

ALAMEDA UNIFIED SCHOOL DISTRICT
Alameda, California
Resolution

May 23, 2017

Resolution No. 2016-2017.76

**Resolution Indefinitely Relocating Students and Staff from Donald D. Lum
Elementary School due to Seismic Risk and Ordering Comprehensive
Review of Site Remediation and Alternative Use Options**

WHEREAS, the Board and District have statutory and common law responsibilities to ensure that students and staff are not assigned to District facilities known to be unsafe; and

WHEREAS, the Board has the authority to indefinitely relocate students and staff for any reason supported by substantial evidence, including the presence of an unacceptable risk posed by seismic activity; and

WHEREAS, Donald D. Lum Elementary School (“Lum”) is a District facility currently housing District elementary students and staff members; and

WHEREAS, the District is in receipt of opinions by two structural engineering firms advising of an unacceptable risk to students and staff in the event of a major seismic event as estimated by the U.S. Geological Society; and

WHEREAS, the structural engineers have further advised that the Board exercise its discretion by removing students and staff from Lum “as soon as feasible” (Opinion Letter of ZFA Structural Engineering, dated April 24, 2017, attached as Exhibit A and hereby incorporated as if fully set forth herein); and

WHEREAS, in light of this advice, District staff has recommended that students and staff be indefinitely relocated from Lum to existing capacity at other District school sites; and

WHEREAS, in considering whether to accept this recommendation, the Board has considered, without limitation:

- Opinion Letter of ZFA Structural Engineers dated April 24, 2017 (“ZFA Opinion Letter”);
- Geotechnical report by Kaldveer Associates dated March 23, 1990 (“Kaldveer Report”);
- Geotechnical report by Miller Pacific Engineering dated March 17, 2017 (“Miller Pacific Report”);
- Peer review of Miller Pacific findings by RGH Consultants dated April 24, 2017 (“RGH Concurrence Letter”);
- Structural Engineering Analysis and Calculations by ZFA dated May 17, 2017 (“ZFA Analysis”);
- Letter documenting peer review of structural engineering issues by Murphy Burr Curry dated May 17, 2017 (“MBC Opinion Letter”);
- Memorandum from Quattrocchi Kwok Architects (“QKA”) dated May 16, 2017 (“QKA Memo”);

- Presentation and remarks made to the Board on April 28, 2017 by Chief Business Officer Shariq Khan, ZFA, QKA, and members of the public;
- Presentation and remarks made to the Board on May 9, 2017 by Chief Business Officer Khan, Miller Pacific, QKA, ZFA, and members of the public;
- Presentation and remarks made to the Board on May 9, 2017 by Chief Student Support Officer Kirsten Zazo and members of the public;
- Presentation and remarks made to the Board on May 9, 2017 by a committee representing the Lum community;
- Materials submitted by a committee representing the Lum community, including but not limited to materials submitted on May 6, May 15, and May 17, 2017;
- Written and oral comments made by members of the public throughout the process; and

BACKGROUND AND GEOTECHNICAL ANALYSIS

WHEREAS, as part of its Measure I Bond construction program, the District planned to construct a new classroom building at Lum; and

WHEREAS, as required by the Division of the State Architect (“DSA”), the District retained a geotechnical engineering firm (Miller Pacific) to conduct an analysis of the soil at the site of the proposed new building to determine whether the soil was suitable for new construction (remarks by Miller Pacific to Board, May 9, 2017); and

WHEREAS, Miller Pacific began by reviewing and conducting a new analysis of soil data originally collected at Lum in 1990 using the Standard Penetration Test method (remarks by Miller Pacific to Board, May 9, 2017; Kaldveer Report, attached as Exhibit B and hereby incorporated as though fully set forth herein); and

WHEREAS, based on this analysis, Miller Pacific concluded that in the event of a major earthquake, the soil at the tested location would experience liquefaction-induced settlement up to 12” and determined that further soils tests were needed at Lum before proceeding with construction (remarks by Miller Pacific to Board, May 9, 2017); and

WHEREAS, at Miller Pacific’s direction, the District tested the soil at seven additional locations around the Lum campus using the Cone Penetration Test method; (Miller Pacific Report, attached as Exhibit C and hereby incorporated as though fully set forth herein); and

WHEREAS, Miller Pacific analyzed the data from these tests and concluded that in the event of an earthquake of magnitude 7.3, the soil at the Lum site would experience liquefaction-induced settlement of up to 10”, with differential settlement of up to 5” (Ibid.); and

WHEREAS, Miller Pacific further concluded that in the event of an earthquake of magnitude 6.9, which is a 100-year event as calculated by the United States Geological Survey, the Lum site could settle up to 8” with differential settlement of up to 4” (Ibid.); and

WHEREAS, at the District’s instruction, Miller Pacific conducted soils tests at the District’s other school sites to determine whether similar soil conditions existed and, if so, whether they posed a similar risk to District students, staff, and facilities; and

WHEREAS, the District commissioned a peer review of Miller Pacific’s findings by RGH Consultants; and

WHEREAS, on April 24, 2017, RGH issued a letter concurring with Miller Pacific’s findings (RGH Concurrence Letter, attached as Exhibit D and hereby incorporated as if fully set forth herein); and

STRUCTURAL ENGINEERING AND ARCHITECTURAL ANALYSIS

WHEREAS, the firm of ZFA Structural Engineering reviewed the Miller Pacific Report and the structural plans for Lum (presentation by CBO Shariq Khan and ZFA to Board, April 28, 2017, attached as Exhibit E and hereby incorporated as if fully set forth herein); and

WHEREAS, based on its review, ZFA concluded that the Lum site, although Field Act-compliant, posed a life-safety risk in the event of a 100-year seismic event (Exhibit A); and

WHEREAS, in light of this conclusion, ZFA advised that the District should create a “plan to relocate [Lum] students and staff as soon as feasible” (Ibid.); and

WHEREAS, upon completion of Miller Pacific’s soil tests at other District school sites, the District’s design and engineering team concluded that no other District site posed the same risk to students and staff because of liquefaction-induced settlement (Exhibit E; Remarks of Miller Pacific and QKA to Board, May 9, 2017); and

WHEREAS, based on Board and community feedback, the District asked ZFA to prepare an expanded report setting forth in more detail the bases for ZFA’s conclusion; and

WHEREAS, on May 17, 2017, ZFA provided such an expanded report (the ZFA Analysis, attached as Exhibit F and hereby incorporated as if fully set forth herein); and

WHEREAS, the ZFA Analysis concluded that the foundations of the buildings at Lum were insufficient to support the buildings in the event of liquefaction-induced settlement in the range predicted by Miller Pacific and reiterated ZFA’s advice to relocate students (Ibid.); and

WHEREAS, based on Board and community feedback, the District further sought a second opinion from a structural engineering firm with experience in California school projects which had been uninvolved in the District’s Measure I bond projects; and

WHEREAS, the District retained the firm of Murphy Burr & Curry to provide such a second opinion; and

WHEREAS, the structural engineering firm of Murphy Burr Curry conducted an independent analysis based on the Miller Pacific and Kaldveer Reports and concurred that students and staff should be relocated given the risk of settlement-induced damage to the buildings at Lum, including but not limited to the risk of partial roof collapse due to beams or joists becoming unseated from their connections or hangers (MBC Opinion Letter, attached as Exhibit G and hereby incorporated as if fully set forth herein); and

WHEREAS, the firm of Quattrocchi Kwok & Associates, the District’s master architects, concurred with the findings of Miller Pacific and ZFA and similarly advised the District that in the event of a major seismic event, Lum faced a life-safety risk due to soil subsidence greater than that faced by

other District sites and concurred with ZFA's recommendation to relocate students and staff (Remarks of QKA to Board May 9, 2017; QKA Memo, attached as Exhibit H and hereby incorporated as if fully set forth herein); and

RELOCATION FEASIBILITY AND IMPACT

WHEREAS, upon receipt of the ZFA Opinion Letter advising that the District relocate students and staff from Lum "as soon as feasible," District staff began investigating the feasibility of relocating students and staff; and

WHEREAS, staff concluded that relocation during the 2016-17 school year was not feasible due to the District's inability to ensure that students would be adequately supervised, instructed, and served in facilities commensurate with student needs (Exhibit E; CSSO Kirsten Zazo Presentations to Board May 9 and May 23, 2017, attached as Exhibits I and J and hereby incorporated as if fully set forth herein); and

WHEREAS, staff concluded that relocation was feasible by the beginning of the 2017-18 school year, as the summer could be used to adequately plan to meet students' safety and instructional needs (Exhibits I and J); and

WHEREAS, in demonstration of the feasibility of relocation by the start of the 2017-18 school year, staff brought multiple detailed relocation plans to the Board for its review (Exhibit I); and

WHEREAS, no relocation option before the Board would require an expansion in the original student capacity of any District school site by more than 25% or 10 classrooms (Exhibit J); and

WHEREAS, no relocation option before the Board would involve physical changes to an existing school or would involve changes to the interior of the existing schools only (Ibid.); and

WHEREAS, relocation of some Lum students to William Wood Middle School will result in a change in grades served by Wood but will not result in changes to student transportation given Wood's proximity to Lum; and

WHEREAS, the District is unaware of any "unusual circumstances" as that term is used in the California Environmental Quality Act ("CEQA") which would negate the applicability of the CEQA categorical exemptions otherwise applicable to the relocation of students and staff from Lum to other District sites; and

WHEREAS, neither Lum nor any of the District school sites under consideration to accommodate relocated Lum students are historical resources pursuant to the Public Resources Code; and

WHEREAS, neither Lum nor any of the District school sites under consideration to accommodate relocated Lum students are on a list of hazardous waste sites; and

COMMUNITY CONCERNS AND FUTURE OF LUM SITE

WHEREAS, the Board acknowledges that members of the Lum community have concerns regarding the relocation of students and staff and have documented those concerns in both public presentations to the Board and communications with the Board and;

WHEREAS, the Board has reviewed and considered these documented community concerns along with all other materials in the record before it; and

WHEREAS, the Board believes that the future remediation, reconstruction, or repurposing of the Lum site is a matter of substantial interest to the entire Alameda community and decisions regarding the long-term future of the Lum site should be undertaken only after receiving substantial community input;

NOW, THEREFORE, BE IT RESOLVED as follows:

1. The above recitations are true and correct.
2. The attached exhibits are true and correct copies of the original documents cited herein.
3. Based on the recitations, the attached exhibits, and the entirety of the record before the Board, the Board finds that:
 - a. There is substantial evidence that, in its current condition, Lum poses a life safety risk to students in the event of a major seismic event;
 - b. There is substantial evidence that relocation of student and staff to other District school sites is feasible beginning on the first day of the 2017-18 school year;
 - c. There is substantial evidence that the relocation of students to other District school sites will not result in an increase of the original student capacity of any school site by more than 25% or ten classrooms;
 - d. There is substantial evidence that the relocation of students to other District school sites will involve no physical changes in the areas affected or changes involving only the interior of the existing schools;
 - e. There is substantial evidence that the relocation of students to William Wood Middle School will change the grades served by the school but not result in changes to student transportation;
 - f. The project of indefinitely closing Lum to student and staff use and relocating students from Lum to other school sites is exempt from the requirements of the California Environmental Quality Act ("CEQA") pursuant to, *inter alia*, Cal. Pub. Res. Code § 21080.18, 14 C. C. R. § 15134, and 14 C.C.R. § 15322.
4. Based on the policy-making discretion vested in it pursuant to Cal. Educ. Code §§ 35160 and 35160.1, the findings set forth above, and the entirety of the record before the Board, the Board directs that:
 - a. Students and staff shall be relocated from Lum to other District sites no later than the first day of school of the 2017-18 school year;
 - b. Relocation sites shall be chosen consistent with direction provided by the Board on May 23, 2017;
 - c. Staff shall contract as needed with professional services firms to develop detailed cost and timeline estimates for possible remediation or replacement of the buildings at Lum and will present those estimates to the Board at a future public meeting;
 - d. Staff shall solicit applicants for a District Advisory Committee to be established consistent with the requirements of Education Code §§ 17387-91, which shall be

- tasked with considering the long-term facilities needs of the District, including possible future uses for the Lum site;
- e. Staff shall not return students or staff to Lum without express Board approval;
 - f. Staff shall file a Notice of CEQA Exemption for this project with the Clerk-Recorder's Office of the County of Alameda and the Office of Planning and Research.

PASSED AND ADOPTED by the following vote this 23rd day of May, 2017:

AYES: _____ MEMBERS: _____

NOES: _____ MEMBERS: _____

ABSENT: _____ MEMBERS: _____

Gary K. Lym, President
Board of Education
Alameda Unified School District
Alameda County, State of California

ATTEST:

By: _____
Sean McPhetridge, Secretary
Board of Education
Alameda Unified School District
Alameda County, State of California