



DRAFT MINUTES

Regular Meeting of the CODE ADVISORY COMMITTEE

DATE: March 13, 2024 (Wednesday)
TIME: 9:30 a.m. to 11:00 a.m.
LOCATION: 49 South Van Ness Ave, 1st Floor, Room 0511

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
Deepak Patankar, AIA, LEED AP
Brian Salyers
John Tostanoski
Don Libbey, P.E.
Tony Sanchez-Corea
Gina Centoni
Paul Staley
Zachary Nathan, AIA, CASp
Henry Karnilowicz
Marc Cunningham
Jonathan Rodriguez
Arnie Lerner, FAIA, CASp
Ira Dorter
Rene' Vignos, S.E.

Excused

Jim Reed

Absent

Others Present

Thomas Fessler, DBI
Janey Chan, DBI
Lawrence Smith, Public

Christine Gasparac, DBI
Ken Hu, DBI
Roger, Public

Angie Sommer, BIC
Andrew Bishop, Public
William Rehling, 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 regular meeting of January 10, 2024.
 - On Page 3, in the 7th Bullet Point of Item 4.0, “50 feet” was struck out.
 - A motion was made to approve the minutes as amended.
 - 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 the announcement of the election results.
 - Ned Fennie was proposed to remain as the Chair of the Code Advisory Committee, while Stephen Harris was nominated to continue as the Vice-Chair.
 - The nominations were seconded and approved.
- 4.0 Discussion and possible action regarding proposed ordinance amending the Administrative Code, Building Code, Business and Tax Regulations Code, and Planning Code to clarify the state-mandated, ministerial approval process and local, discretionary approval process for certain Accessory Dwelling Units (ADUs) meeting certain requirements in single-family and multifamily buildings. (File # 230310)

Possible action would be to make a recommendation to the Building Inspection Commission for their further action.

Discussion:

- The ordinance aims to clarify the state-mandated ministerial approval process and local discretionary approval process for certain accessory dwelling units (ADUs).
- Proposed changes aim to align with state requirements and streamline approval processes.
- Concerns have been raised regarding clarity and consistency in terminology between the application and permit.
- There is a debate on whether the 60-day approval period applies to the application or issuance of the permit.
- The review process involves multiple departments with different timelines.
- Discussion on tolling and the necessity for clear guidelines on when the clock starts and stops.
- There is a request for a checklist outlining requirements for ADU submittals to avoid incomplete applications.
- Proposal for a presentation on the implementation and impact of AB 1114 changes in the next meeting.
- State requirements start the clock when the application is deemed complete.
- A completeness letter triggers the start of the review process.
- There are 15 business days to deem an application complete.
- The clock stops and starts for each department's review.
- Challenges in managing different department timelines and coordinating reviews.

- Concerns about applicants submitting incomplete applications near the end of the timeline.
- Review processes may run in parallel, not sequentially.
- Discussion on the parallel and sequential nature of department reviews.
- Concerns about delays caused by changes in plans requiring multiple department approvals.
- Debate on the concept of a permit being deemed approved without completing the plan check process.
- Concerns about code compliance and safety if permits are deemed approved prematurely.
- Consideration of state laws mandating deemed approval within certain timeframes.
- Debate on the implications of property eviction history on application approval.
- Debate on whether the department issuing instructions after the permit is deemed approved undermines the legislation's intent.
- Concerns about the disconnect between legislation and operational processes in building departments.
- Debate on the necessity of proposed ordinances in light of existing state laws.
- Discussion on the need for clarity and organization in the permit review process, including pre-plan checks by different departments.
- Consideration of developing an administrative bulletin or information sheet to address operational issues rather than relying solely on legislation.
- Debate on rejecting proposed ordinances and focusing on improving the coordination and functioning of permit centers to comply with state laws.
- Concerns raised about the effectiveness of the proposed ordinance and its potential to complicate processes.
- Clarification that the ordinance applies to various types of housing, not just ADUs.

Public Comment: No public comment.

Action:

- A motion was made to decline moving this ordinance forward as written and to direct the Department of Building Inspection to begin the process of creating an Administrative Bulletin that will address several questions which came up during the review and discussion.

Including coordination through the permit center of the various city departments to meet state mandate of the 60-day time period, create clarity as to the approval of a completed application versus issuance of a permit, and clarity in respect to running of the time periods, tolling, and who is going to act as the point person in the calculations for the benefit of the clients.

- Amendment to the motion to specifically reject Section 7 of the ordinance, which amends the San Francisco Building Code.
- The amended motion was seconded and approved.

5.0 Summary of agenda items or programs discussed or approved by the Code Advisory Committee in 2023.

Discussion:

- There was a suggestion to include in the notes section whether the BIC (Building Inspection Commission) followed through with those recommendations.
- There was a discussion about whether the BIC and the Board of Supervisors also approved recommendations.
- There's agreement that it's essential to track what actions have been taken or rejected by the BIC and the Board of Supervisors.
- There's mention of various specific items discussed, including elevators in housing, code changes, and draft documents.
- There was a request to include this summary of the Committee's work for communication to the BIC.
- A request was made for clarification on which sections of the code are being rejected or approved.
- There's discussion about fee increases and audits, as well as the challenges of transitioning to electronic processes.

Public Comment:

- No public comment.

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

- Include the summary of agenda items or programs discussed or approved by the Code Advisory Committee in 2023 as a communication item to the BIC.

7.0 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 comment.

8.0 Committee comments on items not on this agenda.

- No comment.

9.0 Subcommittee Reports: (Discussion & possible action)

a. Housing Code Subcommittee:

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

- No meeting. No report.

b. Mechanical Electrical Plumbing & Fire Subcommittee:

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

- 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
 Deepak Patankar, AIA, LEED AP

- The AGD & DA Subcommittee held a regular meeting on March 13, 2024. Two items were discussed during the meeting. One pertained to the ADU timeline ordinance, which was also addressed in this CAC meeting under agenda item 3.0. The other item concerned ADA requirements for a 30"x48" clear floor area with a 2 percent slope centered on a power door operator or doorbell in the public right of way. This item will be continued.

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

- No meeting. No report.

10.0 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.

- Brown Act and Sunshine Ordinance refresher
- ABE report
- Soft Story Program updates
- Low-voltage new technology presentation
- Permitting process – invite Permit Center and DBI representatives
- Site permit process presentation

11.0 Adjournment.

- The meeting was adjourned at 11:14 a.m.