

**BUILDING INSPECTION COMMISSION (BIC)  
Department of Building Inspection (DBI)**

**REGULAR MEETING**

**Wednesday, June 15, 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: 2492 907 1057**

**ADOPTED JULY 20, 2022**

## **MINUTES**

- 1. The regular meeting of the Building Inspection Commission was called to order at 10:47 a.m.  
Call to Order and Roll Call.**

**COMMISSION MEMBERS PRESENT:**

Raquel Bito, **President, Excused**

Jason Tam, **Vice-President**

Alysabeth Alexander-Tut, **Commissioner**

Angie Sommer, **Commissioner**

J.R. Eppler, **Commissioner**

Bianca Neumann, **Commissioner**

Sonya Harris, **Secretary**

Monique Mustapha, **Assistant Secretary**

**D.B.I. REPRESENTATIVES:**

Patrick O’Riordan, **Director**

Christine Gasparac, **Assistant Director**

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

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

Ray Law, **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.**

*Vice President Tam made a motion, seconded by Commissioner Eppler, to continue to meet remotely for the next 30 days.*

*The motion carried unanimously.*

**RESOLUTION NO. BIC 049-22**

**3. President's Opening Remarks.**

President Bitto made the following remarks:

Two of our agenda items today have been my focus as a Commissioner and President of the Building Inspection Commission. Understanding ways to streamline the permit process and continued improvements the Department makes to their processes to better serve the customer. Setting reasonable expectations and timelines, understanding their path for approval, how to follow up on permit status but most of all resources on how to collaborate when dealing with either a design problem or question. This process should be viewed as a benefit to the applicant's design and construction not a bureaucratic headache.

**4. Director's Report.**

Director O'Riordan presented Taras Madison, former Deputy Director of Administration and Finance, with a Certificate of Appreciation from DBI for her more than 20 years of service to the Department. He stated that Ms. Madison had been a steady hand and partner, especially during the turbulent last few years enduring Covid, and moving the Department to a new location. Director O'Riordan said they had worked together nearly a decade, and Ms. Madison was always straightforward and definitely responsible with the Department's funds and was always truly committed to making our City a better place. It would be difficult to find someone more thoughtful and careful with finances than Ms. Madison, and DBI is in a stronger financial position due to her fine work and dedication. We wish Ms. Madison the best of luck in her endeavors.

Assistant Secretary Mustapha read a statement on behalf of Secretary Harris, and presented her with a Certificate of Appreciation from the Building Inspection Commission. Ms. Harris had known Ms. Madison and worked closely with her for the past twenty years, and Taras was always the ever present lead at the helm of the smoothly running Finance ship. Ms. Madison's reputation for excellence and "going by the book" precedes her. Ms. Madison flawlessly presented finance updates and budget presentations for a multitude of Commissioners over the years, and was well prepared to answer the tough questions. Ms. Madison represented the Department very well, and was a fierce advocate of protecting its finances when presenting to the Mayor's Office or Board of Supervisors. It has been a pleasure working with Ms. Madison, and her staff said she was a very supportive Supervisor. Many people knew Taras as the Deputy

Director of Administration and Finance, but she knew her as a friend! Ms. Harris thanked Ms. Madison for all she has done for the Department, and all the great things she would continue to do on behalf of the City.

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

Director O’Riordan gave the following update:

Deputy Director of Permit Services Neville Pereira was presenting a big new initiative for streamlining the plan check process by introducing a new Pre-Plan Check station where projects would be categorized by time needed for review, and assigned to staff in a more manageable way. This would be a major operational improvement to the Department’s business that would create more clarity and certainty for customers. Director O’Riordan introduced a new member of DBI Compliance Manager Chris Vergara. His role would be critical to the Department’s reform initiatives in helping to meet all commitments and requirements. Also, helping lead reforms and internal audits ensuring the integrity of the Department’s services by helping to restore the public trust. Mr. Vergara came from the Office of Workforce and Economic Development. On Tuesday, the DBI launched its Small Business Inspections Ambassador program to help small businesses with any last minute issues that may come up before issuance of the Certificate of Final Occupancy (CFO), and that would help businesses open faster and boost the City’s economy. There was a dedicated page added to the Department’s website, and an email announcement was sent regarding the new program. DBI was also working diligently on transferring sites to SF.gov which was essentially one big City website where the pages were meant to help the public quickly and easily access the City’s services with clear instructions in different languages and accessibility to the disabled. DBI’s website would be moving to the SF.gov platform and working to update its information on the site.

**b. Update on major projects.**

Director O’Riordan gave a presentation on major projects for May 2022 as follows:

- Major projects are those with valuation of \$5 million or greater filed, issued, or completed.
  - 4 permits filed
  - \$266.3 million in valuation
  - 458 net units
- Major projects with permits issued.
  - 8 issued
  - \$154.2 million in valuation
  - 178 net units
- Major projects with Certificate of Occupancy
  - 2 issued
  - \$69 million in valuation
  - 186 net units

**c. Update on DBI's finances.**

Assistant Director Christine Gasparac gave a presentation on the Department's finances for May 2022 as follows:

- Budget process
- Fiscal Year (FY) 2022-2023 and FY 2023-2024 Department Proposed Budget
- FY 2022-2023 and FY 2023-2024 Budget Summary
- Budget and Legislative Analyst Recommendations

Commissioner Alexander-Tut asked what it meant to accept the recommendations, and if those were challenged would the recommendations go back to the Commission?

Ms. Gasparac said the Department did not challenge the recommendations and there was a process if that were to happen.

Deputy City Attorney Robb Kapla said he believed the Commission approved the proposed budget to the Mayor's office, and the Department approved the revised negotiations but the budget did not go back to the Commission for a formal approval.

Commissioner Alexander-Tut questioned if the attrition was from freezing positions permanently or if it was a savings due to not likely being filled by July 1<sup>st</sup>.

Ms. Gasparac said her understanding of attrition was from delayed hiring and not from the elimination of a position.

Vice President Tam asked if there was any feedback from the Board of Supervisors regarding the budget?

Director O'Riordan said there were discussions surrounding hiring, and if the Department was on track with hiring enough people and had the appropriate resources and were able to demonstrate being in the process of hiring several Inspectors.

President Bito said relating to the major projects item and correlating to the Finance item, if the Department in the future could parse out how major projects were trending in terms of permits and revenues.

Director O'Riordan said that staff would try to come up with a metric to show comparisons from the current year and former year.

President Bito said part of that effort would be to manage how the Department was doing quarterly, and having the ability to make adjustments throughout the year and it would be a useful visual tool for the Commission.

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

Mr. Ray Law, Legislative and Public Affairs Manager, presented on recently enacted or proposed local and State legislation as follows:

**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 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.

**AB 916** – Makes changes to existing law governing Accessory Dwelling Units (ADUs) to allow for additional residential square footage on existing residential properties.

**AB 2234** – Requires a local agency to process residential housing permits in a specified time period depending on the size of the development, establish a digital permitting system and develop model applications for reference.

**e. Update on Code Enforcement.**

Deputy Director Joseph Duffy gave an update on inspections for May 2022 as follows:

- Building Inspections performed May 5,245
- Housing Inspections 631
- 127 Cases sent to Directors Hearing
- Issued 118 Orders of Abatement
- Code Enforcement Inspections 340
- Life Hazard and Heat Complaints 32

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

- Building Inspections Performed 5245
- Complaints Received 386
- Complaint Response within 24-72 hours 380
- Complaints with 1st Notice of Violation sent 45
- Complaints Received & Abated without NOV 204
- Abated Complaints with Notice of Violations 48
- 2nd Notice of Violations Referred to Code Enforcement 45

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

- Housing Inspections Performed 631
- Complaints Received 308
- Complaint Response within 24-72 hours 292
- Complaints with Notice of Violations issued 89
- Abated Complaints with NOVs 244
- # of Cases Sent to Director's Hearing 36
- Routine Inspections 102

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

- # Housing of Cases Sent to Director's Hearing 91
- # Complaints of Order of Abatements Issues 7
- # Complaint of Cases Under Advisement 0

• # Complaints of Cases Abated	118
• Code Enforcement Inspections Performed	340
• # of Cases Referred to BIC-LC	0
• # of Case Referred to City Attorney	2

Deputy Director Joseph Duffy said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 3<sup>rd</sup> quarter:

• # Total people reached out to	64968
• # Counseling cases	597
• # Community Program Participants	4656
• # Cases Resolved	592

Commissioner’s Question & Answer Discussion:

President Bito asked what was the spike in numbers that occurred in April of 2022?

Mr. Duffy said there was no way to know exactly what caused the spike at that time and complaints were taken as they come in from multiple sources and some months are busier than others.

Commissioner Eppler said regarding the responsiveness to the life hazard and heat, was there a reason why that type of inspection was not getting a higher responsive rate?

Mr. Duffy said the seventy percent within one business day, but would reach one hundred percent responsiveness within two to three days. The seventy percent within one day was pretty good considering the time to contact and schedule a visit.

Public Comment:

Mr. Jerry Dratler said he noticed on some projects where there appeared to be Code compliant questions the Inspectors were not rescheduling their visits, and asked why was that happening and were those numbers reflected in the Code Enforcement performance numbers. It would it be a good idea to report the inspections that had not been rescheduled, because that may indicate there was a potential problem.

**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 later in the year the Building Inspection Commission (BIC) would be required to submit the BIC annual report to the Board of Supervisors (BOS), and because many of the Commissioners were new they may not have known about the required report. Mr. Dratler said there were many issues facing the BIC and he hoped they would be addressed in the report. A few of the items he listed that he thought should be addressed were: A formal response to the Controller’s Report from September 2021, the BICs long term plan to address the \$30 million operating deficit, a discussion regarding the implemented changes and process of 2022, address the corruption charges identified in the local media, and report on the audit of the Bernie Curran projects.

Ms. Georgia Schuttish said that she was interested in the progress of Information Sheet EG-02 regarding single family homes and two-unit buildings. She had not seen an agenda item for it on any Code Advisory Committee (CAC) meetings or for the Building Inspection Commission (BIC).

**6. Discussion regarding the Permit Center: its function in the City’s permitting process, operations and initiatives.**

Director of Permit Center Rebecca Villareal-Mayer gave a presentation as follows:

- Mission and Vision
- Permit One Stop (overview): Construction, Efficiency, Friendly, Streamlined, Special Events, Business
- Organizational Structure
- Permit Center Services
  - Central Customer Service: End-to End Experiences
  - Print Center: Print, Scan, Copy, Notary, Payments
  - Central Cashiering: Payment Kiosk, Money Handling
  - Strategy: Creating Strategic Portfolio of Work
  - Operations Support: Other duties as assigned
- Permit Center In-Person Statistics
- Permit Center Timeline, a brief history
- Snapshot of Permit Center Project Portfolio
- Feedback

Commissioners Question & Answer Discussion:

Commissioner Neumann asked what were the measures for success in the Permit Center.

Ms. Villareal-Mayer made the following comments:

The Permit Center’s catalog is large and they have set some baseline API’s around in person services, and are really monitoring when wait times are exceeding 60 minutes.

They are just starting in the digital realm and trying to decide what the right metrics are around digitization. There is a lot of data to draw on from various departments at the Permit Center.

Goal is to make sure that customers are not waiting around a long time, and that they are not getting lost.

Average wait time is 12 minutes, and they serve over 220 customers per day.

They provide over 600 services.

Permit Center has made some policy changes, since 1660 Mission and customers can only submit 1 project or plan review at a time. – Customers can submit 2 projects in a day, but they have to get in line each time to allow for fairness and to assure that everyone gets to see someone at the department that day.

Vice-President Tam thanked Ms. Villareal-Mayer for the presentation and said that he has heard a lot of positive feedback about the Permit Center. He used to be a restaurateur and recalls having to go to DBI, the Health Department, and running back and forth – It was frustrating. The Permit Center has made huge

progress, and the key word that she used was efficiency across all departments. Commissioner Tam thanked Ms. Villareal-Mayer and all of the departments for their continued collaboration.

Commissioner Eppler said that he had the opportunity to do a tour of the Permit Center when he had his DBI tour, and it was intuitive and for a lay person in the process it seems to be going extraordinarily well. There are a handful of agencies that are not at the Permit Center, and he understands that some of them are specialized and there may be things that they want to keep in-house. He asked if there were any “low hanging fruit” permits that are highly correlated to the other permit agencies, that they may be able to set up a desk for?

Ms. Villareal-Mayer said that was a good question, and he was correct. One example is the Mayor’s Office of Disability (MOD) and the Permit Center has talked to them about possibly setting up office hours. The agencies that are not there do not have a high volume of permitting, and do not have the Monday to Friday traffic flow. She reiterated that they are considering setting up office hours for MOD, and possibly having virtual queues to answer questions. There is a partnership with other City departments that are not at the Permit Center, such as the Tax Collectors Office. Customers can use computers at the Permit Center and staff know how to connect them with the appropriate agencies.

Commissioner Alexander-Tut thanked Ms. Villareal-Mayer for the presentation, implementation and vision that the Permit Center has. She called out the random assignment of permit checkers, and that has solved a couple of different problems. It was refreshing to have a better solution that was implemented. She said she has received questions from small homeowners who only come to DBI every 15 years or so, and when they come to get a permit and later find it has gone to a different department for review and they did not know. Does this still happen with the Permit Center in place? Also, is there a better process in place to notify homeowners/customers if their permit was routed somewhere else?

Ms. Villareal-Mayer said in the construction realm communication has gotten better, and the Permit Center has partnered with Patrick Hannan, DBI’s Communications Manager, to expand the content that affects the Department. DBI anchors the permit process, but where customers get lost is when their permit leaves and is routed somewhere else. DBI has done a great job around streamlining the permit process, and getting the information to customers. Commissioner Alexander-Tut is right that if customers do not “speak the lingo” of building permits, it can be challenging. There is a partnership between DBI, the Permit center and other departments to try to better get the word out to customers.

President Bito asked if the Permit Center’s software was tied to the DBI website?

Ms. Villareal-Mayer stated that the Permit Center’s software is not tied to DBI’s. They have a consultant coming in to discuss a new system and look at their architecture and infrastructure to determine what needs to be done so the systems with other departments could be connected. The closest product that exists now is Blue Beam for plan checking.

President Bito asked about Blue Beam and how the documents/plans go across to other departments?

Ms. Villareal-Mayer said that DBI facilitates getting the documents into Blue Beam and then invites other departments that are involved in the review, along with the customer when the time is right.

There was extensive discussion regarding this item.

Public Comment:

Mr. Jerry Dratler questioned if Permit Center customers can get assigned Plan Checkers, because there has been a historic problem at DBI. Some contractors and developers developed improper relationships with specific plan checkers. These are the same customers that undermined the Q-Matic system a few years ago. Q-Matic is the same type of system used by the Department of Motor Vehicles (DMV) to prevent “sweet hearting”. When one goes to DMV they do not let the customer pick the person that will



give them the permit to drive. DBI put this control in for a very good reason.

Ms. Rebecca Villareal-Mayer said that the Permit Center's current system, Q-Less, does not allow for plan shopping and customers cannot pick the staff person they want. Also, staff rosters and schedules are not publicized so customers get in line and are randomly assigned to whatever station they get assigned to.

**7. Update regarding the Client Services Subcommittee – Discussion item: Update on implementation of the Pre-Plan Review process and backlog.**

Deputy Director of Permit Services Neville Pereira presented the following:

Permitting Pre-Plan Check Process

- Operational Improvement - Pre-Plan Check
- Proposal
- Benefits
- New Process
- Categories

Pre-Plan Check Update

- New Plan Check Performance Measures
- Pre-Plan Check Baseline Data Analysis
- Results – 2019 Permits
- Limitations

Commissioner's Question & Answer Discussion:

- President Bito said that this presentation was discussed at the Client Services Subcommittee, and the level of presentation was much appreciated. The fact that DBI is implementing this on June 30<sup>th</sup> is very encouraging. The numbers that Deputy Director Pereira provided were filtered through the Client Services Subcommittee, and they were enamored by that because the data was so raw. The transparency, especially on slide deck 4 where he talks about the number of days off, is helpful to see how DBI is holding itself accountable to a metric that he is striving for. There was continued discussion and further clarifying questions regarding the presentation.
- Commissioner Alexander-Tut said that she thought this was a solid plan and Commissioners would learn a lot going in, but there has been a lot of work to get to this point. She is excited about the project for two different issues: 1) Unfavorable history of some of the 'players'. 2) She would like to see data parsed out in the format of which projects had a permit expediter, and which did not. Next, look at the projects that did not have a permit expediter and see if some of the problems could be solved.
- Deputy Director Pereira said that they have the ability in the data base to show the category that corresponds with the project sponsor or expediter. Permit Expediters are now required to register with the Ethics Commission. He believes they can try to gather the data that she requested, and this is a more transparent process.
- Commissioner Sommer said she was curious about the intake process, and he answered her question about the checklist and projects coming through intake. She asked for further clarification

and if the checklist was on the website.

- Mr. Pereira said that it was not currently on the website, but there would be a residential and commercial check list. Plan checkers will be looking at this as well.
- There was extensive question and answer discussion regarding this item.

Public Comment:

Mr. Jerry Dratler said that he was encouraged by this presentation, and he served on the Civil Grand Jury which wrote the 2012-2013 report for DBI. He can say personally that the systems that are being used today have not changed much in the past few years, so it is not a Covid problem. Data and performance transparency are a great step forward, and would most certainly help the public's trust with DBI. Permit Expeditors currently need to register with the Ethics Commission only for permits greater than \$1M; However, that database could be useful to DBI. Another current weakness is site plans approved by the Planning Commission over the counter are not available when plans are in the Plan Check backlog. This prevents the public from looking at the site plans if they had to go to the Planning Commission. The only recourse for the public is to file an appeal with the Board of Appeals, which is wrong. The obvious solution is to digitize plans. When the Department looks at fees, maybe there needs to be a higher fee schedule for paper plans, because it costs more money for DBI to do it.

#### **8. Commissioner's Comments and Questions.**

- 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.**
- 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 Mustapha said the next regular Meeting of the BIC would be July 20, 2022.

President Bito questioned if the Department was prepared to agendize the Strategic Plan, Information EG-02, and revisions and updates to the website.

Commissioner Alexander-Tut asked if there would be an update on the report from the Bernie Curran projects.

Director O'Riordan said he would defer to the Deputy City Attorney regarding a report of Bernie Curran's projects due to their criminal nature.

Deputy City Attorney (DCA) Robb Kapla said he was not sure of the public comment on that matter about a report, and had not determined if the audit would lead to a report or if there was a timeline for that item. However, certainly the audit and the checking of permits were ongoing and actions on property with issues would be taken as appropriate in consultation with the City Attorney's Office (CAO), but Mr. Kapla was not aware of a specific report that the Department or CAO had promised but any report would be after the audit.

Commissioner Alexander-Tut said she would welcome a closed session if necessary to have an update on

what was being done without giving specific information.

Director O’Riordan said an update would be possible on the status of the audit.

Commissioner Alexander-Tut said she would like to agendaize an update on the green buildings.

President Bito said added to Commissioner Tut’s request to hear from the Department of an update on the Green Building Codes, initiatives that were already in place, and what DBI was doing to implement sustainability.

Director O’Riordan said the Department would work with the Commission on any specific questions regarding the Green Building Codes and Deputy Director Neville Pereira would be working with Technical Services regarding any significant changes and how efforts were advancing in the Green Building Codes.

DCA Kapla said that the Building Code was an interlocking system of how the City regulated buildings that had undergone alterations versus brand new construction of City owned buildings, and there were a lot of different ways in which the Code could be updated to improve green efficiency and design. Generally, the Department of Environment would be tasked with finding ways to coordinate those different issues, and would work with DBI to blend into the Departments Code to enforce. The Department of Environment takes the lead on Green Building Code and was undergoing some revamping in terms of Municipal Building and its requirements for new municipal buildings. There was also the Building Code which is all new construction and then there was the existing Building Code which were codes that update existing buildings, so he suggested that Department of Environment present on the efforts they were taking and how the Departments worked together.

Commissioner Eppler asked when there would be an update on the Soft-Story compliance and enforcement available.

Director O’Riordan said the update could be done at the next regular meeting.

There was no public comment.

## **9. Review and approval of the minutes of the Regular Meeting of May 18, 2022.**

*Vice President Tam made a motion to approve the Regular Meeting minutes of May 18, 2022 with the modified changes, seconded by President Bito.*

**Assistant Secretary Mustapha Called for a Roll Call Vote:**

<b>President Bito</b>	<b>Yes</b>
<b>Vice President Tam</b>	<b>Yes</b>
<b>Commissioner Alexander-Tut</b>	<b>Yes</b>
<b>Commissioner Eppler</b>	<b>Yes</b>
<b>Commissioner Neumann</b>	<b>Yes</b>
<b>Commissioner Sommer</b>	<b>Yes</b>

There was no public comment.

**RESOLUTION NO. BIC 050-22**

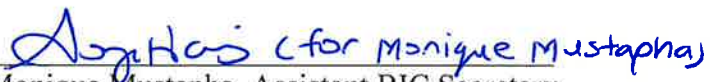
**10. Adjournment.**


*Commissioner Eppler made a motion to adjourn the meeting, seconded by Commissioner Alexander-Tut. The motion carried unanimously.*

The meeting was adjourned at 1:06 p.m.

<b>SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS</b>	
Commissioner Alexander-Tut requested an update on the Bernie Curran projects, possibly a closed session. Director O’Riordan said there could be an update on the status of the audit. – Alexander-Tut, O’Riordan	Page 10,11
Commissioner Alexander-Tut said she would like to agendize an update on the green buildings. President Bito asked for a departmental update on Green Building Codes and initiatives that were in place. DCA Kapla advised the Dept. of Environment should present on this– Alexander-Tut, Bito	Page 11
Commissioner Eppler requested an update on soft-story compliance. – Eppler	Page 11

Respectfully submitted,

  
Monique Mustapha, Assistant BIC Secretary

  
Edited By: Sonya Harris, BIC Secretary