserve the public peace, health, safety, property and the general welfare, and the urgency for its adoption is set forth in the findings above.

SECTION 6. Effective Date. This ordinance shall take effect immediately as provided in Section 5.

PASSED FOR FINAL ADOPTION this 28th day of November, 1989, by the following votes:

AYES: Councilmembers - Ghio, Laird, Lane, Mahaney, Beiers, Yokoyama; Mayor Wormhoudt.

NOES: Councilmembers - None.

ABSENT: Councilmembers - None.

DISQUALIFIED: Councilmembers - None.

APPROVED M. Wormhoudt
Mayor

ATTEST Patricia M. Kenyon
City Clerk

ADDITIONAL RESOURCES

ADDITIONAL RESOURCES

HOUSING RECOVERY

1. ***Findings and Recommendations: Policy Issues in the Provision of Post-Earthquake Shelter and Housing.*** BAREPP and NCEER. 1992.

This report contains the findings and recommendations from a symposium convened by the Bay Area Regional Earthquake Preparedness Project and the National Center for Earthquake Engineering Research in January 1991. Symposium participants identified problems with the existing mechanisms for providing housing, and suggested strategies for improving the process. Available from the Earthquake Program, Coastal Region, California Office of Emergency Services, 101 8th Street, Suite 152, Oakland, CA 94607. (510)540-2713.

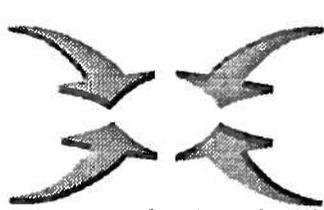
2. ***Housing Needs in Earthquake Disaster Areas.*** Subcommittee on Housing and Community Development, U.S. House of Representatives. 1990. Field Hearings. Serial No. 101-115.

This volume contains the testimony made before the Subcommittee on Housing and Community Development of the Committee on Banking, Finance and Urban Affairs, U.S. House of Representatives, in Watsonville and San Francisco in April, 1990. Many of the problems with housing that surfaced after Loma Prieta are discussed here, along with descriptions of programs to address the needs.

IV. RECOVERY OF PUBLIC FACILITIES AND SERVICES

Local government, school, utility, and other important community buildings and inventories may be damaged in an earthquake. As with other structures in the community, the damage will depend on such factors as the severity of the shaking, the types of structures, and their ages and maintenance conditions. Such losses compound the problems of earthquake recovery. The following subsections address important recovery issues for various facilities and services.

24. SETTING UP DISASTER APPLICATION CENTERS



Depending on the type of disaster and the declaration of emergency, most jurisdictions establish a central place where disaster victims can come to get information about, or apply for, relief and assistance programs. If the disaster receives a state or federal disaster declaration, you may be involved in setting up Disaster Application Centers. If there is a federal disaster declaration, it will be necessary to set up one or more centers so that applications can be taken for various federal and state aid programs. Disaster Application Center(s) (DACs) are established within the affected area to take applications from individuals and businesses. Local governments and other public applicants work directly with state and federal staff at the Disaster Field Office (DFO) to site the DACs and plan outreach efforts. The DFO serves as the coordination hub for relief and recovery assistance programs and provides administrative support to the DACs.

POLICY ACTIONS

- ✎ Local governments are responsible for deciding on the sites for Disaster Application Centers, and for providing the furniture in those sites. Sometimes security, transportation, janitorial and translation services are needed. Do you know DAC location requirements?
- ✎ Generate, quickly, an inventory of possible building sites that would be appropriate for DACs. What are your criteria--accessibility, parking, neighborhood location? Make sure the structure is capable of withstanding strong aftershocks.
- ✎ Consider setting up a multi-purpose facility that handles disaster applications as well as food and clothing disbursement.
- ✎ If you are a small jurisdiction, your county or operational area may take the lead for siting and basic staffing of DACs. Can you provide suggestions about the particular needs of your community?
- ✎ The location of the Disaster Field Office is selected by state and federal officials, but you will need a presence there for good coordination. You may want to reserve a desk there to work at and participate in daily meetings.

continued

Policy Actions (continued)

- Identify which local government functions (for example, planning, building permits, property tax) you want represented at the Disaster Application Center. What kinds of staff and equipment will be needed?
- Develop strategies for outreach to constituents to encourage them to visit a DAC if they have been affected. Consider providing daycare services for applicants with small children.

HINTS FROM CALIFORNIA COMMUNITIES

- *The City of Oakland decided to set up a Community Disaster Application Center immediately after the East Bay Hills fire, and to bring into this center all the local government departments that would have anything to do with rebuilding. The site for this center was agreed upon, and the local agencies were operating several days before FEMA and the state were able to set up their services. This disaster application center gradually became the Community Restoration Center as the city moved into its long-term rebuilding phase.*
- *After the Loma Prieta earthquake, several Bay Area jurisdictions coordinated with their county clerks' offices for DAC furniture. Chairs and tables used for polling places were made available for use. The telephone company laid temporary additional phone lines at several DACs, in one instance expanding a gymnasium's phones from one to 55.*
- *The City of Watsonville set up a shuttle service and used staff from a community health clinic, Salud Para La Gente, to go out into the community encouraging residents to use the shuttle service and come into the DACs.*
- *After the earthquakes in Humboldt County, the state phased the operations of the DACs. Some didn't open until others closed.*
- *Community outreach efforts following the Landers/Big Bear earthquakes identified remote areas that needed "mini-DACs", where key programs were offered for a few days.*
- *Following recent California disasters, a 1-800 tele-registration number was set up to take applications.*

HINTS (continued)

- ☞ *Disaster Assistance Fairs were used after the Los Angeles fires and civil unrest and the Landers/Big Bear earthquakes. At these successful one- or two-day information expos, disaster assistance applications were also accepted.*

- ☞ *Pre-recorded computerized kiosks were used during the Los Angeles fires and civil unrest to inform people about numerous items including what to expect at a DAC, where to volunteer, collection points for donated items. This information was also presented in numerous languages.*

- ☞ *After the Los Angeles civil unrest, community-based organizations (CBOs) opened their facilities as DACs and made their staff available to help out. They were particularly helpful in communicating and translating information into other languages.*

ATTACHMENT

1. Hand-out from the Community Disaster Application Center (CDAC) explaining what services would be available there. The center was set up by the City of Oakland in conjunction with FEMA and California OES after the East Bay Hills fire. [On page 386.]

W E L C O M E

COMMUNITY DISASTER ASSISTANCE CENTER
5354 Claremont Blvd. at Clifton
Oakland, California

General Information Phone No. 510/287-6000

The Cities of Oakland and Berkeley, Alameda County, the State of California and the Federal Emergency Management Agency have joined together to open this COMMUNITY DISASTER ASSISTANCE CENTER . The purpose of the center is to provide you with as much information and assistance as possible to help you return to a normal life. Everyone involved in the Community Disaster Assistance Center is dedicated to meeting your present needs.

STAFF WEARING GREEN VESTS ARE SPECIALLY TRAINED TO ASSIST YOU. PLEASE APPROACH THEM WITH ANY SPECIALS NEEDS YOU MAY HAVE.

In this packet you will find information to help acquaint you with the FACILITY. LOGISTICAL INFORMATION and a FLOORPLAN are included. Please familiarize yourself with this information to make your visit here more productive.

We encourage you to consider visiting all the agencies for assistance. Although it will take time to complete the entire process, we believe you will benefit the most by doing so.

Detailed descriptions of the services being provided at the Center are also shown on the following pages. Please review them carefully.

NO SOLICITATION POLICY: TO PROTECT THE PRIVACY OF FIRESTORM VICTIMS, NO SOLICITATION WILL BE TOLERATED AT THE COMMUNITY DISASTER ASSISTANCE CENTER. ONLY GOVERNMENT AGENCIES AND GOVERNMENT-AUTHORIZED AGENCIES WHO ARE ABLE TO SUPPORT THE RECOVERY PROCESS FOR FIRESTORM VICTIMS WILL BE ALLOWED.

Everyone involved in the Community Disaster Assistance Center hopes that these facilities and services have helped you during your recovery. We would like to hear your comments or suggestions for how these services can be improved. Please call 287-6000 to share your thoughts with us.

Attachments: Logistical Information
 Floorplan
 Description of Services
 Waiver for Dangerous Areas
 Safety Guidelines

LOGISTICAL INFORMATION

The Community Disaster Assistance Center offers a wide range of services for victims of the Oakland Hills fire during the recovery and rebuilding process. **WE STRONGLY ENCOURAGE ALL VICTIMS TO VISIT EACH OF THE STATIONS WITHIN THE CENTER.** Even though this will take an investment of your time, it will help to insure that all of your needs are met.

AMENITIES AND LOGISTICS

- Hours:** Monday - Saturday 9:00 a.m. to 6:00 p.m.
Sunday 12:00 p.m. to 6:00 p.m.
- Refreshments:** Free refreshments are provided outside the Center by Red Cross.
- Restrooms:** Port-A-Potties are available in the Center for fire victims. This service has been provided by the Church of the Brethren.
- Hospitality:** A rest area near the childcare service is available for fire victims. The area is equipped with sofas, armchairs, current Oakland Tribune newspapers, coffee, tea, and light refreshments.
- Special Assistance:** The Center is entirely wheelchair accessible. Staff from the City of Oakland's Office On Again is available to assist elderly citizens.
- Parking:** Limited parking is available in the Center's lot. Unmetered street parking is also available. The parking lot at the DMV can be used on Sunday only.
- Phones:** Public phones are available in the Hospitality area. There is no charge for local calls.
- Floorplan:** A diagram of the Center's floorplan is available in this packet to help guide you through the services provided.
- Waiver:** A Waiver for Dangerous Areas and Precautionary Steps form is attached to this packet for your information and use.

DESCRIPTION OF SERVICES

REGISTRATION FORMS STATION

If you have not been through the Federal Emergency Management Agency (FEMA) Registration Process, the REGISTRATION FORMS STATION will be your first stop. Staff at this station will ask for basic information (e.g. name and address) and begin to fill out your REGISTRATION FORM. Then you will be given a number and directed to the WAITING AREA until your number is called by a FEMA Interviewer. The wait will be fairly short.

FEMA INTERVIEW AREA

Your application process begins here. A trained FEMA representative will interview you and help you complete the FEMA Registration form. You will be referred to the other stations in the Community Disaster Assistance Center (CDAC). A floorplan of the CDAC has been attached to serve as a reference guide to help you find the services you will need. You will be directed to the State and FEMA Program areas at the opposite end of the building before you go to the City and County program areas. You are welcome to visit other services anytime.

POLICE/MISSING PERSONS

Information regarding missing persons will be available at this station. In addition, the Police will provide you with signs to post on your property which state that the property is not abandoned. It warns trespassers to stay off your property.

BULLETIN BOARD AREA

This area is provided for messages and other miscellaneous information. Solicitation messages, flyers, or information is prohibited in this area. However, housing listings by realtors and property owners are permitted.

PRESS REGISTRATION AREA

All press must check in here.

VOLUNTEER

Community volunteers are providing many long hours of service and assistance to you. Volunteers in green vests are specially trained to answer many general questions about the services available at CDAC.

RED CROSS

The Red Cross will provide you with information and referral to the appropriate Red Cross Service Center. They also offer a resource booklet and housing information. A Red Cross intake form is available at the service center.

PETS LOST AND FOUND

In Defense of Animals has a binder with photo and composite drawings of animals that have been found. Temporary pet boarding in private homes may be available until victims have secured temporary or permanent housing. For additional information call:

<i>PET HOTLINE:</i>	<i>845-3636</i>
<i>OAKLAND ANIMAL SHELTER</i>	<i>273-3564</i>

FIRE ACCESS INFORMATION

Information about police escorts into the restricted area is available at this station. You can receive advice about safety precautions you should take (e.g. thick-soled, heavy shoes, heavy gloves, two-person buddy system) before entering a hazardous area. You can also collect an incident report form to assist with insurance claims and educational information on ways to protect your home against brush fires in the future.

HOUSING REFERRALS

EDEN INFORMATION & REFERRAL It provides a listing of short- and long-term rentals in Alameda and Contra Costa Counties. If you are looking for housing you can also call the Nameless Hotline, 537-2552.

EDEN COUNCIL FOR HOPE AND OPPORTUNITY (ECHO) HOUSING

In addition to the housing services just described, ECHO also provides assistance for replacement of personal property loss through immediate funding. People who need financial assistance to help cover such move-in costs as first and last month's rent and/or deposit can loans on an installment plan. They will also provide coordination and referral for shared housing.

OFFICE OF COMMUNITY DEVELOPMENT (OCD) They provide short-term housing information and referrals.

OAKLAND HOUSING AUTHORITY They offer low income family assistance. Students and apartment dwellers who earn less than \$20,000 annually will be referred to appropriate financial assistance agencies, such as Red Cross or FEMA.

ALAMEDA COUNTY APARTMENT ASSOCIATION Listings and recommendations for apartments available without security deposits in conjunction with Oakland Association of Realtors.

OAKLAND BOARD OF REALTORS They have compiled a list of available rentals in both Alameda and Contra Costa Counties. They will give names, addresses and phone numbers you can contact to view property. You can get a description and location of a property, but the rental cost is not provided. Real estate agents have volunteered to staff this station.

SENIOR SERVICES

OFFICE ON AGING (CITY OF OAKLAND)

SENIOR TRANSPORTATION Cab companies and other transportation services are available. They have the ability to transport individuals and groups.

SENIOR SERVICE They provide coordinated outreach among many senior service agencies that can help the elderly. The City will provide follow-up services for seniors who use these services.

SALVATION ARMY They provide food, clothing vouchers, rent payments, transportation and other special needs for registered applicants.

DEPARTMENT OF MOTOR VEHICLES (DMV) If a car was burned, DMV will provide a prorated refund of the annual registration fees. Temporary drivers license can be obtained at the CDAC free of charge. Duplicate drivers licenses may be obtained at the DMV for \$10.00. A special window has been set up at DMV for fire loss victims. Registration duplicates and title of ownership duplicates are being provided to fire victims free of charge.

POST OFFICE Be sure to submit a change of address card with the Post Office to minimize postal service disruption. Post Office is encouraging victims not to change address until they have an address which will be current for at least 6 months. Victims may pick up their mail at their local post office. A flyer is available to inform individuals where their mail can be obtained, mail delivery times, and mail forwarding instructions. Applications for post office box service is also handled at this site.

DISPLACED WORKERS (People laid off due to the fire.) **OFFICE OF ECONOMIC DEVELOPMENT & EMPLOYMENT (OEDE)** The Business Assistance Program Referral provides temporary office space, gather names and types of businesses that were disrupted, work with a real estate committee to help with relocation, refer people to banking institutions that offer loans, evaluate other needs.

BUSINESS LICENSES (City Finance Department) They will provide business license information and services. They can quickly assist general contractors and vendors with business license applications.

CHAMBER OF COMMERCE An information is packet (up-dated daily) is provided which contains information on: postal services, fire emergency assistance, construction design, insurance, housing, utilities, taxes, consumer alert, directory of officials, service discounts (very popular) and a reference list.

Chamber representatives oversee the following committees at the CDAC:

Consumer Fraud	Legal Assistance
Construction	Insurance
Design & Engineering	Finance

CONSUMER FRAUD Handouts are provided by this sub-committee of the Chamber of Commerce include: "What You Should Know Before You Hire a Contractor," "Hiring an Architect or Engineer" (published by City of Oakland Public Works,) tips to protect yourself against scam artist and dealing with your insurance company. The Contractors State License Board telephone number is 1/800/962-1125.

CONSTRUCTION Representatives are available to answer questions about construction and to provide educational information on rebuilding. This information is provided with a caution to move slowly. Handouts from the Oakland Development Council will help with prioritizing needs, clearing land, initial feasibility studies, selection of design professionals and general contractors, rebuilding program information and effects of heat and fire on concrete.

DESIGN & ENGINEERING They have information on rebuilding. Their handouts include a list of architectural design services, special residential design review layout, "Consumer's Guide to Hiring an Architect" and "A Beginner's Guide to Architectural Services." Referrals are made to the AIA group in the victims' districts. They provide information for homeowners who are rebuilding without a contractor. The following information is also available:

DELIVERY OF CONTRACTUAL PRE-DESIGN AND SITE

ANALYSIS: options to rebuilding, hiring an architect, design, responsibilities, charging for services, costs and time to build, survey yes/no, original drawings, re-using the current foundation, site analysis, variances, earthquake fault zone, mudslide.

BUILDING DESIGN: fire protection, new plan vs old plan, building codes, design review.

CONSTRUCTION DOCUMENTS: what they are.

CONSTRUCTION CONTRACT ADMINISTRATION: permits and time involved to get the permits.

POST CONSTRUCTION
BIDDING/NEGOTIATIONS

LEGAL You will receive advice on preliminary questions about fire insurance claims and policies and tenants' rights issues. Referrals can be made to the Alameda County Bar Association for legal services. Brochures and handbooks include "You Might Need A Lawyer," "Fire Insurance Issues," "Disaster Legal Assistance," "Fire Insurance Issues Supplement," and "Landlord/Tenant Issues Related to Fires," "Important Notice for Disaster Victims," and a FEMA Appeal Guide.

FINANCE & BANKING You can receive handouts from major banks which provide guidance for such banking needs as: disaster relief loan programs, check reorders, mortgage payments, account statements, ATM cards, credit cards, checking and savings account issues, and more.

INSURANCE INFORMATION Basic insurance policy information is provided, along with such handouts as: "Valuation Definitions and A Guide to Help with Itemizing Losses in the Home." They can answer questions such as: Where do we go from here? and What do we do? They make referrals to insurance agents to obtain limits of coverage. Individuals are encouraged to verify additional living expenses and are advised to keep a log of all names, phone numbers, contacts, receipts, conversations, etc that may be covered by insurance.

CREDIT REPORTS TRW is available to provide credit reports upon request at no cost.

PUBLIC INFORMATION OFFICE This staff gathers and disseminates information through press releases and informational pieces from the City Managers Office and other City Departments. They collect intake and exit surveys, and manage KTOP (Cable Oakland, Ch. 13) communication activities.

CITY COUNCIL STAFF They represent City Council to insure constituents are receiving the services that are necessary resume normal activities.

CITY MANAGER'S OFFICE STAFF They provide administration of the CDAC; coordinate the facility operation with FEMA, State, and county managers; troubleshoot, provide emergency response updates, coordinate volunteer services at the CDAC and provide quality control of the atmosphere and services.

OAKLAND SCAVENGER They will take Cancellation of Service orders.

OAKLAND TRIBUNE To cancel service or change the address of your service call 839-3939 on Monday through Friday from 6:30 a.m. to 3:00 p.m. or on Saturday or Sunday from 7:00 a.m. to 10:00 a.m.

OAKLAND CABLE They have I & R information, billing and service cancellation information.

SOIL CONSERVATION SERVICE, USDA The United States Department of Agriculture (USDA) is available to provide soil conservation information which about erosion protection and reseeding. A brochure for "Seeding and Mulching for Erosion Control" and a flyer on "Reseeding Grasses and Clovers in Burned Areas" is available. Information on contacts for erosion control products is also available.

PACIFIC GAS & ELECTRIC They provide basic customer service for closing accounts, making arrangements for outstanding balances and establishing new service. Referrals are made to the service planning department for rebuilding issues. Handouts include: "Rebuilding in the East Bay Oakland Hills"; "You're Not Alone, A Pocket Guide for Help in Alameda County."

EBMUD They will help you close accounts, obtain forwarding addresses and order new services. A flyer is available which provides a hotline number, information about recent water bills, charges to reconnect and water in the fire area.

PAC BELL They will help you completely disconnect service, set up call referrals for one year or a message center for 3 months, and call forward your old number to a new number. They offer two transfers of service (temporary to permanent) and adjustments to monthly service. A flyer describing the message center service is available.

ZONING/PLANNING They offer general information on the process for getting the required City approvals to rebuild.

TREE REMOVAL Inspectors are in the field tagging trees with red or yellow tags. Hazardous trees will be removed from the City's right-of-way and from private property.

PLANNING & PERMITS

BUILDING DEPARTMENT Plan retrieval and permit assistance is available. Assistance in finding original blueprints and a listing of previous permits may be available. Copies of these documents may be made available to the owner. Handouts include a public advisory from Department of Toxic Substances Control, CAL EPA, Hiring an Architect or Engineer, and sandbag availability.

CIVIL ENGINEERING SERVICES Engineers are available to discuss existing site conditions (excluding structures), easements, land stability, and private property and public right-of-ways. This station has access to assessor's parcel maps to obtain reference numbers for deed retrieval. Permits for sidewalks, sewers, excavation, encroachment and easement are handled at this station.

ALAMEDA COUNTY SOCIAL SERVICES Staff will answer questions about eligibility for welfare assistance and food stamps. Referrals to appropriate offices are made at this location through a letter provided at the CDAC. Other topics may include Supplemental Security Income, Adult Protective Services and application for housing referrals for out-of-home care. Out-of-home care includes placement for board-and-care to intermediate care facilities (nursing homes). Handouts include "Emergency/Crisis Information" and "Adult Protective Services" brochures.

COUNTY MENTAL HEALTH AND COUNSELING Trauma debriefing and long-term issues are open for discussion with trained and qualified staff. People who wish to talk about their losses or plans, or need to vent will be provided an empathetic listener. Handouts covering the following are provided: Crisis Reaction, Helping Your Child After the Disaster, Free Counseling, Disaster Mental Health Response Services, and After the Disaster.

COUNTY ASSESSOR AND PROPERTY TAX This area handles requests to reassess property that has been damaged and to request a deferment of the December 10 property tax bill. They provide a letter to the property owner describing eligibility for a reduction in property tax assessment and deferment of tax billings. Those who are eligible will receive the deferment without penalties. Applications to defer payment and obtain a reassessment are available at the CDAC.

SENATOR SEYMOUR STAFF ASSISTANCE They are available to answer questions about federal agencies, passports, FEMA and assist with any problems that may arise in dealing with federal agencies. The permanent phone number is 1/415/905-1666.

CALDAP OWNER OCCUPANTS and CALDAP RENTAL Low interest, deferred payment loans are available through the California Department of Housing and Community Development to homeowners and rental property owners for repair or reconstruction of real property damaged or destroyed in a natural disaster. Applicants must first exhaust insurance and all other federal and state disaster assistance in order to qualify.

STATE DEPARTMENT OF INSURANCE They can advise people on insurance requirements, claims, and problems with settlements. (1-800-927-4357)

UNEMPLOYMENT ASSISTANCE (E.D.D.) Disaster Unemployment Assistance is available to those unemployed due to the disaster.

CONTRACTOR'S STATE LICENSE BOARD They answer questions pertaining to finding or hiring a contractor. They offer a handout, "What you Should Know Before You Hire a Contractor."

FEMA DAC Manager This person has operational responsibility for the set-up, oversight and closure of the Disaster Assistance Center. He/She coordinates with the State, County and City DAC managers.

VETERAN'S ASSISTANCE They offer guidance in obtaining death benefits, pensions, and insurance settlements. Immediate debriefing services for trauma intervention are also available for veterans who are fire victims. (Veterans Administration/California Veterans Affairs)

INTERNAL REVENUE SERVICE AND STATE FRANCHISE TAX BOARD Guidance is provided for obtaining tax relief for disaster casualty losses.

INDIVIDUAL AND FAMILY GRANTS and EMERGENCY INDIVIDUAL AND FAMILY NEEDS Grants of up to \$11,500 may be available to eligible individuals and families who are unable to meet disaster-related necessary expenses or who have serious needs for which assistance from other means is either unavailable or inadequate.

EMERGENCY INDIVIDUAL AND FAMILY NEEDS Emergency food, clothing, shelter, and medical assistance may be provided to individuals and families having such needs as a result of the disaster. (Sources: voluntary relief organizations).

BUSINESS LOANS, SBA Loans are based on the type and extent of uninsured disaster-related losses and damages. Individuals may be eligible for low-interest business loans up to \$500,000. (Small Business Administration)

HOMES/PERSONAL LOANS, SBA These loans are based on the type and extend of uninsured disaster-related losses and damages. Individuals may be eligible for low-interest rate loans for home/personal property losses and damages of up to \$100,000/\$20,000. (Small Business Administration)

SOCIAL SECURITY ADMINISTRATION They offer assistance in expediting delivery of checks delayed by the disaster, and in applying for Social Security Disability and Survivor Benefits.

STATE DAC MANAGER This person has operational responsibility for the set-up and oversight of the CDAC in coordination with FEMA, County, and City DAC managers.

EXIT INTERVIEW AREA

FEMA EXIT INTERVIEW

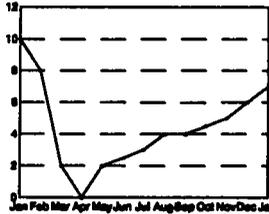
Applicants will be encouraged to provide their opinions and comments about the services provided at this Community Disaster Assistance Center. In addition, the application will be reviewed to make sure the applicant stopped at all the programs that were indicated on the application. The original copy of the application will be retained at this table, and the applicant will receive a goldenrod copy for his/her records. The applicant should save this copy in the event that he/she needs to return the CDAC.

OAKLAND EXIT INTERVIEW Applicants will be asked for their opinions about the application process and the Community Disaster Assistance Center. Additional handouts will be provided for the applicant.

THANK YOU FOR YOUR PATIENCE AND ANY SUGGESTIONS MAY HAVE OF HOW THE COMMUNITY DISASTER APPLICATION CENTER MIGHT BETTER SERVE YOU WILL BE WELCOMED. CALL 287-6000 FOR INPUT OR MORE GENERAL INFORMATION.

30. FOSTERING LONG-TERM ECONOMIC RECOVERY

See also *Financing the Rebuilding, Subsection #16, for a discussion of business-related issues.*



A community's full recovery from an earthquake depends on its financial recovery. If the business sector, or even several anchor businesses, struggle for a lengthy period of time, that affects most aspects of community life. Revenues from sales, business and property taxes will all be reduced. The number of jobs in the community may be reduced. The pressure to return the community to normal may cause voters to elect new officials or make other political changes. The business community will undoubtedly play roles in these processes. In particular, building owners--many of whom are unfamiliar with the complicated real estate development process--may need to *become* developers in the rebuilding process. As it might be for anyone, this type of change can be difficult for the business community.

Reestablishing access to businesses is an important part of encouraging business recovery. If transportation routes are disrupted, as they remain in the Bay Area nearly four years after the earthquake, it will be difficult for customers to get to certain business areas. New shopping and commuting patterns may emerge, and no local officials want these new patterns to bypass their community.

POLICY ACTIONS

- ☞ Assist businesses in finding temporary (or new permanent) space. Can you offer city-owned property?
- ☞ Designate a government official who will be the main contact and troubleshooter for the business community.
- ☞ Work with the local banking community and state and local programs to set up bridge loans for businesses. This might be a possible use for donated money.
- ☞ Design, architectural and historic preservation issues will all be important in the rebuilding of the business community. How will the business community's views be incorporated?
- ☞ Consider establishing special transportation or parking services to encourage shopping.

continued

Policy Actions (continued)

- Damaged infrastructure may seriously affect business recovery. Repairing and replacing such infrastructure (water, sewer lines, streets) should be coordinated with recovery in the business sector.

HINTS FROM CALIFORNIA COMMUNITIES

- *The economist working with Vision Santa Cruz pointed out that businesses in the Pacific Garden Mall would have to do 35% more business than they had before the earthquake in order to afford the move back into replacement buildings. This was primarily because of the cost of new construction.*
- *Water and other utility lines serving the Pacific Garden Mall were 120 years old and were severely damaged in the earthquake. The lines had to be replaced before much new construction could begin on the buildings. Money from the passage of Measure E, the local 1/2 cent sales tax, was used to fund the replacement project. The project was coordinated with the gas and telephone companies. Securing the funding and coordinating a number of agencies slowed down the rebuilding effort.*
- *After the Loma Prieta earthquake, Santa Cruz re-submitted an application made previously to the Economic Development Administration of the Department of Commerce for funding to build a new parking structure downtown. The project was immediately funded, since it was seen as a way of drawing potential shoppers back downtown. Watsonville's new proposal for a similar parking structure was also immediately funded.*
- *Santa Cruz created a committee representing the community to help drive the recovery process. Called Vision Santa Cruz, this committee had 18 members representing community groups and 18 members representing business interests.*
- *Ford's department store, a family-owned business, lost stores in Santa Cruz, Watsonville, and Hollister. Ford's made a commitment to rebuild the store in Watsonville; this was seen as a pivotal decision for encouraging rebuilding downtown, as well as a psychological boost to the community. As the largest employer in the community, Ford's received a \$25 million loan from the Small Business Administration, the largest loan in its history.*
- *In Los Gatos many of the businesses were in unreinforced masonry buildings. Most banks were unwilling to make loans for repairs or retrofits for this building type. As a consequence, building owners shared information among themselves about lending sources most likely to loan for a URM building.*

HINTS (continued)

- ☞ *The Economic Development Administration within the U.S. Department of Commerce recently provided the Los Angeles Convention and Visitors Bureau \$1.5 million under their Sudden and Severe Economic Dislocation program to promote tourism in the wake of the L.A. civil unrest. This was the first time these grant funds have ever been used for tourism-related economic hardship.*

- ☞ *In Oakland, the Emporium was severely damaged and was closed for almost a year. During that time, many smaller stores in proximity suffered sales loss due to the decrease in foot traffic. The high cost of repairing the Emporium building caused the store chain to pull out of a major downtown mall project.*

The following hints are from *Preparing for Earthquakes, It's Your Business* (see reference in Additional Resources at the end of this section):

- ☞ *Since Small Business Administration (SBA) loans require a demonstrated ability to repay, those businesses which suffered total loss of building and inventory could not do this, and thus, did not qualify. Los Gatos and Santa Cruz both reported that most of their damaged businesses faced this problem.*

- ☞ *Qualified applicants also were surprised to learn that payments would not be made immediately, but could take up to 90 days and that they would be done in installments. The need for some very short term, gap financing was provided in Salinas when the Bank of Salinas offered low-interest, short-term loans to their customers who were FEMA qualifiers.*

ATTACHMENT

1. "Business Recovery: Lessons of Loma Prieta." Charlie Eadie, Principal Planner, City of Watsonville. [On page 478.]

BUSINESS RECOVERY: LESSONS OF LOMA PRIETA

Charles Eadie

I. SHORT TERM RECOVERY AND EMERGENCY RESPONSE: CRITICAL ISSUES

A. Conditions

1. Panic retreat: the instant time stops
2. Lack of Access
 - a. Severely damaged buildings
 - b. Access restrictions to larger area
3. Loss of Control: government intercedes
4. Exposure/Vulnerability
 - a. Dependence on government to provide security
 - b. Government holds decision authority re access (e.g, ability to survive)
5. Out of business
 - a. Potential loss/unavailability of records, inventory, place of work
6. Lack of Information
 - a. Normal channels of communication disrupted (physical/political)
 - b. New locus of government authority (emergency organization and powers)
 - c. Lack of clarity as to how to communicate with authorities or where authority lies
7. Continually Changing Conditions
 - a. Aftershocks: the earthquake never quite stops
 - b. Governmental policies, actions and priorities shift as conditions change

B. Business Needs

1. Limited access to buildings (business records, personal, financial)
2. Extended access to buildings for inventory removal
3. Access to policy making process and policy makers in emergency setting
4. Information regarding above
5. Communication channels with government
 - a. Formal representation (business association)
 - b. Individual representation (inform government of small merchants' personal plights)
 - c. Discussion of potential remedies

CHARLES D. EADIE
PRINCIPAL PLANNER

408 726-6020 • P O BOX 50000
CITY HALL 250 MAIN ST.
WATSONVILLE, CA 95077-5000
FAX # 408 726-6173

- d. Provide information needed by government
- e. Receive status information from government
- 6. Communication between property owner/merchant
- 7. Communication with employees
- 8. Temporary business services
- 9. Temporary business space
- 10. Individual aid and assistance (inventory recovery, credit, etc.)
- 11. Information about building conditions
- 12. Mutual learning: expressing and understanding of public and private sector perspectives during emergency period

C. Issues

- 1. Public safety values and actions (no access, immediate demolition) vs. other values (business survival needs: access, delay, acceptance of risk)
- 2. Fairness vs. unique circumstances in granting access requests
- 3. Acceptable levels of risk (public and private); liability
- 4. How to link public and private sector in response partnership:
 - a. Establish common purpose/goals
 - b. Provide volunteer support
 - c. Establish procedures to resolve problems
 - d. Vest decision authority where it can incorporate business concerns (e.g., permeability of Incident Command System)
 - e. Co-mingle resources to administer resources and meet needs
 - f. Apply correct personnel and skills to tasks at hand
- 5. When to act, when to wait (is information sufficient or forthcoming?)

D. Actions (Santa Cruz Case Study)

- 1. Government:
 - a. Establish new administrative capacity augmenting emergency staff with additional volunteer and governmental resources
 - b. Modify (open) Incident Command System to establish working partnership with private sector in order to balance safety with other values
 - c. Make and carry out action plans for major activities (e.g., inventory removal) involving client groups in all phases of planning and implementation
 - d. Address communication problems; augment public information activity by linking with private sector resources
- 2. Private Sector
 - a. Make resources (information, personnel, equipment, etc.) available to government
 - b. Engage in dialogue with government regarding business needs and their resolution: press for action; educate and convey values and issues

- c. Establish clearinghouse for all business concerns using organizational resources (Chamber of Commerce, Downtown Association)
- d. Begin dialogue on reconstruction and recovery issues
- e. Tap external resources (e.g., International Downtown Association)
- f. Ensure key people (capable, forceful, representative) participate in planning and implementing response activities with government emergency personnel
- g. Plan for temporary business locations and organize resources to accomplish relocation
- h. Have in place administrative capacity to receive cash and other donations of aid (e.g., 501(c)(3) non-profit organization)
- i. Link with other organizations to create entity to construct and manage temporary quarters (Santa Cruz "troika" of non-profits: Chamber of Commerce, Downtown Association, Cultural Council combined to form "Phoenix Partnership" establishing creditworthiness, administrative capacity, etc.)

II. LONG TERM BUSINESS RECOVERY ISSUES: CRITICAL ISSUES

A. Economic Issues

- 1. New economic calculation: How to increase business activity in devastated area to support costs of new construction. (Heaviest damage may be in areas of marginal economic vitality; or earthquake may accelerate declining trend common to older downtowns).
- 2. Whether to transform or simply rebuild, taking into account market potentials
- 3. Adjusting to the business cycle: recession or growth economy; local economy variations; availability of capital
- 4. How to maintain business viability until reconstruction (minimize loss of merchants, maintain market share, shopping patterns and customer base)
- 5. How to re-plan physically and aesthetically to support a retail environment

B. Political Issues

- 1. Orchestrating a public-private partnership that mutually supports rebuilding. (Defining roles and relationships between government and business sector; vesting power and authority regarding reconstruction issues)
- 2. Creating new resources to finance recovery (e.g., local sales tax measure)
- 3. Defining a future that works economically yet retains desired qualities and characteristics of the past.
- 4. Involving the community in planning efforts; dealing with misconceptions about development economics

5. Organizing new political interests with focus on economic and rebuilding concerns.
6. Time pressures:
 - a. Needing to move quickly may force political decisions to "ripen" prematurely and therefore with more political difficulty
 - b. Desire to expedite early approval of reconstruction projects could preclude important development opportunities

C. Governmental Issues

1. What is capacity of government to undertake major planning and rebuilding? What should be done? How should planning effort be organized?
2. Institutional culture: How was bureaucracy oriented pre-quake? (strong and weak areas; relationship to business interests; reactive or proactive in philosophy and approach).
3. Potential need to address long-standing problems such as infrastructure capacity and quality in order to support rebuilding
4. Local fiscal situation: how to maintain service levels and shift priorities to undertake rebuilding; limits and constraints
5. How to establish or activate recovery tools (e.g., redevelopment districts).
6. How to accept and solicit offers of assistance (importance of having a quasi-public non-profit 501(c)(3) in place)

III. BUSINESS RECOVERY LESSONS OF LOMA PRIETA

A. Emergency Response and Short-Term Recovery

1. Success (survival) depends on ability of government and business sector to engage in a response partnership.
2. A multitude of needs emerge. Resources are available, but must be coordinated and directed.

B. Long-Term Recovery

1. Success depends on ability to convert disaster into opportunity and in so doing, overcome economic, political and social barriers to change.
2. You can't put it back the way it was. This fact affects everything (timing, phases, nature of the recovery plan, citizen involvement, politics, economics). It gets complicated.

IV. PLANNING FOR RESPONSE AND RECOVERY: HOW PREPAREDNESS AND PRACTICES SHOULD CHANGE AS A RESULT OF THE LOMA PRIETA EARTHQUAKE (POST-EARTHQUAKE RESEARCH)

A. Business should:

1. Understand response plans and likely actions of government (as well as governmental perspectives)
2. Participate in pre-event planning to establish basis for response partnership.

3. Identify and develop resources (database, 501(c)(3) entities) to make available to government and businesses during crisis response.
 4. Imagine scenarios based on local conditions (e.g., concentrations of unreinforced masonry buildings, organizational resources, etc.)
 5. Educate and prepare businesses for individual survival.
 6. Understand long-term recovery opportunities, obstacles and issues in advance of earthquake.
 7. Begin recovery planning in the immediate post-quake aftermath.
- B. Government should:
1. Involve businesses in the preparation and review of all phases of response planning.
 2. Create response plans that specifically address business needs.
 3. Understand the phases and transitions of emergency response and the organization and operational implications.
 4. Understand that recovery and response activities are strongly linked.
 5. Consider and include dimensions of response and recovery partnership in pre-event planning.

CITY OF WATSONVILLE

CHARLES D. EADIE
PRINCIPAL PLANNER

408 728-8020 • P.O. BOX 8000
CITY HALL 250 MAIN ST.
WATSONVILLE, CA 95077-8000
FAX # 408 728-8173



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ADDITIONAL RESOURCES

ADDITIONAL RESOURCES

BUSINESS RECOVERY

1. ***Business Resumption Planning Guidelines.*** Earthquake Program, California Office of Emergency Services. 1993.

This document was developed to provide managers and planners with a generic set of guidelines for building an effective recovery plan. It is available from the Earthquake Program, Southern Region, California Office of Emergency Services, 1110 East Green Street, Suite 300, Pasadena, CA 91106, (818) 304-8383; or Earthquake Program, Coastal Region, California Office of Emergency Services, 101 8th Street, Suite 152, Oakland, CA 94607, (510) 540-2713.

2. ***Preparing for Earthquakes, It's Your Business: A Model Plan for Earthquake Preparedness and Recovery for Central Business Districts.*** Jeff Eichenfield. 1992. Prepared for the Alameda Main Street Project.

An excellent report with thoughts, observations and recommendations to assist Central Business Districts, in cooperation with city governments, to "chart a proper course for the uncertainties that will follow a major earthquake." The report contains many sample forms and examples of business recovery in California cities that have experienced earthquakes. The report is available from Alameda Mainstreet Project, c/o Jeff Eichenfield, Community Development Department, Alameda, CA 94501, (510) 748-4688.