



DRAFT MINUTES

Regular Meeting of the CODE ADVISORY COMMITTEE

DATE: March 8, 2023

TIME: 9:30 a.m. to 11:00 a.m.

LOCATION: 49 South Van Ness Ave, 5th Floor, Room 578

Note: Public comment is welcome and will be heard during each agenda item. Reference documents relating to agenda are available for review at the 49 South Van Ness Ave, 2nd Floor, TSD Counter. For information, please email ken.hu@sfgov.org.

Present

Ned Fennie, A.I.A, Chair
Stephen Harris, S.E., Vice-Chair
Zachary Nathan, AIA, CASp
Marc Cunningham
Gina Centoni
Tony Sanchez Corea
Jonathan Rodriguez
John Tostanoski
Don Libbey, P.E.
Arnie Lerner, FAIA, CASp
Henry Karnilowicz

Excused

Jim Reed
Ira Dorter
Brian Salyers
Rene' Vignos, S.E.

Absent

Others Present

Thomas Fessler, DBI
Carl Nicita, DBI
Barry Hooper, ENV

Adam Thongsavat, BOS
Ken Hu, DBI

Janey Chan, DBI
Jim Heron, Public

- 1.0 The meeting was called to order. Roll call found a quorum of committee members were present.
- 2.0 Approval of the minutes of the Code Advisory Committee special meeting of January 11, 2023.
 - There was a motion to approve the minutes as written.
 - Seconded and approved.

3.0 Election of the Code Advisory Committee Chair and Vice-Chair. The term of office for each is one year and will commence immediately upon election results.

- There was a motion to nominate and elect Ned Fennie to be the Chair of the CAC for 2023 and Stephen Harris to be the Vice-Chair.

Seconded and approved.

4.0 Discussion and possible action regarding proposed ordinance amending the Police and Building Codes to require owners of certain residential construction projects to maintain a labor compliance bond at the time of issuance of the first construction document. (FILE NO. 230134).

The possible action would be to make a recommendation to the Building Inspection Commission (BIC) for their further action.

Discussion:

- Adam Thongsavat from Supervisor Mandelman's office made a presentation about the proposed ordinance.
- Project sponsors can secure the bond when they are issued a permit to begin a construction.
- There was a question if any example people didn't get paid or there was a labor issue.
- Adam Thongsavat clarify that the bond requirements had been already passed last year and this is clean up legislation.
- There was a comment that it should not be limited to 10 units and the requirement should apply to new construction of 0 unit or more.
- There was a discussion regarding the cost to carry the bond.
- There was a concern how DBI will enforce the bond requirement and if DBI will add a new permit review station.
- There was a concern the bond requirement and the proving process will slow down the permitting process.

Public Comment: No public comment.

Action:

- There was a motion to approve the proposed legislation and make the recommendation to the BIC. Seconded and approved.
- There was a motion stated as below:

CAC does not support the original legislation mainly due to it will increase the cost of construction. If the original legislation cannot be rescinded, then the CAC requests documentation regarding the labor issue, the unit numbers, project size, the bond amounts and to exclude remodel projects. Seconded and approved.

5.0 Discussion and possible action regarding proposed ordinance amending the Planning and Building Codes to codify the annual waiver of awning replacement fees and awning fees applied for during the month of May. (File No. 230212)

The possible action would be to make a recommendation to the Building Inspection Commission (BIC) for their further action.

- DBI Legislative Manager Carl Nicita made a presentation regarding the proposed ordinance.
- Since November last year, DBI received about 200 anonymous complaints about unpermitted existing awnings.

- This fee waiver program is an attempt to help businesses come into compliance.
- There was a discussion regarding legalizing existing awnings.
- Carl Nicita said the Mayor's office and Supervisor Peskin's office are working on legislation regarding an amnesty program.

Public Comment: No public comment.

Action:

There was a motion stated as below:

The CAC understands that the legislation addressing the bigger issue of existing awnings in San Francisco is being written right now. However, without that in front of us, these are the issues we have with and then there are two amendments to include legalization of existing unpermitted or non-conforming awnings. Seconded and approved.

6.0 Discussion and possible action regarding updated Administrative Bulletin 093 – “Implementation of Green Building Regulations”.

The possible action would be to make a recommendation to the Building Inspection Commission (BIC) for their further action.

- San Francisco Department of Environment Green Building Coordinator Barry Hooper made a presentation regarding the changes to AB-093.
- Mr. Hooper said updates to AB-93 reflect changes which have already been adopted in in the code.
- Green Building Subcommittee had reviewed the changes and made a recommendation to CAC to approve the proposed changes.

Public Comment: No public comment.

Action: There was a motion to approve the updated AB-093 and make a recommendation to the BIC. Seconded and approved.

7.0 Discussion regarding building code requirements when changing occupancy from office to residential.

- Natural Light / Ventilation
- Disabled Access
- Structural Upgrades
- There was a suggestion that the Subcommittees get this item to each of their agendas.
- Two thirds of non-structural alteration were mentioned.
- Life safety issues were mentioned.
- Conversion and renovation of 100 Van Ness Ave were mentioned.
- There was a suggestion to form a task force to address this issue.

8.0 Updates on Accessible Business Entrance (ABE) program

- DBI Technical Services Senior Inspector Thomas Fessler updated the Committee the ABE compliance numbers.
- There was a discussion that some power door operator permits require sidewalk encroach permits. This requirement holds up some of the ABE permits.

9.0 Review of communication items. The Committee may discuss or acknowledge communication items received for discussion.

- Resignation of Brian Caruso from Code Advisory Committee
- Vacancy for “Member-at-Large”
- Vacancy for “A Person Qualified in the Area of Historical Preservation”.

10.0 Public Comments on items not on this agenda but within the jurisdiction of the Code Advisory Committee. Comment time is limited to 3 minutes or as determined by of the Chairperson.

- No Public comments.

11.0 Committee comments on items not on this agenda.

- Hybrid meetings
- Yearly overview of potential agenda items
- Updates on Concrete Building Safety Program

12.0 Subcommittee Reports:

a. Housing Code Subcommittee:

Subcommittee Chair: Henry Karnilowicz
Subcommittee Members: Ira Dorter
Jim Reed

- No meeting. No report.

b. Mechanical Electrical Plumbing & Fire Subcommittee:

Subcommittee Chair: Jim Reed
Subcommittee Members: Henry Karnilowicz
Brian Salyers, F.P.E.

- No Meeting. No report.

c. Administrative & General Design and Disability Access Subcommittee:

Subcommittee Chair: Jonathan Rodriguez
Subcommittee Members: Arnie Lerner, F.A.I.A., CASp
Tony Sanchez-Corea
Zachary Nathan, A.I.A., CASp
Henry Karnilowicz
Jonathan Rodriguez

- Administrative & General Design and Disability Access Subcommittee had a meeting on March 8, 2023. The Subcommittee elected Jonathan Rodriguez as the Chair of the Subcommittee. The Subcommittee had a discussion regarding the proposed ordinance (FILE NO. 230134) and made a recommendation to the CAC.

d. Structural Subcommittee:

Subcommittee Chair: Stephen Harris, S.E.
Subcommittee Members: Rene' Vignos, S.E., LEED A.P.
Marc Cunningham
Ned Fennie, A.I.A.
Don Libbey, P.E.

- No meeting. No report.

e. Green Building Subcommittee:

Subcommittee Chair: Zachary Nathan, AIA, CASp
Subcommittee Members: Gina Centoni

Henry Karnilowicz
Jonathan Rodriguez

- Green Building Subcommittee had a meeting on March 3, 2023. The Subcommittee had a discussion regarding AB-093 and made a recommendation to CAC. The Subcommittee identified potential agenda items for this year.

13.0 Committee Member's and Staff's identification agenda items for the next meeting, as well as current agenda items to be continued to another CAC regular meeting or special meeting, or a subcommittee meeting.

- Communicate to have hybrid meetings

14.0 Adjournment.

- The meeting was adjourned at 10:36 a.m.

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