

Department of Building Inspection (DBI)

REGULAR MEETING

Wednesday, February 16, 2022 at 9:30 a.m.

Remote Hearing via video and teleconferencing

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PUBLIC COMMENT CALL-IN: 1-415-655-0001 / Access Code: 2480 694 0379

DRAFT MINUTES

- 1. The regular meeting of the Building Inspection Commission was called to order at 9:47 a.m. Call to Order and Roll Call.**

COMMISSION MEMBERS PRESENT:

Angus McCarthy, **President, Left at 10:37 a.m.**

Alysabeth Alexander-Tut, **Commissioner**

J.R. Eppler, **Commissioner**

Angie Sommer, **Commissioner**

Raquel Bito, **Commissioner, Excused at 12:00pm**

Jason Tam, **Vice-President**

Sam Moss, **Commissioner**

Sonya Harris, **Secretary**

Monique Mustapha, **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**

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 unanimously agreed to continue to meet remotely for the next 30 days.

3. President's Announcements.

After 10 years this was the last meeting President McCarthy participated in as a member of the Building Inspection Commission. He also said he arrived in San Francisco as a 21-year-old immigrant from Ireland with only the clothes on his back and strong hands to go to work and was fortunate to become employed in construction and built his life in the City of Saint Francis.

Embracing community and serving others are hallmarks to his Ireland culture and has been central to his life as a San Franciscan. He has been blessed over the years to be able to give back and serve the City that has provided his family and community with opportunity and grateful to the members of the BIC who have served with him.

Mr. McCarthy has taken pride in helping others who have faced challenges like himself, such as learning differences, or did not graduate college, or those who did not have a place to sleep on their first night in the City. Like hundreds of thousands of San Franciscans, he has faced each of those challenges, it is daunting to get up the economic ladder of success and seeing no way to get a handhold. Be reminded that disabilities are not a barrier to keep you out but obstacles to overcome. College education are one part of success among many. Homelessness is simply not having a home to sleep in.

We live in the land of opportunity and it is incumbent on us to find ways to help people ascend the economic ladder regardless of the challenges they face. Working in construction is one of those parts, unlike other sectors, the building industry remains a welcoming space for immigrants. One that does not require a college degree or care how well you read or where you sleep but one that recognizes skill, tools, commitment, and will to work hard.

One of the reasons Mr. McCarthy joined the Building Inspection Commission was because of the opportunities continuously provided. Although progress has been made over the years there is more to be done. For example, in 2009 during the recession the BIC passed fee deferral legislation to act as a stimulus for the construction industry and helped save many jobs at the Department of Building Inspection. In particular, most recently the Department's ability to stay open during the pandemic and the outstanding efforts that were made by the rank and file to our industry going, inspections going, and serving our vulnerable population in the Single Room Occupancy (SROs) was an outstanding feat of commitment and success that is probably not found in any other state.

Lastly, the reform measures put in place the last couple of years. President McCarthy urged the Commission to continue to monitor those implementations and progresses. The changes were not easy but he was confident the Department would embrace the changes for the better of the overall approval of the permit process.

In closing, President McCarthy thanked the Commissioners for serving with him and the work they had done so far. He said he was leaving the Building Inspection Commission that day but loves the City too much to sit on the sidelines too long, and saw it fitting that his last meeting with the BIC was the first meeting that Mr. O’Riordan sat officially as Director of DBI, he is a good and ethical person with a steady hand to lead, which he would need to lead the Department through transition and improvement, and will need your patience, support, and perspective. Mr. McCarthy expressed his faith in Director O’Riordan and his team to see those changes through.

It has been an honor to serve San Francisco, and a thousand thank you’s.

Director O’Riordan thanked President McCarthy for his kind words and said that he would be missed in the building industry. He also thanked President McCarthy for his years of service and advice over the years. When Mr. O’Riordan was called by the Mayor to take the Interim Director position, which coincided with the first pandemic lockdown he said he called President McCarthy first. Director O’Riordan assured President McCarthy that he would work day and night to make the Department better, and after two decades of watching what the challenges were that DBI faced, he explained that the Building the Department’s trust was a priority. President McCarthy stated that the Building Inspection Commission would support him. Director O’Riordan also thanked President McCarthy for standing up for the working people, the heart and soul of the Building Industry, and like President McCarthy many at DBI began in the trades and understand the challenges that men and women of construction faced. President McCarthy has always stood up for the people of this industry, people who worked with their hands, facing all weather, pressure and deadlines. Director O’Riordan said it was up to the Department to continue the work President McCarthy started, to be sure all voices would have a voice in deliberations. On behalf of the Building Industry, construction trades, and all of DBI thank you President McCarthy. In addition, thank you to Commissioner Sam Moss, he was always a thoughtful advocate for removing barriers to housing construction while making sure the most vulnerable populations were protected. Commissioner Moss’ questions were always smart and his suggestions were always on point, and his support for the Departments efforts were unwavering. Director O’Riordan said that he looked forward to seeing where Commissioner Moss’ career would take him next and he was sure he would have a long and brilliant career ahead of him.

Secretary Harris said that she had worked with President McCarthy and Commissioner Moss for a long time, 10 years and 4 years, respectively and things would be different without them. Commissioner Moss is a man of few words but when he spoke it was a comment of importance and helpful to the Building Inspection Commission as a whole. She and President McCarthy had worked closely for the last 10 years and both “dove into deep waters” at the same time with him as President of the BIC and Ms. Harris accepting the permanent BIC Secretary role. Ms. Harris said that she and Mr. McCarthy learned a lot from each other, and he and Mr. Moss would truly be missed. She thanked them both for being good partners and leaders and wished them well in their future endeavors.

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

There was no general public comment.

5. Election of BIC President and Vice-President.

Secretary Harris called for public comment and there was none.

President McCarthy, the Presiding Officer, stated that he would request nominations from the other Commissioners. Next, he stated his nomination of Commissioner Bito as President and Commissioner Tam as Vice-President.

President McCarthy also stated that Commissioners could nominate members individually or together, whichever way they decided to do so. He began the “rounds” of going to each Commissioner to ask for their nominations.

Vice-President Tam said that he appreciated the nomination, but did not present any new nominations.

Commissioner Alexander-Tut nominated Commissioner Sommer for President and Commissioner Eppler for Vice-President.

Commissioners Tam, Bito, Eppler, Moss, and Sommer did not put a nomination forward.

President McCarthy asked if there was any further input from the Commissioners. He began stating there were two motions on the floor, and Secretary Harris interjected and said that Commissioners should vote on the President and then the Vice-President.

Secretary Harris called the motion for Commissioner Bito as Building Inspection Commission President.

No second is required for motions of President and Vice-President.

Secretary Harris Called for A Roll Call Vote:

Vice President Tam	Yes
President McCarthy	Yes
Commissioner Alexander-Tut	Yes
Commissioner Bito	Yes
Commissioner Eppler	Yes
Commissioner Moss	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 023-22

Secretary Harris called the motion for Commissioner Tam as Building Inspection Commission Vice President.

Secretary Harris Called for A Roll Call Vote:

Commissioner McCarthy	Yes
Commissioner Alexander-Tut	No
Commissioner Bito	Yes
Commissioner Eppler	No
Commissioner Moss	Yes
Commissioner Sommer	Yes

Commissioner Tam

Yes

Commissioner Tam initially said “No” when he voted, but changed it to a “Yes” vote.

The motion carried 5 to 2, with Commissioners Alexander-Tut and Eppler dissenting.

RESOLUTION NO. BIC 024-22

- 6. Public Employee Appointment – Director of the Department of Building Inspection. The Building Inspection Commission appointed Patrick O’Riordan as Director of the Department of Building Inspection on January 21, 2022. Commissioners Bito, McCarthy, Sommer, and Tam voted in favor of the motion, Commissioners Alexander-Tut, Eppler, and Moss voted against the motion.**

Secretary Harris read the following for the record: The Building Inspection Commission retained a recruiter. The recruiter advised and recruited for qualified candidates, the BIC conducted four rounds of interviews with candidates and appointed Patrick O’Riordan as Director with a vote of 4 to 3 . Mr. O’Riordan accepted the appointment and became the Director of the Department of Building Inspection on January 26, 2022.

The Commissioners all congratulated Director O’Riordan and thanked him for his service to the Department.

There was no public comment.

- 7. Discussion and possible action to appoint Commissioners to serve on the Litigation Subcommittee.**

Secretary Harris announced there was an opening and the existing members were Commissioners McCarthy, Alexander-Tut, and Tam. The vacancy was for Commissioner McCarthy’s seat, and the Commissioners could put their names forward to serve.

President Bito nominated herself.

Commissioner Tam nominated Commissioner Eppler.

Commissioner Alexander-Tut nominated herself to continue to serve.

Commissioner Eppler accepted the nomination to serve on the Litigation Subcommittee.

Commissioner McCarthy nominated Commissioners Bito, Alexander-Tut, and Eppler.

Commissioners Moss and Sommer agreed with Commissioner McCarthy’s nomination.

Vice President Tam made motion for President Bito, and Commissioners Alexander-Tut and Eppler to serve on the Litigation Subcommittee, which was seconded by Commissioner McCarthy.

Secretary Harris Called for A Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Yes
Commissioner Eppler	Yes
Commissioner McCarthy	Yes
Commissioner Moss	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 025-22

8. Discussion and possible action to appoint Commissioners to serve on the Nominations Subcommittee.

Secretary Harris announced there was a vacancy on the Nominations Subcommittee as Commissioner Moss would be ending his term. The other members were President Bito and Commissioner Tam.

President Bito said she would step down from this seat, however there was a meeting scheduled for the next day and Secretary Harris asked Deputy City Attorney (DCA) Robb Kapla if President Bito would be able to attend the scheduled meeting.

DCA Robb Kapla said the new nomination could be made effective after the next scheduled meeting.

Vice President Tam suggested to postpone the nominations until the new Commissioner joined the BIC.

President Bito agreed that the Nominations Subcommittee item should be postponed.

Commissioner Alexander-Tut made a motion to continue item #8 until the next scheduled BIC meeting of March 16, 2022, which was seconded by Vice President Tam.

Secretary Harris Called for A Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Yes
Commissioner Eppler	Yes
Commissioner McCarthy	Yes
Commissioner Moss	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 026-22

9. Report on the process to bring soft story buildings into compliance with the requirements of the Mandatory Soft Story Retrofit Program.

Commissioner McCarthy departed the meeting at 10:37 a.m. Director O’Riordan made comments regarding his appointment and congratulated President Bito and Vice-President Tam on their

appointments to the Building Inspection Commission.

Mr. Joseph Duffy, Deputy Director of Inspection Services, presented as follows:

- Mandatory Soft Story Retrofit Program applies to
- Compliance schedule, Timeline, and Tiers
- Program Highlights
- Compliance by Tier
- Enforcement Efforts
- Next Steps

Public Comment:

Mr. Francisco DeCosta said that the changes in leadership were good for our City and County of San Francisco. The issue of retrofitting is very important, and we should not take a risk of not completing the work in time in case of a catastrophic earthquake. He saw interim measures had been taken, however 15% is a large amount and should move forward rapidly but with standards of a reporting system that taxpayers can review, Congratulations to the new leadership.

Vice-President Tam asked if the 528 of the 754 buildings had permits for retrofitting, what was the status of the remaining, and was the Department working with local community services in case of any language barriers? Mr. Duffy said those numbers were correct, that the remaining were out of compliance, and the Department would take the suggestion to work with local agencies.

Commissioner Alexander-Tut asked what type communication had been made with the owners that Code Enforcement was executing orders or a timeline moving forward, and was there information for anyone having financial difficulty to refer to community groups? Mr. Duffy said notices would be published on the building along with first and second Notices of Violation, then a hearing date with contact information included as well as the public can come into the office, and would research the community group information if any.

Commissioner Eppler asked how to make progress and show how those were making progress to the public on program? Mr. Duffy said those numbers could be reported quarterly and that there were a number of them scheduled for Director's Hearing. Also, relating to Commissioner Alexander-Tut's question was there was a pass through on the rent in an Ordinance from the Landlords.

President Bito asked Mr. Duffy to explain Tier 3 again and Mr. Duffy said the tiers were based on the type of construction and various types of buildings and the compliance timeline for Tier 3 was submittal of permit by September 15, 2017 and completion of the work was September 15, 2019 and was dependent upon the type of construction and age of the building but would present that information in the future.

10. Update on DBI plan check backlog.

Deputy Director Neville Pereira of Permit Services presented on the following:

- Backlog Definition
- Backlog Today

- Backlog Report
- Next Steps

President Bito said this backlog was of great interest due to her profession, and ties into what the Commission had been discussing and initiatives from the Client Services Subcommittee.

Public Comment:

The caller said he had been following the Department and what he thought needed to change was transparency and accountability and the behind the scenes shenanigans in Permitting has impacted construction, and had not been able to shed light on the issues due to the pandemic but that should not be the reason the Department is slow. If there was a digital platform the pandemic may not have had much impact and had real time transparency and accountability. The caller suggested not using so many categories and make it simple.

Vice-President Tam asked when full implementation of the plan was expected, and was there stakeholder and team feedback?

Deputy Director Pereira said memos had been circulated to staff regarding the change and anticipated restructuring of the Department's internal framework, also a couple of internal changes had been initiated and was expecting implementation within three months. Feedback had been mixed with some hesitation but most saw the benefits, it had not been broadcasted publicly yet.

Commissioner Alexander-Tut asked what was being done about the backlog and if there were steps being taken to eliminate or reduce it?

Mr. Pereira said it was advisable as a best management practice to hold a backlog and the general perception was if there was not a backlog it would seem as if the Department was not working, which would lead to an overstaffing perception, service levels were maintained at 4 to 6 weeks as an industry standard. To lower backlogs an on stand-by external contracted service would handle peaks identified in the presentation, though it was expected to have a managed backlog at current service levels.

11. Director's Report.

a. Director's Update [Director O'Riordan]

There were no additional updates.

b. Update on major projects.

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

- .31% decrease in total construction valuation including filed, issued, and completed permits.
- 1.25% decrease in number of units in January 2022 over December 2021.

c. Update on DBI's finances.

Deputy Director of Administration & Finance Taras Madison gave information regarding the January 2022 Monthly Financial Report that included 7 months of the current FY from July 2021 to January 2022 as follows:

- Revenues are continuing to outpace our Budget, projecting a collection of \$57 million rather than \$50 million.
- Expenditures are projecting \$10 million better than what was budgeted.

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

Mr. Jeff Buckley, Policy & Public Affairs Director, gave an update on recently enacted State or local legislation and addressed the following items:

- **File No. 210198:** Hearing on the City's electric vehicle fleet to determine when the City could be expected to have an all-electric fleet at the current rate, what are the departments' projections for the next four years towards electrifying their fleet, and the status of each department's charging stations; and requesting the Department of Environment, San Francisco Airport, Public Utilities Commission, Police Department, Department of Building Inspection, Port, City Administrator's Office, and Real Estate Division to report.
- **File No. 211285:** Charter Amendment (First Draft) to amend the Charter of the City and County of San Francisco to 1) split the power to make appointments to the following bodies between the Mayor and the Board of Supervisors: Airport Commission, Arts Commission, Asian Art Commission, Civil Service Commission, Commission on the Environment, Commission on the Status of Women, Disability and Aging Services Commission, Fire Commission, Health Commission, Historic Preservation Commission, Human Rights Commission, Human Services Commission, Juvenile Probation Commission, Library Commission, Municipal Transportation Agency Board of Directors, Public Utilities Commission, Recreation and Park Commission, and War Memorial and Performing Arts Center Board of Trustees; subject Mayoral appointments to those bodies and to the Building Inspection Commission and the Small Business Commission to approval by the Board of Supervisors; and provide that the appropriate appointing authority

File No. 211286: – Charter Amendment (First Draft) 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.

e. Update on Code Enforcement.

Mr. Joseph Duffy, Deputy Director of Inspection Services, gave an update on inspections for January 2022 as follows:

- Building Inspections performed January 4,338
- Housing Inspections 699
- 33 Cases sent to Directors Hearing
- Issued 3 Orders of Abatement
- Code Enforcement Inspections 193
- Plumbing Inspections 2,407
- Electrical Inspections 2,532

Deputy Director of Inspection Services, Joseph Duffy, presented the following Building Inspection Division Performance Measures for January 1, 2022 to January 31, 2022:

- | | |
|--|------|
| • Building Inspections Performed | 4338 |
| • Complaints Received | 347 |
| • Complaint Response within 24-72 hours | 345 |
| • Complaints with 1st Notice of Violation sent | 52 |
| • Complaints Received & Abated without NOV | 155 |
| • Abated Complaints with Notice of Violations | 52 |

- 2nd Notice of Violations Referred to Code Enforcement 24

Deputy Director of Inspection Services, Joseph Duffy, presented the following Building Inspection Division Performance Measures January 1, 2022 to January 31, 2022:

- Housing Inspections Performed 699
- Complaints Received 366
- Complaint Response within 24-72 hours 349
- Complaints with Notice of Violations issued 126
- Abated Complaints with NOVs 297
- # of Cases Sent to Director's Hearing 33
- Routine Inspections 74

Deputy Director of Inspection Services, Joseph Duffy, presented the following Building Inspection Division Performance Measures for January 1, 2022 to January 31, 2022:

- # Housing of Cases Sent to Director's Hearing 8
- # Complaints of Order of Abatements Issues 3
- # Complaint of Cases Under Advisement 0
- # Complaints of Cases Abated 6
- Code Enforcement Inspections Performed 193
- # of Cases Referred to BIC-LC 0
- # of Case Referred to City Attorney 1

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 50838
- # Counseling cases 695
- # Community Program Participants 6577
- # Cases Resolved 666

Public Comment:

Mr. Francisco DeCosta said that he was the Director of Environmental Justice Advocacy and wanted to look at quality of life issues. He had been watching DBI because he created the Infrastructure Group and the Maintenance and Technical Support Group of the Presidio. Mr. DeCosta asked that the Commissioners take a deeper look into the Single Room Occupancy's (SROs) because those adversely impact people especially during a pandemic. Although the SROs were connected to the Health Department who used the people to get funds and build SROs for little money, but will build federal buildings for large amounts. Dealing with PG&E was an issue with primary connections and DBI needs to play a role in what was happening in the City.

12. 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.**

Commissioner Alexander-Tut asked what the expected timeline for the fee study and fee schedule was? Deputy Director of Finance Taras Madison said the timeline was the Request For Proposal (RFP) issued by 2023 to contract for the fee study and the new Building Code fee adopted by the end of the next fiscal year.

- 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.**

Secretary Harris announced the next BIC Regular meeting is scheduled for March 16, 2022. Also, the Nominations Subcommittee meeting was scheduled for February 17, 2022.

Commissioner Alexander-Tut said there were vacancies on the Client Services Subcommittee and requested an update on the Racial Equity Plan in either March or April.

13. Quarterly update on DBI’s internal audit.

This item was continued to the next Regular Meeting.

14. Quarterly update on DBI’s reforms initiative.

This item was continued to the next Regular Meeting.

15. Review and approval of the minutes of the Special Meeting of January 5, 2022.

Secretary Harris said that prior to posting the minutes the wording would reflect the correction of Regular Meeting to Special Meeting.

Vice President Tam made a motion, seconded by Commissioner Eppler, to approve the minutes of the Special Meeting of January 5, 2022.

The motion carried unanimously.

There was no public comment.

RESOLUTION NO. BIC 027-22

16. Review and approval of the minutes of the Special Meeting of January 7, 2022.

Secretary Harris said prior to posting the minutes the wording would reflect the correction of Regular Meeting to Special Meeting.

Vice President Tam made a motion, seconded by Commissioner Moss, to approve the minutes of the Regular Meeting of January 7, 2022.

The motion carried unanimously.

There was no public comment.

RESOLUTION NO. BIC 028-22

17. Review and approval of the minutes of the Regular Meeting of January 19, 2022.

Vice President Tam made a motion, seconded by Commissioner Moss, to approve the minutes of the Regular Meeting of January 19, 2022.

The motion carried unanimously.

RESOLUTION NO. BIC 029-22

18. Adjournment.

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

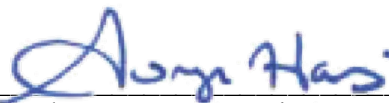
RESOLUTION NO. BIC 030-22

The meeting was adjourned at 12:09 p.m.

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Vice-President Tam asked for SROs to be added to the Inspections update monthly.	Pg. 6
Commissioner Alexander-Tut asked if there were resources for the public to be referred to if they were experiencing financial difficulties.	Pg. 6, 7
Deputy Director Joe Duffy said he would provide information regarding Tier 3 from the presentation.	Pg. 7
Commissioner Alexander-Tut requested an update on DBI's Racial Equity Plan, including the BIC's sections.	Pg. 11

Respectfully submitted,

Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary