



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

REGULAR MEETING

Wednesday, August 20, 2014 at 9:00 a.m.

City Hall, 1 Dr. Carlton B. Goodlett Place, Room 416

Aired Live on SFGTV Channel 78

ADOPTED November 19, 2014

MINUTES

The regular meeting of the Building Inspection Commission was called to order at 9:08 a.m. by President McCarthy.

1. Call to Order and Roll Call – Roll call was taken and a quorum was certified.

COMMISSION MEMBERS PRESENT:

Angus McCarthy, **President, excused**

Frank Lee, **Commissioner**

James McCray, Jr. **Commissioner**

Debra Walker, **Commissioner (9:25 a.m.)**

Sonya Harris, **Secretary**

Warren Mar, **Vice-President**

Kevin Clinch, **Commissioner (9:35 am)**

Myrna Melgar, **Commissioner (9:15 a.m.)**

D.B.I. REPRESENTATIVES:

Tom Hui, **Director**

Edward Sweeney, **Deputy Director, Permit Services**

Dan Lowrey, **Deputy Director, Inspection Services**

Taras Madison, **Chief Financial Officer**

William Strawn, **Legislative and Public Affairs Manager**

CITY ATTORNEY REPRESENTATIVE

John Malamut, **Deputy City Attorney**

2. President's Announcements.

President McCarthy made the following announcements:

- Special Thanks to the Building Inspector Ping Pong Team, led by Team Captain Ren Yu Zhang, which competed again on August 17th against some terrific City-wide talent in the annual Chinatown Ping Pong tournament. Director Tom Hui also performed well in his one-on-one match with the Mayor.
- Special thanks to Director Hui, Soft Story Manager Robert Chun and the DBI Mandatory Soft Story Seismic Retrofit staff, who joined with the Rent Board and with the Mayor's Director of Earthquake Safety in hosting another free public workshop on August 11th at the Main Library on steps owners of these at-risk soft story buildings must take in order to retrofit their buildings. More than 175 people attended the workshop. We continue to do

outreach to make owners aware of the September 15th deadline for submitting required screening forms to DBI. After Sept. 15th, DBI will begin to post Notices of Violation and a Code Enforcement sign that states this building is in violation of San Francisco earthquake safety requirements.

- Congratulations to Director Hui, who will make a presentation to the California Seismic Safety Commission, when it holds its meeting in San Francisco on October 9th in the Board of Supervisors' Chambers. Part of the City's 25th Anniversary Observance of the 1989 Loma Prieta Earthquake, Director Hui will brief the Commission on steps San Francisco is taking to improve seismic safety throughout the City. Director Hui also will have an article on the mandatory soft story seismic retrofit program in the September issue of *SF Apartment Magazine*.
- Thank you to Rudy Pada of Plan Review Services for helping a customer to obtain his permit. He was very professional in answering questions and provided valuable information in making corrections, which helped to complete the work in getting the permit issued.
- Kudos goes out to the Records Management Division, specifically Paul Bautista, Saphonia Collins, and Dwayne Farrell for providing excellent customer service and assisting a customer with his records request.
- Also, Mira Lee of Plan Review Services received compliments from a customer for the hard work she did on the LGBT shelter project. The customer thanked Mira for her dedication, professionalism, and for coordinating with other departments on the project.
- A big thank you goes out to Thomas Keane of Inspection Services for helping a couple navigate through a long 4-year, 9-month process of obtaining their final Certificate of Final Completion and Occupancy. The process was confusing and they had several delays along the way, but the now happily married couple appreciates the role Inspector Keane played in serving SF residents.
- Kudos to Mechanical Engineer Supervisor James Zhan, who was thanked by Todd Sims of the Institute for Market Transformation, a Washington, D.C.-based think-tank, for his "...insights, cooperation and participation..." in helping to simplify the new State Energy Code and thereby increasing likely compliance.

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

Mr. Henry Karnilowicz said that he wanted to thank Deputy Director Sweeney for being on the fifth floor to see what the traffic flow was like. There are a lot of people there, as well as the first floor so customers really appreciate the fact that they get done quicker. Also, people are truly

amazed about the 7% reduction in fees which is great, but Planning has come back with a bunch of increases so he guesses that is going to balance out.

Mr. Charley Goss representing the San Francisco Apartment Association said that they have major concerns about Supervisor Chiu's legislation, and the Building Code requirements that their units are required to meet when their tenants list them on Airbnb and other short-term rental vacation and travel website services. There is a difference in the Hotel Code and the Building Code and their residential units do not meet the Hotel Code. These Airbnb units are being treated as hotels, so they need to be brought up to the Hotel Code and they have major questions as to whose responsibility that is, what level of safety the people staying there deserve. If they need to put exit signs in the hallway, maps on the doors, how to mark emergency exits. There are major life safety issues, because these units are not up to the Hotel Code but are being operated as hotels. His association represents landlords, and in the end they are liable for any injuries that occur and it is a major concern for their members, and he appreciates the BIC considering their thoughts.

Mr. Dale Carlson represents San Franciscans for Affordable Neighborhoods and Jobs, which was a campaign committee that was formed to promote a ballot measure regulating Airbnb and short-term rentals. This will be on the ballot until November of 2015, and he knows the Commission is aware of the Airbnb legislation, but he's not sure if they are aware of the problem. There are more than 10,000 units listed on Airbnb, VRBO, and Home Away in San Francisco right now. 75% to 85% of those are not home sharers, and they are not renting a spare room in their home: They are entire units, homes, and condos so the problem is growing. The legislation that Supervisor Chiu introduced has mentioned some amendments that would make short-term rentals to tourists legal everywhere, for everyone and at any time without any limitations so entire neighborhoods and streets could be inundated with these rentals. Mr. Goss raised the code questions, and the CAC and the Planning Commissioners raised some of those questions, such as which codes apply and how they are going to be enforced and inspected – Those are unanswered questions. He hopes with the amendments that the Planning Commission has suggested to Supervisor Chiu, that the BIC still retains a role and opportunity to look at this legislation and consider what it means for the City and for the Department of Building Inspection.

President McCarthy requested that the Commissioners go straight to the Director's Report, as Commissioner Clinch was not present at the time and wanted to sit in on Items 4 and 5.

6. Director's Report.

a. Update on DBI's finances.

Chief Financial Officer, Taras Madison, gave an update on DBI's finances and discussed the following points:

- There was not an August report, because normally Finance would give a report of FY ending 13/14 and even though the FY ends on June 30, per the Controller's instructions staff actually has until August 30 to complete it and reconcile all of the revenues and expenditures.
- In July Ms. Madison provided a preliminary report that included DBI's year-to-date through July, and there are a couple of huge outstanding items that she wanted to be able to put in to give the Commission a good, complete picture of how the Department will end FY 13/14 so she will submit that report in September.

- On the revenue side staff normally does not get the apartment license revenues until the last week in August, so right now they are awaiting them.
- On the expenditure side DBI has over \$8M in work orders to City departments, and normally they had until the beginning of this week to complete their final billing.
- Instead of providing something that really is not accurate Ms. Madison wanted to give the BIC a final close fiscal year report which she will do next month.
- Staff is working on the deferred credit report.
- Although the Department collects a variety of revenues, the revenues collected are huge but they are for plan check revenues and building permits. Those revenues are collected up front and then deferred, so staff has been working on that over the past couple of weeks.
- It looks like maybe about \$13M or so, but once again Finance is finalizing that, so when the BIC gets the September report for the final year it will show the collected revenues, actual expenditures, and what the true fund balance will be once they deduct \$13M.
- For the current year there is a temporary six month, 7% fee reduction and that is on staff services labor fee reduction and it will take effect on August 30 but effectively September 2 since that is the first day of business.

Commissioner Mar said that in August there was a re-assessment of staff fees and he asked if the research was done. Ms. Madison asked if he was referring to the fee study, and he said yes. Ms. Madison explained that staff was currently working with the consultant and the Controller's Office, and are scheduled to come back to the Commission in September to go over that. Basically the 7% temporary fee reduction is going to be a "bridge" until DBI finishes that study, and comes up with what the fees should be. Ms. Madison believes the 7% fee reduction will be from September through March, and then DBI will be able to enact the new fee reduction.

b. Update on proposed legislation.

Mr. Bill Strawn, Legislative and Public Affairs Manager, gave an update on proposed legislation and addressed the following items:

- **File No. 140757 & 140755 – Annual Lien/Delinquent Charges for assessment costs on code violations**

The annual lien property list was at the Board for its session on July 29, and there was a final list of 228 which was down from the original 310. There are still some cases outstanding, but more than 80 people came and paid their assessments and agreed to make the changes.

- **Ordinance No. 130119 – Mandatory Seismic Retrofitting of Soft-Story buildings** – The September 15 deadline is close, and the numbers are coming down so more screening forms have been submitted. This is due in part to outreach such as the workshop that was held at the public library, and also a number of advertising efforts in community publications. About 2,400 owners have not responded so staff is preparing the code enforcement signs.
- **File No. 140381 – Supervisor Chiu's proposed ordinance to permit certain short-term rentals of residences under stipulated conditions**

The Planning Commission met regarding short-term rentals and the meeting lasted about 6.5 hours, so there are a lot of diverse opinions on the proposal. Planning staff made 16 recommendations to strengthen the legislation, and the first one would shift the code

enforcement away from Building and toward Planning. It remains to be seen whether or not the legislation is going to be adopted and how.

Commissioner Walker said that she has been watching the Planning Commission and has heard from the public on both sides, the landlord and tenant communities. She reiterated that she would like to see the legislation at the BIC again with any kind of changes. Commissioner Walker also reminded everyone that there would be a Joint Planning and BIC meeting on October 2, and the issue of code enforcement is one that was requested to be on the agenda. Enforcement of whatever rules is something that both commissions could discuss, so hopefully it can be resolved because Building Inspectors are going to have a large role no matter who manages this program; DBI will be involved so it would be good to be on the same page.

President McCarthy said that it was a very long hearing and there was a real strong sense in the room that this was going to be worked out. He believed that everybody on both sides of the argument understood the issues that need to be dealt with, so it is probably best to let it take its course to see what is agreed or disagreed on. Once there is something more complete than the BIC could bring it back for further discussion.

c. Update on major projects.

Director Hui gave an update on major projects and said compared to last month, as expected the major projects dropped by 2% because around June was the Energy Code change and that is why everybody was rushing to get their permits in. Now it has leveled off, but this is not finalized. The Warriors arena is being built and DBI is going to track that job, and are starting to have meetings so that is why there is not a value on that particular project.

President McCarthy asked about the expired permits on the back page of the report, and questioned if expired meant the projects have been abandoned? Director Hui said that it is a combination of everything – Somebody may have paid for the permit and then stopped the job so the permit expired, but most people come in once they stop to pay for the extension fee. However, there are a small portion of people that never come back, but in the last two years he has seen lots of people come back to reactivate their projects. President McCarthy said it is quite a large dollar amount, and Director Hui said comparatively it is 1.36%.

Commissioner Walker asked what period of time did the extension last for, and if it was a year or more? Director Hui said it depended on the size of the project and the dollar amount, but the Department has a schedule. Commissioner Walker said that DBI went through a process over the last few years of extending everything, so if they come back does the Department have to refund the money or keep a portion? Director Hui said that DBI will cancel the project, notify the project applicant, then hopefully they will come back to ask for a refund, but it depends on the money that DBI has spent working on the project as to what would be refunded.

d. Update on code enforcement.

Dan Lowrey, Deputy Director of Inspection Services, gave an update on code enforcement and said that there was 100% response to the complaints for last month.

Deputy Director Lowrey presented the following Building Inspection Division Performance Measures for July 1, 2014 to July 31, 2014:

- Building Inspections Performed 5071
- Complaints Received 272
- Complaint Response within 24-72 hours 234
- Complaints with 1st Notice of Violation sent 38
- Complaints Received & Abated without NOV 749
- Abated Complaints with Notice of Violations 102
- 2nd Notice of Violations Referred to Code Enforcement 39

Deputy Director Lowrey presented the following Housing Inspection Services Performance Measures for July 1, 2014 to July 31, 2014:

- Housing Inspections Performed 1203
- Complaints Received 390
- Complaint Response in 24-72 hours 399
- Complaints with NOV's issued 138
- Abated Complaints with NOV's 352
- # of Cases Sent to Director's Hearing 64
- Routine Inspections 350

Deputy Director Lowrey presented the following Code Enforcement Services Performance Measures for July 1, 2014 to July 31, 2014:

- # of Cases Sent to Director's Hearing 78
- # of Order of Abatements Issues 19
- # of Cases Under Advisement 7
- # of Cases Abated 76
- # of Cases Referred to BIC-LC -
- # of Cases Referred to City Attorney -

Deputy Director Lowrey said that staff has been looking at the complaints and Notices of Violation for the last five-year period and for Building there were almost 2,000 complaints. Staff has been working actively to re-investigate the complaints and abate as many as they could so they got the number down to 493. Mr. Lowrey congratulated the staff for all of their hard work, and said that they have been doing a good job.

Commissioner Lee asked if DBI has received any complaints about illegal in-law or second units in the past month? Mr. Lowrey said that perhaps Housing Inspection Services may have received some, so he would look into it. Commissioner Lee said that he would be interested sometime next month to find out what the numbers are.

Commissioner Melgar said that she was also interested in finding out if the legislation has curbed any of the complaints coming in.

Director Hui said that there have been a lot of inquiries about the ordinance and about 30 of them have gone to City Planning , but only 1 to 3 have been approved.

Mr. Strawn said that he checked yesterday and close to 3 are ready, but no permits have been issued. The owners have been provided the information to see if they want to proceed or not.

Secretary Harris called for public comment on 6 a-d and there was none.

President McCarthy announced that the Commissioners would hear agenda items 4 and 5 together.

4. Discussion and possible action regarding a proposed new Administrative Bulletin, AB-109 – Seismic Evaluation of Private School Facilities – Application of Engineering Criteria of San Francisco Building Code Section 3428.

Mr. Patrick Otellini, Director of Earthquake Safety and Chief Resiliency Officer discussed agenda items 4 and 5 together and addressed the following points:

- Thanked Director Hui and staff for the work done on the seismic safety program.
- Recognized Robert Chun for directing the soft-story program and also thanked staff (Susie Song, Derek Cheung, and Eric Gee).
- 60K people live in the buildings so it is important to keep them safe.
- Data is being tracked differently now, so at the end of this program there will be analytics that they did not have before pertaining to the seismic retrofit program.
- DBI updates data on the website weekly to provide transparency.
- All property owners have received mail each month to tell them about the soft-story program, including information on providing financing.
- 330 applications have been received so far.
- RFP has been issued.
- San Francisco starting this seismic safety program has encouraged other cities, so there are now Chief Resiliency Officers in Oakland and Berkeley who are working on seismic programs as well.
- There were some changes to the ordinance based on working with the S.F. Archdiocese and S.F. Coalition of Public Schools.
- Differences to ordinance are: Before there was a tiered level of schools, but now there is not so there is no difference between bigger and smaller schools.
- They did not want to treat any school unfairly, so now there is a life safety evaluation for all buildings.
- Another change to the ordinance is there is a voluntary retrofit exemption, so if schools choose to retrofit they get a 20 year exemption from making any further code changes.
- Mayor Inner Agency Working Group was started and met last week, and he thanked Diane Yin and Ed Sweeney for attending from DBI.
- Working group also helps to identify a point person for each department that the schools can contact. Group will expand to help with further outreach as well.
- Administrative Bulletin is before the Commission the same day as the ordinance, because they promised the schools to develop them in conjunction with one another so that everyone was clear on the requirements.

Commissioner Melgar said that Mr. Otellini was very good at his job, and that the City was lucky to have him.

President McCarthy congratulated Mr. Otellini on getting everyone to the table, since it was done pretty quickly. President McCarthy displayed two versions of possible code enforcement signs that may be used by DBI, and Director Hui stated that he would make the final decision but showed it to the Commissioners for their input also.

Mr. Otellini clarified for any members of the public that were watching that the signs displayed were in reference to the soft-story program, not for private schools.

Secretary Harris called for public comment on items 4 and 5 and there was none.

Commissioner Walker made a motion, seconded by Vice-President Mar, to approve agenda items 4 (Administrative Bulletin, AB-109 – Seismic Evaluation of Private School Facilities) and 5 (Revisions to proposed ordinance (Clerk of the Board of Supervisors File #140120) amending the Building Code to require that existing private elementary and secondary schools obtain an evaluation by a licensed structural engineer for performance during a future earthquake.)

Secretary Harris called for a roll call vote:

President McCarthy	YES	Vice-President Mar	YES
Commissioner Clinch	YES	Commissioner Lee	YES
Commissioner McCray	YES	Commissioner Melgar	YES
Commissioner Melgar	YES		

The motion carried unanimously.

RESOLUTION NO. BIC 036-14

5. Discussion and possible action on revisions to proposed ordinance (Clerk of the Board of Supervisors File #140120) amending the Building Code to require that existing private elementary and secondary schools obtain an evaluation by a licensed structural engineer for performance during a future earthquake.

Please see above discussion as items 4 and 5 were called together.

7. Discussion and update on ACCELA Permit Tracking System.

Mr. Ed Sweeney, Deputy Director of Permit Services, gave an update on the ACCELA Permit Tracking System and discussed the following points:

- The current MIS Manager is off on medical leave, so he is helping with the program and wanted to give the Commission an update.
- This week they are finishing configuration with code enforcement and inspections, and it is going relatively well.

- A bright note is that today was the fourth period of data migration, and it is currently taking place. This will allow DBI employees to see the new ACCELA system from start to stop.
- Staff can put a number on it and work it out to see how it performs. Tech 21 (the advisors) and ACCELA are going through a series of bugs that have been discovered which is typical for a project this size.
- 62 reports are still being formulated, and he was told that data migration will be about 98% of the system.
- Next week staff will hopefully finish with the configuration.
- On September 4 DBI will decide whether or not they can make the go-live date.
- After September 22 there will be nothing but staff training.
- Staff is working very hard and diligently. There are all-day sessions planned for this week and next week, and he is working with Tech 21 and the ACCELA team as well as MIS to keep the schedule that Hema made with the internet provider on track.
- It is a lot of work in a short period of time, but staff is committed to making the time and will do their best effort to do the roll-out and go live.

Commissioner's & Staff Question & Answer Discussion:

- Vice-President Mar asked if Mr. Sweeney was the point person now for the business end of DBI? When Hema went on medical leave he found that DBI did not really have somebody from the business side of the office on top of ACCELA like they did in Planning, which was a big problem. Even though the Department is trying to implement a new I.T. system there cannot just be an I.T. person in charge of it.
- Mr. Sweeney said that DBI had an entire team and the difference between DBI and Planning is that they only do 15 to 20% of what DBI does: They do not do intake or cashiering, and their code enforcement is probably 10 to 15% the size of DBI's.
- Mr. Sweeney said that Planning's day-to-day interaction with the public is far different from DBI's. For example, Deputy Director Lowrey mentioned that they did 5,000 inspections and all of those have to be scheduled.
- The biggest problems the Department is having with this system is the intake, cashiering, and the day-to-day operation of scheduling permits, scheduling complaints, and it is much more vast than Planning.
- V.P. Mar said that just reinforces his point because DBI does so much in terms of permits that it is more important to have somebody in charge who is not just an I.T. person. By management he means someone on the business side who is managing DBI's permits and inspections, and can "call the shots".
- Mr. Sweeney said that until today staff has never seen the system, nor been able to look at it and go from start to finish, so the business side has been there which is how the system was built. To say that this project was being run by I.T. people is not a true statement.
- V.P. Mar asked if he was the business person on DBI's side? Mr. Sweeney said that he is one of them.
- Commissioner Walker asked who was standing in for Hema, who has a history and a sense of the computer details? Mr. Sweeney said that DBI has formed a team of people and has Catherine Cruz who was Hema's second person, and Joel Cusi who are the two main people. Currently DBI is trying to get an ex employee to come back who knows this side of things, and is computer savvy. DBI is also working with Department of Technology (DT).

- Director Hui said last Thursday when he heard from Hema that she would be on leave, he put a plan of action in place right away. He talked to DT to see if they could help out by sending a project management person, and DBI will have someone in Hema's role to assist staff, but he needs to secure the person first. Mr. Sweeney has a lot of work which is why he asked Ron Tom to assist him. Lastly Director Hui stated that each Division Chief is responsible for their work, so he wants all Chiefs to view the system as well.
- Commissioner Walker said that initially Pamela Levin was involved in this, and perhaps since Taras is back now then maybe she will be part of the process as well. Since the Department has lost someone who was a key person, it is good to have a team working forward that addresses all the different issues that may be a compilation of all the different departments. Important to have bases covered.
- Director Hui said most important at DBI is customer service for intake and cashiering, so he does not want customers to have to wait. He wants all staff to be trained, so they will know how long it takes to issue the permit, and how the process can be improved. Since this is a new system the process will take longer.
- Commissioner Melgar said that she did not know Hema personally, but she has been worried about her because this was a really high visibility project. It was a huge part of the citizen's report so it was a lot of pressure and visibility on a fast timeline. She acknowledges that the BIC has been putting pressure on the Department as well, so now that other people have taken over she is worried about resources. She encouraged the Director to ask DT to give as much help as possible in terms of technical assistance and the resources that this will require. In management sometimes we see the big picture and not the details, so she encouraged the Director to involve the line staff and end users sooner than later. It is important to see things from the perspective of the folks who are going to be doing the cashiering, rather than just presenting and training once it is done.
- Mr. Sweeney said that all week management has had 10 users in the computer training room, and from now until the system rolls out that is who will be involved.
- Director Hui said that he realized before now that DBI needed more IT staff so he asked Hema to hire more people last year, but there were not many applicants because it is hard to compete with the outside (private sector). He realizes that the end user and resources are important.
- V.P. Mar said that he is sure the BIC will discuss this again as the rollout gets closer, but he reiterated that his main concern is through the whole process there should have been a leading manager from the business end of things involved with the technical side.
- Mr. Sweeney said that it would have been virtually impossible to build this system without any input from staff, so the line staff has been involved from the beginning 2 ½ years ago. ACCELA said they rolled this out in 422 localities, some of them large cities but what he is mostly seeing is that it is a new system and people are afraid of it. Most of the problems should go away with more training, but there will still be bugs. Oakland rolled out the system 8 to 9 months ago, and the Chief there says they are still working on it 6 months later. This is an off-the-shelf system that is being customized to meet DBI's needs.
- Director Hui said the issue is that prior to this week the system was built and everyone had input, but there was nothing to test before. Now the system has been built and all staff has been involved from the beginning.
- President McCarthy said he attended one of the ACCELA technical meetings and it was a different language with all of the IT terminology. He left the meeting feeling that the Department would be o.k., even though there has been a setback. The key thing is 24

really smart people were working together to problem solve. He commended Director Hui and staff for reacting quickly.

8. Discussion of Mayor's Policy on Commissioner Attendance.

President McCarthy said that he just wanted to acknowledge that the BIC received the Mayor's Policy, but the Commissioners actually have very good attendance. The letter was not necessarily designed for this particular Commission, but there will obviously be times that commissioners may miss a meeting so it is important to communicate if there is a family emergency, vacation, and so on. When commissioners are running late, he announces their arrival for the record but that is all he had to add.

There was no public comment on item 8.

9. Discussion on Article 38 – Air ventilation legislation.

Mr. Kirk Means of the Technical Services Division said that Article 38 was originally discussed at the Code Advisory Committee and the approval was forwarded to the BIC for recommendation. There was a concern that some of the stakeholders were not able to attend their meetings and the CAC had some input that would be valuable, so the item was re-agendized. The CAC did not receive any input so the item is back before the BIC for general discussion.

Ms. Karen Cohn said that she was representing the S.F. Public Health Department, air quality program and her colleagues from the Planning Department of environmental review, and DBI's mechanical section were in attendance should any questions arise. Ms. Cohn discussed the following points:

- She was first in front of the BIC six months ago and time has been well utilized for everyone to deepen their knowledge of each other's needs in being able to manage/build buildings economically.
- President McCarthy has been helpful in introducing them to stakeholders, and she also attended the Public Advisory Committee meeting that the Director held.
- They had two meetings with private developers, one with mechanical engineers, and they had the shared expertise of six engineers from five companies talking about how they approach these needs.
- Article 38 is existing Health Code since 2008, but because of economic downturn there was not much of a track record of buildings being built.
- Ordinance updated to reflect more synchronicity between the Planning Department and Health Department. Everything in this ordinance is already an option for developers and project sponsors to use.
- This process of amending the Code has brought the three agencies into closer collaboration, and modernizes the approach to actually reduce cost for developers.
- If they choose the options of the new way of doing business, it costs less because they do not have to do modeling: There are different fees that get modified, but making sure that CEQA and the Health Department are one in the same will be cost saving for developers.
- Discussed costs for small developers vs. large developers, and creative methods.
- Mentioned article in the *S.F. Chronicle* when her colleague showed his Z-duct filters

(passive system). Air comes in but not filtered.

- Supervisor Malia Cohen has introduced this legislation and it will be assigned to the Land Use Committee sometime in September.
- She appreciates that various stakeholders have met with them to examine the pros and cons of different designs.
- In general people do not perceive air pollution, except on Spare the Air days so the best technology available needs to be used.

Commissioner's & Staff Question & Answer Discussion:

- President McCarthy said none of the Commissioners would disagree that clean air is important to people. There have been some good conversations, and the building community gets that the Planning issue of CEQA can be tied in, but the DBI part is the concern. Regarding the smaller buildings, they were hoping for an alternate design that may work. He was excited about the Seattle design, but he believes there was a Title 24 issue and it could not be implemented in S.F.
- Mr. Means said the CAC discussed this along with people from Fire, Smoke Control and Life Safety. The conclusion was they were concerned that in order to change the California Code it is required by the Health & Safety Code to choose more stringent provisions and it cannot be less stringent.
- The CAC asked the City Attorney's Office to weigh in on the idea, and they agreed it was less stringent so it cannot go forward as a code change.
- Commissioner Walker asked if he could give more detail about why it was less stringent? Mr. Means said corridor air cannot be used for ventilation intake air, but there may be other alternatives.
- Mr. Means said as a local jurisdiction S.F. is required to go by Title 24 which is stricter regarding climate, geography, and topography. Since we are in earthquake country we can adopt regulations that are stricter regarding earthquake safety.
- Ms. Cohn said she attended a meeting where the Code Advisory members discussed the proposal from Seattle and they read both code excerpts, and in effect there was a fire safety professional and a mechanical engineering professional who spoke to it and were not even sure the Seattle Code allowed the alternative method.
- James Zhan, Manager of the Mechanical & Energy Review section of DBI said at President McCarthy's request, they have looked into the proposal of using the corridor air as outside air to meet the ventilation requirement for the individual drawing units. They have also been working with Fire Plan Check.
- Mr. Zhan mentioned that from the code regulations perspective, the concern is depending if the building is a high-rise or not, then it becomes a life safety building which requires smoke controls.
- Commissioner Walker mentioned that the concern was the cost of it, but President McCarthy said it was the implementation.
- V.P. Mar said the main concern is if this could be done at a lower cost for small property owners, and people in 2 to 3 unit buildings cannot afford it.
- Ms. Cohn said that there are some feasible designs that have been done since 2008.
- Commissioner Walker mentioned that this is being done, because people were getting sick from breathing air that was not filtered.
- Wade Wicker of the Planning Department said that CEQA already required this, and when

a project goes through DBI Planning works with Mr. Zhan and mechanical staff. Implementation of ordinance will be in January, but it is happening now.

- President McCarthy discussed Z-ducts and said that they work in some instances, but according to the legislation it's not an option in certain situations.
- President McCarthy said that stakeholders need examples of how to implement this, and Ms. Cohn said that her goal is to make sure that people are successful, and she is willing to help and would also like to help "close the loop" with the Seattle idea.
- Commissioner McCray said as he understood Planning's perspective on this, under CEQA there will be a requirement and it would be up to the engineers and architect to determine what fits their system. Mr. Wicker said there is a performance standard they need to meet which is being codified into law.

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

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

Secretary Harris called for public comment and there was none.

- b. Possible action to convene a Closed Session.
- 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. Tom C. Hui

Commissioner Melgar made a motion, seconded by Vice-President Mar to convene a Closed Session for agenda items 10 and 11. The motion carried unanimously.

RESOLUTION NO. BIC 037-14

- 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)).

Commissioner Melgar made a motion, seconded by Vice-President Mar to reconvene in Open Session, and not disclose what was discussed in Closed Session regarding the annual performance evaluations of Director Hui and Secretary Harris.

RESOLUTION NO. BIC 038-14

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

- a. Public Comment on all matters pertaining to the Closed Session.
- b. Possible action to convene a Closed Session.
- 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)).

Please see Item 10 above, as items 10 and 11 were called together.

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.

There were no inquiries 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 said that the next Building Inspection Commission meeting would be on September 17, 2014 and the Joint Planning Commission and Building Inspection Commission meeting would be on October 2, 2014. The issues of the ACCELA Permit & Project Tracking System, along with code enforcement would be discussed at the Joint Meeting.

Secretary Harris called for public comment and there was none.

13. Review and approval of the minutes of the Regular Meeting of May 21, 2014.

Commissioner McCray made a motion, seconded by Commissioner Walker, to approve the minutes of the Regular Meeting of May 21, 2014. The motion carried unanimously.

RESOLUTION NO. BIC 039-14

14. Adjournment.

Commissioner Walker made a motion, seconded by Vice-President Mar, that the meeting be adjourned. The motion carried unanimously.

RESOLUTION NO. BIC 040-14

The meeting was adjourned at 12:17 p.m.

Respectfully submitted,



Sonya Harris
Commission Secretary

SUMMARY OF REQUESTS BY COMMISSIONERS OR FOLLOW UP ITEMS	
Commissioner Lee said that he would like to know if any complaints have been received by HIS regarding illegal in-law units, and what the numbers are. – Lee	Page 6