

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

REGULAR MEETING

Wednesday, May 18, 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: 2486 339 7171

ADOPTED JUNE 15, 2022.

MINUTES

- 1. The regular meeting of the Building Inspection Commission was called to order at 10:33 a.m.
Call to Order and Roll Call.**

COMMISSION MEMBERS PRESENT:

Raquel Bito, **President, Excused**

Alysabeth Alexander-Tut, **Commissioner**

J.R. Eppler, **Commissioner**

Bianca Neumann, **Commissioner**

Jason Tam, **Vice-President**

Angie Sommer, **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**

CITY ATTORNEY REPRESENTATIVE

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.

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 046-22

3. President’s Opening Remarks.

Vice President Tam said he was looking forward to the agenda, in particular the Racial Equity Plan Update. He said growing up in Chinatown he experienced overt cultural clashes as well as less obvious but present racism, although not every day or with everyone. In fact, he did not see racism very often which made it more striking when those issues arose. This did not mean the Commission should not hit it straight forward or invest time and resources to address those core causes. Vice President Tam thanked the Department staff and fellow Commissioners for paying attention to those critical issues and said that he looked forward to getting started.

There was no public comment.

4. Director’s Report.

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

Director O’Riordan announced the Department was creating a Small Business Inspector Ambassador Program to help small businesses with issues that occasionally come up before the issuance of a Certificate of Occupancy and with an understanding the time between build out and opening is a high stress period for new business owners due to payments of rent, debt, and workers along with a full stock. The Department wants to be sure to support small business owners in that particular time period, especially to resolve any outstanding issues quickly, whether the small business is having trouble scheduling an inspection or they do not understand how to address an outstanding Code requirement or needs clarification of what was needed to have permits signed off. At the end of May, two Building Inspectors would be assigned as the Ambassadors. In addition to their current duties, they would assist and troubleshoot any obstacles in getting a permit completed and receiving the Certificate of Occupancy. The Department believes the Ambassadors work would center around internal coordination and communicating with the applicants. They would interact directly with their colleagues and the applicant to untangle any knots, and would report to the Chief Building Inspector and Deputy Director for Inspection Services. Those Ambassadors would not conduct inspections outside of their districts and not supplant the District Inspectors review of the work, which would undermine the reforms that were put in place last year. An email and office phone line has been set up for the Ambassadors if the public wants to contact them directly. The Department believes this would be a valued and welcome addition to

the customer support services. Also, the Department was involved with the Citywide Career Fair held on April 23, 2022 and staff made sure that anyone interested in working for the Department had the opportunity to speak with current employees, and gave out information that was actionable in hopes of being remembered. Deputy Director Neville Pereira lead the charge during the Career Fair as the Department was looking to fill positions in Permit Services, and the team was well represented across the Department from Inspection Services and Human Resources team all gave information regarding roles that would be available and provided tips to applying for jobs with the City and gave QR codes with links to City jobs. The Department received a lot of interest including a visit from Mayor Breed. The Department also held a Public Advisory Forum in late April 2022 which was attended by approximately 60 people. Katy Tang, Director of Small Business, gave an update on new small business services available in the Permit Center as well as the grants available to make accessible improvements related to the Accessible Business Entrance (ABE) Program. The Permit Center and San Francisco Public Utility Commission spoke and answered questions related to the Non-Potable Water Ordinance. The Department believes these forums were an opportunity for staff to hear from the community and improve services. The next Public Advisory Forum will be held on August 31, 2022.

b. Update on major projects.

Director O’Riordan gave an update on projects in valuation of \$5 million or more as follows:

- .07 change in construction valuation
- .29 less units than March in April

c. Update on DBI’s finances.

This item was continued to the Regular Building Inspection Commission meeting of June 15, 2022.

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

Assistant Director Christine Gasparac introduced the Department’s new Legislative and Public Affairs Manager Ray Law. Mr. Law worked for the City and County of San Francisco for more than a decade, and was the Deputy Director of the Office of Cannabis and prior to that a Legislative Aide to Katy Tang.

Ms. Gasparac gave the following Legislative updates:

- **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.
 - DBI planned to acquire 2 to 6 electrical vehicles converting at least half of the Departments vehicle sedan fleet.
- **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** – Settlement of Lawsuit – Dennis Richards, Rachel Swann, Six Dogs LLC for \$1,800,000. Lawsuit filed February 21, 2020 in United States District Court, Case No. 20-cv-01242-JCS; entitled Dennis Richards, et al. v. Department of Building Inspection, et al.; the lawsuit involves alleged civil rights violations and claims that the Department of Building Inspection revoked building permits to retaliate against persons critical of the Department.

e. Update on Code Enforcement.

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

- Building Inspections performed April 5,295
- Housing Inspections 716
- 111 Cases sent to Directors Hearing
- Issued 40 Orders of Abatement
- Code Enforcement Inspections 407
- Plumbing Inspections 2,655
- Electrical Inspections 3,082

Deputy Director Joseph Duffy presented the following Building Inspection Division Performance Measures for April 1, 2022 to April 30, 2022:

- | | |
|---|-------|
| • Building Inspections Performed | 5,295 |
| • Complaints Received | 606 |
| • Complaint Response within 24-72 hours | 599 |
| • Complaints with 1st Notice of Violation sent | 64 |
| • Complaints Received & Abated without NOV | 419 |
| • Abated Complaints with Notice of Violations | 48 |
| • 2nd Notice of Violations Referred to Code Enforcement | 36 |

Deputy Director Joseph Duffy presented the following Building Inspection Division Performance Measures April 1, 2022 to April 30, 2022:

- | | |
|---|-----|
| • Housing Inspections Performed | 716 |
| • Complaints Received | 280 |
| • Complaint Response within 24-72 hours | 257 |
| • Complaints with Notice of Violations issued | 117 |
| • Abated Complaints with NOVs | 323 |
| • # of Cases Sent to Director's Hearing | 20 |
| • Routine Inspections | 114 |

Deputy Director Joseph Duffy presented the following Building Inspection Division Performance Measures for April 1, 2022 to April 30, 2022:

- | | |
|---|-----|
| • # Housing of Cases Sent to Director's Hearing | 111 |
| • # Complaints of Order of Abatements Issues | 40 |
| • # Complaint of Cases Under Advisement | 0 |
| • # Complaints of Cases Abated | 195 |
| • Code Enforcement Inspections Performed | 407 |
| • # of Cases Referred to BIC-LC | 10 |
| • # of Case Referred to City Attorney | 1 |

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

5. 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.

6. Discussion regarding DBI’s Racial Equity Plan – Goal #7 Boards and Commissions, and efforts to meet goals and deadlines.

Commissioner Alexander-Tut said she wanted to give some background on what the Racial Equity Plan was and described what was in the provided supporting documents, and what the Commissions commitments were. She said in July 2019 the Office of Racial Equity (ORE) was created by an Ordinance and adopted by the Board of Supervisors. The ORE is a division of the Human Rights Commission which is part of a City department. The ORE was legislated in response to address the history of structural and institutional racism in the City and County of San Francisco in dealing with services to the public and internal practices and systems. ORE has the authority to enact a Citywide equity framework and to direct departments to implement mandated racial equity plans, and to analyze disparate impacts of pending Ordinances as well as various other policies and reporting functions. The ORE required the City designate employees as Racial Equity Leaders, acting as a liaison to the Office, and requires the Department of Human Resources to prioritize Racial Equity in the City’s workforce recruitment programs. ORE can make budget recommendations if Racial Equity measures and metrics are not being met. As a Commission, the BIC has the authority to adopt the budget, but ORE has the authority to make recommendations to the Commission. Finally, the Racial Equity Plan (REP) was adopted at the end of 2020 and the Commission has made some progress. The REP was divided into sections based on whose Department was responsible, and section 7 is the section of the Commission. Some of the goals the Commission worked on were the Bylaws and Rules, as well as amended procedures with a Racial Equity lens. The BIC adopted its Racial Equity Resolution in 2021 and began reading the Land Acknowledgement at its meetings. The City has enacted the removal of citizenship as a requirement to sit on a Commission, and a resolution was passed to include Racial Equity in our actions as a Department. The BIC is in phase one of the REP which is looking internally, and in phase two the Commission would begin to look externally. Section 721 of the REP said to determine a regular and standardized protocol for accommodation requests centering around persons with disabilities, working people, and parents. Indicators would be diversity of the Boards and Commissions and implementation of inclusive protocols. Commissioner Alexander-Tut said she did not think the Commission was far from achieving those goals, but there could be some protocols that need review and could be more in line with the Commission’s goals. Another goal was to commit to ongoing equity training, which the Commissioners are required to do as well.

Vice President Tam applauded Commissioner Alexander-Tut and Commissioner Sommer on the work

they had put into the Racial Equity Plan with the Land Acknowledgement, and bringing light to not only racial equity but gender equity. He also thanked the Department for being receptive and working on the Racial Equity Plan with the Commission and making positive traction.

Commissioner Sommer thanked Commissioner Alexander-Tut for the summary and said that she looked forward to the advancement of the plan. She also acknowledged that she called attention to section 7.2.1 which was to determine regular and standardized protocols for accommodation requests centering around people with disabilities, working persons, and parents. She welcomed any input and thought a lot of difficulties around those initiatives were to get those who would benefit from the initiatives to the table to weigh in, and provide helpful input so the Commission could know what was being missed. – One of those initiatives could be remote access and the ability for the public to call into meetings, so she encouraged the public and members of the Commission where there may be items along those lines and someone knows of anyone who has those concerns to bring that to the Commission’s attention. Commissioner Sommer said that the hardest part is to put yourself in everyone’s shoes to address different concerns and though the Commission may not be able to do all things all the time, having the input would be helpful and encourages further discussion and consideration of any other perspectives.

Secretary Harris said thanked the Commission for the discussion, and said that the Department would continue to work on the goals of the Racial Equity Plan.

There was no public comment.

7. 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.**

There were no inquiries from the Commission to staff.

- 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 Regular Meeting of the Building Inspection Commission would be on June 15, 2022.

Commissioner Sommer said she had been joining the Code Advisory Committee (CAC) meetings recently, and since she had joined the Commission to listen to their discussions and see what they were doing. The meetings have been interesting and helpful and in their last meeting they had a two-page list of items that were discussed, had opinions about or enacted and she suggested bringing the list to the Building Inspection Commission. Commissioner Sommer thought it was a good idea, especially because there were new Commissioners and last year the BIC had a summary of what the Commission’s subcommittees do and that would be a good idea to do so again. She requested this as a future agenda item, whether it is having a representative from each subcommittee or having a summarized list shared.

Commissioner Alexander-Tut said she wanted to discuss having a policy to provide a comprehensive list of City resources when it is found that over permitting issues, especially that affect tenants. She would like to have a policy that the Department provide those resources at the earliest possible moments to homeowners to access resources if they are eligible and have the best information to cure violations.

Secretary Harris said to email or call her with any items that the Commissioners would want to have on future agendas.

There was no public comment.

8. Review and approval of the minutes of the Regular Meeting of April 20, 2022.

Secretary Harris said there was one correction to state for the record on page 8, the motion will say Vice President Tam made a motion, seconded by President Bito to adopt the amendments in the Building Code to give jurisdiction to the Fire Code.

Vice President Tam made a motion to approve the Regular Meeting minutes of April 20, 2022 with the modified changes, seconded by Commissioner Eppler.

RESOLUTION NO. BIC 047-22

9. Adjournment.

Vice President Tam made a motion to adjourn the meeting, and all Commissioners were in favor.


RESOLUTION NO. BIC 048-22

The meeting was adjourned at 11:04 a.m.

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Request by Commissioner Sommer to have an update from the BIC Subcommittees: Access Appeals Commission (AAC), Board of Examiners (BOE), and Code Advisory Committee (CAC) – Sommer	Page 6
Commissioner Alexander-Tut said she wanted to discuss having a policy to provide a comprehensive list of City resources when it is found that over permitting issues, especially that affect tenants. – Alexander-Tut	Page 6

Respectfully submitted,


Monique Mustapha, Assistant BIC Secretary


Edited By: Sonya Harris, BIC Secretary