

REVISED LEGISLATIVE DIGEST
(9/8/14, Amended in Committee)

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

Ordinance amending the Building Code to 1) require that existing private elementary and secondary schools obtain an evaluation by a licensed structural engineer for performance during a future earthquake, 2) ~~to~~ assess a fee for Building Department review and related evaluation processing, 3) ~~to~~ exempt certain buildings from the evaluation requirements, 4) ~~to~~ provide that buildings where voluntary seismic retrofit work is done to specified standards shall not be identified as a seismic hazard under later-enacted local building standards, and 5) ~~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 certain 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. Section 3408.4.1 is amended to require any building that changes its occupancy class to a private school use to comply with the requirements. Evaluations are not required for buildings occupied by 25 or more persons for less than 12 hours per week or four hours in any given day, for schools with an enrollment of 25 or fewer students, or for buildings such as churches, accessory residential buildings or similar non-educational uses.

Within one year of the effective date of the ordinance, the building owner or owner's agent must submit an Evaluation Scope document to the Department of Building Inspection ("DBI") that lists each structure to be evaluated, the evaluation objective to be applied, and other information requested by DBI. An Evaluation Report must be submitted not later than three years from the ordinance's effective date. Evaluations, plans, supporting documents and other materials are subject to the standard procedures for making such information available as directed by DBI's Records Management Division.

The Department's standard hourly rates will be charged to compensate the Department for review and related evaluation processing. Buildings and non-building structures in violation of the evaluation requirements may be considered to be unsafe and are subject to enforcement action. If a property owner chooses to perform voluntary seismic strengthening work that meets or exceeds specified criteria, the building undergoing the retrofit shall not be identified as a seismic hazard pursuant to any local building standards adopted within a period of 20 years after the effective date of the ordinance unless the building incurred disproportionate damage, or otherwise has been damaged or altered so that it no longer meets the engineering criteria under which it was retrofitted.

The ordinance mandates the City to develop an outreach and assistance program focused on providing case management to school building owners, schools, and parents through providing technical information, identifying resources, and assisting schools and school building owners to comply with the requirements. The City is also required to convene an inter-departmental working group of all agencies involved in the building permit approval process to assist with expediting and prioritizing permits for those seeking to perform voluntary seismic strengthening work on their buildings and, to the extent authorized by law, to help alleviate the requirements for any non-seismic related work that may be required.

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.

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