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LEGISLATIVE DIGEST

[Building Code - Earthquake Performance Evaluation of Private School Structures]

Ordinance amending the Building Code to require that existing private elementary and secondary schools obtain an evaluation by a licensed structural engineer for performance during a future earthquake, to assess a fee for Building Department review and related evaluation processing, to exempt buildings for which voluntary seismic strengthening is performed that meets or exceeds 2013 Building Code requirements from new San Francisco seismic strengthening requirements for 15 years, and to require that a building changing to a school occupancy classification comply with the evaluation requirements; making environmental findings and findings under the California Health and Safety Code; and directing the Clerk of the Board of Supervisors to forward this Ordinance to the California Building Standards Commission upon final passage.

Existing Law

Among other things, the Building Code regulates and controls the design, construction, use and occupancy, location, maintenance and demolition of buildings and structures. Chapter 34 deals with additions, alterations, or repairs to existing structures. Public schools are regulated by the State but private schools are under the jurisdiction of the local Building Department.

Amendments to Current Law

The proposed ordinance adds Section 3428 to Chapter 34 of the Building Code to require all private elementary and secondary schools (K-12) in San Francisco to be evaluated by a licensed structural engineer in order to assess how they are expected to perform in a future earthquake. The evaluation period is three years from the effective date of the ordinance. After an Evaluation Report is submitted and accepted by the Building Department, it will be available to the public. If voluntary seismic strengthening is performed to meet or exceed 2013 Building Code standards, the school building or structure will be exempt for 15 years from new mandatory seismic strengthening requirements adopted by San Francisco. The ordinance amends Section 3408.4.1 to require any building that changes its occupancy class to a private school use to comply with this requirement. The Department's standard hourly rates will be charged to compensate the Department for review and related evaluation processing.

Background Information

In Section 19160 of the California Health and Safety Code, the State Legislature declared that because of the generally acknowledged fact that California will experience moderate to severe earthquakes in the foreseeable future, increased efforts to reduce earthquake hazards should be encouraged and supported. Section 19161 authorizes each city, city and county, or county

to assess the earthquake hazard in its jurisdiction and identify buildings that may be potentially hazardous to life in the event of an earthquake.

In December 2004, the California Seismic Safety Commission (SSC) issued a report on "Seismic Safety in California's Schools," containing Findings and Recommendations on Seismic Safety Policies and Requirements for Public, Private, and Charter Schools. The data collected by the SSC for the report showed that 10 counties had more than 10% of their students enrolled in private schools, and of these 10 counties San Francisco was the highest at 29.1%. Because private schools are not required to meet the safety standards of public schools unless they are in new or extensively remodeled buildings, the SSC found that they posed a greater risk in a future moderate or large earthquake if housed in older buildings.

On October 17, 2011, the Office of the Mayor released the first draft of the City's Earthquake Safety Implementation Program (ESIP), which is a 30-year Workplan to update building codes, retrofit privately-owned buildings, and prepare for post-disaster recovery that encompasses 50 objectives with the goal of making San Francisco as safe as possible before the next earthquake hits. The ESIP Workplan is based upon, and incorporates the goals and recommendations of, the Community Action Plan for Seismic Safety (CAPSS) that was unanimously endorsed in December 2010 by an advisory group of over 60 stakeholders, community leaders, professional experts, and City officials. The CAPSS program was developed over a 10-year period, resulting in agreement upon acceptable earthquake impacts for San Francisco and, through dozens of meetings and workshops, development of a plan to achieve the City's resilience goals. The CAPSS recommendations coordinate with the proposed goals and policies of the Resilient City initiative, a multi-year study program by San Francisco Planning and Urban Research Association's (SPUR), as well as the Planning Department's Community Safety Element and the City's Hazard Mitigation Plan. The first legislative enactment under the ESIP was an ordinance mandating the seismic retrofit of certain wood-frame buildings in San Francisco, which was finally passed by the Board of Supervisors on April 9 and approved by the Mayor on April 18, 2013.

A Private Schools Earthquake Working Group was formed under the ESIP to study the issue of the seismic safety of private schools in San Francisco. It met for over a year, with publicly-noticed open meetings. A special effort was made to encourage representatives of private schools to attend the meetings. The Group found that: while San Francisco's private school buildings appear to have about double the risk of the City's public school buildings in future earthquakes, (1) 43% have characteristics indicating that they are likely to perform well in future earthquakes; (2) 33% have characteristics indicating that they might perform poorly in future earthquakes; and (3) for 24%, there was not enough information to determine their likely seismic performance in future earthquakes. As the next phase in implementation of the City's program for earthquake preparedness and post-earthquake resilience, this ordinance mandates that all private elementary and secondary schools in San Francisco obtain an evaluation of their structural safety and ability to perform during a future earthquake.