



DRAFT MINUTES

Regular Meeting of the CODE ADVISORY COMMITTEE

DATE: July 12, 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

Ned Fennie, A.I.A, Chair
Stephen Harris, S.E., Vice-Chair
Arnie Lerner, FAIA, CASp
Don Libbey, P.E.
Marc Cunningham
Tony Sanchez-Corea
Paul Staley
Ira Dorter
Zachary Nathan, AIA, CASp
Jim Reed
Henry Karnilowicz
John Tostanoski
Deepak Patankar, AIA, LEED AP

Excused

Rene' Vignos, S.E.
Jonathan Rodriguez
Gina Centoni
Brian Salyers

Absent

Others Present

Thomas Fessler, DBI
Theodore Conrad, ECN
Ken Hu, DBI

Angie Sommer, BIC
Carl Nicita, DBI
Jim Heron, Public

Mathew Armour, DBI
Lorenzo Rosas, BOS

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 June 14, 2023.

- Item 4.0, 4th Bulletin – “On the topic of peer review” and “the tilt up portion of” were deleted.
- Item 4.0, 13th Bulletin was revised as follow:

Stephen Harris provided additional clarification, stating that the current draft of the program proposes two compliance options. The first option is to conduct an ASCE-41 analysis, which aligns with the performance goals of the "two-thirds upgrade" (the Basic Performance Objective for Existing Buildings in ASCE-41). The second option is to employ a lower level of force in ASCE-41, along with addressing a list of specific vulnerabilities. In either option, buildings may be shown by analysis to comply or be strengthened to comply.

- Motion to approve the minutes amended as above.
- Seconded and approved.

3.0 Discussion and possible action regarding proposed ordinance amending the Building Code to allow payment of development impact fees, with the exception of fees deposited in the Citywide Affordable Housing Fund, to be deferred until issuance of the first certificate of occupancy and repealing the fee deferral surcharge. (File No. 230764)

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

Discussion:

- Theodore Conrad from the Office of Economic and Workforce Development gave a brief background on the legislation.
- Two pieces of legislation were introduced under the housing fee reform plan. One focuses on reforming impact fee collection, while the other targets changes to the inclusionary housing program. Both aim to reduce financial burdens on development, promoting housing and economic growth.
- The discussed legislation reinstates the development impact fee deferral program, allowing public sponsors to defer payment of a portion of fees from construction to certificate of occupancy.
- These legislations were recommended by the city's Economic Recovery Task Force for post-pandemic economic recovery. They include changes like disallowing deferral of affordable housing fees and eliminating interest charges.
- The legislation proposes changing when impact fees are assessed to provide certainty and stability for project sponsors.
- Certain PDR and hospitality projects would be exempt from premium impact fees for three years to support economic recovery and job creation efforts.
- Theodore Conrad confirmed that the exemptions would be completed within the next three years, not due in three years.
- Office adaptive reuse issues will be addressed through different legislation.
- Questions arose about the assignment of fees for fast-track projects, particularly regarding when fees would be calculated and locked into a specific year. The timing of fee assignment for projects not requiring planning commission approval was also discussed, clarifying that fees could be deferred until the first certificate of occupancy or a temporary one, whichever comes first. The Committee referred to the Building Code section affected by the legislation and suggested clearer language to determine when a building takes occupancy.

Public Comment: No public comment.

Action:

- There was a motion to approve the proposed ordinance as submitted.
- Seconded and approved.

- 4.0 Discussion and possible action regarding proposed ordinance amending the Planning, Building, and Fire Codes to codify the annual waiver of awning replacement fees and awning sign fees applied for during the month of May, to annually waive fees for Business Signs and new awning installations applied for during the months of May 2023 and May 2024, and to indicate that the Planning Code, Building, and Fire Code waivers pertaining to pedestrian street lighting as well as awning replacement, awning installation, and awning sign fees are keyed to permit application in May rather than permit issuance in May. (File No. 230559-2)

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

Discussion:

- Carl Nicita, the Legislative Affairs Manager at DBI, provided an overview of the legislation, which is a duplicate of the existing awning fee waiver ordinance with a minor change. The new legislation includes business signs for fee waivers along with awning installations.
- DBI is considering working with the Supervisor who introduced the legislation to add an amendment allowing reimbursement from the city's general fund for waived fees. Concerns were raised about the potential impact of fee waivers on other businesses' fees.
- There was a question about whether large billboard-type signs are included in the fee waiver. The clarification was that they are indeed included, and this could lead to substantial fees.
- The fee waiver applies to small businesses with fewer than a hundred employees.
- DBI estimated around \$250,000 in fees over the past year, with an average of \$20,000 per month. The waiver only applies to May, and businesses that already paid fees for May 2023 may request reimbursement.
- There was concern about larger, separate signs being included in the fee waiver.
- Electrical permit fees and illuminated signs are not covered by the fee waiver and remain subject to the normal process.

Public Comment: No public comment.

Action:

- A motion was made to support the proposed legislation with the recommendation that DBI would be reimbursed through the City's general fund.
- Seconded and approved.

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

- There was a suggestion that the letter to the Building Inspection Commission regarding CAC's recommendation would be cc'd to all CAC members.

- 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.

- Jim Heron, a retired architect with a disability, and his wife are long-term residents of a four-story privately-owned building in San Francisco. About three years ago, the owners

began a voluntary modernization project on the elevator, but it was later stopped without explanation, leaving the elevator inoperable. Jim filed a complaint with housing inspection, resulting in an order of abatement, which was surprisingly appealed based on a section of the Housing Code that exempts elevators in existing buildings that are fifty feet or less. Jim believes there is a flaw in the code and has been working to address it. He made public comments at the Building Inspection Commission, connected with various people, and submitted his concerns to the AGD & DA Subcommittee. He hopes to get the code changed to remove the height exemption for existing elevators in privately-owned residential buildings.

7.0 Committee comments on items not on this agenda.

- No comments.

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

- No meeting.

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 July 12, 2023, to discuss agenda items concerning impact fee deferral and the sign permits fee waiver in May. 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.

- State Building Standards Commission has published or amended Existing Building Code by adding Chapter 6, 7, 8, 9, 10, 11 and 13 of the IEBC to the California Existing Building Code. These have a lot to do with the commercial to residential conversions.
- Update on Accessible Business Entrance (ABE) Program
- Update on Mandatory Soft Story Retrofit program quality assurance

10.0 Adjournment.

- The meeting was adjourned at 10:37 a.m.

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