

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, to assess a fee for Building Department**
6 **review and related evaluation processing, to exempt buildings for which voluntary**
7 **seismic strengthening is performed that meets or exceeds 2013 Building Code**
8 **requirements from new San Francisco seismic strengthening requirements for 15**
9 **years, and to require that a building changing to a school occupancy classification**
10 **comply with the evaluation requirements; making environmental findings, and findings**
11 **under the California Health and Safety Code; and directing the Clerk of the Board of**
12 **Supervisors to forward this Ordinance to the California Building Standards**
13 **Commission in accordance with California Health and Safety Code, Section 17958.7.**

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

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

22 Section 1. General Findings.

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

1 (b) Pursuant to Charter Section D3.750-5, the Building Inspection Commission
2 considered this ordinance on February 19, 2014 at a duly noticed public hearing.
3

4 Section 2. Findings under the California Health and Safety Code. The Board of
5 Supervisors hereby finds that this ordinance does not modify a State “building standard,” as
6 that term is defined in Section 18909 of the California Health and Safety Code. Therefore, the
7 finding of local climactic, geological, or topographical conditions required by Sections 18941.5
8 and 17958.7 is not required.
9

10 Section 3. Specific Findings. The Board of Supervisors hereby finds and declares as
11 follows:

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

18 (b) In December 2004, the California Seismic Safety Commission (SSC) issued a
19 report on “Seismic Safety in California’s Schools,” which contains Findings and
20 Recommendations on Seismic Safety Policies and Requirements for Public, Private, and
21 Charter Schools. The SSC report was made in response to inquiries from members of the
22 Legislature, the public and parents, and to concerns about the risks posed by older school
23 buildings, the different seismic standards for public, private and charter schools, and the
24 safety of buildings converted to school use.
25

1 (c) The data collected by the SSC for its 2004 report showed that almost 9% of
2 California's school children attended private schools, ten counties had more than 10% of their
3 total students enrolled in private schools, and of these ten counties San Francisco was the
4 highest at 29.1%. Because under State law private schools are not required to meet the
5 stringent safety requirements of public schools unless they are new buildings or have been
6 extensively remodeled, private schools pose a greater risk than comparably aged public
7 schools in a future moderate or large earthquake.

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

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

15 (2) The ESIP Workplan is based upon, and incorporates the goals and
16 recommendations of, the Community Action Plan for Seismic Safety (CAPSS) that was
17 unanimously endorsed in December 2010 by an advisory group of over 60 representative
18 stakeholders, community leaders, professional experts, and City officials. The CAPSS
19 program was developed over a ten-year period, resulting in agreement upon acceptable
20 earthquake impacts for San Francisco and, through dozens of meetings and workshops,
21 development of a plan to achieve the City's resilience goals.

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

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

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

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

14 (1) San Francisco’s private school buildings appear to have approximately
15 double the risk of the City’s public school buildings in future earthquakes;

16 (2) 43% of the City’s private school buildings have characteristics that indicate
17 they are likely to perform well in future earthquakes;

18 (3) 33% of the City’s private school buildings have characteristics that indicate
19 they might perform poorly in future earthquakes; and

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

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

1 Section 4. The Building Code is hereby amended by adding Sections 3428, 3428.1,
2 3428.2, 3428.3, 3428.4, 3428.5, 3428.6, 3428.7, and 3428.8, to read as follows:

3 **Chapter 34**
4 **EXISTING STRUCTURES**

5 * * * *

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

7
8 **3428.1 General.** *Every building or non-building structure containing classrooms, administrative*
9 *offices, or other facilities that comprise or are accessory to elementary and secondary schools (K-12)*
10 *that are not schools under the jurisdiction of the Division of State Architect’s Structural Safety section*
11 *shall be evaluated in accordance with the provisions of this Section 3428. All evaluations required by*
12 *Section 3428 shall be conducted under the supervision of a licensed structural engineer. For purposes*
13 *of this Section 3428, a “non-building structure” is a structure, as defined in Chapter 2 of this Code,*
14 *that does not support or shelter any use or occupancy.*

15 **Exceptions:**

- 16 *1. Evaluation is not required for a building that is less than 250 square feet in floor area or for*
17 *which no building permit would be required for construction.*
18 *2. Evaluation is not required for a building that not classified as an “E” occupancy or a non-*
19 *building structure accessory to such use.*

20 **Section 3428.1.1. Retroactivity.** *The requirements of Section 3428 are retroactive and shall apply to all*
21 *buildings and non-building structures within the scope of Section 3428 that are in existence as of the*
22 *effective date of Section 3428 regardless of the date of construction.*

23
24 **3428.2 Scope and Criteria.** *Each building and non-building structure shall be evaluated using ASCE*
25 *41-13 with the 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>Structural 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 and non-building structure shall be subject to a Safety Evaluation, except for those buildings and non-building structures subject to a Recovery Evaluation.

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

Exception: With the approval of the Department, any building or non-building structure that is unnecessary to normal school operations may be exempted from Recovery Evaluation and subject instead to a Safety Evaluation.

3428.3 Evaluation Scope Submittal. Within one year of the effective date of Section 3428, the building owner or the owner's authorized agent shall submit to the Department an Evaluation Scope document listing each structure to be evaluated, the evaluation objective to be applied, and other information requested by the Department.

1 **3428.4 Evaluation Report; Reporting Requirements.** *Within 120 days of completion of an evaluation,*
2 *and no later than three years after the effective date of Section 3428, the building owner or the owner's*
3 *authorized agent shall submit an Evaluation Report to the Department. The Evaluation Report shall*
4 *conform to content and format requirements provided in the Administrative Bulletin adopted by the*
5 *Department pursuant to Section 3428.6.*

6 *After an Evaluation Report has been accepted by the Department, it shall be available to the*
7 *public.*

8
9 **3428.5 Voluntary Seismic Strengthening.** *Any building or non-building structure within the scope of*
10 *Section 3428 for which voluntary seismic strengthening is performed to meet or exceed the criteria of*
11 *Section 3417.5 of the 2013 San Francisco Building Code shall be exempt from new mandatory seismic*
12 *strengthening provisions enacted by the City and County of San Francisco for 15 years from the*
13 *effective date of Section 3428. To obtain this exemption, documentation shall be submitted to the*
14 *Department showing that such work was properly permitted, completed, and maintained as required by*
15 *this Code and the Department shall have approved such documentation.*

16
17 **3428.6 Administrative Bulletin.** *The Department shall prepare an Administrative Bulletin detailing the*
18 *procedural implementation requirements for Section 3428.*

19
20 **3428.7 Enforcement.** *Buildings, structures, or non-building structures in violation of this Section 3428*
21 *may be considered to be unsafe. The Department may apply the provisions of Section 102A, including*
22 *102A.13, Repair and Demolition Fund, in remedying such unsafe conditions. Enforcement action may*
23 *be initiated by the Department for failure to comply with any of the requirements of Section 3428,*
24 *including failure to submit an Evaluation Scope document or Evaluation Report within the time*
25 *designated by Sections 3428.3 and 3428.4 .*

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3428.8 Fees. Fees based on standard hourly rates in accordance with the SFBC Table I-A-D – Standard Hourly Rates shall be charged to compensate the Department for review and for related evaluation processing.

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

3408.4.1 Change of occupancy. In addition to the other requirements of this code, the term “comply with the requirements of this code for such division or group of occupancy,” as used in this section, shall also mean compliance with the lateral force provisions of Section 3401.10 when the change results in an increase of more than 10 percent in the occupant load of the entire building or structure, and which also increases the occupant load by more than 100 persons as compared to the occupant load of the existing legal use or the use for which the building was originally designed. A building changing occupancy to an E occupancy shall comply with Section 3428.

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

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

1 Section 8. Scope of Ordinance. In enacting this ordinance, the Board of Supervisors
2 intends to amend only those words, phrases, paragraphs, subsections, sections, articles,
3 numbers, punctuation marks, charts, diagrams, or any other constituent parts of the Municipal
4 Code that are explicitly shown in this ordinance as additions, deletions, Board amendment
5 additions, and Board amendment deletions in accordance with the "Note" that appears under
6 the official title of the ordinance.

7
8 Section 9. Directions to Clerk. The Clerk of the Board of Supervisors is hereby directed
9 to forward a copy of this ordinance to the California Building Standards Commission upon final
10 passage.

11
12 APPROVED AS TO FORM:
13 DENNIS J. HERRERA, City Attorney

14 By: _____
15 JUDITH A. BOYAJIAN
16 Deputy City Attorney

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