[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, and assessing a fee for Building Department review and related evaluation processing; requiring 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.

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

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

Section 1. General Findings.

(a) The Planning Department has determined that the actions contemplated in this ordinance comply with the California Environmental Quality Act (California Public Resources 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.

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

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

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

(a) In Section 19160 of the California Health and Safety Code, the 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.

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

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

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

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

(1) 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 it can be before the next earthquake hits.

(2) 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 sixty representative stakeholders, community leaders, professional experts, and City officials. The CAPSS program was developed over a ten-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.

(3) The CAPSS recommendations are consistent 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.

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

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

(g) 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 private school representatives to attend these meetings. In its December 31, 2013 report entitled "Earthquake Risk and San Francisco's Private Schools," the Working Group found that:

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

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

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

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

(h) As the next phase in the City's implementation of its 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 structural safety and be rated for performance during a future earthquake.

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

Chapter 34

EXISTING STRUCTURES

* * * *

SECTION 3428 – EARTHQUAKE EVALUATION OF PRIVATE SCHOOL STRUCTURES

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

Exceptions:

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

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

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

3428.2 Scope and Criteria. *Each building, structure, and non-building structure such as fences, retaining walls, patio covers, and covered walkways shall be evaluated using ASCE 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 Scopes[1]

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

[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.*

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

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

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

3428.7 Fees. *Fees based on standard hourly rates in accordance with the SFBC Table 1-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.

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

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

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

By: _____
JUDITH A. BOYAJIAN
Deputy City Attorney

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