



## **DRAFT MINUTES**

### **Regular Meeting of the CODE ADVISORY COMMITTEE**

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**DATE:** July 10, 2024 (Wednesday)  
**TIME:** 9:30 a.m. to 11:00 a.m.  
**LOCATION:** 49 South Van Ness Ave, 5<sup>st</sup> Floor, Room 0511

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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](mailto:ken.hu@sfgov.org).

#### **Present**

Ned Fennie, A.I.A, Chair  
Stephen Harris, S.E., Vice-Chair  
Paul Staley  
Jim Reed  
Don Libbey, P.E.  
Tony Sanchez-Corea  
Gina Centoni  
Henry Karnilowicz  
Jonathan Rodriguez  
Arnie Lerner, FAIA, CASp  
Marc Cunningham

#### **Excused**

John Tostanoski  
Deepak Patankar, AIA, LEED AP  
Brian Salyers  
Rene’ Vignos, S.E.  
Zachary Nathan, AIA, CASp

#### **Absent**

Ira Dorter

#### **Others Present**

Janey Chan, DBI  
Jacob Bintliff, ECN  
Matthew Armour, DBI  
Ken Hu, DBI

Tate Hanna, DBI  
Jonathan Cherry, ECN  
Kathy Harold, SFFD

Neville Pereira, DBI  
Lawrence Smith, Public  
Lisa Follman, 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 May 8, 2024.
  - A motion was made to approve the minutes as written.

- Seconded and approved.

3.0 Discussion and possible action regarding proposed ordinance amending the Building Code to exempt storefronts that are vacant due to public infrastructure construction from vacant storefront registration requirements. (File # 240499)

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

**Discussion:**

- DBI Legislative Affairs Manager Tate Hanna gave a presentation on the proposed ordinance.
- DBI proposed some amendments to the ordinance to address concerns regarding the ability to determine causality between ongoing construction and vacancies, and the lack of a specified timeframe for construction.
- The AGD & DA Subcommittee met prior to this meeting and approved the proposed ordinance as amended by DBI.
- In 2023, the vacant storefront program was set aside due to the situation with vacant retail spaces in the city.
- The program is being reconsidered for 2024 due to ongoing issues with storefront vacancies, especially downtown.
- The current discussion involves construction-related issues affecting leasing.
- There was a suggestion to set aside the ordinance again for reconsideration.
- There was opposition to the vacant storefront program, viewing it as a planning issue rather than a safety issue.
- Concerns were raised that collecting fees and sending inspectors for vacant properties is seen as inefficient and not within the building department's purview.
- It was noted that current fees and enforcement costs do not adequately cover the department's expenses.
- A suggestion was made to implement a moratorium on the program or freeze violation fines.
- The issue was highlighted as a social problem that cannot be solved with fines.
- The committee discussed whether to address amendments to the current ordinance or focus on broader policy issues that might fall under planning.
- Concerns were raised about the effectiveness of previous recommendations and the potential for being ignored again.
- It was suggested that the committee's role is to provide advisory input and continue advocating for their position even if ignored.
- There was debate over whether to approve the proposed amendments, suggest a moratorium, or recommend rescinding the ordinance altogether.
- Some members proposed that a two-year moratorium might be more appropriate, while others disagreed, believing a stronger statement was needed.

**Public Comment:** No public comment.

**Action:**

- A motion was made to reject the proposed ordinance and to recommend rescinding or placing on hold the original ordinance as it exists.
- The motion passed with 10 votes in favor and 1 against.

**4.0 Discussion and possible action regarding draft Information Sheet G-29 – Commercial-to-Residential Adaptive Reuse.**

The possible action would be to make a recommendation to the Department of Building Inspection for their further action.

**Discussion:**

- MEP & Fire Subcommittee did not meet to review the changes from the last draft due to lack of a quorum.
- DBI Technical Services Manager Janey Chan summarized changes to the information sheet, including its link to Planning Code Section 210.5 for downtown buildings, clarification on pre-application meetings for confirming code interpretations, and updates such as the adoption of the 'work area compliance' method in the California Existing Building Code and exceptions for historic buildings in the California Energy Code.
- Specific changes were highlighted, such as the continued use of existing fire escapes under the historical building code and distinctions in high-rise building requirements based on construction dates.
- There was a discussion about equivalencies for fire safety requirements in older buildings, with concerns raised about the practicality of adding fire service access elevators and potential alternatives.
- The topic of disabled access in publicly funded housing was also briefly addressed.
- The Structural Subcommittee met the previous day, reviewed the changes, and approved the current wording with minor pending changes.
- There was an inquiry about the financial feasibility of converting vacant office spaces.
- Successful examples, such as 100 Van Ness and 690 Market Street, were cited.
- Concerns were raised about current market conditions, including low rents and high interest rates, which may hinder conversions.
- It was estimated that around 15-20 buildings could be viable for conversion, depending on market improvements.
- It was noted that even a few successful conversions could greatly impact downtown revitalization.
- There was discussion about expanding adaptive reuse to include higher education, office-to-entertainment, and other commercial uses.
- Financial feasibility continues to be a major concern for most buildings.
- Concerns were raised about the availability of insurance for mixed-use and residential buildings, with many firms withdrawing from these markets.
- Additional reviews by MEP & Fire and other subcommittees were recommended.
- The information sheet will be updated based on future feedback but will be released in its current form for now.

**Public Comment:**

- No public comment.

**Action:**

- A motion was made to approve the information sheet in its current draft, with the wording changes recommended by the Structural Subcommittee.
- A friendly amendment was proposed to include review of the information sheet by the MEP & Fire and AGD & DA subcommittees for additional comments.
- 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 comment.

7.0 Committee comments on items not on this agenda.

- Live-work unit conversions were briefly discussed, noting that these may not significantly differ from residential conversions, and planning departments need to zone areas for such uses.
- The status of the concrete building program was discussed; the draft ordinance is with the city attorney and is expected to adhere to the mayor's six-month directive timeline.

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

- The Subcommittee held a meeting on July 10, 2024, during which a motion was passed to approve the proposed ordinance regarding the vacant storefront program, as amended by DBI.

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.

- The Structural Subcommittee held a meeting on July 9, 2024, during which a motion was passed to approve Information Sheet G-29 – Commercial-to-Residential Adaptive Reuse, with minor suggested edits.

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.

10.0 Adjournment.

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