



DRAFT MINUTES

Regular Meeting of the CODE ADVISORY COMMITTEE

DATE: June 14, 2023

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

LOCATION: 49 South Van Ness Ave, 5th Floor, Room 0578

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

Stephen Harris, S.E., Vice-Chair
Arnie Lerner, FAIA, CASp
Don Libbey, P.E.
Brian Salyers
Tony Sanchez-Corea
Paul Staley
Jonathan Rodriguez
Gina Centoni
Zachary Nathan, AIA, CASp

Excused

Henry Karnilowicz
Ira Dorter
Rene' Vignos, S.E.
John Tostanoski
Ned Fennie, A.I.A, Chair
Marc Cunningham

Absent

Jim Reed

Others Present

Michelle Yu, DBI
Ken Hu, DBI
Melissa Higbee, ORCP

Carl Nicita, DBI
Mathew Armour, DBI

Christine Gasparac, DBI
Laurel Mathews, ORCP

- 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 regular meeting of May 10, 2023 and the special meeting of May 24, 2023.
 - In the minutes of the Special Meeting held on May 24, CAC Member Tony Sanchez-Corea should be recorded as Mr. Sanchez-Corea instead of Mr. Corea.
 - Motion to approve both minutes as written.

- Seconded and approved.

3.0 Discussion and possible action regarding File No. 2306558 amending the Building Code to increase fees charged by the Department of Building Inspection by 15%.

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

Discussion:

- DBI Legislative Affairs Manager Carl Nicita provided an overview of the proposed ordinance. Mayor Breed had submitted a proposed budget to the Board of Supervisors on June 1st. The proposed budget included a 15 percent increase in fees across the board for DBI. This increase was aimed at addressing severe budget challenges faced by the department, as their funding primarily relies on fee collections.
- The last fee increase for DBI occurred in 2009, with a 7 percent raise, and in 2015, fees were actually decreased due to the department's financial stability at that time. Now, DBI is requesting a 15 percent increase over the reduced 2015 fee amount, considering that their costs have risen by 32 percent since the 2009 increase.
- CAC Acting Chair Stephen Harris inquired about the status of the fee study that was previously mentioned during the code change cycle and questioned whether the study was still ongoing and if it was the basis for the fee increase being discussed.
- Carl Nicita confirmed that the fee study mentioned is still ongoing, but it will not be incorporated into the current budget cycle. The proposed 15 percent across-the-board fee increase does not take into account the results of the fee study. However, it is anticipated that the findings of the study will inform the fees for the next fiscal year, potentially resulting in reductions for some fees and increases for others.
- CAC member Don Libbey had some concerns about the public's response to the proposed fee increase, particularly considering the current increase in construction costs.
- Carl Nicita stated that the current budget includes the 15 percent increase and relies on the department's reserves to balance the budget. With approximately \$50 million in reserves, half of it is planned to be used in the current budget year, and there is a possibility of using the remaining half in the following budget year, which would deplete the reserves completely.
- AGD & DA Subcommittee Chair Jonathan Rodriguez reported the Subcommittee had a discussion regarding this item and made a recommendation to the full CAC in support of the proposed ordinance.
- The Subcommittee's discussion on the fee increase found that historically, fee increases align with industry standards and government pricing. The question of how the fees compare to other jurisdictions was raised, and according to studies, San Francisco's fees are considered to be below market rates. Additionally, it was mentioned that a forthcoming study will provide more detailed pricing analysis, potentially resulting in adjustments to certain fees.

Public Comment: No public comment.

Action:

- There was a motion to make a recommendation to the Building Inspection Commission to approve the changes to the San Francisco Building code as written in File No. 230658, with the added recommendation that the Building Department evaluate fees on an annual basis.
- Seconded and approved.

4.0 Discussion regarding Concrete Building Safety Program

Discussion:

- Laurel Matthews and Melissa Higbee from the Office of Resilience and Capital Planning provided an update on the Concrete Building Safety Program. The program aims to identify, evaluate, and retrofit vulnerable concrete buildings to safeguard against structural failure during natural disasters. The program covers two types of buildings: concrete tilt-up structures and non-ductile concrete buildings. It is part of the broader Earthquake Safety Implementation Program.
- CAC Acting Chair Stephen Harris provided the definition and historical context of non-ductile concrete buildings. He explained that this type of buildings lacks reinforcement and does not meet current seismic requirements, making them highly susceptible to structural failure during earthquakes.
- Laurel Matthews mentioned that the working group discussions primarily focus on determining the inclusion or exemption of buildings, the necessary retrofitting level, the compliance timeline, schedule categorization, and incentivizing action.
- On the topic of peer review, the Applied Technology Council (ATC) has provided technical recommendations for the tilt-up portion of the program.
- There was a discussion regarding the inventory of concrete buildings that was made public. Laurel Matthews clarified the purpose of the inventory was to analyze trends in the city's concrete building stock and guide program design. It is important for building owners to have their structures evaluated by a qualified structural engineer to determine if they are concrete and vulnerable to seismic events.
- The next steps include two more stakeholder working group meetings where they will finalize their recommendations and deliver them to the executive panel in October. It is anticipated that the ordinance will be finalized in the spring of 2024. It may then proceed to the Board of Supervisors for consideration in the summer of 2024.
- This program is planned to be a mandatory program, similar to the soft story retrofit program and the unreinforced masonry program in the 90s. One key factor affecting compliance is the timeline for completing the retrofit. For example, Los Angeles allowed a 25-year timeframe from the start of the program, while Santa Monica had a 10-year timeline for a smaller number of buildings.
- Financing is another important consideration, and the working group is expected to provide recommendations on this in October.
- CAC member Don Libbey raised concerns about the timing of the program, as it aligns with a challenging period in the real estate market, further exacerbating the challenges experienced by commercial property owners.
- CAC member Tony Sanchez-Corea suggested initially providing information and empowering building owners instead of making the program mandatory right away, considering the tough economic times.
- CAC member Zachary Nathan questioned whether there will be a categorization or prioritization of buildings based on their level of risk. Factors such as building type (tilt-ups versus non-ductile), height, and location will be taken into consideration.
- Stephen Harris clarified there will be separate programs for tilt-up buildings and non-ductile concrete buildings within the same ordinance. Residential and non-residential buildings will also be distinguished, along with consideration of building age.
- Stephen Harris provided additional clarification, stating that the current draft of the program proposes three compliance options. The first option is to show compliance through analysis. The second option is to conduct an ASCE-41 analysis, which aligns with

the performance goals of the "two-thirds upgrade". The third option is to propose a lower level of force in ASCE-41, along with addressing a list of specific vulnerabilities.

- The geotechnical nature of the soil is not currently considered in the categorization or tiering of the buildings. It was a factor that was considered but ultimately not included in the decision-making process. Regarding city-owned buildings, it is estimated that there are around 50 city-owned buildings that would be subject to the non-ductile portion of the ordinance.
- The current proposal states that one-story concrete buildings would be exempt from the program, as well as certain two-story concrete buildings. The distinction for exempting certain two-story buildings is based on the presence of specific structural issues such as concrete columns and flat slabs.
- In the case of concrete podiums with wood frame buildings on top, the concrete portion is included in the requirements, while the wood frame portion is exempt. For single-story concrete structures or garages, if it is only a one-story podium, it would be exempt.
- It was mentioned that the process of developing administrative bulletins (ABs) is being done concurrently with the ordinance. Early drafts of the ordinance include commentary, which will be extracted and included in the ABs. The ordinance will refer to a list of critical vulnerabilities outlined in the ABs, along with accompanying instructions and explanations.

Public Comment: No public comment.

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

- The Building Inspection Commission (BIC) held a special meeting to discuss the Site Permit Ordinance, during which the recommendations from the CAC were presented.

6.0 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.

7.0 Committee comments on items not on this agenda.

- Potential expansion of the mandatory soft story retrofit program to include buildings with 3 or 4 units
- Site permit reform

8.0 Subcommittee Reports: (Discussion & possible action)

a. Housing Code Subcommittee:

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

- No meeting.

b. Mechanical Electrical Plumbing & Fire Subcommittee:

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

- Mechanical Electrical Plumbing & Fire Subcommittee had a meeting on May 8, 2023. The Subcommittee had a discussion regarding adaptive reuse of existing office buildings.

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

- The Administrative & General Design and Disability Access Subcommittee held a regular meeting on June 14, 2023, to discuss agenda items concerning the fee increase ordinance and the requirement of operable elevators in the Housing Code. During the meeting, the Subcommittee provided recommendations to the CAC based on their discussions.

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.

e. Green Building Subcommittee:

Subcommittee Chair: Zachary Nathan, AIA, CASp
Subcommittee Members: Gina Centoni
Henry Karnilowicz
Jonathan Rodriguez

- No meeting.

9.0 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.

- Requirement for building owners to maintain an operable elevator
- Site permit reform from DBI & Planning
- Guidance for Non-conforming secondary exists (refer to subcommittees)

10.0 Adjournment.

- The meeting was adjourned at 11:03 a.m.