



DRAFT MINUTES

Special Meeting of the CODE ADVISORY COMMITTEE

DATE: December 6, 2023 (Wednesday)
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.
Paul Staley
Jim Reed
Zachary Nathan, AIA, CASp
Tony Sanchez-Corea
Marc Cunningham
Ira Dorter
Deepak Patankar, AIA, LEED AP
Brian Salyers

Excused

Jonathan Rodriguez
Ned Fennie, A.I.A, Chair
Gina Centoni
Henry Karnilowicz
John Tostanoski
Rene' Vignos, S.E.

Absent

Others Present

Thomas Fessler, DBI	Carl Nicita, DBI	Angie Sommer, BIC
Barry Hooper, ENV	Ken Hu, DBI	Lawrence Smith, 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 November 8, 2023.
 - A motion was made to approve the minutes as written.
 - Seconded and approved.

Technical Services Division
49 South Van Ness Avenue, Suite 500 - San Francisco CA 94103
Phone (628) 652-3720 – www.sfdbi.org

- 3.0 Discussion and possible action regarding proposed ordinance amending the Building Code to temporarily suspend the annual registration requirement and registration fee for vacant or abandoned commercial storefronts through December 31, 2024. (File No. 230862)

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

Discussion:

- DBI Legislative Affairs Manager Carl Nicita provided an overview of the proposed ordinance. This Ordinance was proposed by the Mayor's Office to suspend the vacant commercial storefront registration requirement for one calendar year.
- The ordinance would go through the Board's process and is retroactive to January 1st, 2024, although it may not be enacted until early February.
- This is separate from the vacant commercial storefront tax and focuses only on DBI's vacant or abandon commercial storefront registration in the building code.
- The proposal aims to address the high number of vacant storefronts due to current economic conditions in the city.
- The suspension would exempt property owners from registering with DBI and paying the associated \$700 fee for one year.
- The annual report requirement from a qualified professional regarding storefront maintenance would also be suspended.
- The registry maintenance by DBI would be suspended, but existing data would still be used, and the suspension period would be utilized for audit and system automation.
- During the suspension, DBI would not issue NOVs for failure to register or pay the fee but retains the ability to enforce actions related to blight, maintenance issues, or public nuisance.
- There is a need to audit the existing list of 450 properties to separate commercial storefronts from vacant buildings.
- Currently, there are 450 properties on the registry, including both commercial storefronts and vacant buildings, generating approximately \$300,000 annually in registration fees.
- The registry's purpose is to track vacant commercial storefronts for city understanding and potential enforcement.
- The ordinance intends to provide relief to property owners facing economic challenges without penalizing them further.
- The vacant building ordinance was passed in 2014, and the vacant commercial storefront ordinance was added in 2019 to address different economic conditions.
- There is a suggestion to clean out the registry and start afresh, considering the low percentage of properties currently registered.
- The number of NOVs issued for non-registration is not specified, but it's acknowledged that there have been instances of violation notices.
- DBI staff and inspectors do not proactively seek vacant buildings or storefronts; instead, the process is driven by complaints.
- An example was given of an inspector correcting a notice for a brand new building with a vacant retail space, highlighting the need for registration.
- There is a focus on vacant storefronts rather than vacant buildings due to a significant increase in the number of vacant storefronts over the past three years.
- The proposed ordinance aims to provide relief for property owners facing economic challenges with vacant storefronts.

- The distinction between vacant storefronts and buildings is questioned, and there is a suggestion to consider amnesty for NOVs issued solely for non-registration.
- A proposal was made to remove retail storefronts from the vacant building system for those not registered and start fresh in 2025.
- The committee discusses the need to address storefront maintenance separately from building repairs and security issues.

Public Comment: No public comment.

Action:

- A motion was made to approve the proposed ordinance with a recommendation for rescinding NOVs and revisiting the program in 2025 to the Building Inspection Commission.
- The motion was seconded and approved.

4.0 Discussion and possible action regarding changes to Administrative Bulletin 093 - Implementation of Green Building Regulations.

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

Discussion:

- Barry Hooper, Senior Green Built Environment Coordinator at the San Francisco Environment Department, delivered a presentation.
- A proposed update related to treating freestanding ADUs similarly to ADUs constructed within a building, as reviewed and approved at the November meeting.
- The proposed change aims to improve readability without altering the process.
- The change involves clarifying language in a section that dates back to the early '90s, which discussed the process for demonstrating compliance with green building standards.
- The language is being clarified to reflect that the exact same form is not required for all projects seeking compliance with green building standards.
- The proposal includes removing Item Four from the list, which dealt with compliance with CalGreen.
- The document references AB 005, and clarifying changes are proposed to explain the document's name.
- Attachment E is also updated for consistent terminology related to the CFC (Certificate of Final Completion) in all DBI administrative bulletins.
- The clarification ensures that the certification statement can be made even if the certification is awarded after the project's completion.
- The proposed changes are considered non-substantive clarifications rather than procedural changes.
- The clarification addresses potential confusion about the use of Attachment E more broadly than intended.

Public Comment: No public comment.

Action:

- A motion was made to approve the proposed changes as written, with a recommendation to the Building Inspection Commission.
- The motion was seconded and approved.

- 5.0 Review of communication items. The Committee may discuss or acknowledge communication items received for discussion.
- No communication items.
- 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.
- 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. 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
- No meeting. No report.
- 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.

- 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.
- Evaluating and potentially revising other San Francisco-specific regulations to alleviate the perceived burden on building owners
 - An update on the Site Permit Reform
- 10.0 Adjournment.
- The meeting was adjourned at 10:14 a.m.

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