

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

2

3 **Ordinance amending the Building Code to require that existing private elementary and**
 4 **secondary schools obtain an evaluation by a licensed structural engineer for**
 5 **performance during a future earthquake, and assessing a fee for Building Department**
 6 **review and related evaluation processing; requiring that a building changing to a**
 7 **school occupancy classification comply with the evaluation requirements; making**
 8 **environmental findings, and findings under the California Health and Safety Code; and**
 9 **directing the Clerk of the Board of Supervisors to forward this Ordinance to the**
 10 **California Building Standards Commission upon final passage.**

11 NOTE: Unchanged Code text and uncodified text are in plain Arial font.
 12 Additions to Codes are in *single-underline italics Times New Roman font*.
 13 Deletions to Codes are in ~~*strikethrough italics Times New Roman font*~~.
 14 Board amendment additions are in double-underlined Arial font.
 15 Board amendment deletions are in ~~strikethrough Arial font~~.
 16 Asterisks (* * * *) indicate the omission of unchanged Code
 17 subsections or parts of tables.

18 Be it ordained by the People of the City and County of San Francisco:

19 Section 1. General Findings.

20 (a) The Planning Department has determined that the actions contemplated in this
 21 ordinance comply with the California Environmental Quality Act (California Public Resources
 22 Code Sections 21000 et seq.). The Board of Supervisors hereby affirms this determination.
 23 Said determination is on file with the Clerk of the Board of Supervisors in File No. _____ and
 24 is incorporated herein by reference.

25 (b) Pursuant to Charter Section D3.750-5, the Building Inspection Commission
 considered this ordinance on _____, 2014 at a duly noticed public hearing.

1 Section 2. Findings under the California Health and Safety Code. The Board of
2 Supervisors hereby finds that this ordinance does not modify a State “building standard,” as
3 that term is defined in Section 18909 of the California Health and Safety Code. Therefore, the
4 finding of local climactic, geological, or topographical conditions required by Sections 18941.5
5 and 17958.7 is not required.

6
7 Section 3. Specific Findings. The Board of Supervisors hereby finds and declares as
8 follows:

9 (a) In Section 19160 of the California Health and Safety Code, the Legislature
10 declared that because of the generally acknowledged fact that California will experience
11 moderate to severe earthquakes in the foreseeable future, increased efforts to reduce
12 earthquake hazards should be encouraged and supported. Section 19161 authorizes each
13 city, city and county, or county to assess the earthquake hazard in its jurisdiction and identify
14 buildings that may be potentially hazardous to life in the event of an earthquake.

15 (b) In December 2004, the California Seismic Safety Commission (SSC) issued a
16 report on “Seismic Safety in California’s Schools,” which contains Findings and
17 Recommendations on Seismic Safety Policies and Requirements for Public, Private, and
18 Charter Schools. The SSC report was made in response to inquiries from members of the
19 Legislature, the public and parents, and to concerns about the risks posed by older school
20 buildings, the different seismic standards for public, private and charter schools, and the
21 safety of buildings converted to school use.

22 (c) The data collected by the SSC for its 2004 report showed that almost 9% of
23 California’s school children attended private schools, ten counties had more than 10% of their
24 total students enrolled in private schools, and of these ten counties San Francisco was the
25 highest at 29.1%. Because under State law private schools are not required to meet the

1 stringent safety requirements of public schools unless they are new buildings or have been
2 extensively remodeled, private schools pose a greater risk than comparably aged public
3 schools in a future moderate or large earthquake.

4 (d) San Francisco's Community Action Plan for Seismic Safety and Earthquake Safety
5 Implementation Program.

6 (1) On October 17, 2011, the Office of the Mayor released the first draft of the
7 City's Earthquake Safety Implementation Program (ESIP), which is a 30-year Workplan to
8 update building codes, retrofit privately-owned buildings, and prepare for post-disaster
9 recovery that encompasses 50 objectives with the goal of making San Francisco as safe as it
10 can be before the next earthquake hits.

11 (2) The ESIP Workplan is based upon, and incorporates the goals and
12 recommendations of, the Community Action Plan for Seismic Safety (CAPSS) that was
13 unanimously endorsed in December 2010 by an advisory group of over sixty representative
14 stakeholders, community leaders, professional experts, and City officials. The CAPSS
15 program was developed over a ten-year period, resulting in agreement upon acceptable
16 earthquake impacts for San Francisco and, through dozens of meetings and workshops,
17 development of a plan to achieve the City's resilience goals.

18 (3) The CAPSS recommendations are consistent with the proposed goals and
19 policies of the Resilient City initiative, a multi-year study program by San Francisco Planning
20 and Urban Research Association's (SPUR), as well as the Planning Department's Community
21 Safety Element and the City's Hazard Mitigation Plan.

22 (e) The first legislative enactment under the ESIP was an ordinance mandating the
23 seismic retrofit of certain wood-frame buildings in San Francisco, which was approved by the
24 Mayor on April 18, 2013 (Ordinance No. 66-13). The next category of buildings to be
25 evaluated under the ESIP is private elementary and secondary (K-12) schools.

1 (f) Among California towns and cities, San Francisco has the highest percentage of
2 children attending private schools. Since the collapse of or extensive damage to even a few
3 schools is an unacceptable risk, it is essential that all private schools be evaluated to assess
4 their ability to perform in an earthquake.

5 (g) A Private Schools Earthquake Working Group was formed under the ESIP to study
6 the issue of the seismic safety of private schools in San Francisco. It met for over a year, with
7 publicly-noticed open meetings. A special effort was made to encourage private school
8 representatives to attend these meetings. In its December 31, 2013 report entitled
9 "Earthquake Risk and San Francisco's Private Schools," the Working Group found that:

10 (1) San Francisco's private school buildings appear to have approximately
11 double the risk of the City's public school buildings in future earthquakes;

12 (2) 43% of the City's private school buildings have characteristics that indicate
13 they are likely to perform well in future earthquakes;

14 (3) 33% of the City's private school buildings have characteristics that indicate
15 they might perform poorly in future earthquakes; and

16 (4) for 24% of the City's private school buildings, the Working Group did not
17 have enough information to determine likely seismic performance in future earthquakes.

18 (h) As the next phase in the City's implementation of its program for earthquake
19 preparedness and post-earthquake resilience, this ordinance mandates that all private
20 elementary and secondary schools in San Francisco obtain an evaluation of structural safety
21 and be rated for performance during a future earthquake.

22 Section 4. The Building Code is hereby amended by adding Section 3428, to read as
23 follows:

1 Chapter 34

2 EXISTING STRUCTURES

3 * * * *

4 **SECTION 3428 – EARTHQUAKE EVALUATION OF PRIVATE SCHOOL STRUCTURES**

5
6 **3428.1 General.** *Every building or structure containing classrooms, administrative offices, or other facilities*
7 *incidental or accessory to elementary and secondary schools (K-12) that are not schools under the jurisdiction*
8 *of the Division of State Architect’s Structural Safety section shall be evaluated in accordance with the provisions*
9 *of this Section 3428. All evaluations required by Section 3428 shall be conducted under the supervision*
10 *of a licensed structural engineer.*

11 **Exceptions:**

12 *1. Evaluation is not required for buildings or structures that are less than 250 square feet in*
13 *floor area or for which no building permit would be required for construction.*

14 *2. Evaluation is not required for buildings or structures used for homeschooling under the*
15 *provisions of Section 33190 of the California Education Code.*

16 *The requirements of Section 3428 are retroactive and shall apply to all buildings, structures,*
17 *and non-building structures within the scope of Section 3428 that are in existence as of the effective*
18 *date of Section 3428 regardless of the date of construction.*

19
20 **3428.2 Scope and Criteria.** *Each building, structure, and non-building structure such as fences,*
21 *retaining walls, patio covers, and covered walkways shall be evaluated using ASCE 41-13 with the*
22 *evaluation objective given in Table 3428.2 as required by Section 3428.2.1 or 3428.2.2.*

Table 3428.2. ASCE 41-13 Evaluation Objectives and Scopes¹

<u>Evaluation type</u>	<u>Evaluation Objective/ Scope</u>
<u>Safety Evaluation</u>	<u>Structural Life Safety with the BSE-1E hazard</u> <u>Nonstructural Life Safety with the BSE-1E hazard</u>
<u>Recovery Evaluation</u>	<u>Immediate Occupancy with the BSE-1E hazard</u> <u>Nonstructural Position Retention with the BSE-1E hazard</u>

¹ As modified and interpreted by an Administrative Bulletin that shall be adopted by the Department.

3428.2.1 Safety Evaluation. Every building, structure, and non-building structure shall be subject to a Safety Evaluation, except for those buildings subject to a Recovery Evaluation.

3428.2.2 Recovery Evaluation. Each school within the scope of this Section 3428 in which K-12 enrollment for the 2013-2014 school year, or the average K-12 enrollment for the 2011-12 through 2013-14 school years, exceeded 225 students shall be subject to a Recovery Evaluation.

3428.2.3 Schedule for Evaluations. Within one year of the effective date of Section 3428, an Evaluation Scope document shall be submitted to the Department listing each structure to be evaluated, the evaluation objective to be applied, and other information requested by the Department.

3428.4 Evaluation Report; Reporting Requirements. Within 120 days of completion of an evaluation, and in no case later than three years of the effective date of Section 3428, the evaluation shall be submitted to the Department. The Evaluation Report shall conform to content and format requirements provided in the Administrative Bulletin adopted by the Department pursuant to Section 3428.5.

1 When an evaluation is accepted by the Department and at the conclusion of the evaluation
2 period, the information obtained will be reported to the public.

3
4 **3428.5 Administrative Bulletin.** The Department shall prepare an Administrative Bulletin detailing the
5 procedural implementation requirements for Section 3428.

6
7 **3428.6 Enforcement.** Buildings, structures, or non-building structures in violation of this Section 3428
8 may be considered to be unsafe. The Department may apply the provisions of Section 102A, including
9 102A.13, Repair and Demolition Fund, in remedying such unsafe conditions. Enforcement action may
10 be initiated by the Department for failure to comply with any of the requirements of Section 3428,
11 including failure to submit an Evaluation Scope document or Evaluation Report within the time
12 designated.

13
14 **3428.7 Fees.** Fees based on standard hourly rates in accordance with the SFBC Table 1-A-D –
15 Standard Hourly Rates shall be charged to compensate the Department for review and for related
16 evaluation processing.

17
18 Section 5. The Building Code is hereby amended by revising Section 3408.4.1, to read
19 as follows:

20 3408.4.1 Change of occupancy. In addition to the other requirements of this code, the
21 term “comply with the requirements of this code for such division or group of occupancy,” as
22 used in this section, shall also mean compliance with the lateral force provisions of Section
23 3401.10 when the change results in an increase of more than 10 percent in the occupant load
24 of the entire building or structure, and which also increases the occupant load by more than
25 100 persons as compared to the occupant load of the existing legal use or the use for which

1 the building was originally designed. A building changing occupancy to an E occupancy shall
2 comply with Section 3428.

3 Section 6. City Outreach and Assistance. The City shall develop an outreach program
4 focused on identifying resources, providing technical information, and assisting schools to
5 comply with the requirements of Section 3428.

6 Section 7. Effective Date. This ordinance shall become effective 30 days after
7 enactment. Enactment occurs when the Mayor signs the ordinance, the Mayor returns the
8 ordinance unsigned or does not sign the ordinance within ten days of receiving it, or the Board
9 of Supervisors overrides the Mayor’s veto of the ordinance.

10 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
11 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
12 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
13 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
14 additions, and Board amendment deletions in accordance with the “Note” that appears under
15 the official title of the ordinance.

16 Section 9. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed
17 to forward a copy of this ordinance to the California Building Standards Commission upon final
18 passage.

19
20 APPROVED AS TO FORM:
21 DENNIS J. HERRERA, City Attorney

22 By: _____
23 JUDITH A. BOYAJIAN
24 Deputy City Attorney

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