



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

REGULAR MEETING

Wednesday, April 20, 2022 at 9:00 a.m.

Remote Hearing via video and teleconferencing

Watch SF Cable Channel 78/Watch www.sfgovtv.org

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

ADOPTED MAY 18, 2022

MINUTES

- 1. The regular meeting of the Building Inspection Commission was called to order at 9:07 a.m.
Call to Order and Roll Call.**

COMMISSION MEMBERS PRESENT:

Raquel Bito, President

J.R. Eppler, Commissioner

Bianca Neumann, Commissioner

Jason Tam, Vice-President

Angie Sommer, Commissioner

Alysabeth Alexander-Tut, Commissioner, Excused

Sonya Harris, Secretary

Monique Mustapha, Assistant Secretary

D.B.I. REPRESENTATIVES:

Christine Gasparac, Assistant Director

Joseph Duffy, Deputy Director, Inspection Services

Neville Pereira, Deputy Director, Plan Review Services

Taras Madison, Chief Financial Officer

Jeff Buckley, Policy & Public Affairs Director

James Sanbonmatsu, Chief Housing Inspector

Patrick Hannan, Communications Director

CITY ATTORNEY REPRESENTATIVE

Robb Kapla, Deputy City Attorney

Peter Miljanich, 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.

RESOLUTION NO. BIC 039-22

3. President's Announcements.

As President, along with fellow Commissioners our focus continues to be how to best assist the Department of Building Inspection (DBI) and leadership group to streamline the permitting process. The Client Services Subcommittee serves the purpose to look at ways that would best help the Department with those processes with fresh eyes. I am happy to say that anecdotally, I have heard positive feedback about recent services provided by DBI to its customers. It is nice to hear that their efforts are working, and we will have an update on the subcommittee later today.

4. Director's Report

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

Director O'Riordan said The Department was in final stages of interviews for a Compliance Officer which was recommended by the Controller's Office and after collaborating with Digital Services the Department launched an online registration submission process for property owners to file documents related to Accessible Business Entrance (ABE) issues and the tool would give the property owner more control over the process and reduce staff administrative burden and enabled the customer to focus on compliance spending less time on clerical tasks. Another completed effort with Digital Services the Department produced a handout and created a webpage explaining who could obtain a building permit and what authorizations and processes would be. Also, the Department was transitioning to SF.gov and the two-day processing time limit was holding at 60 percent. Director O'Riordan gave a shout out to staff who were moving those permits through. The public advisory forum was to be held on April 27, 2022 and the Department participated in the City wide career fair was held April 23, 2022.

Director O'Riordan read a comment from a member of the public, Mr. Mehrani regarding his experience with Bernadette Perez as follows: Even on Ms. Perez days off she responded to my emails and does a great job providing documents, etc. I wanted to recognize and acknowledge that and I hope you get more employees like Bernadette, she's amazing.

Director O'Riordan said thank you to Mr. Mehrani for his comment and thanked Bernadette Perez for her commitment, professionalism and fine work.

b. Update on major projects.

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

- .07% increase in total construction valuation including filed, issued, and completed permits.
- .25% increase in number of units in March 2022 over February 2022 with 130 units total.

c. Update on DBI's finances.

Deputy Director of Administration & Finance Taras Madison presented on March 2022 monthly report as follows:

- Revenues were at \$59 million for the nine months of FY 2021-22 from July to February, \$2 million more than same time the prior year, that was due to steady increases in plan checks, building, electrical, and plumbing permits.
- Projected expenditures savings were at \$2.5 million primarily due to not having received a lot of bills.

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. Hearing was referred to the Government Audit and Oversight Committee. The item was rescheduled to May 5, 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.

File No. 220193 – Ordinance authorizing settlement of the lawsuit filed by Dennis Richards, Rachel Swann and Six Dogs, LLC against the City and County of San Francisco. Item passed unanimously 10-0 by the Board of Supervisors on April 12, 2022 with Melgar excused.

File No. 211302 – Ordinance de-appropriating \$200,000 previously appropriated to the Mayor's Office of Housing and Community Development and re-appropriating \$200,000 to the Department of Building Inspection for tenant outreach in Federal Department of Housing and Urban Development-funded buildings and other publicly financed residential developments in Fiscal Year (FY) 2021-2022. The proposed ordinance was tabled at the 3/23/22 Budget and Finance Committee meeting.

No File No. – Ordinance amending the San Francisco Fire Code to require automatic sprinkler systems in existing high-rise buildings. The proposed ordinance was introduced on January 11, 2022 and had not been assigned a committee. The item was heard at the April 13, 2022 Code Advisory Committee and was scheduled to be heard April 20, 2022 at the Building Inspection Commission.

e. Update on Code Enforcement.

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

- Building Inspections performed January 5,769
- Housing Inspections 809
- 95 Cases sent to Directors Hearing
- Issued 35 Orders of Abatement
- Code Enforcement Inspections 337
- Plumbing Inspections 3,095
- Electrical Inspections 3,354

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

• Building Inspections Performed	5,769
• Complaints Received	475
• Complaint Response within 24-72 hours	468
• Complaints with 1st Notice of Violation sent	57
• Complaints Received & Abated without NOV	294
• Abated Complaints with Notice of Violations	70
• 2nd Notice of Violations Referred to Code Enforcement	71

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

• Housing Inspections Performed	809
• Complaints Received	399
• Complaint Response within 24-72 hours	370
• Complaints with Notice of Violations issued	132
• Abated Complaints with NOVs	372
• # of Cases Sent to Director's Hearing	45
• Routine Inspections	90

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

• # Housing of Cases Sent to Director's Hearing	95
• # Complaints of Order of Abatements Issues	35
• # Complaint of Cases Under Advisement	5
• # Complaints of Cases Abated	42
• Code Enforcement Inspections Performed	337
• # of Cases Referred to BIC-LC	3
• # of Case Referred to City Attorney	3

Deputy Director Duffy said Code Enforcement Outreach Programs are updated on a quarterly as follows for the 2nd quarter:

• # Total people reached out to	50,838
• # Counseling cases	695
• # Community Program Participants	6,577
• # Cases Resolved	666

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 he had sent an email to each Commissioner with his own assessment of the corruption in the Department of Building Inspection, and he believed there were two challenges that DBI should face which were the \$30 million annual operating deficit and the structural corruption problem. Mr. Dratler said he wanted the Department to be successful which was why he spent a lot of time on the materials that he sent to the Building Inspection Commission. He wanted to place emphasis on the structural corruption that had existed for decades and said the problem was more than a few current and former employees providing preferential treatment to contractors and developers, but the operating structure implemented by DBI management and past BIC presidents like Rodrigo Santos who had been in the newspaper and Mel Murphy who had signed a \$225 thousand settlement with San Francisco. Mr. Dratler said most of the corruption had been their handiwork, and the recommendations in the Controller’s Report would reduce the abuses identified in the eight whistleblower complaints he had sent to the BIC. After reviewing the whistleblower complaints, the BIC would find only a few DBI employees were named in the complaints and Director O’Riordan needed to implement his Zero Tolerance Corruption policy. Mr. Dratler asked that the BIC not allow for any distractions, including the June ballot that was upcoming, from the Department implementing the recommendations from the Controller’s Report.

6. Discussion and possible action regarding an Ordinance (File No. 220038) amending the Fire Code to require automatic sprinkler systems in existing high-rise buildings, in addition to other requirements.

Mr. Jeff Buckley, Policy & Public Affairs Director, said the BIC should have received potential amendments that were designed to align the existing Building Code with the new Fire Code and the Department thought the BIC should recommend those amendments to the sponsor. The Department believes the amendments were designed to be technical in nature and noncontroversial and were more of a ‘clean up’.

Mr. Lee Hepner, Aide to Supervisor Peskin, provided background information and gave a presentation regarding File No. 22038: File No. 22038 – Ordinance amending the Fire Code to require automatic sprinkler systems in existing high-rise building; and affirming the Planning Department’s determination under the California Environmental Quality Act.

Public Comment:

Mr. Dan Torres said he was a business agent that represented the men and women who install, test, and maintain Life Safety Fire Sprinkler Systems, and as native of San Francisco and advocate of the fires sprinkler system Mr. Torres thought it was imperative to be proactive rather than reactive and retrofit the high rises with Life Safety Fire Sprinkler Systems. There would be cost, and inconveniences to landlords and tenants but if the retrofits save one life than it would have been worth it. Mr. Torres urged the BIC to support the legislation.

Mr. Daniel Chacon, Executive Director of Alisa Ann Ruch Burn Foundation, a local nonprofit in the Bay Area and resident of the Mission District in the City said the nonprofit he worked for assisted burn survivors and promoted burn education. Mr. Chacon said the importance of protecting people and citizens of the City due to house fires being on the rise, with the number of children and families impacted along with significant emotional pain a family suffered. It was estimated that a burn survivor would experience

a financial burden from the initial care whether insured or not and the cost per day to be in a burn unit was ten thousand dollars (\$10,000), and after there would be significant long-term effects and care such as limited mobility and scarring as well as psychological effects such as PTSD and body image. Those were some of the reasons Mr. Chacon urged the BIC to focus on the best efforts of the Code.

The BIC Commissioners, DBI staff Michelle Yu and Jeff Buckley, Lee Hepner of Supervisor Peskin's office, along with representatives from the Fire Department, Ken Cofflin and Kathy Harold, had extensive discussion regarding File No. 22038 to explain the amendments.

Several Commissioners had questions, and requested further clarification to determine the process of voting on this item.

Deputy City Attorney (DCA) Peter Miljanich said that the appropriate step would have been to recommend disapproval of the Ordinance until the additional information had been provided or studies that the BIC was seeking had been completed.

Mr. Lee Hepner said that he would caution against voting to disapprove as that was not what he thought the comment on the floor was recognizing the imperative, but a need for more information.

President Bito said she was not making a motion to disapprove, but to continue the item with further studies that were talked about.

Commissioner Neumann asked what was the impact of approving the amendment and continuing the discussion on the secondary piece of the components that would go into the Fire Code.

DCA Peter Miljanich said there was not a legal impact to the way the ordinance would proceed if the Commission decided to provide its feedback on the Building Code amendments and continue consideration of the remainder of the Ordinance at this stage.

Mr. Jeff Buckley said the Ordinance was mainly before the BIC because it was amending the Fire Code because of the amendments to the Building Code to remove most of the references to the Fire Code, and to clarify which jurisdiction the Code was under. Mr. Buckley said the purpose of bringing the item to the Commission was to present those amendments. Regarding continuing the item, it was his understanding that the BIC could make a request of the sponsor in their motion who would presumably go before the Fire Commission, Land Use Committee, and then to the full Board of Supervisors.

President Bito asked for further clarification regarding the references in the Fire Code that used Building Code. She asked if the Ordinance was a separate issue and what part of the Building Code was the BIC approving within the Ordinance.

Deputy City Attorney Robb Kapla said as a reminder the Building Inspection Commission does not approve or deny an Ordinance, but makes recommendations as to whether they should be approved or denied. This was a stop in the pathway and if it were to amend and change the Building Code substantially it did not need the approval of the BIC, it only needed its consideration. Whether the BIC moved the Ordinance forward by saying we think these changes should be made, but more information is needed we would recommend approval with those steps or disapproval until those steps are done. The other option

was to continue the item, but with a finite time to do so because continuing it meant the item could not go to the Board without those considerations, it would go back to the BIC for approval but would stall the Ordinance. The question for the Commission was to advance the Ordinance recommending approval until certain conditions were met or hear the item again after a continuance whether the sponsor could provide the recommended information in 60 to 90 days.

President Bito said that she made a motion earlier to continue the item until next month and receive further studies on cost impact, tenant displacement and a timeline.

Vice President Tam said he would second that motion.

Commissioner Sommer said it sounded like the Commission is a recommending body at this point and were not in charge of whether any of these amendments happen. Mr. Buckley explained if the BIC agreed that this Ordinance removes a lot of text from the Building Code into the Fire Code, and people are telling the BIC yes that makes sense and Director O’Riordan says yes that makes sense it was ok to approve and discuss further later. The second separate issue was the Ordinance of the Fire Code being moved outside the purview of the Building Code which could be discussed, and it sounded to her that part was needing more discussion to submit any recommendations.

President Bito said her understanding was the Ordinance was enacting the Code and provisions outlined.

Vice President Tam said he looked over the changes and the majority of the changes were the verbiage that deferred the Code to the Fire Code to bring it out of the Building Code giving the Fire Code jurisdiction while leaving the core of the Code.

Mr. Jeff Buckley said yes and Commissioner Sommer made similar points in terms of what those changes do and where, and said that this was really a Fire Code piece of legislation if the BIC adopts the proposed amendments.

President Bito made a motion to adopt the Code to reference the Fire Code and continue the Ordinance on the studies stated earlier.

Commissioner Neumann said the BIC provides recommendations based on what was discussed and could ask for additional reports on the status of the Ordinance.

Commissioner Eppler said he was okay to approve the recommendations while continuing the discussion of the Ordinance.

Secretary Harris said taking into consideration what Deputy City Attorney Robb Kapla said, the requirement for legislation such as this was to be heard and presented before the BIC and typically the Commission would support or not support the legislation so it can continue its process to the Board and Committees and this Board could request further information later; However, the requested information may not be available by the next Regular BIC meeting.

Vice President Tam made a motion, seconded by President Bito, to recommend the Department’s

proposed amendments to the ordinance in the Existing Building Code to give jurisdiction to the Fire Code.

Secretary Harris Called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Excused
Commissioner Eppler	Yes
Commissioner Neumann	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 040-22

Vice President Tam made a motion to recommend approval of an Ordinance (File No. 220038) amending the Fire Code to require automatic sprinkler systems in existing high-rise buildings, and suggested an update by the sponsor providing the cost studies, displacement of tenant's plan, and timeline, which was seconded by Commissioner Eppler.

Secretary Harris Called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Excused
Commissioner Eppler	Yes
Commissioner Neumann	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 041-22

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

Ms. Michelle Yu, Technical Services Division Manager, presented the following information:

- Revised EG-02: Issue and Impact
- Revised EG-02: Existing Issues
- Revised EG-02: Proposed Triggers
- Revised EG-02: Proposed Equivalencies
- Revised EG-02: Timeline

Mr. Lev Weisbach and Mr. Ross Levy of the American Institute of Architects gave a presentation as well. **(Please see attached document)**

Public Comment:

Mr. Jerry Dratler said that requirements of 25-foot rule are on the way out, and a number of practical and technical questions were raised. There should be a clear definition in place to assure the Over the Counter (OTC) process.

Ms. Georgia Schuttish said that she sent the BIC six pages of photos of projects with major excavations, and four examples were included. Ms. Schuttish asked if the draft should discuss excavations. She also described some of the issues with the projects, e.g. yard multi-level, equivalency egress.

Ms. Julie Jackson, Architect in S.F., thanked Mr. Levy and Mr. Ross for their comments. Ms. Jackson echoed their comments regarding making sure time was taken to assure that things are clear. There is a gray area regarding individual plan checkers, and different options are evaluated. Building type and topography should be taken into consideration.

There was extensive discussion regarding this item, and following are some of the comments:

- Ms. Michelle Yu said that the information sheet was written to be vague as to allow flexibility for design professionals.
- Ms. Yu said that the Fire Department provided DBI with the minor requirements. Fire has to be able to perform rescue.
- President Bito said the joint effort between Fire and Building. Mr. Weisbach was frustrated regarding equivalencies to present to different departments. Mentioned interdepartmental review, and that it cannot be OTC. Question of how to serve the design community with some certainty, and how to get things approved.
- Ms. Yu stated that she was proud of the Information Sheet and DBI worked with the Fire Department and collaborated on it to provide guidance to the public. It provides alternate means/methods to streamline the process for the design community. Clear guidance was provided and it is straight forward so everyone knows that DBI and Fire accepted the guidance.
- Mr. Weisbach said there are probably 2 levels, technical or dimensional issues. He gave an example of a door and mentioned that the 3-foot rule applies to corridors, clear path, and stairs. They want to avoid re-doing designs. Integrity with Planning Department, zoning requests, AB-005. Kathy Harold of Fire Department was great and helped with AB-005.
- Mr. David Winslow, Planning Department Staff Architect, said that there was a potential for an added process. Mentioned rear-facing bedroom windows, Zoning Bulletin 4. Mr. Winslow stated that there are exceptions regarding fire escape. For example, existing non-compliant building going into rear yard.
- President Bito mentioned dimensional clearance and expectations, and asked if more specificity or clarity could be added.
- Ms. Yu said that DBI does not want to constrain the design community by being too specific.
- Director O’Riordan said that basic requirements are in the Building Code. He said he was “putting on his life safety hat” to make decisions. He gave examples regarding guard rails.

8. Update regarding the Client Services Subcommittee.

President Bito made a motion to continue item 8, which was seconded by Vice President Tam.

All Commissioners were in favor of continuing the item.

The motion carried unanimously.

RESOLUTION NO. BIC 042-22

10. Discussion regarding DBI's Internal Audit.

Deputy Director Joe Duffy of Inspection Services presented the following:

- Internal Quality Control Audit Overview
- Progress Since Last Meeting
- Audit Application
- Audit Application Contents
- Status of Tier 1
- Status of Tier 2
- Closing

9. Update regarding the Single Room Occupancy (SRO) hotels.

Chief Housing Inspector James Sanbonmatsu and Housing Inspector Christina Dang-Moy presented as follows:

- Historic Resource and Source of Affordable Housing for Formerly homeless adults
- Distribution of SRO Buildings
- Complaints and Violations in SROs
- Violations Observed and Corrected
- Complaints and Violations in SROs
- Litigation Committee Action
- Role of SRO Collaborative
- Housing Inspection Services (HIS) Working with Community Partners

11. Update regarding the Accessible Business Entrance program.

Communications Director Patrick Hannan presented the following:

- Accessible Business Entrance Program overview
- Places of "Public Accommodation"
- Compliance
- 2022 Status Update – Exemption Criteria
- 2022 Status Update – Direct Mail
- 2022 Status Update – Stakeholder Outreach

- 2022 Status Update – New Webpage
- 2022 Status Update – Compliance
- Next Steps towards June 30 deadline

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.**

Vice President Tam asked if there was there any community outreach he could do for the career fair that was scheduled for April 23rd.

Director O’Riordan said the career fair was being held that upcoming Saturday and although he would not be in attendance Deputy Director Neville Pereira would be.

Vice President Tam asked if there were any flyers or other materials available.

Mr. Patrick Hannan said that the Department of Human Resources was the lead on the outreach for the event, but would add a note to the Department’s Public Advisory reminder and would connect Vice President Tam with the outreach leader for further communication.

- 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 said the next Regular BIC meeting would be May 18, 2022.

There was no public comment.

13. Review and approval of the minutes of the Regular Meeting of March 16, 2022.

Vice President Tam made motion to approve the Meeting Minutes of March 16, 2022, which was seconded by President Bito.

There was no public comment.

RESOLUTION NO. BIC 042-22

14. Discussion and possible action on the annual performance evaluation for the BIC Secretary.

Please Note: Agenda Items 14 and 15 were called at the same time.

- a. Public Comment on all matters pertaining to the Closed Session.**

There was no public comment.

- b. Possible action to convene a Closed Session.**

Vice President Tam made a motion, seconded by President Bito, to convene a Closed Session.

The Closed Session was convened at 12:45 p.m.

Secretary Harris Called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Excused
Commissioner Eppler	Yes
Commissioner Neumann	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

RESOLUTION NO. BIC 043-22

- c. CLOSED SESSION: Pursuant to Government Code Section 54957(b) and the San Francisco Administrative Code Section 67.10(b).
Secretary to the Building Inspection Commission – Ms. Sonya Harris**
- d. Reconvene in Open Session to vote on whether to disclose any or all discussions held in Closed Session (Administrative Code Section 67.10(b)).**

15. Discussion and possible action on the annual performance evaluation for the Director.

- a. Public Comment on all matters pertaining to the Closed Session.**

There was no public comment.

- b. Possible action to convene a Closed Session.**

Vice President Tam made a motion, seconded by President Bito, to convene a Closed Session.

The Closed Session was convened at 12:45 p.m.

The motion carried unanimously.

RESOLUTION NO. BIC 043-22

Secretary Harris Called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Excused
Commissioner Eppler	Yes
Commissioner Neumann	Yes
Commissioner Sommer	Yes

- c. **CLOSED SESSION:** Pursuant to Government Code Section 54957(b) and the San Francisco Administrative Code Section 67.10(b).
Director of the Department of Building Inspection – Mr. Patrick O’Riordan
- d. **Reconvene in Open Session to vote on whether to disclose any or all discussions held in Closed Session (Administrative Code Section 67.10(b)).**

President Bito made a motion, seconded by Vice President Tam, to reconvene in Open Session and not disclose any discussions held in Closed Session.

The Commission reconvened in open session at 1:32 p.m.

RESOLUTION NO. BIC 044-22

Secretary Harris Called for a Roll Call Vote:

President Bito	Yes
Vice President Tam	Yes
Commissioner Alexander-Tut	Excused
Commissioner Eppler	Yes
Commissioner Neumann	Yes
Commissioner Sommer	Yes

The motion carried unanimously.

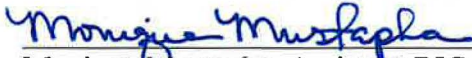
16. Adjournment.

Vice President Tam made a motion, seconded by President Bito, to adjourn the meeting.

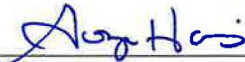
The meeting was adjourned at 1:33 p.m.

RESOLUTION NO. BIC 045-22

Respectfully submitted,



Monique Mustapha, Assistant BIC Secretary



Edited By: Sonya Harris, BIC Secretary

Attached Document submitted by Mr. Weisbach

(Referenced on Page 8)

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

GENERAL INTRODUCTORY COMMENTS

- **Thank you for letting us provides comments today regarding the draft proposal to replace the current Information Sheet EG-02. We all recognize the importance of providing the appropriate level of life-safety in designing and constructing housing and that implementing the requirements of the EERO code section based on the State Fire Marshals interpretation requiring ladder access are going to be challenging due to zero lot line zoning and the unique topography of San Francisco.**
- **Implementing any new regulatory requirements always have consequences and we believe that the impact of the draft revisions to EG-02 will have negative impacts on design, the permitting process, and construction. Since we all want to contribute to lessening the impacts of the high cost and shortage of housing in San Francisco we believe a very aggressive approach to reducing those negative impacts is appropriate.**
- **We have appreciated the opportunity to work with SFFD, DBI, and Planning on the re-drafting of EG-02. In addition to the three meetings we have had with SFFD, DBI, and Planning we have also been included in a number of meetings with subcommittees and the full Code Advisory Committee. These meetings have included spirited discussions about the complexity of implementing the code change and honest exchanges.**

DESIGN

- **Straight shot for firefighters carrying 22' long ladder will restrict internal planning**
- **Inclined rescue ladders and platforms will restrict window locations and impact light and air to rear facing rooms**
- **Inclined rescue ladders and platforms will impact the privacy and views of adjacent properties**

PERMITTING PROCESS

- **Too many variations of existing housing stock and differing topography to have a prescriptive solution that will apply to all so many projects will have to be evaluated on a case-by-case basis**
- **Multiple agencies involved in approval**
- **Subjective criteria required to evaluate which will negate consistent application**
- **Process and impact to permitting ADU's, legalization of unwarranted units, and units created through the SB-9 legislation recently enacted not yet clearly defined**

CONSTRUCTION

- **Significant additional costs**
- **Additional complexity will extend duration**
- **Inspection and maintenance of additional elements will be required**

IMPLEMENTATION

Draft

- **Take time to get it right**

Training

- **Thorough**
- **Consistent**
- **Clearly defined hierarchy**
- **Multi-agency**
- **Ombudsperson**

Triggers

- **Language is vague and subject to interpretation**
- **Clearly define what “further restricts” means?**
- **Clearly define what is “existing” versus “new” construction?**
- **Note distinct exceptions. We offer the following suggestions:**
 - a. **Repairing and/or replacing siding, framing, or windows on rear facing walls that define bedrooms**
 - b. **Rebuilding existing decks or stair due to maintenance issues**
 - c. **Enlarging or re-configuring existing rear-facing bedrooms**
 - d. **Foundation system repair or upgrades**
 - e. **Kitchen and bath renovations**

OPTIONS 1-4

Option 1

- **Explicitly note that a car in the garage would not be considered an obstacle**
- **provide example template of how to measure the path of travel for the ladder provided. Note the required clearance at hallways and doors**
- **Note that intervening spaces do not need to be rated**

Option 2

- **Explicitly note that upgrading a Type VB to a Type VA and providing sprinkler systems as required for the specific building type are acceptable**
- **Reference to the sprinkler requirements as defined by FS-03**

Option 3

- **Note that emergency rescue access (not stair) can be made of wood or metal**
- **Note fire walls at property lines not required**
- **Provide the specific dimensions of all elements – width of stair, riser and tread dimensions, landing dimensions, access platform at roof level, handrail requirements similar to how all elements of fire escapes are defined**

Option 4

- **Note that emergency rescue access (not stair) can be made of wood or metal**
- **Note fire walls at property lines not required**
- **Provide the specific dimensions of all elements – width of stair, riser and tread dimensions, landing dimensions, access platform at roof level, handrail requirements similar to how all elements of fire escapes are defined**

A. ADDITIONAL MISCELANEOUS CONCERNS

- **Options 3 and 4 - Planning needs to review zoning code issues and 311 notification in regard to how they will treat the addition of stairs.**
- **For any changes to street facing facades due to adding exit passage Planning needs to review how to handle vis-à-vis Historic Preservation review**
- **What liability is triggered by providing a rear stair that is not per the CBC given they are allowing the angle to be 72 degrees?**
- **What liability is being triggered by providing access from bedroom EERO balconies to the roof?**
- **What will be the process for non-permitted units that Planning wants legalized? If the non-permitted units conflict with the EERO requirements how is that resolved?**
- **How will projects still be able to be approved OTC give the multiple agency review and the requirement to file an AB-005**