



Department of Building Inspection (DBI)

REGULAR MEETING

Wednesday, January 19, 2022 at 10:00 a.m.

Remote Hearing via video and teleconferencing

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PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2498 260 5009

DRAFT MINUTES

- 1. The regular meeting of the Building Inspection Commission was called to order at 10:22 a.m. Call to Order and Roll Call.**

COMMISSION MEMBERS PRESENT:

Angus McCarthy, **President**

Alysabeth Alexander-Tut, **Commissioner**

J.R. Eppler, **Commissioner**

Angie Sommer, **Commissioner**

Jason Tam, **Vice-President**

Raquel Bito, **Commissioner**

Sam Moss, **Commissioner**

Sonya Harris, **Secretary**

Monique Jones, **Assistant Secretary**

D.B.I. REPRESENTATIVES:

Christine Gasparac, **Assistant Director**

Joseph Duffy, **Acting Deputy Director, Inspection Services**

Neville Pereira, **Acting Deputy Director, Plan Review Services**

Willy Yau, **Supervisor, Plan Review Services**

Taras Madison, **Chief Financial Officer**

Jeff Buckley, **Policy & Public Affairs Director**

John Murray, **Legislative and Public Affairs Manager**

CITY ATTORNEY REPRESENTATIVE

Robb Kapla, **Deputy City Attorney**

Ramaytush Ohlone Land Acknowledgement:

The Building Inspection Commission acknowledges that we are on the unceded ancestral homeland of the Ramaytush Ohlone, who are the original inhabitants of the San Francisco Peninsula. As the indigenous stewards of this land and in accordance with their traditions, the Ramaytush Ohlone have never ceded, lost, nor forgotten their responsibilities as the caretakers of this place, as well as for all peoples who reside in their traditional territory. As guests, we recognize that we benefit from living and working on their traditional homeland. We wish to pay our respects by acknowledging the Ancestors, Elders, and Relatives of the Ramaytush Ohlone community and by affirming their sovereign rights as First Peoples.

2. FINDINGS TO ALLOW TELECONFERENCED MEETINGS UNDER CALIFORNIA GOVERNMENT CODE SECTION 54953(e). *(Discussion and Possible Action)*

The Commission will discuss and possibly adopt a resolution setting forth findings required under Assembly Bill 361 that would allow the BIC to hold meetings remotely according to the modified Brown Act teleconferencing set forth in AB 361.

All Commissioners agreed to continue to meeting remotely for the next 30 days.

3. President’s Announcements.

- Good morning and welcome to the Building Inspection Commission meeting for January, 2022. I’m Angus McCarthy, President of the Building Inspection Commission, and I am joined today by fellow Commissioners, along with Interim Director Patrick O’Riordan, and senior DBI staff.
- I want to start this meeting by recognizing the work of three staff members who went above and beyond the call of duty to help a customer.
- A man named Ors Cszszar is soon going to be a new dad and is renovating a fire-damaged house for his growing family. Ors sent a note of appreciation for Mark Walls in Permit Service. Here’s what he said:
- *“I received help from Mark Walls and wanted to compliment him! He was outstanding, I’ve never had someone from the department be as kind and helpful as he was. He really made the process so much easier than previous experiences and I wanted to genuinely thank him for providing such excellent service.”*
- Then, last week, a woman named Molly Richardson who is selling her house sent in a nice note praising the work of Susana Wong and Marissa Lee Chan and the change she’s seen at DBI under Patrick’s leadership.
- *“It was so refreshing to call the Department and talk to helpful people. That’s your leadership. In my 12 years volunteering in the D2 office, it wasn’t always the case.”*
- Thank you Susana, Marissa and Mark. Your good work is helping make DBI a better organization every day.
- I also want to thank all of the hardworking DBI staff who continue to work diligently in these difficult times. You keep San Francisco building safely through thick and thin and we are better, stronger city for it.
- And thank all of you for attending our virtual Commission meeting today, and please continue to participate in our public process, wear your mask, keep your social distance, and get vaccinated.

4. Director’s Report.

a. Director’s Update [Interim Director O’Riordan]

- Housing Inspection Services (HIS) calls related to life safety: hot water, heat, etc.
- Recent fires in New York and Philadelphia, and do buildings in San Francisco face similar fire risks?

Mr. Patrick O’Riordan, Interim Director said he was proud of the Departments staff during these challenging times, while the Permit Center was open on Christmas and New Year’s Eve and has remained open during the pandemic, staff continued to show up each and every day, and serve our customers and wanted to thank the staff for their public service during such a difficult time. Mr. O’Riordan also answered Commissioner Alexander-Tut’s questions regarding the fires in New York

and Philadelphia. The first question was had there been a seasonal increase to the number of calls to the Departments Housing Division regarding life safety issues including heat and water. The answer was yes, every year the Department receives seasonal complaints due to winter storms and cold weather, when heat, hot water and water issues are most prevalent. Last December the Department received 66% more complaints than the previous year and 60% increase in the number of cases sent for a Director's Hearing. Code Enforcement was keeping pace with complaints while there was a surge in COVID cases. In regards to fires, and whether San Francisco faced similar risk, though structural fires are a concern in every city, Mr. O'Riordan said, San Francisco differs from New York and Philadelphia in many ways, first our weather. The City's winters are much milder than the East Coast and does not experience the freezing cold and snow, so we do not see the issues caused by extreme cold and the strain those temperatures put on the buildings operations. Also, the Departments proactive inspection program and tenant outreach helped identify issues before becoming real problems. Last year, our community partners reached out to tenants more than 180,000 times to educate them on their rights and how to maintain safe living conditions. For example, the Department regularly coached people how to avoid situations such as if smoke detectors had been disabled and empowered tenants to be advocates for themselves. San Francisco has strong laws that go the extra mile, for example the robust sprinkler ordinance that requires sprinklers in Single Room Occupancy (SRO).

Commissioner Alexander-Tut asked if the Department was facing any difficulty or challenges due to Omicron and how was the Department overcoming those challenges?

Mr. O'Riordan said that the Department had been asked to facilitate work remotely until mid-February during the pandemic surge and at the time operations had not been impacted, plans were in place for remote work, inspectors were not going into the office and were going directly to the field. Building, Housing, Plumbing, Electrical Inspectors and Code Enforcement have the technology to go directly to inspections without going into the office.

b. Update on major projects.

Interim Director O'Riordan gave an update on major projects that are greater than \$5 million in valuation as follows:

- 1.5% decrease in total construction valuation including filed, issued, and completed permits.
- 3.25% decrease in number of units in December 2021 over November 2021.

c. Update on DBI's finances.

Deputy Director of Administration & Finance Taras Madison will give a full budget report at the BIC Special Budget Meeting on January 26, 2022.

d. Update on proposed or recently enacted State or local legislation.

Mr. John Murray, Legislative and Public Affairs Manager, gave an update on recently enacted State or local legislation and addressed the following items:

Ordinance amending the San Francisco Fire Code to require automatic sprinkler systems in existing high-rise buildings

File No. 211285: Charter Amendment to split power make appointments to the following bodies between the Mayor and the Board of Supervisors of the Building Inspection Commission and others, as well as specify the types of functions that the City Administrator may oversee is awaiting action in the Rules Committee

File No. 211286: Charter Amendment to amend the Charter of the City and County of San Francisco to revise the duties, composition, and method of appointment for members of the

Building Inspection Commission; and affirming the Planning Department's determination under the California Environmental Quality Act; at an election to be held on June 7, 2022.

File No. 211297: Ordinance amending the Police Code to add Article 330 to require owners and covered contractors on certain residential construction projects to maintain a labor compliance bond and to condition release of such bond on specified labor standards compliance for work on the project; and amending the Building Code to require owners of such projects to file a labor compliance bond as a condition of receiving a permit for construction.

e. Update on Code Enforcement.

Mr. Joe Duffy, Acting Deputy Director of Inspection Services, gave an update on inspections for December 2021 as follows:

- Building Inspections performed December 4,707
- Housing Inspections 704
- 25 Cases sent to Directors Hearing
- Issued 8 Orders of Abatement
- Code Enforcement Inspections 112
- Plumbing Inspections 2,735
- Electrical Inspections 2,933

Deputy Director of Inspection Services, Joseph Duffy, presented the following Building Inspection Division Performance Measures for December 1, 2021 to December 31, 2021:

- | | |
|---|-------|
| • Building Inspections Performed | 4,707 |
| • Complaints Received | 321 |
| • Complaint Response within 24-72 hours | 320 |
| • Complaints with 1st Notice of Violation sent | 72 |
| • Complaints Received & Abated without NOV | 159 |
| • Abated Complaints with Notice of Violations | 62 |
| • 2nd Notice of Violations Referred to Code Enforcement | 42 |

Deputy Director of Inspection Services, Joseph Duffy, presented the following Building Inspection Division Performance Measures December 1, 2021 to December 31, 2021:

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|---|-----|
| • Housing Inspections Performed | 704 |
| • Complaints Received | 411 |
| • Complaint Response within 24-72 hours | 351 |
| • Complaints with Notice of Violations issued | 145 |
| • Abated Complaints with NOVs | 269 |
| • # of Cases Sent to Director's Hearing | 31 |
| • Routine Inspections | 73 |

Deputy Director of Inspection Services, Joseph Duffy, presented the following Building Inspection Division Performance Measures for December 1, 2021 to December 31, 2021:

• # Housing of Cases Sent to Director’s Hearing	25
• # Complaints of Order of Abatements Issues	8
• # Complaint of Cases Under Advisement	0
• # Complaints of Cases Abated	17
• Code Enforcement Inspections Performed	112
• # of Cases Referred to BIC-LC	0
• # of Case Referred to City Attorney	0

Deputy Director Duffy said Code Enforcement Outreach Programs are updated on a quarterly basis, so there is no change in data until next quarter:

• # Total people reached out to	79,976
• # Counseling cases	1,099
• # Community Program Participants	5,548
• # Cases Resolved	478

5. General Public Comment: The BIC will take public comment on matters within the Commission’s jurisdiction that are not part of this agenda.

Mr. Jerry Dratler said the project at 3847 18th Street illustrates many of the challenges faced by the Department of Building Inspection (DBI). Bernie Curran should not have finalized eight building permits for that project and assumed it is being reviewed by DBI, and asked how many Bernie Curran projects were on the list to be reviewed by DBI. Also, there was \$175K building permit opened for the project to address the Planning Department Notice of Enforcement (NOE). The NOE was for excavating 822 cubic yards without a CEQA review, construction of rear expansion, larger dormers without a 311 notice, substantial demolition without demo calculations, conversion of two full flats into a Single Family Residence with an ? unit without unit size calculation. Jonathan Pollard, SF Garage, was the contractor who performed much of the illegal work at 3847 18th Street. Mr. Pollard’s employee, Structural Engineer of Record Harold Howell was both Structural Engineer of Record and the Supervising Structural Engineer of the Independent Inspection Service. Mr. Pollard owned Mercury Engineering and A1 Inspection Service. How was DBI Senior Building Inspector Matt Greene able to approve the two final structural engineering reports signed by Harold Howell with an open building permit for a Planning Department NOE? BIC Commissioner Sommer would be the right person to review this project being a Licensed Structural Engineer. The project should be put on the agenda for review at a subsequent meeting.

Mr. Dratler submitted the following information:

The project at 3847 18th Street illustrates many of the challenges faced by DBI

1. Bernie Curran should not have finalized 8 building permits for this project.
 - a) I assume this project is one of the Bernie Curran projects under review by DBI.
 - b) How many Bernie Curran projects are on the list to be reviewed by DBI?

2. There is an open \$175,000 building permit for this project to address a Planning Department Notice of Enforcement. The NOE is for:
 - a) Excavating 822 cubic yards without a CEQA review.
 - b) Construction of a rear expansion and large dormers without a 311 Notice.
 - c) Substantial demolition without demo calculations.
 - d) Conversion of two full flats into a single-family residence with an au pair unit without unit size calculations.

6. Discussion and possible action regarding nominating members for President and Vice-President – Election to be held at the February BIC meeting.

Assistant Secretary Jones called for public comment and there was none.

President McCarthy stated that this was the time of year when Commissioners nominated one another, and he asked for clarification that no second on the motions were required.

Deputy City Attorney Robb Kapla confirmed that no second was required for today's nominations.

President McCarthy stated that he would not be putting his name forward for the President's seat. He also nominated Commissioner Bito for President and Commissioner Tam for Vice-President.

President McCarthy said that the Commission would be considering nominations for the Building Inspection Commission (BIC) first, and then the Abatement Appeals Board (AAB) next.

Vice-President Tam asked if the Commission would be considering nominations for the Abatement Appeals Board as well?

Secretary Harris clarified that at this meeting the Commissioners could only consider nominations for President and Vice-President of the Building Inspection Commission, and that nominations for the Abatement Appeals Board would have to be considered at that meeting.

President McCarthy said he thought Commissioner Alexander-Tut posed that question at the earlier Abatement Appeals Board meeting.

Deputy City Attorney Kapla stated that this agenda item was for the Building Inspection Commission only at this time. If a Commissioner puts forward a name for nomination, then that name would go on the list for consideration at the next Regular BIC meeting in February. For instance, President McCarthy has nominated two Commissioners – One for President and one for Vice-President – so the Commission does not need further nominations of those two people and no second is needed. If other Commissioners would like to place other names for nominations of those positions, this would be the time to do so and in February would be the vote.

Vice-President Tam said he appreciated the nomination for Vice-Chair. He did not put forward any names for either seat, but he said all Commissioners were qualified to serve, and he would be happy to work alongside either of them.

Commissioner Alexander-Tut said that in her earlier conversation at the AAB meeting, the point she was trying to get at was keeping procedures the same at the AAB and BIC meetings. She requested that this item be added to the agenda, because she thought it was good government and helped for the Commissioners to not be blindsided the Friday before the meeting. She believed everyone on the Commission was capable to serve, and for President she nominated Commissioners Sommer and Eppler. For Vice-President she nominated Commissioners Bito, Sommer, and Eppler. Also, anyone could take their names off of the list if they would like to.

President McCarthy clarified that Commissioner Alexander-Tut was suggesting Commissioner Sommer as President and Commissioner Eppler as Vice-President?

Commissioner Alexander-Tut said that it would be the same two, plus Commissioner Bito as Vice-President. Her understanding was that she is adding names to an existing list without indicating where she is going.

President McCarthy asked if Commissioner Sommer would be President and Commissioner Bito as Vice-President?

Commissioner Alexander-Tut thought the BIC was creating a list of nominations for President and a list for Vice-President. She understood that Commissioner Bito was on the list for President and Vice-President, but she added Commissioners Sommer and Eppler. For the VP list, Commissioner Tam on the list and she added Commissioners Sommer and Eppler.

Mr. Kapla clarified that Commissioners did not need to nominate a slate/pair, e.g. a person for President and Vice-President. Every person that was up for President and VP would be nominated. Commissioners could form slates next month.

Commissioner Alexander-Tut asked if Deputy City Attorney Kapla could remind Commissioners of Brown Act Rules, so no one gets in trouble.

Deputy City Attorney Kapla said that you cannot discuss an item, e.g. Election of Officers, with a quorum. In this case it would be very easy to have a seriatim quorum by talking to people and it forms a chain. If you have a comment with one other Commissioner and would like to put yourself forward for a pair as a slate at the next meeting, that can happen but it cannot be discussed before the meeting. Mr. Kapla said he recommended to not form a slate because it could get very difficult. For now, just mention Commissioners that are interested in each position.

Commissioner Bito said she did not have any other members to add to the list, but thanked Commissioners, McCarthy, Alexander-Tut, and Tam for their votes of confidence. She would be happy to serve if that comes to fruition.

President McCarthy confirmed that Commissioner Bito would accept the Presidency and Vice-

Presidency and she said yes.

Commissioner Eppler said that he had no further nominations to add and he thought all of his fellow Commissioners were capable of serving in these positions. He was honored to be nominated for both posts and that was totally unexpected. He tentatively accepted both nominations after considering the vote at the next meeting.

Commissioner Moss said that he had no names to add, and he was looking forward to the vote next month.

Commissioner Sommer stated that she had no names to add, but asked if Commissioner Tam was on the list for President? She added Commissioner Tam to the list for President.

President McCarthy asked if Commissioner Sommer would accept the nomination for President and Vice-President?

Commissioner Sommer asked to reserve her response for the next meeting. Also, she questioned if it would be possible to consider taking her name off the lists at that time. Lastly she thanked the Commissioners for their vote of confidence.

Commissioner Bito said she understood that Commissioner McCarthy was not putting his name forward for President, but serving 10 years on the Commission was commendable so she thanked him for his service.

President McCarthy thanked Commissioner Bito and said that he was honored to serve. He is heartened by the Commission that exists now, and they are a great bunch of Commissioners that are going to do a great job. He believes whoever the President is would be a strong Commissioner.

7. Update regarding Information Sheet EG-02 – Emergency Escape and Rescue Openings to Yard for Existing or New Building of R-3 Occupancies.

Mr. Neville Pereira, Acting Deputy Director of Plan Review Services and Jeff Buckley Policy and Public Affairs Deputy Director gave a presentation and update as follows:

- DBI Update; Background on Section 1030 (EERO)
- Interim Info Sheet EG-02
- Public Workshops

Public Comment:

Ms. Georgia Schuttish said she sent a letter with three PDF's attached, that the Building Inspection and Planning Department needed to communicate, because Planning has said they do not deal with excavations. There had been an increase in excavations, especially the project that was emailed to the Commission Secretary Harris, the issue was raised in the Director's Hearing that the project had bad egress and the Planning Commission did not look at the Building Code which should have covered that and this was regarding R-2 occupancy.

Vice President Tam asked had there been any feedback from the Planning Department regarding the above public comment matter?

Mr. Pereira said he reviewed the letter and the project did have Building Code issues from an egress perspective and believed the caller was asking for DBI to weigh in opposed to Planning.

Mr. Buckley said that the Department strategy was to engage with Planning Staff and Historic Preservation.

Commissioner Bito said she applauded DBI and SFFD for engagement with AIA(?) as it was important for the small firms and Single Family Residence who were trying to expand and better their homes in San Francisco.

Commissioner Eppler thanked the Department for their continued effort.

President McCarthy asked how the Department was coping with existing projects and if there was any backlog?

Mr. Pereira said what is being done as each project comes up for review by the plan examiners the examiners are notifying the applicant of the potential need for the AB-005 Request for Alternative Means and Methods form, which should accompany all projects that use the information sheet EG-02 and what that form would do is engage the Fire and Building Departments in a common review of the solution with a joint approval and return of comments. Currently, cases are reviewed case by case and there was no backlog and had caused no delay of projects.

8. Commissioner's Questions and Matters.

a. Inquiries to Staff. At this time, Commissioners may make inquiries to staff regarding various documents, policies, practices, and procedures, which are of interest to the Commission.

Vice President Tam asked Mr. Duffy had there been any hurdles in implementing new procedures with the team in general and the Abatement Appeals Board (AAB)?

Mr. Duffy said yes with retirements, extended leaves, combined with new rules for the AAB and bringing in new staff and bringing them up to speed. Chief Building Inspector for Code Enforcement, Mauricio Hernandez requested a delay for the AAB hearings but did not think there was an impact and Mauricio had been in contact with Appellants. The AAB hearings are scheduled to resume in March 2022. In general, there had been a challenge with the latest COVID variant and having to work remotely. There were certain administrative staff that are essential to face the public and deserve much of the credit for stepping up and lessening the impact.

Vice President Tam asked for a status update on the Single Room Occupancy (SRO) in regards of life and safety from the pandemic response team tour.

Commissioner Alexander-Tut asked to agendaize a future item regarding status on the Racial Equity Plan and how the Department is meeting its goals.

Commissioner Eppler asked regarding prior meeting topic Soft Story Abatements that had not been completed and the process of completing those and a report of how those would be worked on going forward. Also, a report of any backlog of projects that had occurred.

Interim Director O’Riordan said in regards to Commissioner Eppler’s request that the Department would research and compile a report with statistics for the next BIC regular meeting.

There was no public comment.

b. Future Meetings/Agendas. At this time, the Commission may discuss and take action to set the date of a Special Meeting and/or determine those items that could be placed on the agenda of the next meeting and other future meetings of the Building Inspection Commission.

Assistant Secretary Jones stated the next regular meeting was scheduled for February 16, 2022. Also, the Special Budget meeting was scheduled for January 26, 2022 and a Special Meeting January 21, 2022 at 1:30 p.m.

Due to the published report from the City Attorney’s investigation Commissioner Alexander-Tut requested that the Director schedule a possible future item -- A debriefing of the 42-page memo.

Deputy City Attorney Robb Kapla said a discussion could be had with the Public Integrity Team for a follow up opportunity and whether Open or Closed session would be appropriate though the memo was published publicly.

There was no public comment.

9. Review and approval of the minutes of the Special Meeting of December 6, 2021.

Vice President Tam made a motion, seconded by Commissioner Moss, to approve the minutes of the Regular Meeting of December 6, 2021.

The motion carried unanimously.

RESOLUTION NO. BIC 001-22

10. Review and approval of the minutes of the Regular Meeting of December 15, 2021.

Vice President Tam made a motion, seconded by Commissioner Moss, to approve the minutes of the Regular Meeting of December 15, 2021.

The motion carried unanimously.

RESOLUTION NO. BIC 002-22

11. Adjournment.

Vice President Tam made a motion to adjourn the meeting, which was seconded by Commissioner Alexander-Tut.

RESOLUTION NO. BIC 003-22

The meeting was adjourned at 11:13 a.m.

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Commissioner Alexander-Tut asked to agendize a future item regarding status on the Racial Equity Plan and how the Department is meeting its goals	Pg.6
Commissioner Alexander-Tut requested due to the published report from the City Attorney’s investigation of DBI Directors to schedule as a possible future item a debriefing of the 42-page memo.	Pg.6

Respectfully submitted,

Monique Jones

Monique Jones, Assistant BIC Secretary

Sonya Harris

Edited By: Sonya Harris, BIC Secretary